

# A Historical Overview of Turkey's Animal Welfare Legislation

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## Abstract

There were a number of legal codes which aimed to protect animal welfare in Turkish history, but there was no separate animal welfare law until 2004. Although *Animal Protection Law* (5199) had been accepted on July 01, 2004, little progress had been shown until 2010, except for "*Regulation on the Protection of Experimental Animals Used for Experimental and Other Scientific Purposes and the Procedures and Principles of the Establishment, Operation and Inspection of Experimental Animal Production Premises and Laboratories Performing Animal Experiments*", "*Regulation on the Procedures and Principles of the Work of Zoos*" and "*Implementing Regulation on Animal Protection*". The framework of the adhesion process to the EU the regulation has been made under Law No. 5996 on June 13, 2010 and it has a separate animal welfare article. After this law went into effect, two new regulations were issued on December 23, 2011: *The Regulation on Welfare of Farm Animals* and, *The Regulation on the Welfare and Protection of Animals during Transport*. But, at the end of the 2014, *The Regulation on welfare of Farm Animals* was issued and former one repealed. All these legislations are quite similar to the EU's regulations. However, there were no subject specific legislations on slaughtering and any species-specific stipulations except for welfare standards for the protection of calves and laying hens.

**Keywords:** Animal protection, Animal welfare, Legislation, Turkey

## Türkiye'de Hayvan Refahı Mevzuatına Tarihsel Bir Bakış

### Özet

Türk tarihinde hayvanların refahını korumaya yönelik olarak çıkarılmış bazı önemli hukuki düzenlemelere rastlamak mümkünse de, 2004 yılına kadar, bağımsız bir hayvan refahı düzenlemesi yoktur. Hayvan refahı ile ilgili ilk bağımsız yasa olan 5199 sayılı *Hayvanları Koruma Kanunu* 01 Temmuz 2004 tarihinde yürürlüğe girmiştir. Ancak, bu kanunun yürürlük tarihi 2004 olmasına rağmen, bu alanda, 2010 yılına gelinceye kadar, "*Deneyel ve Diğer Bilimsel Amaçlar için Kullanılan Deneysel Hayvanlarının Korunması, Deneysel Hayvanlarının Üretim Yerleri ile Deneysel Yapacak Olan Laboratuvarların Kuruluş, Çalışma, Denetleme, Usul ve Esaslarına Dair Yönetmelik*", "*Hayvanat Bahçelerinin Kuruluşu ile Çalışma Usul ve Esasları Hakkında Yönetmelik*" ve "*Hayvanların Korunmasına Dair Uygulama Yönetmeliği*" dışında ilerleme kaydedilmemiştir. Avrupa Birliği uyum sürecinde yapılan çalışmalar çerçevesinde çıkarılan ve hayvan refahı ile ilgili bir bölüm içeren diğer yasa 13 Haziran 2010 tarihinde yürürlüğe giren 5996 sayılı 2010 tarihli *Veteriner Hizmetleri, Bitki Sağlığı, Gıda ve Yem Kanunu*'dur. Bu yasanın yürürlüğünden sonra çıkarılan yönetmelikler ise; 23 Aralık 2011 tarihli *Çiftlik Hayvanları Refahına İlişkin Yönetmelik ve Hayvanların Nakilleri Sırasında Refahı ve Korunması Yönetmeliği*'dir. *Çiftlik Hayvanları Refahına İlişkin Yönetmelik* 2014 yılında yürürlükten kaldırılmış ve yerine yenisi getirilmiştir. Tüm bu düzenlemeler Avrupa Birliği mevzuatıyla oldukça benzerlik taşımaktadır. Ancak, kesim süreçlerinde hayvan refahına yönelik bir düzenleme ve ayrıca buzağların ve yumurtacı tavukların refah standartlarını belirleyen düzenlemeler dışında tür-spesifik düzenlemeler bulunmamaktadır.

**Anahtar sözcükler:** Hayvan koruma, Hayvan refahı/gönenci, Mevzuat, Türkiye

## INTRODUCTION

Turkey is a nation of people who have lived intimately with animals for hundreds of years of their history. Based on this association, they have a deep-rooted, animal-based cultural heritage <sup>[1]</sup>. It is extremely likely to find many examples of animal love, animal welfare and animal protection subjects in this cultural history.

