

The Great Declaw Deception

Declaw Ban Proponents have testified that “The painful procedure of cat declawing is regarded as so inhumane that it is illegal in many countries around the world, including Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Israel, Lithuania, Luxembourg, Malta, Norway, Portugal, Romania, Sweden, Switzerland, Turkey, and the United Kingdom.”¹

In Fact, there are no such bans in ANY of these countries!

Following is a world-wide, country-by-country review of Animal Welfare Laws detailing the country, the web-link to the actual law, and the actual statutes:

FEDERATION OF VETERINARIANS OF EUROPE

<http://www.fve.org>

The Federation of Veterinarians of Europe (FVE) has no policy statement on declawing of cats, and FVE spokesperson, Ulrike Tewes says “**There is no legal ban in any European country prohibiting declawing.**”

EUROPEAN CONVENTION FOR THE PROTECTION OF ANIMALS – 1987

<http://www.animallaw.info/treaties/itceceets125.htm>

RATIFIED BY: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Lithuania, Luxembourg, Norway, Portugal, Romania, Sweden, Switzerland, Turkey

NOT RATIFIED BY: AZERBAIJAN, ITALY, AND THE NETHERLANDS

Article 10 – Surgical Operations

1. Surgical operations for the purpose of modifying the appearance of a pet animal or for other non-curative purposes shall be prohibited and, in particular:

d. declawing and defanging;

2. Exceptions to these prohibitions shall be permitted only:

a. if a veterinarian considers non-curative procedures necessary either for veterinary medical reasons or for the benefit of any particular animal

¹ Paw Project website: <http://www.pawproject.com/> AND Malibu City Council Regular Meeting, Monday, October 12, 2009, 5:30 P.M. - City Hall- Large Conference Room, 23815 Stuart Ranch Road; this information has been recirculated and repeated as "fact", ie Entrepreneur article entitled, “Santa Monica Votes to Draft Ordinance On City-Wide Cat De-Claw Ban” by SANTA MONICA, Calif., Sept. 23 /PRNewswire-USNewswire and The VINN News Service, “San Francisco proposal for declaw ban hits unlikely roadblock” by Jennifer Fiala

AUSTRIA

Animal Protection Act - 2004

http://www.ris.bka.gv.at/Dokumente/Erv/ERV_2004_1_118/ERV_2004_1_118.pdf

Prohibited interventions performed on animals

§ 7. (1) Interventions carried out for other than therapeutic or diagnostic purposes or for the expert marking of animals in accordance with legal regulations applicable, are prohibited, in particular

5. declawing and defanging,

(2) Exceptions to these prohibitions shall be permitted only

1. to prevent reproduction or

2. if the intervention is indispensable for the intended use of the animal, for its protection or for the protection of other animals

GERMANY

German Animal Welfare Act - June 1998

<http://www.animalaw.info/nonus/statutes/stdeawa1998.htm>

Article 6

(1) The amputation of all or part of parts of the body or the removal or destruction of all or parts of organs or tissues of a vertebrate shall be prohibited. **This prohibition shall not apply if:**

1. the operation in the specific case

1a) is necessary according to veterinary indication or...

5) if there are no objections on the part of the veterinarian - for the further use or keeping of the animal.

CROATIA

Animal Protection Act of 2006

<http://www.prijatelj-zivotinja.hr/index.en.php?id=470>

Procedures prohibited for the purpose of protecting animals

Article 4

(2) It is prohibited to:

17. cut off sensitive parts of the body of live animals,

By way of derogation from the provisions of paragraphs 1 and 2 of this Article, the following procedures shall be permitted:

1. those carried out for animal health reasons or undertaken for other reasons to protect animals,

2. those carried out to control human and animal diseases

Interventions on animals

Article 8

(1) The partial or total amputation of a sensitive part of the body of an animal shall be prohibited, including:

2. ear cropping and tail docking in dogs, declawing of cats, devocalisation and other interventions aimed at changing the phenotypic appearance of the animal.

