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## Poland

**Post:** Warsaw

### **Constitutional Court allows to lift the ban on ritual slaughter.**

**Report Categories:**

Livestock and Products

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**Report Highlights:**

On December 10, 2014, the Constitutional Court (CC) announced its verdict that a ban on ritual slaughter is unconstitutional. In justification of the ruling the CC explained that the prohibition of ritual slaughter is not justified neither by the constitutional premise of health nor the need to protect public morals. According to the Polish Minister of Agriculture after publication of the verdict ritual slaughter will be allowed because Poland will be subject to the provisions of the EU Regulation allowing the slaughter of animals without stunning for religious purposes.

**General Information:**

On December 10, 2014, the Constitutional Court (CC) announced its verdict that a ban on ritual slaughter is unconstitutional. The verdict was not unanimous, with five of eleven judges submitting different opinions.

Legal problem arose in 2012 when the CC ruled that the 2004 regulation of the Minister of Agriculture that permitted ritual slaughter was contrary to the Law on the Protection of Animals, and therefore unconstitutional. So, as of January 1, 2013, Poland banned slaughter of animals without stunning (see GAIN PL1302). The government tried to resolve the issue by amending the Law on the Protection of Animals to allow for ritual slaughter. However, Polish parliament rejected the proposal of the government in July 2013. Later, in 2014, the Jewish community submitted a request to the CC to evaluate whether the ban on ritual slaughter is in line with the Polish constitution. The CC announced its verdict on December 10, 2014 that the ban is unconstitutional.

In justification of the ruling Judge Maria Gintowt-Jankowicz explained that the prohibition of ritual slaughter is not justified neither by the constitutional premise of health nor the need to protect public morals. The judge stressed that if slaughtering of livestock is widely accepted in Poland, a ban on one of its forms, protected by freedom of religion, is not justified. She added that there is no conclusive scientific evidence that ritual slaughter is more painful for animals than other forms of slaughter.

The Judge accused legislators of inconsistency in the law on the protection of animals, because the prohibition on slaughter without prior stunning does not apply to scientific experiments or during hunting or fishing. The judge also underlined that ritual slaughter is allowed in the vast majority of EU countries and referred to the judgments of the European Court of Human Rights in Strasbourg on this matter. She mentioned that the constitutional guarantee of freedom of religion includes carrying out all activities, practices, and rituals that have a religious character. Thus, the constitutional protection covers religious activities far from the dominant conventional behavior in the country, including those which are contrary to the point of view of the social majority. She also added that ritual slaughter is religious in nature and has been practiced for centuries by followers of Judaism and Islam. Although today, ritual slaughter is carried out in authorized slaughterhouses, it continues to be the act of a liturgy.

According to Minister of Agriculture Marek Sawicki the CC judgment means that Poland will be subject to the provisions of the EU Regulation allowing the slaughter of animals without stunning for religious purposes. He believes that ritual slaughter will also be possible for the needs of religious communities situated outside Poland. During press conference held on December 10, 2014, Minister Sawicki said that when the Constitutional Court's judgment is published, Poland will apply directly to the provisions of EU regulation EC 1099/2009 of 24 September 2009 as an act of direct application.

Minister Sawicki noted that the Ministry of Agriculture and Rural Development is waiting for the publication of the judgment of the CC. He also added that according to the justification to the judgment of the CC, slaughter without stunning will be also possible for export destined animals. (Please note that the judgment of the CC was published on December 12, 2014.)

Before the introduction of the ban on ritual slaughter January 1st, 2013, Polish annual exports of meat

originating from ritual slaughter were estimated at PLN 1.2 to 1.5 billion (US\$ 375 to 470 million) going mainly to Turkey and Israel externally, and to Germany, France and Great Britain within the European Union.