In the western world, the first legal code aimed at the

protection of animals is referred to as the 92<sup>nd</sup> and 93<sup>rd</sup> provisions of the Body of Liberties<sup>1</sup>, which took effect in 1641 in the Massachusetts Colony <sup>[2,3]</sup>. However, nearly 150 years earlier this enactment (at the beginning of the 16<sup>th</sup> Century), the Law of Istanbul Municipality (*Kanunname-i*

<sup>1</sup> Off the Bruite Creature -92. No man shall exercise any Tirranny or Crueltie towards any bruite Creature which are usuallie kept for man's use. -93. If any man shall have occasion to leade or drive Cattell from place to place that is far of, so that they be weary, or hungry, or fall sick, or lambe, It shall be lawful to rest or refresh them, for competant time, in any open place that is not Corne, meadow, or inclosed for some peculiar use



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*Ihtisab-i Istanbul*) was enforced during the Ottoman Empire. It read as follows:

*"Pack-horses with any hoof problem should not be forced to labour. Care should be taken of the hooves and packsaddles of horses, mules and donkeys. These animals should not be forced to carry excessive load as they are mute creatures. It should be ensured that any lacking need of an animal is fulfilled by its owner. Those who disregard these matters should be punished"*<sup>[4]</sup>.

These statements are very significant in that they provide valuable insight into both the approach of the Turkish society for the protection of animals, and the cultural grounds of animal protection in Turkish society<sup>[4]</sup>.

Similarly, the cultural heritage that has survived with regard to birds, animals can be considered important to give an idea about the love of animal of the Turkish people. Birdhouses (or bird shelters), built as part of Turkish architecture, began in the Seljuks era, along with pigeon and stork hospitals built for the treatment of sick birds. Charitable foundations were established to take care of hungry animals during the winter season. Similarly, The Migratory Birds Foundation was founded to treat animals taken sick on their route of migration. All these organizations are examples of the daily efforts of the Turkish people to protect animals<sup>[5-9]</sup>. Pre-nineteenth century Turkish history is full of such striking and impressive representations of Turks' caring nature for animal life<sup>[5,6,8,10]</sup>.

Unfortunately, developments following the 18<sup>th</sup> century are not as exemplary. Despite the presence of the Society for the Protection of Animals, which was founded in 1912, and some other examples that might be referred to as regards animal protection, the adverse circumstances that overwhelmed the Ottoman territory throughout the 19<sup>th</sup> Century and during the first half of the 20<sup>th</sup> Century, also affected animals unfavourably. It was not until the start of the 21<sup>st</sup> Century that this unfortunate trajectory ended for animals<sup>[6,8,10,11]</sup>. Many studies have been conducted on animal rights, animal protection and animal welfare in Turkey. In these articles, concept of animal welfare has been evaluated in terms of historical<sup>[7,11,12]</sup>, philosophical<sup>[13-17]</sup>, sociological<sup>[18,19]</sup>, educational<sup>[20,21]</sup>, theoretical<sup>[22]</sup>, practical<sup>[23-33]</sup> context. Also, there are one book<sup>[34]</sup>, one *European Union expertise thesis*<sup>[35]</sup> and two PhD thesis<sup>[36,37]</sup> relating animal welfare in Turkish. In addition to these, animal welfare legislation has been evaluated by a number of authors<sup>[4,34,38-43]</sup>. But, some regulations on farm animal welfare were enacted after 2010; therefore this topic should re-evaluate in the light of new regulations and new developments. The aim of this review is to re-evaluate the existing developments and sources of animal welfare legislation in Turkey in recent history.

## ANIMAL WELFARE LAWS

In Turkish history, the first attempt to enact a separate law

for the protection of animals was made in 1932. However, the draft law titled "*How Can We Protect Animals?*" could not get through the Parliament<sup>[8]</sup>. The second attempt was made in mid 1980s. This draft bill, which titled "*Animal Protection Draft Bill*", waited to be discussed, sitting at the bottom of Parliament's draft bill list more than 10 years. Despite Mrs. Imren Aykut's supports and efforts, who was the Environment Minister of Turkey, she had not been able to succeed in drawing the attention of the deputies to this draft bill. Consequently, the second draft bill could not get through the parliament, either<sup>[6]</sup>.

Until the second millennium, the legal regulations enacted were primarily related to the increase of animal production, the control of contagious animal diseases, and veterinary services. There is scarcely any reference to animal welfare in these regulations. Legal provisions, related to the mistreatment of animals and damage caused by animals have been included under the penal code. Articles 521 and 577 of the former Turkish Penal Code<sup>2</sup> are such legal provisions. On the other hand, Articles 151 and 181 of the new Turkish Penal Code (Law 5237) address the direct human persecution and harm of animals<sup>3</sup>.

The year 1999 was a turning point for animal welfare developments in Turkey. In 1999, Turkey was officially recognized by the EU as a candidate country<sup>[44]</sup>. Legislative developments that occurred in the field of animal welfare following the recognition of the EU candidate country status of Turkey outnumber those in prior periods<sup>[34,42]</sup>.