(2) By way of derogation from the provision of paragraph 1 of this Article, the partial or total amputation or removal of a sensitive part of the body of an animal shall be permitted if performed with prior anaesthesia and post-operative analgesia and if an intervention:

1. is justified for animal health reasons,

3. (3) By way of derogation from the provision of paragraphs 1 and 2 of this Article, the partial or total amputation or removal of sensitive parts of the body of an animal shall be permitted if undertaken for zootechnical purposes including castration, **if such intervention prevents pain, suffering and self-injury or injury to other animals, or for safety reasons...**

7. Protection of companion animals

Article 48

(4) It is prohibited to keep and handle a companion animal, or allow it to move, in a way that poses a risk to the health and safety of other animals and people, in particular children.

NORWAY

Norwegian Animal Welfare Act – 2010

<http://www.regjeringen.no/en/dep/lmd/whats-new/news/2009/mai-09/new-animal-welfare-act-/animal-welfare-act.html?id=562552>

While the King may issue specific regulations regarding medical and surgical treatment, including setting specific conditions for or banning certain forms of treatment and make exceptions, **there is no cat declaw ban in Norway.**

ISRAEL

<http://www.vetserveng.moag.gov.il/NR/rdonlyres/7D36399D-4659-4247-8466-021A5D25FD32/868/CrueltytoAnimalsLaw.pdf>

No mention of Declaw, does not allow cosmetic surgery on animals.

2. Prohibition of Cruel Treatment (2000 Amendment)

(d) No person shall cut into a live tissue of an animal for cosmetic purposes

MALTA

http://www.commonlii.org/mt/legis/consol_act/awa128.pdf

No mention of Cat Declaw, cosmetic-only procedures are restricted.

Part V

Surgical Operations on Animals

9. (1) Surgical operations **for the purpose of modifying the appearance of an animal** by which any part of the animal's body is removed or damaged, other than for a curative purpose, shall be illegal.

NEW ZEALAND

Animal Welfare Act of 1999

http://www.legislation.govt.nz/act/public/1999/0142/latest/DLM49664.html?search=ts_act_Animal+Welfare+Act+1999_resel&sr=1

No Declaw Ban in New Zealand

SWEDEN

Sweden Animal Welfare Act - 2009

<http://www.sweden.gov.se/content/1/c6/09/03/10/f07ee736.pdf>

Declaw is not mentioned, but one section prohibits a surgical procedure unless the veterinarian determines it is necessary.

Section 10

- (1) Animals must not be subjected to surgical procedures or given injections, **except where they are necessary for veterinary medical reasons**

UNITED KINGDOM

Animal Welfare Act - 2006

http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060045_en.pdf

Declawing is not mentioned in the Animal Welfare Act of 2006

5 Mutilation

- (1) A person commits an offence if—
- (a) he carries out a prohibited procedure on a protected animal;
 - (b) he causes such a procedure to be carried out on such an animal.
- (2) A person commits an offence if—
- (a) he is responsible for an animal,
 - (b) another person carries out a prohibited procedure on the animal, and
 - (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening.

(3) References in this section to the carrying out of a prohibited procedure on an animal are to the carrying out of a procedure which involves interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment.

(4) Subsections (1) and (2) do not apply in such circumstances as the appropriate national authority may specify by regulations.

(5) Before making regulations under subsection (4), the appropriate national authority shall consult such persons appearing to the authority to represent any interests concerned as the authority considers appropriate.

The **Royal College of Veterinary Surgeons** is the “appropriate national authority” for “making regulations” for veterinary surgeons in the United Kingdom. Established in 1844 by Royal Charter, its statutory duties are laid out in the 1966 Veterinary Surgeons Act and The Guide to Professional Conduct which states declawing is “only acceptable where, **in the opinion of the veterinary surgeon**, injury to the animal is likely to occur during normal activity.”

AUSTRALIA

In Australia, legislation concerning animal welfare is enacted at the state level and is highly inconsistent. There are ongoing efforts to develop a National Animal Welfare Act. In its current form the proposed Act might prohibit the declawing of cats with some exceptions such as for medical reasons. However, some pro-wildlife campaigners advocate declawing (and possibly defanging) to protect native wildlife from free roaming pet cats.

