

Animal Protection Index / Protecting animals used in scientific research

Switzerland

The general anti-cruelty provisions in Article 4 and Article 26 of the Animal Welfare Act (2005), and Article 16 of the Animal Welfare Ordinance (2020), apply to this category of animals, including those animals who have been genetically modified. Particularly relevant to this category of animals is the prohibition on inflicting pain, suffering or harm on an animal or inducing anxiety in it during the course of experiments, unless this is avoidable for the purpose of the experiment (Article 26(d) of the Act).

Under Article 6 of the Animal Welfare Act (2005), anyone who keeps or looks after animals must feed and care for them properly and provide them with the activities and freedom of movement needed for their well-being, as well as shelter where necessary.

Articles 10, 11 and 12 of the Act regulate the breeding and use of animals in experiments for genetic modification.

Articles 17 to 20 of the Act are directly concerned with the use of animals in experiments. Experiments with animals in Switzerland that inflict pain, suffering or harm, induce anxiety, substantially impair general well-being or disregard dignity in any other way must be limited to the indispensable minimum (Article 17). Those carrying out experiments must obtain a licence, which will be limited in time and may contain conditions and requirements (Article 18(4)). Experiments are not permitted if, in relation to the anticipated gain in knowledge, they inflict disproportionate pain, suffering or harm or induce disproportionate anxiety (Article 19(4)).

Articles 112 to 149 of the Animal Welfare Ordinance (2020) contain detailed provisions on animal experiments, genetically modified animals and mutants with a significant clinical pathological phenotype. These include detailed provisions on keeping and breeding animals, performing and getting approval for experiments and information on the animal experiments committees. The scope of these provisions extends to vertebrates; decapods and cephalopods; mammals, birds and reptiles in the last third of gestation; and larva stages of fish and amphibians that take in food ad libitum (Article 112 of the Ordinance). Primates can be used in experiments (Article 118), but experiments on animals relatively high on the evolutionary scale may only be carried out if the purpose cannot be achieved in species that are lower on the evolutionary scale and no suitable alternative methods are available (Article 20(2) of the Act).

The Ordinance also contains provisions on the use of anaesthetic during experiments. Experiments that entail strain on the animal (which is defined by a list of circumstances including surgical procedures, general anaesthesia and isolation) can only be carried out if it is shown that the objective is associated with the preservation or protection of the life and health of humans and animals, can be expected to yield new knowledge on fundamental processes of life, or serves to protect the natural environment. The applicant must also show that the objectives cannot be achieved using other non-animal methods, and the smallest number of animals possible must be used (Article 137 of the Ordinance).

The Animal Experimentation Ordinance (2010), made pursuant to the Animal Welfare Ordinance (2020), contains further regulation on laboratory animal husbandry, the production of genetically modified animals and the methods of animal experimentation. Issues covered in this Ordinance

include husbandry (Articles 2 to 8), recording and reporting procedures for experiments on certain species (Articles 12 to 23), and the required content of applications and reports (Articles 28 to 31).

The testing of cosmetics and their ingredients was banned in Switzerland in 2017.

Analysis

The legislation contains the internationally recognised principles of the Three Rs. There is detailed provision to reduce the amount of animal experimentation that takes place and to protect the welfare of those animals involved in experiments (within the constraints of those experiments).

Cosmetic testing does not appear to be specifically prohibited by the relevant legislation, but the requirements on proportionality and observing the principles of the Three Rs should ensure that cosmetic testing cannot in fact be permitted in the country.

Article 118 of the Animal Welfare Ordinance (2020) concerns the origin of laboratory animals and says that wild animals may be caught for use in experiments if they belong to a species that is difficult to breed in sufficient numbers. There may be negative welfare issues associated with this.

Implementation and enforcement of the relevant legislation is dealt with at cantonal level. Each canton must appoint a committee of experts for animal experiments, independent of the licensing authority and with representatives from animal welfare organisations. The committee reviews applications and submits proposals to the licensing authority. It is consulted on the inspection of laboratory animal husbandries and the conduct of experiments. The cantons may entrust further duties to the committee. At oversight level, a Federal committee is appointed by the Federal Council, containing experts on animal experiments that advise the federal authority and cantons if necessary, and collaborating with the Federal Ethics Committee on Non-Human Biotechnology.

The legislation does not appear to prohibit experiments being undertaken outside Switzerland by or on behalf of Swiss entities for the introduction of products into the country.

Enforcement Mechanisms

Article 26 of the Animal Welfare Act (2005) provides that anyone who wilfully mistreats or neglects an animal, unnecessarily overworks it or in any other way disregards its dignity is liable to a fine or imprisonment of up to three years.

Article 28 of the Animal Welfare Act (2005) provides that, unless Article 26 applies, anyone who disregards the regulations on keeping animals is liable to a fine. Article 28 also provides that it is an offence to breach the requirements of the Animal Welfare Ordinance (2020) or other secondary regulations made under the Act (thus including the Animal Experimentation Ordinance 2010), punishable with a fine or imprisonment if done wilfully, or a fine if done negligently.

Key Recommendations

- The Government of Switzerland is encouraged to mandate the rehoming of animals used in research, testing or teaching.