Today, in Turkey, three laws contain provisions directly related to the protection and welfare of animals. Of these, the first, "*Law 4934 on the Approval of the Ratification of the European Convention for the Protection of Pet Animals*", was enacted in 2003<sup>4</sup>. Shortly after the enactment of this law, the first "*Animal Protection Law*" of Turkish history took effect in 2004<sup>5</sup>. This law contains the articles of the

<sup>2</sup> Article 520. "Whoever as causing unjustified as belonging to someone else, an animal killed or if he puts it not going to work up on the complaint to four months with prison and, up to a hundred Liras heavier fines would be doomed ...". Article -577. "A person who acts unfairly towards animals or unduly beat or sores or if the obvious by force to the extent that tired inordinately up to ten Liras lighter fines would be doomed ...". Türk Ceza Kanunu (Abolished). <http://www.ceza-bb.adalet.gov.tr/mevzuat/765.htm>; Accessed: October 27, 2016.

<sup>3</sup> Article 151- (2) "Any person who kills or harms an animal with an owner, without a justified reason, in such a way not to be used any more or to lower its value, is punished with imprisonment from four months to three years, or imposed punitive fine upon complaint of the aggrieved party". Article 181 (5): "In case of commission of offenses defined in first and second subsections by processing of refuses or wastes in such a way to result with incurable disease both in human and animals, or deterioration of fertility and change natural characteristics of animals and plants; the offenders are punished with imprisonment not less than five years and also imposed punitive fine up to thousand days". Türk Ceza Kanunu, Wipo. <http://www.wipo.int/edocs/lexdocs/laws/en/tr/tr171en.pdf>; Accessed: October 17, 2016.

<sup>4</sup> 4934 sayılı Ev Hayvanlarının Korunmasına Dair Avrupa Sözleşmesinin Onaylanmasının Uygun Bulunduğu Hakkında Kanun. *Resmi Gazete*. <http://www.resmigazete.gov.tr/eskiler/2003/07/20030722.htm#7>; Accessed: October 28, 2016.

<sup>5</sup> 5199 sayılı Hayvanları Koruma Kanunu. *Resmi Gazete*. <https://www>.

“European Convention for the Protection of Pet Animals” under separate chapters. The purview of these two laws is to “ensure the comfort of animals, provide for their fair and proper treatment, and secure their protection against the infliction of pain, suffering and stress.” While the *Animal Protection Law* mostly focuses on the protection of pet animals and stray animals, it also includes provisions related to farm animals and wild animals. Finally, the third law, the “*Law on Veterinary Services, Plant Health, Food and Feed*”, was enacted in 2010 and includes a chapter specific to animal welfare<sup>6</sup>. Article 9 of the *Law on Veterinary Services, Plant Health, Food and Feed* is directly related to animal welfare:

“Article 9 - (1) To ensure animal welfare, the owners or keepers of animals are responsible for satisfying the sheltering, care, feeding, health and other needs of animals, and taking necessary measures against possible adverse effects the animals under their responsibility may cause on human, animal and environmental health.

2) The slaughter and culling of animals for disease control purposes shall be performed without causing unnecessary fear, pain and distress and by using appropriate tools.

3) Animals shall not be euthanized. However:

a) in cases where animals have a painful and distressing or incurable disease,

b) For the purpose of the prevention or eradication of an acute contagious animal disease or in cases of threat to human health,

c) In cases where their behaviour poses threat to the lives and health of humans and animals and where their negative behaviour cannot be controlled a veterinarian may decide to perform euthanasia. Euthanasia shall be performed by a veterinarian or under the supervision of a veterinarian.

(4) The rules for animal welfare during their sheltering, transport, pre-slaughter and slaughter are determined by the Ministry. Animals shall be slaughtered in slaughterhouses approved by the Ministry.

(5) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry<sup>7</sup>

In addition to these, Terrestrial Hunting Law (Law 4915)<sup>8</sup>,

tbmm.gov.tr/kanunlar/k5199.html; Accessed: October 17, 2016.

6 5996 sayılı Veteriner Hizmetleri, Bitki Sağlığı, Gıda ve Yem Kanunu. *Resmi Gazete*. <http://www.resmigazete.gov.tr/eskiler/2010/06/20100613-12.htm>; Accessed: October 28, 2016.

7 5996 Law on Veterinary Services, Plant Health, Food and Feed. <http://www.lawsturkey.com/law/5996-law-on-veterinary-services-plant-health-food-and-feed>; Accessed: October 28, 2016.

