

Questionnaire

Country: Switzerland
The Country is: not EU Member State
Author of the Questionnaire: Vier Pfoten EPO; Vanessa Gerritsen, jurisprudential associate of the Foundation for the Animal in the Law (Stiftung für das Tier im Recht)
Note: All information include the legislation of November, 2013

Question	Article	Note
I. DATA AND DOCUMENTS		
What is the number of companion animals and/or stray animals in your country? Do you have any other data (e. g. rate of companion animals per inhabitant)?	–	There are no stray dog populations in Switzerland but more than 500'000 registered dogs, each with an owner (source: ANIS annual report 2009 (http://www.anis.ch/uploads/media/Geschaeftsbericht_Anis_2009_01.pdf); Bolliger/Goetschel/Richner/Spring, Tier im Recht transparent (http://www.tierimrecht.org/de/veroeffentlichungen/buecher/tir-transparent.php), Zürich 2008).
Does the country have a specific animal welfare legislation?	–	Yes, there is an Animal Welfare Act (Tierschutzgesetz; TSchG)
Which other laws and ordinances refer to animal welfare?	–	<ol style="list-style-type: none"> 1. regulation that specifies the Animal Welfare Act (Tierschutzverordnung; TSchV) 2. there are many other acts and ordinances in regard to dogs (dogs that are classified as dangerous), breeding, education, animals in scientific experimentation, animals for agricultural purposes, transportation, slaughter, import and export regulations, hunting and fisheries and wildlife conservation (More information on: http://www.bvet.admin.ch/dokumentation/01013/01014/index.html?lang=de)

Questionnaire

Are there any specific regulations concerning dogs within the law?	Art. 68 - 79 TSchV, Art. 28 Par. 1 TSchV	<p>At federal level:</p> <ul style="list-style-type: none"> - Article 22 TSchV describes forbidden procedures that might be carried out on dogs - Article 68 - 79 TSchV are specially focused on the keeping of dogs - Article 28 Par. 1 TSchV (it is not allowed to match domestic dogs and feral dogs) <p>At cantonal level: Currently a range of cantonal and communal regulations on dangerous dogs makes a summary of Swiss dog provisions difficult (click here (http://www.tierimrecht.org/de/tierschutzrecht/schweiz/hunde-recht/index.php) for an overview).</p>
Is there a list of banned or dangerous animals?		There is no federal list. But there are different regulations in every canton. Cantons, which have banned one or several races of dogs are for example Freiburg, Wallis and Zurich.

II. GOVERNANCE

BASIC ETHICAL CONCEPT IN THE POLITICAL SYSTEM

What is the basic ethical concept in your political system concerning animal welfare?	Art. 120 BV, Art. 1 TSchG	The dignity of creatures has to be respected. The aim of the animal welfare law is to protect the dignity and the welfare of animals.
Is the animal welfare act based on animal welfare as the principle value of the legislation?	–	Yes. The animals' welfare is the main concern of the animal welfare act.
Do animals have a right to life?	Art. 4 TSchG	Unfortunately, the Swiss law does not provide a right to life for animals. Even though Art. 4 TSchG forbids the cause of unjustifiable pain, suffering, damage, anxiety or other disrespect of the animals' dignity, there always needs to be a weighting of different interests such as the animals' interest to live and the humans interest in using the animal for different aspects
Which reasonable causes have to be met for an official permission to kill a healthy animal?	Art. 16	Animals have to be anaesthetised before killing. The person has to be skilled. If the dignity is not respected it is not allowed to kill an animal.

