

Publication

3R for farmed animals : a legal argument for consistency

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During the last 50 years, the 3R principles (refinement, reduction and replacement) have evolved into the principal standard for the regulation of animals used in research, resulting in remarkable achievements by virtue of national legislation, appearance on governmental agendas, dedication of NGOs, and international cooperation. By contrast, there is no equivalent obtainment in the regulatory realm concerning farm animals. Their legal protection is practically non-existent. The findings indicate that the extent of legal regulation is marked by conspicuous differences, depending on whether farm animals or research animals are addressed. The disparities in the level of protection amount to a perceptible discrimination that cannot be maintained since it lacks a reasonable justification. The extraction of the underlying rationale of 3R in research, namely animal sentience, followed by the widespread legal enshrinement of farm animal sentience, and the global adoption of the principle of unnecessary suffering arguably render an extension of the 3R principles to farm animals mandatory. Based on these findings, specific proposals for the regulatory scope and density of the 3R principles in farming are established. First, relating to refinement in farming, elaborate rules on the breeding, raising, keeping, and slaughter of farm animals are presented. For this purpose, Switzerland's well-regulated provisions on refinement are considered as an exemplary model. As a second step, reduction methods in farming are analyzed. Finally, under the aegis of the replacement test, the principle of proportionality is applied that necessitates a diligent balance of interests in qualitative terms. Replacement maintains a focal point on the contrasting juxtaposition of the situation for farm animals and 3R for research animals. If replacement is the accepted legal imperative in research, there should be an even stronger imperative for replacement in farming. This conclusion suggests itself on the grounds of consistency, the principle of the avoidance of unnecessary animal suffering, as well as the principle of proportionality.

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