8 4915 sayılı Kara Avcılığı Kanunu. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2003/07/20030711.htm&main=http://www.resmigazete.gov.tr/eskiler/2003/07/20030711.htm>; Accessed: May 24, 2017.

Fishery Law (Main Law 1380; Amending Law 3288)<sup>9</sup>, and The National Parks Law (Law 2873)<sup>10</sup> has some articles which are related protecting the welfare of wild animals. Thus, these laws should be accepted in the animal welfare legislation. Also, Turkey has been a party of Cites<sup>11</sup>, Bern<sup>12</sup>, Ramsar<sup>13</sup> and Convention on Biological Diversity<sup>14</sup>. These conventions might be accepted as a supplementary part of national legislation<sup>[33]</sup>.

## (IMPLEMENTING) REGULATIONS ON ANIMAL WELFARE

The first regulation, which included provisions on the protection of animals, was enforced one month before the enactment of the *Animal Protection Law*, on the basis of the Animal Health and Surveillance<sup>15</sup> (Law 3285), Decree Law no. 441 on Establishment and Duties of Ministry of Agriculture and Rural Affairs,<sup>16</sup> and the Pursuit of Veterinary Medicine Profession, Establishment and Duties of Turkish Veterinary Medical Association and Veterinary Medicine Chambers<sup>17</sup> (Law 6343), was the “*Regulation on the Protection*

9 1380 Sayılı Su Ürünleri Kanunu. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/13799.pdf&main=http://www.resmigazete.gov.tr/arsiv/13799.pdf>. Accessed: May 24, 2017; 3288 Sayılı “1380 Sayılı Su Ürünleri Kanununda Değişiklik Yapılmasına Dair Kanun”. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/19120.pdf&main=http://www.resmigazete.gov.tr/arsiv/19120.pdf>; Accessed: May 24, 2017.

10 2873 Nolu Milli Parklar Kanunu. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/18132.pdf&main=http://www.resmigazete.gov.tr/arsiv/18132.pdf>; Accessed: May 24, 2017.

11 CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is an international agreement between governments. Its’ aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Cites (The Convention on International Trade in Endangered Species of Wild Fauna and Flora) webpage. <https://www.cites.org/eng/disc/parties/index.php>; Accessed: June 2, 2017.

12 Bern Convention: The Bern Convention is a binding international legal instrument in the field of nature conservation, covering most of the natural heritage of the European continent and extending to some States of Africa. <http://www.coe.int/en/web/bern-convention>; Accessed: June 2, 2017.

13 Ramsar Convention: The Convention on wetlands, called the Ramsar Convention, is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. <http://www.ramsar.org/>; Accessed: June 2, 2017.

14 Convention on Biological Diversity: Its’ aim is to ( 1) the conservation of biological diversity; (2) the sustainable use of the components of biological diversity; (3) the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. <https://www.cbd.int/intro/defaults.html>; Accessed: June 02, 2017.

15 3285 sayılı Hayvan Sağlığı ve Zabıtası Kanunu. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/19109.pdf&main=http://www.resmigazete.gov.tr/arsiv/19109.pdf>; Accessed: June 29, 2017.

16 441 Sayılı Tarım ve Köyişleri Bakanlığının Kuruluş ve Görevleri Hakkında Kanun Hükmünde Kararname. *Resmi Gazete*. [http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/20955\\_1.pdf&main=http://www.resmigazete.gov.tr/arsiv/20955\\_1.pdf](http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/20955_1.pdf&main=http://www.resmigazete.gov.tr/arsiv/20955_1.pdf); Accessed: June 29, 2017.

