

Farrowing crates and enriched cages: Time for a complete phase-out

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"We have a strong track record for raising the bar when it comes to farm animal welfare standards, such as banning battery cages for laying hens, sow stalls for pigs and veal crates for calves. We want to continue to build on this and we are currently considering the case for introducing further reforms, on areas such as the use of farrowing crates for pigs and cages for laying hens."

- DEFRA Action Plan for Animal Welfare, p.12

In its Action Plan for Animal Welfare published in May 2021, the UK government has stated that it will be examining the use of farrowing crates for pigs and enriched cages for layer hens.¹ This commitment does not go far enough: it is time to end the use of these outdated confinement systems which significantly compromise the welfare of millions of animals.

Farrowing crates are a cage in which a mother sow is confined before, during and after giving birth (farrowing). In the crate, a sow's movement is significantly restricted and she is unable to turn around.² The crates also prevent a sow

from building a nest prior to giving birth, thereby depriving her of a highly motivated behaviour.³ Although the Code of Practice for Pigs provides that a sow should only be confined in a crate for the minimum time possible following farrowing,⁴ she will generally be caged from before the birth of her piglets, until her piglets are weaned at approximately four weeks old.⁵ Approximately 58% of UK sows are kept in farrowing crates around the time of giving birth.⁶

Enriched cages for layer hens present similar welfare concerns. Although battery cages for egg-laying hens were banned in 2012, "enriched" or "colony" are still permitted.⁷ Although these cages provide hens with a small amount of extra space per bird and include enrichments for nesting, scratching and perching, a hen's ability to express normal behaviours is still severely restricted.⁸ Ultimately, the principal objection to the battery cage – that it forces birds to live in unnatural conditions, away from their outdoor habitat and unable to move freely or interact with one another – also applies to the enriched cage.

The ongoing use of farrowing crates and enriched cages on UK farms present not just a welfare problem, but a legal one. It is fundamentally difficult to reconcile the highly restrictive nature of these cages with the requirement of the Animal Welfare Acts that the "needs" of an animal be provided for, including an animal's "need to be able to exhibit normal behaviour patterns."⁹ Similarly, the requirement of the welfare regulations

1 See UK Government "Action Plan for Animal Welfare" (May 2021) at pages 6 and 12, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/985332/Action_Plan_for_Animal_Welfare.pdf.

2 See Compassion in World Farming "Pig Welfare", available at <https://www.ciwf.org.uk/farm-animals/pigs/pig-welfare/> and RSPCA Assured "What are Farrowing Crates?", available at <https://www.rspcaassured.org.uk/farm-animal-welfare/pigs/what-are-farrowing-crates/>.

3 Compassion in World Farming "Pig Welfare", available at <https://www.ciwf.org.uk/farm-animals/pigs/pig-welfare/>.

4 Code of Practice for the Welfare of Pigs (England), at para 158.

5 See RSPCA Assured "What are Farrowing Crates?", available at <https://www.rspcaassured.org.uk/farm-animal-welfare/pigs/what-are-farrowing-crates/>.

6 RSPCA Assured "What are Farrowing Crates?", available at <https://www.rspcaassured.org.uk/farm-animal-welfare/pigs/what-are-farrowing-crates/>.

7 See the Welfare of Farmed Animals (England) Regulations 2007, Schedule 4; the Welfare of Farmed Animals (Scotland) Regulations 2010, Schedule 3; the Welfare of Farmed Animals (Wales) Regulations, Schedule 4; the Welfare of Farmed Animals Regulations (Northern Ireland) 2012.

8 See Compassion in World Farming "Egg Laying Hens", <https://www.ciwf.org.uk/farm-animals/chickens/egg-laying-hens/>.

9 Animal Welfare Act 2006 (England and Wales), s 9; Animal Health and Welfare (Scotland) Act 2006, s 24; Welfare of Animals Act (Northern Ireland) 2011, s 9.

that the freedom of movement of animals “not be restricted in such a way as to cause them unnecessary suffering or injury” would appear to sit uncomfortably with the lived reality of hens and sows confined in these cages.¹⁰

A complete phase-out of these intensive confinement systems would be in accord with international best practice. Farrowing crates are already banned in Sweden, Norway, and Switzerland,¹¹ and following a successful judicial review brought by two animal welfare charities¹² the New Zealand government recently introduced new regulations phasing out the use of farrowing crates by 2025.¹³ Similarly, enriched cages are already banned in Luxembourg and Austria, and Germany, Slovakia and the Czech Republic have also committed to phasing them out.¹⁴ Furthermore, in a landmark decision, last month the European Commission announced its intention to propose legislation by the end of 2023 to ban the use of cages in farming, including farrowing crates and enriched cages.¹⁵ The European Commission's decision, which was in response to the European Citizens' Initiative (ECI), 'End the Cage Age', a petition which obtained almost 1.4 million signatories across the EU, aims to phase in the ban by 2027.¹⁶ The EU will also consider “introducing rules or standards for imported products that are equivalent to the

EU's”.¹⁷ If the UK government genuinely wants to be a world leader in animal welfare, it is important that it follows the lead of these nations.

¹⁰ See the Welfare of Farmed Animals (England) Regulations 2007, Schedule 1, s 9; the Welfare of Farmed Animals (Scotland) Regulations 2010, Schedule 1, s 9; the Welfare of Farmed Animals (Wales) Regulations, Schedule 1, s 9; the Welfare of Farmed Animals Regulations (Northern Ireland), Schedule 1, s 9.

¹¹ RSPCA Assured “What are Farrowing Crates?”, available at <https://www.rspcaassured.org.uk/farm-animal-welfare/pigs/what-are-farrowing-crates/>.

¹² See *New Zealand Animal Law Association v Attorney-General* [2020] NZHC 3009.

¹³ Animal Welfare (Care and Procedures) Amendment Regulations (No 2) 2020 (New Zealand).

¹⁴ See Compassion in World Framing “End the Cage Age” at page 7.

¹⁵ See Pig World “European Commission confirms legislation to ban cages in farming” (30 June 2021), available at <https://www.pig-world.co.uk/news/european-commission-confirms-legislation-to-ban-cages-in-farming.html>.

¹⁶ See Euro Group for Animals “European Commission announces historic commitment to ban cages for farmed animals” (30 June 2021), available at <https://www.eurogroupforanimals.org/news/european-commission-announces-historic-commitment-ban-cages-farmed-animals>.

¹⁷ Ibid.