CONSTITUTION

Is animal welfare part of the constitution?	Art. 80 BV	Yes, animal welfare is a constitutional principle and must be considered throughout all legislation.
---	------------	--

ANIMAL WELFARE IN PARLIAMENT

Questionnaire

Is there an animal welfare committee in the parliament?	–	In 2010 a new party was found: The animal party, which defends animal interests, however, is not represented in the parliament at present. (www.tierpartei.ch)
ANIMAL WELFARE IN GOVERNMENT		
Are there any official animal welfare bodies in the government? (e. g. Ombudsman, Commissioner)	–	There are no governmental animal welfare bodies at present. For many years, there has been an animal lawyer in Zurich. Recent political debates have led to this position not being renewed. This means that no canton currently has a person who actually defends the animals' rights in procedures.
Which ministry/ministries is/are responsible for animal welfare?	–	Bundesamt für Veterinärwesen BVET info@bvet.admin.ch, www.bvet.admin.ch
ANIMAL WELFARE IN AUTHORITIES		
How is the status of competent authorities for animal welfare legislation and are they linked to (and which) ministry?	Art. 1 Par. 2 lit. h, Art. 12 OV-EDI Art. 32 TSchG	The Federal Department of Home Affairs is the competent authority for animal welfare, which delegates its responsibility to the Federal Veterinary Office (FVO). The Animal Welfare Act gives the FVO own competences to pass regulations. It has already used its competences to pass regulations in regard to the skills that are needed for the handling of animals, the handling itself, slaughter and animals that are used for scientific purposes.
ANIMAL WELFARE STRATEGY, BIRTH CONTROL AND SCHOOL PROGRAMMES		
Does the country have a national animal welfare strategy?	–	No.
Is there an obligation for the government to do and publish an annual or biannual animal welfare report?	–	Yes, annually.
Are there legal or administrative measures which provide birth control of animals?	Art. 25 Par. 4 TSchV	Dog owners need to take measures to avoid an excessive reproduction.
Are there (mandatory) school programmes on animal welfare?	-	No.

III. DOGS IN LEGISLATION

Questionnaire

DEFINITIONS

Does the law or another enactment include a definition of animals as “sentient beings”?	Art. 1 TSchG	Yes, the Swiss law acknowledges animals as sentient beings by trying to take best effort in regard to their well-being and their dignity.
Are animals defined as goods (object/chattel)?	Art. 641a ZGB	No, animals have a separate legal status. They are not defined as goods, but some provisions in regard to goods can/need to be applied to animals as well.
Does the law include definitions of companion animals, abandoned animals and/or stray animals?	Art. 2 Par. 1 lit. a, Par. 2 lit. b TSchV	<p>According to Article 2 of the regulation for the protection of animals (TSchV), animals are divided into the following categories according to their domestication state:</p> <p><u>Domesticated animals</u>: Animals which are domesticated, such as horses, cattle, pigs and goats, except the exotic species; domesticated yaks and water buffalos; lamas and alpacas; pet rabbits, domesticated dogs and cats; domestic pigeons as well as domesticated hens, turkeys, guinea fowls, domestic geese and ducks</p> <p><u>Wild animals</u>: Vertebrates that are not domesticated as well as cephalopods and reptantia.</p> <p>The animal categories are further divided according to the following affectations:</p> <p><u>Livestock</u>: Animals that are kept for the purpose of directly or indirectly producing food or for another specific service</p> <p><u>Companion animals</u>: Animals that are kept because of the keeper’s interest in them or as home companions.</p>

ETHICAL CONSIDERATION IN THE LEGISLATION

Can an animal be treated like an asset (e. g. in insolvency, confiscation, divorce, separation)? May an animal be used as an evidence in a court procedure?	Art. 641a ZGB	<p>Dogs are not defined as goods. Nevertheless dogs are their owners property and can be treated like an asset, e.g. of a breeder or a tradesman.</p> <p>More commonly, dogs are treated like sentient beings, which means, that the welfare of the animal is outweighing the financial aspect e.g. in divorce cases.</p> <p>Moreover, animals can be confiscated if their well-being is in danger, but they cannot be distrained or retained as a financial guaranty.</p>
Is winning of a bet or any other gain from an action which causes pain and/or suffering of an animal punishable?	Art. 513 OR, Art. 26 TSchG	Such events are prohibited. Animal fights are qualified as animal torture, when associated with pain or suffering for the animal. Animal torturing is punishable by imprisonment or fine.
May an animal be obtained as a prize?	Art. 13 TschG	There is no prohibition as such but the dignity of the dog speaks against it. In addition, an authorisation is needed for commercial interaction with pets.