17 6343 Sayılı Veteriner hekimliği Mesleğinin İcrasına, Veteriner Hekimleri



Table 1. Regulations regarding animal welfare and legal basis		
Regulation	Date	Legal Basis
The Regulation on the Execution of Services for the Feast of Sacrifice by the Presidency of Religious Affairs (and amending regulation)	2002 (2005)	Law on The Act on Organization and Missions of the Directorate of Religious Affairs (Law 633) and Animal Protection Law (Law 5199)
Regulation on the Protection of Experimental Animals Used for Experimental and Other Scientific Purposes and the Procedures and Principles of the Establishment, Operation and Inspection of Experimental Animal Production Premises and Laboratories Performing Animal Experiments (Abolished)	2004	Animal Health and Surveillance (Law 3285), Decree Law no. 441 on Establishment and Duties of Ministry of Agriculture and Rural Affairs and The Pursuit of Veterinary Medicine Profession, Establishment and Duties of Turkish Veterinary Medical Association and Veterinary Medicine Chambers (Law 6343)
Implementing Regulation on Animal Protection	2006	Animal Protection Law (Law 5199)
Regulation on the Procedures and Principles of the Work of Ethics Boards for Animal Experiments (Abolished)	2006	Animal Protection Law (Law 5199)
Regulation on the Establishment, and Procedures and Working Principles of the Zoos	2007	Animal Protection Law (Law 5199)
Regulation on the Places of Breeding, Sales, Housing and Training of Pet and Ornamental Animals	2011	The Pursuit of Veterinary Medicine Profession, Establishment and Duties of Turkish Veterinary Medical Association and Veterinary Medicine Chambers (Law 6343) and Law on Veterinary Services, Plant Health, Food and Feed (Law 5996)
Regulation on the Welfare and Protection of Animals Used for Experimental and Other Scientific Purposes	2011	Law on Veterinary Services, Plant Health, Food and Feed (Law 5996); Biosecurity Law (Law 5977)
Regulation on the Welfare of Farm Animals (Abolished)	2011	Law on Veterinary Services, Plant Health, Food and Feed (Law 5996)
Regulation on the Welfare and Protection of Animals during Their Transport	2011	Law on Veterinary Services, Plant Health, Food and Feed (Law 5996)
The Regulation on Procedure and Principles of Authorization and Inspection of Livestock Markets	2011	Law on Veterinary Services, Plant Health, Food and Feed (Law 5996)
The Regulation the Official Controls of Food and Feed	2011	Law on Veterinary Services, Plant Health, Food and Feed (Law 5996)
The Regulation on Food Hygiene	2011	Law on Veterinary Services, Plant Health, Food and Feed (Law 5996)
The Regulation Laying Down Specific Rules for the Official Controls of Food of Animal Origin	2011	Law on Veterinary Services, Plant Health, Food and Feed (Law 5996)
The Regulation on Specific Hygiene Rules for Food of Animal Origin	2011	Law on Veterinary Services, Plant Health, Food and Feed (Law 5996)
The Regulation on General Provisions Related to the Welfare of Farm Animals	2014	Law on Veterinary Services, Plant Health, Food and Feed (Law 5996)
The Regulation on Minimum Standards for the Protection of Calves	2014	Law on Veterinary Services, Plant Health, Food and Feed (Law 5996)
The Regulation on Minimum Standards for the Protection of Laying Hens	2014	Law on Veterinary Services, Plant Health, Food and Feed (Law 5996)
Regulation on the Procedures and Principles of the Work of Ethics Boards for Animal Experiments	2014	Animal Protection Law (Law 5199)

of Experimental Animals Used for Experimental and Other Scientific Purposes and the Procedures and Principles of the Establishment, Operation and Inspection of Experimental Animal Production Premises and Laboratories Performing Animal Experiments" (published in the Official Gazette dated the 16<sup>th</sup> of May 2004 and numbered 25464)<sup>18</sup>. This regulation, repealed by the "Regulation on the Welfare and Protection of Animals Used for Experimental and Other Scientific Purposes", was enforced on the 13<sup>th</sup> of December in 2011<sup>19</sup> (Table 1).

Birliđi ile Odalarının Teşekkül Tarzına ve Göreceđi İşlere Dair Kanun. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/8661.pdf&main=http://www.resmigazete.gov.tr/arsiv/8661.pdf>; Accessed: June 29, 2017.

18 Deneysel ve Diđer Bilimsel Amaçlar için Kullanılan Deney Hayvanlarının Korunması, Deney Hayvanlarının Üretim Yerleri ile Deney Yapacak Olan Laboratuvarların Kuruluş, Çalışma, Denetleme, Usul ve Esaslarına Dair Yönetmelik. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2004/05/20040516.htm&main=http://www.resmigazete.gov.tr/eskiler/2004/05/20040516.htm>; Accessed: October 28, 2016.

19 Deneysel ve Diđer Bilimsel Amaçlar için Kullanılan Hayvanların Refah ve Korunmasına Dair Yönetmelik. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/>

Another regulation on animal welfare is the "Regulation on the Procedures and Principles of the Work of Ethics Boards for Animal Experiments"(published in the Official Gazette dated the 6<sup>th</sup> of July 2006 and numbered 26220)<sup>20</sup>, and was enforced on the basis of the *Animal Protection Law*. This regulation was prepared in compliance with *Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the Protection of Animals Used for Scientific Purposes*, and was repealed by the regulation with the same title, enforced on the 15<sup>th</sup> of February in 2014<sup>21</sup> (Table 1). These two regulations laid down the

[eskiler/2011/12/20111213.htm&main=http://www.resmigazete.gov.tr/eskiler/2011/12/20111213.htm](http://www.resmigazete.gov.tr/eskiler/2011/12/20111213.htm&main=http://www.resmigazete.gov.tr/eskiler/2011/12/20111213.htm); Accessed: October 17, 2016.

