

## **The Protection of Animals in Thailand--An Insight into Animal Protection Legislation**

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### **Abstract**

*There are many critics of current Thai law concerning the welfare of animals. They argue that the PACPAWA,2014 is inadequate to protect the welfare of animals. The absence of clear guidelines in the legislation concerning animal welfare has resulted in animal welfare receiving inadequate protection. There are other limitations contributing to the inadequacy of existing laws in protecting animals in Thailand. The possible penalties are very low. For the offence of cruelty against an animal, the PACPAWA,2014 sets a maximum fine of TBH 2000. This is considered inadequate and ineffective in preventing cruelty to animals. The study utilises doctrinal legal research or library-based research approach to provide valuable insights in understanding the law and and ascertaining the principles of legal interpretation and analysis. The study also provides possible suggestions to enhance the protection of the welfare of animals in Thailand. The research suggests that education should play an important role in promoting kindness towards animals.*

**Keywords:** Thailand, Animal Protection Legislation, welfare of animals.

## **Introduction**

This paper will examine the existing laws from two angles, firstly from the livestock's welfare perspective and secondly from the pet or stray animals' welfare. Animal protection laws in this country are derived from three sources of legislation i.e. the Wild Animal Reservation and Protection Act, 1992( WARPA,1992), the Prevention of Animal Cruelty and Provision of Animal Welfare Act, 2014(PACPAWA,2014) and the Penal Code of Thailand (PCT,1956). In Thailand which form the context for the discussion in this paper, instances of animal cruelty are frequently reported. This paper seeks to address this problem by identifying interpretation of existing cruelty laws that will best promote their objectives and effectiveness. Suggestions will also be made as to how existing laws could be improved to meet modern international standards in the protection of animals from cruelty and in improving animal welfare. This paper will also identify and discuss some of Islamic point of views concerning the treatment of animals.

## **Sources of Animal Protection Legislation in Thailand**

There are two sources of Animal Protection Legislation in Thailand.

### **I. Wild Animal Reservation and Protection Act, 1992**

The Wild Animal Reservation and Protection Act,1992 (WARPA 1992) is intended to regulate certain defined wild animals generally outside human control. It covers activities involving hunting,propagating and trading of wildlife.

The Act is divided into eight chapters. It begins with Chapter I—General Provisions; Chapter II—The National Wildlife Preservation and Protection Committee; Chapter III Hunting, Propagating and Trading of Wildlife; Chapter IV --- Importing and Exporting Wildlife; Chapter V--- A Public Zoo; Chapter VI --- Prohibited Areas and Places for Hunting Wildlife; Chapter VII --- The Competent Officers; Chapter VIII --- Penalties; and lastly Chapter IV --- Transitory Provisions

By examining the WARPA, 1992 it is found that the WARPA's main objective is primarily to protect wildlife or to prevent spreading of animal diseases and conservation of livestock for human consumption. Since then, it has undergone various amendments, until its most recent amendment on 28 February 2014. The aims of the new bill are to make animal owners more conscious of their responsibilities and to provide proper care for their animals. The bill seeks to impose harsh punishments on animal owners who fail to take care of their animals. The bill is also aimed at controlling the movement of animals and methods of animal slaughter, preventing cruelty to animals, and providing measures pertaining to the general welfare, conservation and improvement of animals in Thailand. The power to make law and policy under the WARPA,1992 is given to the Minister of Agro-Based Industry through the Department of Veterinary Services.

### **II. Prevention of Animal Cruelty and Provision of Animal Welfare Act, 2014**

Due to the rise of public concern and a growing awareness concerning animal welfare, the Thai government is now in the process of passing a new law to repeal the Prevention

of Animal Cruelty and Provision of Animal Welfare Act, 2014 (PACPAWA, 2014). Due to the outrage of the abuse of pet or stray animal incident in Thailand, The Prevention of Animal Cruelty and Provision of Animal Welfare Act, 2014 (PACPAWA, 2014) was gazzetted on 28 February 2014.

The PACPAWA,2014 consists of eight Chapters, i.e. Chapter 1 ---Animal Anti-Cruelty and Welfare Committee; Chapter 2--- Animal Welfare Organization; Chapter 3---Animal Assistent Establishment; Chapter 4 ---Animal Anti-Cruelty; Chapter 5 --- Animal Welfare; Chapter 6 ---The Competent Welfare Officers; Chapter 7 ---Penalies; Chapter 8 --- Transitory Provisions

The PACPWA,2014 expands on the WARPA , 1992 in many aspects and can be summarized into the following points.

Firstly, the WARPA, 1992 establishes the formation of an Animal Anti Cruelty and Welfare Committee, which among others, will conduct any activities involving animal welfare and monitor the work of organizations established for the purpose of preventing trauma, pain or suffering of animals. In furtherance to the above, the committee will also work closely with the other welfare organizations and associations that registered under this Act.