IDENTIFICATION AND REGISTRATION

Questionnaire

Is identification and registration of animals mandatory and where are they registered and what is registered? What about costs?	Art. 30 TSG	Yes, the identification and registration of dogs is mandatory. According to the animal disease act (Art. 30), dogs need to be identifiable by microchip and registered at ANIS (Animal Identity Service).
BREEDING		
Are there any clauses on breeders and is there a national register for breeders?	Art. 101 Par. 1 lit. c, Art. 30, Art. 102 Par. 1 , 2 TSchV	Breeders are required to register themselves in case they conduct a commercial breeding and if they do have a commercial breeding, they also need to be specially trained . Furthermore, breeders are requested to keep record of different aspects in breeding and in regard to the animals.
Does the law proscribe the minimum care obligations for animals at breeders?	Art. 6 TSchG, Art. 3 – 14 TSchV	Yes, breeders do have the same obligations in regard to handling of and caring for their animals. They need to provide the necessary care for the specific animal, that include the supply of food and water, activity and exercise as well as a shelter if necessary. Thereby it is also important not to interfere with the animals’ natural behaviour or their body functions.
Is breeding of defects punishable?	Art. 10 TSchG	Torture breeding is forbidden.

Questionnaire

<p>Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)</p>	<p>Art. 22 TSchV</p>	<p>Art. 22 of the regulation for the protection of animals, prohibited acts with dogs.</p> <p>¹The following acts are prohibited on dogs:</p> <ul style="list-style-type: none"> a. tail and ear docking as well as ear cropping; b. the importation of dogs with docked ears or tails; c. the destruction of the vocal organs, or the application of any other means to prevent sounds and expressions of pain. d. the use of living animals to drill dogs or to test their sharpness, except for the drilling and testing of tracking dogs pursuant to art. 75 and the training of herd protection and cattle dogs; e. the promotion, sale, gift or exhibiting of dogs with tail or ear docking or ear cropping, if they have undergone the procedure in violation of Swiss animal welfare regulations; <p>²Dogs with docked ears or tails or cropped ears of foreign keepers can be temporarily moved to Switzerland for a short-stay or for holidays and imported as removal goods. Such dogs may not be advertised in Switzerland, sold, given away or shown in exhibitions.</p>
<p>Which reasonable causes have to be met for an official permission to kill a healthy animal by a breeder?</p>	<p>Art. 16 TSchG</p>	<p>Animals have to be anaesthetised before killing. The person has to be skilled. If the dignity is not respected it is not allowed to kill an animal.</p> <p>Some regulations of breeding associations prescribe that animals with certain defects need to be euthanized. It is legal to euthanize a healthy animal, since the Swiss law does not provide a right to life. From an animal welfare perspective, it is unethical to kill an animal because of a breeding defect, when the animal does not suffer from its defect. Another opportunity might be to exclude the animal from breeding and try to place it in a good home.</p>
<p>TRANSPORT, TRAVEL, SELL OF DOGS (TRADE)</p>		
<p>Is withholding of food and/or water from the animal(s) during a long transport punishable?</p>	<p>Art. 157 TSchV</p>	<p>Yes. Disregard of the provisions on animal husbandry and their transportation are punished with a fine of up to 20'000 Swiss francs .</p>