20 Hayvan Deneyleri Etik Kurullarının Çalışma Usul ve Esaslarına Dair Yönetmelik (Abolished). *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2006/07/20060706.htm&main=http://www.resmigazete.gov.tr/eskiler/2006/07/20060706.htm>; Accessed: October 17, 2016.

21 Hayvan Deneyleri Etik Kurullarının Çalışma Usul ve Esaslarına Dair Yönetmelik. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2014/02/20140215.htm&main=http://www.resmigazete.gov.tr/eskiler/2014/02/20140215.htm>; Accessed: October 28, 2016.

implementing principles for the fulfilment of animal welfare standards during the use of animals for research and educational purposes in Turkey.

Although the *Animal Protection Law* stipulated that the implementing regulation should be enforced within a one-year period, the “*Implementing Regulation on Animal Protection*”<sup>22</sup> (published in the Official Gazette dated the 12<sup>th</sup> of May 2006 and numbered 26166) was enforced two years after the enactment of the law and is of particular importance with respect to the implementation of the law (Table 1). In this regulation:

- a) Conditions set for keeping and owning pet and ornamental animals, and animals under control, which are defined in the regulation as identified and registered pet and ornamental animals that are owned by real and legal persons or institutions and organisations, and are vaccinated and periodically checked for their health
- b) Details related to the rehabilitation of stray animals
- c) Procedures and principles to be followed for the use of animals in all kinds of commercial shows, advertisements, films and photo shootings
- d) Procedures and principles to be followed in the killing of animals
- e) Procedures and principles related to the work of Provincial Animal Protection Boards
- f) Inspections to be carried out on the basis of Law 5199 and the qualifications to be sought for inspectors are laid down in detail.

*Regulation on the Establishment, and Procedures and Working Principles of the Zoos* (published in the Official Gazette dated the 11<sup>th</sup> of August 2007 and numbered 26610) was enforced on the basis of the 22<sup>nd</sup> article of *Animal Protection Law* (Table 1). The aim of this regulation is to promote welfare standards of animals in zoos.<sup>23</sup>

Another regulation aimed at improving the welfare of pet and ornamental animals is the “*Regulation on the Places of Breeding, Sales, Housing and Training of Pet and Ornamental Animals*” (published in the Official Gazette dated the 8<sup>th</sup> of October 2011 and numbered 28078)<sup>24</sup> (Table 1). This regulation regulates the technical and sanitary conditions

22 Hayvanların Korunmasına Dair Uygulama Yönetmeliği. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2006/05/20060512.htm&main=http://www.resmigazete.gov.tr/eskiler/2006/05/20060512.htm>; Accessed: October 17, 2016.

23 Hayvanat Bahçelerinin Kuruluşu ile Çalışma Usul ve Esasları Hakkında Yönetmelik. <http://www.resmigazete.gov.tr/eskiler/2007/08/20070811-7.htm>; Accessed: June 5, 2017.

24 Ev ve Süs Hayvanlarının Üretim, Satış, Barınma ve Eğitim Yerleri Hakkında Yönetmelik. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2011/10/20111008.htm&main=http://www.resmigazete.gov.tr/eskiler/2011/10/20111008.htm>; Accessed: October 28, 2016.

set for places where pet and ornamental animals are bred, bought and sold, housed and trained.

Moreover, as secondary legislation related to the welfare of farm animals was enforced only after the enactment of Law 5996 in 2010, the publication of implementing regulation mainly concentrates on the period after 2010.

The provisional clauses of Law 5996 required that: “*The regulations foreseen in this Law and the procedures and principles related to implementation are enforced within 18 months following the enactment of the Law, at the latest*”.

In fact, nearly 18 months after the enactment of Law 5996, two regulation were published. The first was related to the welfare of farm animals and the second was related to the welfare of animals during transport.

At the first glance, the “*Regulation on the Welfare of Farm Animals*”<sup>25</sup>, which was published in the Official Gazette dated the 23<sup>rd</sup> of December 2011, was not a species-specific regulation (Table 1). However, apart from the implementing principles applicable to all farm animals, this regulation also laid down minimum welfare standards for the protection of laying hens and calves. This regulation was repealed by three new regulations, which include:

“*The Regulation on General Provisions Related to the Welfare of Farm Animals*” (published in the Official Gazette dated the 22<sup>nd</sup> of November 2014 and numbered 29183),<sup>26</sup>

“*The Regulation on Minimum Standards for the Protection of Calves*” (published in the Official Gazette dated the 22<sup>nd</sup> of November 2014 and numbered 29183),<sup>27</sup>

“*The Regulation on Minimum Standards for the Protection of Laying Hens*” (published in the Official Gazette dated the 22<sup>nd</sup> of November 2014 and numbered 29183)<sup>28</sup> (Table 1).

