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EU court to hear case against Belgian 'shechita'

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8 Jul 2020 · By LAHAV HARKOV

The European Court of Justice will hear a case against Belgium's ban on kosher slaughter of animals on Wednesday.

The Dutch-speaking Flanders and French-speaking Wallonia regions of Belgium passed laws 2017 prohibiting slaughter without pre-stunning, even in the context of religious rites, such as kosher slaughter, known as shechita, and Muslim

slaughter.

Belgium's Constitutional Court sent the lawsuit, filed by the Coordinating Committee of Jewish Organizations in Belgium (CCOJB), to the European

Union Court of Justice last year to determine whether the laws violate EU regulations.

The European regulations ban slaughter without pre-stunning, but makes an exception for religious slaughter. At the same time, the regulations state that countries can set their own laws to reduce animal suffering.

The International Association of Jewish Lawyers and Jurists (IJL) filed an amicus brief authored by European Law expert and New York

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relevant Jewish communities, and will undermine Jewish life in all [EU] Member States."

The brief states that freedom of religion is a fundamental human right guaranteed by European constitutions and the EU.

"To forbid a community of faith to prepare their food in accordance with their religious obligations is thus a prima facie violation of such," it reads. "Every effort must be made by society to honor fundamental rights such as freedom of religion and non-discrimination as fully and capaciously as possible."

IJL compared freedom of religion to

freedom of speech, in that the law protects speech even if it "may provoke popular indignation," arguing freedom of religion should only be compromised "under the most compelling of circumstances."

As such, the court would have to decide whether animal welfare, a matter of public policy, outweighs a fundamental human right to religious freedom.

The brief also argues that the Belgian law "will have a secondary collateral effect of publicly branding Judaism and Islam as inhumane," saying this aspect "is not to be trivialized" due to rising anti-semitism in Europe.

Chief Rabbi Pinchas Goldschmidt, president of the Conference of European Rabbis, and Sheikh Dr. Mohammad bin Abdulkarim al-Isa, secretary-general of the Muslim World League, released a joint statement ahead of the hearing.

"Food plays an important role in our religious life and how we prepare food represents a key tenet of our faiths. Throughout history, bans on the religious slaughter of animals for food have been used to try to limit the migration of individuals from certain religious groups," they argued.

The religious leaders said that the first such ban was in Switzerland, in

University Professor Joseph Weiler, advocating against an outright ban of Jewish and Muslim slaughter, while allowing for lesser restrictive measures to minimize animal suffering.

Meir Linzen, president of IJL and a senior partner at Herzog, Fox & Ne'eman – one of Israel's biggest law firms – explained that "the ban may have a detrimental effect on the



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an attempt to stop immigration of Jews fleeing pogroms in Russia in the 19th century, and similar bans were introduced leading up to World War II.

“Today, Muslims are increasingly the targets of such legislation,” they added. “None of these bans are justified, whether they target the halal food of Muslims, the kosher food of Jews or both, and any such ban violates core principles of what Europe should stand for.”

The European Commission is not expected to defend the Belgian law nor oppose it; rather, it is expected to argue that each member state can consider its own interests and call

on the European Court of Justice to send the case back to the Belgian Constitutional Court.

Other countries in the EU that ban ritual slaughter include Sweden, Denmark and Slovenia.

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