



# MAN BITES DOG

The 2014 Prevention of Animal Cruelty bill has been hailed as truly progressive. But does it protect animals at the expense of the welfare of humans?

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**W**hen the National Legislative Assembly passed the Prevention of Animal Cruelty and Provision of Animal Welfare Act in 2014, animal lovers rejoiced. It is considered a progressive law that protects the well-being of other living creatures, and is seen as a big step forward by the animal rights movement in Thailand — for pets, mostly, but also for working animals such as buffaloes and elephants. It took campaigners 15 years to get the bill approved.

The law stipulates a fine of up to 40,000 baht and a two-year jail term for those proven to have committed abusive acts against animals.

But while the law ensures that animal abusers don't go unpunished, there has been a backlash when it's a human who is the victim of an attack by an animal. Those bitten by stray dogs sometimes refrain from self-defensive acts for fear of being charged with committing cruelty, or when a

fierce pet jumps on a child, some people interpret that the law leans too much towards protecting the animal.

Does the law have loopholes, or do online reactions stir up overly emotional responses that hide the facts?

Dr Satid Prachayaariyagul, a lawyer for the Thai Society for the Prevention of Cruelty to Animals, cleared up some of the most common misconceptions about the bill.

"First, the 'animal protection law' doesn't exist. Only the Prevention of Animal Cruelty and Provision of Animal Welfare Act does," he said. "Its aim is to prevent maltreatment against animals and to improve their well-being. If we don't get the name right, we'll also get its meaning and intentions wrong."

He added that since being enacted on Dec 27, 2014, the law has raised public attention and awareness to a certain extent. More cases related

to animal cruelty have been filed. He also said that when mishaps with dogs happen, people think it's always got to do with the cruelty prevention bill. Or that the law is standing in the way of justice, making it impossible for them to have a hand in the matter.

This, he said, is misleading.

"Take, for example, the case where the little girl is bitten by her neighbour's pack of dogs. It's about the owner's negligence. And the law appropriate for these matters — Section 33, where owners are bound to compensate for harm — does exist. Cases like these have got nothing to do with the flaws of the bill.

"The law is meant to prevent us humans from violating animals' rights. That's the heart of it. If you aren't doing them any harm, there is absolutely nothing to fret about. The act is fair for both us and the animals."

In the case in which a man shot and killed a stray dog after being attacked, he said that Section 21 does state that killing an animal in self-defence is exempt from legal culpability.



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He said that there are two fundamental facts to determine before the man can be charged with animal cruelty: whether the act was inevitable and reasonable.

"Despite the maximum fine being 40,000 baht and a prison sentence of two years, most offenders get a suspended sentence. The only exception was when a motorbike taxi rider was sentenced to 18 months in prison for murdering nine cats in his apartment building in 2016."

The issue gets more complicated with stray dogs. Statistics show that Bangkok alone has over 100,000 stray dogs, according to Bangkok Metropolitan Authority (BMA), and the number reaches 800,000 around the country, of which only 10% have been sterilised by the state.

Each month in Bangkok, there are around 300 to 400 complaints from citizens about stray dogs causing problems, and the BMA admits that it's a huge burden for their officers.

Dr Satid believes that the authorities need to establish a specific organisation to oversee stray animals. As of now, the Department of Livestock Development and BMA are the main responsible agencies.

Decentralisation of animal control and welfare could be one of the options.

In addition, an animal database would be a breakthrough.

Enactment of other decrees following the animal abuse act is another urgent mandatory move, Dr Satid said, as the two-and-a-half-year old law still has not been fully followed up with regulations.

"The current loophole is that when it comes to animals without owners, there is no one to file the case against. The existing law doesn't allow it at the moment," explained Chanadda Kruepradab, a vet at World Animal Protection Thailand.

At the same time, awareness about legal and social responsibilities is still rather low among certain animal owners in Thailand. Abandoning animals or letting them jump on neighbours still happens quite regularly.

The latest emotionally charged case was when a 70-year-old man was caught on a surveillance camera running over a Siberian Husky, without even stopping the truck to look.

Soongsan, the truck driver, insisted he'd not apologise. He claims to be a dog lover and a former volunteer ambulance officer, but he insisted that the owner of the dog was to be blamed for letting the animal run loose.

Not long after the first waves of social media outrage, footage of Soongsan committing another hit-and-run on a dog was circulated. A police investigation is under way to determine whether it was animal abuse.

Dr Satid elaborated that owners are bound to keep animals off the public highways, according to the 1979 Land Traffic Act. But drivers are also bound to be cautious.

"This particular case spurs up differing opinions on legal issues. Above all, the driver's intention — once thoroughly investigated, plus his past behavioural pattern — will be the deciding factor. These days, Thailand is full of kangaroo courts, and our emotions outpace the facts. At least now, the driver's had his fair share of social judgement."

When asked about steps we could take, Dr Satid replied: "The pro-animal people should comply with the law. While those who aren't so fond of animals should bear in mind that they are also breathing, living beings. They get hurt too.

"As for the self-proclaimed judges who preach under the pretext of animal rights, I encourage really looking into both the facts and the law related to them.

"Ultimately, the law is here to ensure smooth coexistence between people and animals — rather than being a tool to hound someone."



## TIP OF THE ICEBERG

### PACK ATTACKS GIRL, 5

Saowanee Thawinrat showed the police footage of her niece being bitten by more than 10 dogs belonging to her neighbour in Samut Prakan on June 29. The incident heated up when the owner reportedly refused to take responsibility and told Saowanee she'd have to sue for hospital bills.

They eventually got it sorted out at the police station, where the owner agreed to pay 50,000 baht in compensation and further medical bills, in addition to an 18,000 baht reimbursement for hospital bills already paid by Saowanee's family.

### STRAY MAULS CHILD NEAR HOME

A family demanded action after a stray dog attacked Ochi, a four-year-old girl, while she was walking in front of their flat in June. The savage mauling left the girl with severe injuries, requiring more than 10 stitches on her head. Her aunt also said the dog had bitten her niece once a few days before, but it was a slight scratch on the arm. Neighbours have also reportedly been bitten by the same dog.

Since it was a stray dog, there was no way the family could claim compensation for what happened.

### EX-MINISTER KILLS IN SELF DEFENCE

Tawee Kraikupt, a former minister from the Ministry of Transport, fired five shots, killing a stray dog in front of a convenience store in Ratchaburi in March 2016. He said the dogs attacked him out of the blue. One bit him in the leg as the other three were ready to charge at him. He reported having tried to fight them off with his bare hands before he walked back to his car to fetch the pistol.

As he apologised to animal lovers, the former politician also asked that they took into account the entire incident. He insisted on his right to defend himself.

Tawee was charged with carrying a weapon, firing a gun in public and animal cruelty.

### HIT-AND-RUN INJURES HUSKY

A pickup apparently ran over a Siberian husky sitting in the middle of the street at Saraburi provincial market. A video clip showed the dog thrashing about in agony before it stopped moving. The driver didn't stop to look.

It was a case that riled up people on social media, provoking anger and prime-time news coverage.

The driver of the truck turned out to be a 70-year-old man, Soongsan Pinpasakthongkham, who blamed the owner of the dog for leaving it idle on the street. He said he didn't intend to plough the dog over. His lawyer cited a traffic law that forbids the herding of animals that impedes traffic flow.

"If you let your cow or buffalo roam in a busy street and it is run over, it's the negligence of the owner," said his lawyer.

Soongsan, however, is being investigated for violating the Prevention of Animal Cruelty law.