Secondly, the WARPA, 1992 creates a duty of care by owners to provide appropriate animal welfare with sufficient habitation, food and water.<sup>1</sup> Owners have to ensure animals are free from pain and suffering, injury and diseases at all material times.

Fourthly, fines for not more than forty thousands Thai baht (THB) could be ordered by courts for any act of cruelty perpetrated onto animals.<sup>2</sup>

The Fifth point is that a search warrant will be needed to search and seize premises.

Tirapongse Pangsrivongse, president of the Thai Society for the Prevention of Cruelty to Animals, was of the view that the bill is “a victory for rights groups” but that it need to further outline and specify what constitutes cruelty. He also said that “...by only specifying piecemeal details of cruel acts, the bill will exclude more cruel acts than it includes,”

The defendant was charged for cruelly ill-treating and torturing her cat by throwing her cat from the fifth- floor of her apartment. The Bangkok North Municipal Court imposed two months’ imprisonment.<sup>3</sup>

Last but not least, the Ministry of Agriculture and Cooperatives is conferred many powers under the PACPAWA, 2014. The minister has authority, from time to time to

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<sup>1</sup> The PACPWA,2014 , Chapter 5, sections 19 to 21

<sup>2</sup> Ibid, Chapter 4, section 17

<sup>3</sup> See “ Online Reporters”, *The Bangkok Post* (28/01/2016)

issue an order as may be expedient to comply with an order from minister.<sup>4</sup> The enforcement agency of this Act is the Department of Wildlife and National Parks under the Ministry of Agriculture and Cooperatives.

### **Other law affecting animals**

#### **The Penal Code of Thailand,1956**

The Penal Code of Thailand,1956 (PCT 1956) is an act stipulating types of criminal offences under PCT 1956. While the PACPAWA, 2014 classifies animal cruelty as one of the criminal offences of an offender towards animals. There are only two sections under the PCT, 1956 that are relevant in curbing animal abuse, ie., under the category of ‘mischief’---ss 428 and 429. For the PCT,1956 when it comes to animals protection laws, the provisions seem to aim at protecting the humans only and not, per se, the fate of the animals. It is found that, under both provisions of the PCT, animals are treated solely as economic commodities with its value placed with human beings.

Section 381 of the PCT states

Whoever cruelly ill-treats or kills an animal with unnecessary suffering shall be punished with imprisonment of up to one month and/or fined up to THB 1,000.

Section 382 of the PCT states:

Whoever overworks an animal unreasonably or uses it for unsuitable work when it is ill, old or young shall be imprisoned for up to one month and/or fined to THB 1,000.

The term “ ill-treats or kills” in section 381 of the PCT,1956 has been invoke in reference to a broad range of conducts. It has also been interpreted to refer to an omission. It is also an offence under the PCT,1956 to kill an animal. However,this is no evidence that this clause is enforced as there is no clarification on what constitutes cruelty. In addition, the PCT,1956 does not define ‘animal’ so it is unclear as to whether this code intended to extend wild animals or only to protect domestic animals, and whether it covers animals used in scientific research. Moreover, both provisions fall under the general heading of ‘petty offences’ under Book III of the PCT,1956. Under the PCT,1956, a person who commits an offence of cruelly ill-treats or kills an animal is liable to a fine not exceeding 1,000 Thai Baht (THB) or imprisonment not exceeding one month or both. The THB 1,000 fine, which has been the subject of much criticism, is plainly inadequate as a punishment or deterrent to animal cruelty.

Section 377 of the PCT,1966 regulates the responsibilities of animal owners and persons who are in charge of animals. This section aims to protect people from injury which may be caused by animals. This law established the liability of animal owners to supervise such animals

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<sup>4</sup> Ibid, section 4

so as to prevent them causing hurt or injury and nuisance to other persons and the public. To prevent public disorder, the PCT, 1966, for instance, criminalises the use of animals which cause hurt or injury to others.

### **Conclusion**

In conclusion, animal cruelty laws of Thailand, regardless of the new law or latest implementation, seems to be like a 'toothless tiger' where the effectiveness in curbing animal cruelty is relatively low. These laws are definitely required to improve further and should be enforced strictly by the relevant authorities. At the same time, such laws must remain flexible enough to reflect changes in public opinion, in order to safeguard the welfare of defenseless animals. It is important, however, to not leave such a wide concept undefined.

**References**

**Legislation**

The Penal Code of Thailand, 1956

Prevention of Animal Cruelty and Provision of Animal Welfare Act, 2014

Wild Animal Reservation and Protection Act, 1992

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