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Poster: ethical and legal aspects in animal experimentation

## Swiss court bans work on macaque brains

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The Canton of Zurich (Switzerland) is the only place in the world where it is possible (since 1992) to appeal against licences for animal experimentation which have already been accorded by the veterinary office. The possibility is given to the eleven members of the governmental advisory committee on animal experimentation, provided that at least three of them act jointly. In 2006 the Zurich canton's veterinary office approved two experiments on rhesus monkeys, both in the field of neuroinformatics. This was against the advice of the animal experimentation committee and so the committee appealed against the licences. In doing so it at least temporarily inhibited the start of the projects which had also been approved by the Swiss National Science Foundation (SNSF), one of the most important Swiss funding agencies. As a consequence, the researchers concerned, the Swiss Federal Institute of Technology Zürich (ETHZ), the University of Zürich, representatives of the SNSF, politicians and others publicly commented on the almost unbelievable fact that a most important scientific branch should be hindered or even made impossible in this way. In spite of these harsh reactions, in 2007 the local court decided to ban both experiments. The researchers refused to accept this decision and appealed to the next level of jurisdiction, the canton's administrative court. However, in May 2008 they failed a second time. They are now appealing to the country's Supreme Court in a final attempt to be right after all. Let's hope that the Supreme Court supports the decisions of the two lower courts.

It is not for the first time that members of the animal experimentation committee – first and foremost the three official animal welfare delegates – appealed against licenses. But it is for the first time that the majority of the committee members supported this ultimate step and that the commission appealed to court in a body; this gave the legal action more weight and reflected what was called in the press a possible change of paradigm. Furthermore, it was for the first time that the dignity of animals (i.e. the violation of dignity) played an important role in the substantiation of the appeal. This argument was raised in addition to classic arguments judging the pain and suffering of the animals as being too severe and the cost-benefit equation as being against the experiment (Note: The dignity of animals is protected by the Swiss constitution since 1992; the concept of dignity was also adopted in the animal welfare law in the course of its 2005 revision). Finally and most importantly, it was for the first time that the appeal against harmful experimentation on primates – our next relatives – was successful at two levels of jurisdiction. This is a promising indication that a change of paradigm is indeed taking place.

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