Questionnaire

Must a companion animal be quarantined upon arriving in your country?	Art. 22 EHTV	<p>Art. 22 of the regulation on the import of companion animals, measures.</p> <p>¹ Companion animals, which do not correspond with the import conditions, must be rejected.</p> <p>² If they can't be rejected immediately, it should be set aside under the control of the border veterinary service and the cost and risk of the importer.</p> <p>³ If they are not executed within ten days, the BVET can move in and kill them.</p> <p>⁴ If they were discovered first in the country, the cantonal veterinarian can collect the animals, cause the rejection or if this is not possible, to euthanize them.</p>
Is it allowed to sell dogs at a pet shop?	–	Yes. The central association of pet shops released a code (http://www.vzfs.ch/pdf/codex.pdf).
Is there a ban on markets, shows, exhibitions or other events where one can buy an animal?	Art. 13 TSchG, Art. 103 – 111 TSchV, Art. 21 TSG	<p>The selling of animals on markets, shows, exhibitions etc. is not allowed without a permission from the veterinary service of the canton in which the event takes place.</p> <p>According to Art. 21 of the animal disease act (TSG), the door-to-door selling of animals is forbidden since 2013. This hopefully leads to the stop of the illegal puppy trade in Switzerland.</p>
Is there an age-limit for children to buy an animal?	Art. 110 TSchV	<p>Art. 110 of the regulation for the protection of animals:</p> <p>Without the approval of the adult with parental authority it is forbidden to sell animals to persons who are under the age of 16.</p>
KEEPING AND LIMITS OF KEEPING		
Does the law proscribe the minimum care obligations for animals at keepers?	Art. 6 TSchG, Art. 3 - 14 TSchV	Yes, there are various requirements, keepers do have the same obligations as others in regard to handling of and caring for their animals. They need to provide the necessary care for the specific animal, that include the supply of food and water, activity and exercise as well as a shelter if necessary. Thereby it is also important not to interfere with the animals' natural behaviour or their body functions.
Is there a special regulation which rules keeping of companion animals?	Art. 68 – 79, Art. 80 TSchV	No, but there are some specific provisions in regard to dogs (Art. 68 – 79) and cats (Art. 80) in the regulation for the protection of animals.

Questionnaire

May a landlord forbid a renter to keep an animal?		Yes, but it depends on the individual contract between the landlord and the renter. In case there is no regulation in regard to the keeping of animals, it is generally allowed to keep animals. Other renters might need the landlords explicit permission to keep an animal. However, it is always important to have a conversation with the landlord to avoid trouble. Also, even though the landlord accepted the keeping of animals, he or she can ask the renter to give the animal away or to leave the accommodation together with the animal, if there are permanent problems that cannot be solved.
May neighbours file complain against an owner, e. g. if he/she does not inhibit his/her animal from (ceaseless) noises?	Art. 684 ZGB, Art. 641 ZGB	Yes, a neighbour might claim against every excessive disturbance.
Which reasonable causes have to be met for an official permission to kill a healthy animal by a private person?	Art. 16 TSchG	Animals have to be anaesthetised before killing. The person has to be skilled. If the dignity is not respected it is not allowed to kill an animal.
<i>KILLING</i>		
Which reasonable causes have to be met for an official permission to kill a healthy animal (also to get products of animal origin, e. g. for animal testing purposes or food supply)?	Art. 16 TSchG	Animals have to be anaesthetised before killing. The person has to be skilled. If the dignity is not respected it is not allowed to kill an animal.
Can animals be kept in shelters indefinitely? If not, is there specific time frame (for a vet) to kill an animal kept in a shelter?	–	Yes, animals can be kept in shelters indefinitely but it is not prohibited for the shelters to put animals down. Even though it is possible, it is not common in Switzerland to put animals down without a reason. They are generally kept in the homes until a place is found for them, even if they are hard to place. Exceptions are made if the animal is sick or shows behavioural disturbances.
<i>ABUSE OF ANIMALS</i>		
Does the law address cruelty to animals? If so, does it provide for sanctions?	Art. 26 TSchG	Yes. Sanctions of imprisonment up to three years and high financial penalties are possible.
Is sexual abuse of animals punishable?	Art. 16 Par. 2 lit. j TSchV	Yes, sexual abuse of animals is punishable since the revision of the Animal Welfare Act in 2008.