The content of these three regulations is almost the same as those of the former regulation. The only difference is in the date set for the ban of the use of conventional cage systems for laying hens. The former regulation included a provision stipulating the ban of the use of conventional cage systems from the 1<sup>st</sup> of January 2015. As a result of the pressure of the egg producers on the Ministry of Food, Agriculture and Livestock, this date has been postponed to 2023 in the new regulation<sup>19</sup>. This postponement must have been the main motive underlying the amendment to the regulation.

25 Çiftlik Hayvanlarının Refahına İlişkin Yönetmelik. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2011/12/20111223.htm&main=http://www.resmigazete.gov.tr/eskiler/2011/12/20111223.htm>; Accessed: October 31, 2016.

26 Çiftlik Hayvanlarının Refahına İlişkin Genel Hükümler Hakkında Yönetmelik. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2014/11/20141122.htm&main=http://www.resmigazete.gov.tr/eskiler/2014/11/20141122.htm>; Accessed: October 31, 2016.

27 Ibidem.

28 Ibidem.

Another regulation enforced on the basis of Law 5996 is the “Regulation on the Welfare and Protection of Animals during Their Transport” (published in the Official Gazette dated the 24<sup>th</sup> of December 2011 and numbered 28152)<sup>29</sup> (Table 1). This regulation lays down the procedures and principles to be followed in order to ensure the protection and welfare of all live vertebrate animals during their transport within the territory of Turkey.

From one year ago, preparation of this article, Food, Agriculture and Livestock Ministry --in an interview with the author who had been informed that two further preparations for the enforcement of regulations-- was underway. In fact, of these two prospective regulations, the one related to the protection of broiler chickens was expected to be enforced by the end of 2015. The second regulation, which has been drafted and submitted to the Presidency of Religious Affairs for consultation, is related to the welfare of animals before and at the time of slaughter. In fact, it has been mentioned that these two regulations have to be enforced since 2005 <sup>[26,39]</sup>. But, as yet, these regulations haven't been enforced.

In addition to all of these, there are a number of regulations that, currently in force in Turkey, include provisions either directly or indirectly relate to the welfare of animals before and at the time of slaughter. However, these provisions are not compiled under a separate legislative regulation. The regulations, which include provisions related to the welfare of animals before and at the time of slaughter, are:

“The Regulation on Procedure and Principles of Authorization and Inspection of Livestock Markets” (published in the Official Gazette dated the 24<sup>th</sup> of December 2011 and numbered 28152)<sup>30</sup>, “The Regulation the Official Controls of Food and Feed” (published in the Official Gazette dated the 17<sup>th</sup> of December 2011 and numbered 28145)<sup>31</sup>, “The Regulation on Food Hygiene” (published in the Official Gazette dated the 17<sup>th</sup> of December 2011 and numbered 28145)<sup>32</sup>, “The Regulation Laying Down Specific Rules for the Official Controls of Food of Animal Origin” (published in the Official Gazette dated the 17<sup>th</sup> of December 2011 and numbered 28145)<sup>33</sup> and “The Regulation on Specific Hygiene

29 Hayvanların Nakilleri Sırasında Refahı ve Korunması Yönetmeliği. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2011/12/20111224.htm&main=http://www.resmigazete.gov.tr/eskiler/2011/12/20111224.htm>; Accessed: October 31, 2016.

30 Hayvan Satış Yerlerinin Ruhsatlandırılma ve Denetleme Usul ve Esasları Hakkında Yönetmelik. *Resmi Gazete*. <http://www.resmigazete.gov.tr/eskiler/2011/12/20111224-1.htm>; Accessed: March 16, 2017.

31 Gıda ve Yemin Resmi Kontrollerine Dair Yönetmelik. *Resmi Gazete*, <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2011/12/20111217.htm&main=http://www.resmigazete.gov.tr/eskiler/2011/12/20111217.htm>; Accessed: October 18, 2016.

32 Gıda Hijyeni Yönetmeliği. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2011/12/20111217.htm&main=http://www.resmigazete.gov.tr/eskiler/2011/12/20111217.htm>; Accessed: October 18, 2016.

