

Animal Protection Index / Protecting animals used in scientific research

Japan

The anti-cruelty and duty of care provisions in Articles 2 and 7(1) of the Act on Welfare and Management of Animals 1973 appear to apply to this category of animals, except fish.

The Act also contains some measures specifically addressing welfare issues associated with the use of animals in research. Article 41 provides that for animals used in education, testing and research or the manufacture of biological preparations, or for any other scientific use, consideration shall be given to whether there is an alternative method that can be used instead of animals and reducing the number of animals provided for such use as much as possible, within the extent that the purpose of the scientific use can be attained. Methods that minimise pain and distress as much as possible must be used, within the limit necessary for such use. These requirements therefore incorporate some of the principles of the Three Rs principles.

If it is unlikely that an animal will recover after being used in an experiment, the animal is required to be killed by a method that minimises pain and distress as much as possible.

The Minister of the Environment has power to prescribe standards to be complied with regarding methods to minimise pain and distress and use of alternatives to animals in experiments.

The Government has produced many guidance documents relating to the use of animals in scientific research. The Guidelines for Proper Conduct of Animal Experiments (2006) , serve as reference material for when research institutions compile their own specifications for animal experimentation, and which includes some animal welfare related considerations such as the aim of minimising stress as much as possible and the establishment of internal review committees. These guidelines cover mammals, birds and reptiles and refer to the Three Rs principles of refinement, replacement and reduction, but are not detailed.

There are some further guidelines regarding animals in experiments including the following: Notification No. 88 of 2006 by the Ministry of the Environment relating to the Care and Management of Laboratory Animals and Relief of Pain; Basic Guidelines on Humane Treatment and Management of Animals (Notification No. 140 of 2006), Guidelines on Methods of Sacrificing Animals (Notification No. 40 of 1995 by the Prime Minister's Office), The Proposed Basic Guidelines on Animal Experimentation in Research Laboratories (Notification of 2006 by MEXT), and Standards Relating to the Care and Management of Laboratory Animals and Relief of Pain (Notice No. 88 of 2006.04.28 by the Ministry of the Environment). These guidelines and standards appear to have non-binding guidance status. However, these guidelines could not be found at time of writing.

Testing of cosmetic products and their ingredients on animals is not banned in Japan.

Analysis

It is positive that the Government has produced many guidelines and standards relating specifically to the care and welfare of animals used in scientific research, and that the principles of the Three Rs are included. However, the legally binding provisions under the Act on Welfare and Management of Animals are not detailed, and the requirements of Article 41 of that Act appear not to have enforcement mechanisms.

It appears that a system of voluntary self-regulation exists for animal experimentation, which could mean that animal welfare is satisfactory in some institutions but not in others. A system that standardises the procedures for animal experimentation, taking animal welfare into account, would better protect welfare.

The country has not yet followed international trends by banning the testing of cosmetics on animals but there is some evidence of growing corporate and public awareness on the issue.

Enforcement Mechanisms

Killing or injuring an owned animal is punishable with fines or imprisonment of up to two years. Cruelty or causing debilitation by discontinuing feeding or watering without due reason, or abandonment, is punishable by fines. These provisions would be subject to the authorised use of animals for experiments under Article 41 of the Act on Welfare and Management of Animals 1973.

However, in relation to the more specific detailed provisions contained in the Standards, and in relation to the provisions of Article 41 of the Act specifically relating to this use of animals, there appear to be no enforcement mechanisms.

There appears to be no system of inspection for laboratories or any formal mechanism to achieve compliance with the relevant legislation and guidance.

Key Recommendations

- The Government of Japan is urged to enact legislation which would protect all animals used in scientific research from unnecessary pain and suffering. The Three Rs Principles – Replacement, Reduction and Refinement – should be enshrined in law.
- The Government of Japan is encouraged to create ethics committees, in charge of scrutinising applications for animal research. Such ethics committees should be able to suspend the activities or revoke the registration of establishments which do not respect animal welfare criteria. Animals used for research should be provided with shelter, care, food and water in a manner appropriate to their physiological and behavioural needs. A nominated member of the laboratory staff, preferably a veterinarian, must have full responsibility for animal welfare at all times.
- The Government of Japan is strongly urged to ban the testing of cosmetic products and their ingredients on animals.