Questionnaire

Is maltreatment and/or suffering of animals perceived as a criminal offense? If so, what sanctions are foreseen?	Art. 26 TSchG	Yes. Sanctions of imprisonment up to three years and high financial penalties are possible.
UN-OWEND ANIMALS, SHELTERS, ABANDONED ANIMALS		
Are there regulations on lost/found animals?	Art. 720, 720a, 722 ZGB	Yes, the finder is obliged to inform the owner or the responsible cantonal office. If the owner then does not claim the animal within two months, the finder becomes the new owner of the animal.
Who is owner of an abandoned animal?	Art. 720, 720a, 722 ZGB	The dog's owner basically remains the owner of the abandoned dog and still is responsible for his or her animal. Abandoned animals are caught and brought back to their owner or to an animal shelter for a new placement. The capture of abandoned dogs is a communal business; they are responsible for peace, security and order.
May a private person establish an animal shelter?	Art. 101, 102 TSchV	Yes, but there are specific requirements such as the registration with the cantonal veterinary service and the employment of competent staff. Also, of course, the legislative requirements in regard to the handling and care of animals need to be met.
Can animals be kept in shelters indefinitely? If not, is there specific time frame (for a vet) to kill an animal kept in a shelter?	–	Yes, animals can be kept in shelters indefinitely but it is not prohibited for the shelters to put down the animals. It is unusual for animals to be put down. They are generally kept in the homes until a place is found for them, even if they are hard to place. Exceptions are made if the animal is sick or shows behavioural disturbances.
Is local community financing activities of collecting of abandoned and lost animals?	–	In some cases, the communes help to finance the activities of private persons, in particular to cover the neutering costs for dogs, which are proven to be abandoned colonies. The basis for this is their competence for maintaining order. But in many cantons, the cantonal hunting law allows hunters to shoot stray cats (Art. 5 Par. 3 lit. a Bundesgesetz über die Jagd), rather than promoting the neutering of the animals. The same is valid for dogs that are abandoned and found to be hunting in the woods. The issue is generally regulated on a cantonal or communal level.

Questionnaire

<p>Must a finder of a stray and/or abandoned animal report the finding to a competent authority?</p>	<p>Art. 720a Par. 1, Par. 2 ZGB Art. 722 ZGB</p>	<p>Art. 720a Par. 1 and 2 of the civil code ¹ A person who finds a lost animal must, subject to Art. 720 Par. 3, inform the owner or, if the owner is unknown, report the animal's find. ² The cantons designate the authority to which such finds must be reported.</p> <p>The competent authority might be the cantonal veterinary service, the cantonal police or an animal welfare organisation. This depends and is different in the various cantons.</p> <p>Art. 722 of the civil code If the original owner does not claim the animal within two months of its declaration, the property goes over to the finder. If the finder places the animal in a shelter with the intention of renouncing his possession of it, the animal becomes the shelter's property after two months.</p>
<p>Are there possibilities to adopt an abandoned animal?</p>	<p>Art. 722 Par. 1ter ZGB</p>	<p>Yes. But mostly finders do not know whether the found animal is abandoned. This is why the finder need to report the find to the competent cantonal authority and if there is nobody who claims the animal within two months, the finder becomes the new owner of the animal (if the animal's purpose is not a commercial one; the original owner otherwise is permitted to take back his or her animal within five years).</p> <p>Art. 722 par. 1ter of the civil code</p> <p>¹A person who has discharged his or her duties as finder acquires ownership of the find if it has not been possible to trace the rightful owner within five years of the announcement or public notice being given of the find.</p> <p>^{1bis}In the case of animals kept as pets rather than for investment or commercial purposes, the period ist two months.</p> <p>^{1ter} If the finder puts the animal in a home with the intention of renouncing its ownership, on expiry of two-month period the animal home is at liberty to dispose of the animal as it sees fit.</p>