33 Hayvansal Gıdaların Resmi Kontrollerine İlişkin Özel Kuralları Belirleyen

*Rules for Food of Animal Origin*” (published in the Official Gazette dated the 27<sup>th</sup> of December 2011 and numbered 28155)<sup>34</sup> (Table 1). In fact, “The Regulation on the Execution of Services for the Feast of Sacrifice by the Presidency of Religious Affairs” (published in the Official Gazette dated the 18<sup>th</sup> of August 2002 and numbered 24850)<sup>35</sup> (Table 1) can also be included in this group of legislation.

## CONCLUSION

The aim of this article is to re-evaluate recent developments and sources of animal welfare legislation in Turkey. The result today, as happens in many countries in animal welfare as in Turkey, is a situation that is largely guaranteed by laws. The retrospective evaluation of animal welfare legislation in Turkey shows that most of these developments have occurred in the past 15 years. These developments have coincided with the efforts of Turkey to align with the EU *acquis* is not by chance. Furthermore, on the basis of the animal welfare regulations, currently in force in Turkey being in line with EU legislation, it is suggested that legislative work in the field of animal welfare has resulted from the obligations of Turkey as a negotiating EU candidate country, rather than from sociological evolution. It can be deduced that recent developments seem to be supporting this claim. For example, the regulation dictating the traditional cage system to be banned as of 1 January 2015 has been postponed to 2023 due to the resistance of the sectoral representatives <sup>[45]</sup>. The farmers are not complying with the regulations that have been put in place so far due to the increase in expenses. In addition, the authorized offices are not inspecting their practices as they should <sup>[46]</sup>. Also, this claim has been supported by European Commission Turkey Progress Reports 2006-2016 <sup>[42,47-57]</sup>. Although a number of laws and some implementing regulations were enacted until 2010, according to 2006-2010 European Commission Reports <sup>[47-51]</sup>; “Turkey has made no progress on zootechnical issues or on animal welfare, the latter being a key element for the accession negotiations...”. After 2010, some progress has been made on alignment with the animal welfare *acquis*, relating to welfare of animals during transport and on farm. But, these progress were not found enough by European Commission Reports <sup>[47-52]</sup>: “...full implementation of the *acquis* in this area will require

Yönetmelik. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2011/12/20111217.htm&main=http://www.resmigazete.gov.tr/eskiler/2011/12/20111217.htm>; Accessed: October 18, 2016.

34 Hayvansal Gıdalar İçin Özel Hijyen Kuralları Yönetmeliği. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2011/12/20111227.htm&main=http://www.resmigazete.gov.tr/eskiler/2011/12/20111227.htm>; Accessed: October 18, 2016.

35 Kurban Hizmetlerinin Diyanet İşleri Başkanlığınca Yürütülmesine Dair Yönetmelik. *Resmi Gazete*. <http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/eskiler/2002/08/20020818.htm&main=http://www.resmigazete.gov.tr/eskiler/2002/08/20020818.htm>; Accessed: October 18, 2016.



significant further efforts... Turkey should in particular: take further steps to adapt and enforce rules on animal welfare and animal by-products. Further structural and administrative efforts are required to fully implement the *acquis* on animal welfare. In addition to all these, it can be said that this speculation is supported by the results of some studies<sup>[36,58]</sup> which were conducted in Turkey. One of these is Izmirli's PhD thesis<sup>[36]</sup>. According to Izmirli, even if participants show positive attitudes about animal welfare in general, he claims that the participants have a lack of information about animal welfare and its true meaning<sup>[36]</sup>. Similarly, in the study conducted by Şeker et al.<sup>[58]</sup>, the participants who say that they relate animal welfare and its implications on society really don't understand it thoroughly enough. So, it is difficult to say that there is a strong social acceptance about the necessity of animal welfare among Turkish people. In the same vein, Bozkurt et al.<sup>[59]</sup> underscore the realization that social acceptance of the minimum standards regarding animal welfare is more important than the legal implementation and enforcement of the relevant legislation. Yet, it needs to be recognized that this is something new and needs to be appreciated by Turkish society as a whole.

When compared to EU legislation, animal welfare standards in slaughtering process, animal welfare standards for pigs, broiler chicken, turkey, sheep, goat, dairy cows or beef cattle-- primarily main areas of animal breeding-keeping-- there is a significant lack of species-specific animal welfare regulations absent. This perspective reveals that Turkey's record on animal welfare needs to be rewritten: there is room for substantial improvement. Nevertheless, even if not sufficient, these regulations being in force is important and satisfying.

As a result, it may be stated that the efforts making legislation regarding animal welfare and the inspections related to the current regulation have not reached a proper level of satisfaction.

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