Australian Capital Territory – Animal Welfare Act of 1992

http://www.austlii.edu.au/au/legis/act/consol_act/awa1992128/s19a.html

Nothing about Declawing

ANIMAL WELFARE ACT 1992 - SECT 19A

Medical and surgical procedures—veterinary surgeons

(1) A veterinary surgeon must not do any of the following for a purpose other than a therapeutic purpose:²

- (a) dock a dog's tail;
- (b) crop a dog's ear;
- (c) remove a dog's ear;
- (d) perform a clitoridectomy on a dog;
- (e) carry out any other procedure prescribed by regulation.

Maximum penalty: 50 penalty units.

(2) A veterinary surgeon must not remove a dog's dewclaws more than 4 days after the day the dog was born for a purpose other than a prophylactic purpose or a therapeutic purpose.

² Note: Declaw is not a restricted procedure.

(3) A veterinary surgeon must not carry out a medical or surgical procedure on an animal for a cosmetic purpose only.

Maximum penalty: 50 penalty units.

(4) An offence against this section is a strict liability offence.

Australia – New South Wales - Prevention of Cruelty to Animals Act of 1997

http://www.austlii.edu.au/au/legis/nsw/consol_act/poctaa1979360/s12.html

12 Certain procedures not to be performed on animals

(1) A person shall not:

(d) remove one or more of the claws of a cat,

(2) A person is not guilty of an offence against this section if the court is satisfied that the procedure comprising the alleged offence:

**(iii) removing one or more of the claws of a cat,
was by a veterinary practitioner,**

Australia – Northern Territories Animal Welfare Act

http://www.austlii.edu.au/au/legis/nt/consol_act/awa128/s9.html

ANIMAL WELFARE ACT - SECT 9

9. Prohibited procedures

(1) Subject to subsection (2), a person must not -

(c) remove the claws of an animal other than the dew claws of a dog less than 5 days old;

(2) Subject to the *Veterinarians Act* and the *Veterinarians Regulations*, a veterinarian may perform a procedure referred to in subsection (1) if he or she is of the opinion that it is reasonable and necessary to do so.

Australia – Queensland - Animal Care and Protection Act of 2001

http://www.austlii.edu.au/au/legis/qld/consol_act/acapa2001229/s26.html

26 Removal of cat's claw

(1) A person, other than a veterinary surgeon, must not remove a cat's claw.

(2) A veterinary surgeon must not remove a cat's claw **unless the surgeon reasonably considers the removal is in the interests of the cat's welfare.**

Australia – South Australia - Animal Welfare Act of 1985

<http://www.legislation.sa.gov.au/LZ/C/A/ANIMAL%20WELFARE%20ACT%201985/CURRENT/1985.106.UN.PDF>

No restrictions on Declaw

Australia – Tasmania - Animal Welfare Act of 1993

http://www.austlii.edu.au/au/legis/tas/consol_act/awa1993128/

No restrictions on Declaw

Australia – Victoria - Prevention of Cruelty to Animals Act of 1986

http://www.austlii.edu.au/au/legis/vic/consol_act/poctaa1986360/s3.html

Prevention of Cruelty to Animals Act 1986 - SECT 3

3. Definitions

(1) In this Act prohibited procedure means any of the following-

(e) the procedure of removing the claws of a cat, **unless the procedure is done by a veterinary practitioner for the purpose of having a therapeutic effect on the cat**

Other pertinent law:

Prevention of Cruelty to Animals Act 1986 - SECT 6

http://www.austlii.edu.au/au/legis/vic/consol_act/poctaa1986360/s6.html

Application of Act

6. Application of Act

(1) This Act does not apply to-

(e) **the treatment of any animal for the purpose of promoting its health or welfare by or in accordance with the instructions of a veterinary practitioner;**

Australia – Animal Welfare Act of 2002

http://www.austlii.edu.au/au/legis/wa/consol_act/awa2002128/

No mention of Declaw

***SWITZERLAND**

Of all the countries cited by Ban Proponents, only Switzerland may have enacted a declaw ban in 1978

Section 8: Prohibited Practices

Article 22.

1 Animals may not be maltreated, seriously neglected or needlessly overworked.

2. It is also forbidden:

g. to cut off the claws of cats and other felines, to clip or prick the ears of dogs, to remove the vocal organs or employ other methods to prevent animals from giving tongue or reacting to pain in another audible manner