Questionnaire

Are there legal or administrative measures which provide birth control of stray animals?	Art. 25 Par. 4 TSchV	Dog owners need to take measures to avoid an excessive reproduction.
VETERINARIANS		
Is negligence (of a vet or a veterinary assistant) punishable?	Art. 26 Par. 2 TSchG	Yes, in the same way as other persons are punishable. Neglect is punishable with a financial penalty, but no imprisonment is prescribed.
Does the law provide for limitations on animals mutilations? (e. g. tail docking, ear cropping, devocalization, declawing, obligation to use anaesthesia.)	Art. 22 TSchV	<p>Art. 22 of the regulation for the protection of animals, prohibited acts with dogs.</p> <p>¹The following acts are prohibited on dogs:</p> <ul style="list-style-type: none"> a. tail and ear docking as well as ear cropping; b. the importation of dogs with docked ears or tails; c. the destruction of the vocal organs, or the application of any other means to prevent sounds and expressions of pain. d. the use of living animals to drill dogs or to test their sharpness, except for the drilling and testing of tracking dogs pursuant to art. 75 and the training of herd protection and cattle dogs; e. the promotion, sale, gift or exhibiting of dogs with tail or ear docking or ear cropping, if they have undergone the procedure in violation of Swiss animal welfare regulations; <p>²Dogs with docked ears or tails or cropped ears of foreign keepers can be temporarily moved to Switzerland for a short-stay or for holidays and imported as removal goods. Such dogs may not be advertised in Switzerland, sold, given away or shown in exhibitions.</p>
Which reasonable causes have to be met for an official permission to kill a healthy animal by a veterinarian?	Art. 16 TSchG	Animals have to be anaesthetised before killing. The person has to be skilled. If the dignity is not respected it is not allowed to kill an animal.
POLICY OF BIRTH CONTROL FOR OWNED AND UN-OWNED ANIMALS		
Are there legal or administrative measures which provide birth control of animals?	Art. 25 Par. 4 TSchV	Dog owners need to take measures to avoid an excessive reproduction .

Questionnaire

IV. ENFORCEMENT

List of case studies and / or relevant court decisions.	-	-
---	---	---

V. PRACTICAL INFORMATION

List of veterinary organisations in your country.	-	Swiss Association of Veterinary Dermatology (SADV) http://www.savd.ch/index.php/de/ Federal veterinary office http://www.bvet.admin.ch/index.html?lang=en
---	---	---

Questionnaire

List of animal welfare organisations in your country.

–

Aargauischer Tierschutzverein <http://www.tierschutz-aargau.ch/>
Aesch - Hundehilfe Ungarn <http://www.hundehilfe-ungarn.ch/>
Amriswil - SOS Hundeseelen <http://www.sos-hundeseelen.ch/>
Animal-happyend.ch – Ein wohltätiger Verein für Tiere in Not <http://www.animal-happyend.ch/>
Animal Life <http://www.animal-life.ch/>
Basel – Adopt a pet <http://www.adopt-a-pet.ch/>
Bernener Tierschutz <http://www.bernertierschutz.ch/>
Bern – SOS Straßenhunde <http://www.sos-strassenhunde.ch/>
Esslingen – NETAP Network for Animal Protection <http://www.netap.ch/>
Fahrweid – Tierbotschafter.ch <http://www.tierbotschafter.ch/>
Genève (chiens) / Genf (Hunde) <http://www.etat.ge.ch/>
Hergiswil – STMZ Schweizerische Tiermeldezentrale <http://www.stmz.ch/>
Hundehilfe Lanzarote <http://www.hundehilfe-lanzarote.ch/>
Kollbrunn – Susy Utzinger Stiftung <http://www.susyutzinger.ch/>
Mönschaltaldorf – Wir vermitteln <http://www.wirvermitteln.ch/>
Neumünster – Pfotenhilfe-Ungarn e.V. <http://www.pfotenhilfe-ungarn.ch/>
Niederhasli – Arche Noah Schweiz <http://www.arche-noah.ch/>
Nidwalden – Tierheim Paradiesli <http://www.tierheim-paradiesli.ch/>
Richterswil – Tierärzte im Einsatz <http://www.stie.ch/>
Seewen – SHM Stützverein Hundehilfe Mittelitalien <http://www.hundehilfemittelitalien.ch/>
Tierhilfe Costa Blanca
Stiftung für das Tier im Recht <http://www.tierimrecht.org/>
Schweizer Tierschutz <http://www.tierschutz.com/>
Tierschutz beider Basel <http://www.tbb.ch/>
Tierschutzverein Arche Noah <http://www.arche-noah.ch/>
Vier Pfoten <http://www.vier-pfoten.ch/>
Zürich – Swiss Animal Protection SAP, Pro Tier <http://www.animal-protection.net/>
Zürcher Tierschutz <http://www.zuerchertierschutz.ch/>

Questionnaire