



Kingdom of Thailand

Animal Protection Index 2014 ranking: E

Animal Protection Index Indicators

Goal 1: Recognition of animal sentience and the importance of animal protection as a societal value

1. Animal sentience is formally recognised in legislation and/or policy

Ranking: D

Part 1: Verification
Legislation is being discussed or developed
<p>There is no current evidence of recognition of animal sentience under current Thai legislation. However, as at the date of publication of this report, the Animal Anti-Cruelty and Welfare Act has been approved by both houses of Parliament and is awaiting enactment. Section 3 of the Act defines cruelty as including both physical and mental suffering, thus recognising elements of animal sentience. This applies to any animal normally kept as a house animal, an animal kept for usage, an animal kept as a vehicle, an animal kept as a friend, an animal kept as food, an animal kept for performance, or an animal kept for any other purposes, and any animal living in nature as prescribed by the Minister of Agriculture and Cooperatives.</p> <p>The government has also expressed support for the UDAW, which recognises animal sentience.</p>
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>As it currently stands, animals are not recognised as being sentient in legislation. Once the Animal Anti-Cruelty and Welfare Act has been enacted, this will significantly improve the recognition of animal sentience in the country by including reference to physical and mental suffering in relation to all captive animals (with the potential for this to be extended to include specific free-living wild</p>

animals).
Are there economic and societal barriers to improving this aspect of animal welfare?
The approval of the Animal Anti-Cruelty and Welfare Act by Parliament demonstrates that there is willingness to devote government time and resource to improving animal welfare through the recognition of animal sentience. However, a potential barrier is the role of tradition and cultural and religious practices in Thailand’s history, and section 18 of the Animal Anti-Cruelty and Welfare Act includes a number of exemptions from the anti-cruelty provision that are related to this issue. These include the slaughter of animals in accordance with any religious ceremony or belief, and the arrangement of animal fighting in accordance with any local tradition.
Are enforcement mechanisms in place in policy and legislation?
There is no policy or legislation relevant to this indicator. Once the Animal Anti-Cruelty and Welfare Act has been enacted, there will be penalties including fines and imprisonment for breach of the anti-cruelty provisions that arise out of the partial recognition of animal sentience.

2. The government has pledged in principle support for the Universal Declaration on Animal Welfare

Ranking: D

Part 1: Verification
There is partial government support
The Thai Ministry of Agriculture and Cooperatives has shown support for the UDAW since 2008, and the Ministry of Natural Resources and Environment has done so since 2010. The government is encouraged to give full government in principle support. <u>Note:</u> The Universal Declaration on Animal Welfare is a proposed formal international acknowledgment of a set of principles giving animal welfare due recognition among governments and the international community. An expression of support for the UDAW demonstrates a government’s commitment to working with the international community to improve animal welfare.

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
Support for the UDAW is an important step in integrating animal protection into Thai legislation and into discussion. Following declarations for support from the Ministry of Agriculture and Cooperatives and the Ministry of Natural Resources and Environment, the draft of the country’s first animal welfare legislation was produced, the Animal Anti-Cruelty and Welfare Act. As at the date of publication of this report, the Act has been passed by Parliament and is awaiting enactment. This is a positive initial step to set Thailand in a new direction in terms of recognition. The Act does not fully incorporate all of the principles of the UDAW, but it brings the country closer to these and therefore to include the

concept of animal welfare in other policy processes.
Are there economic and societal barriers to improving this aspect of animal welfare?
The progression of the Animal Anti-Cruelty and Welfare Act indicates that the government is willing to some degree to follow up the support for the UDAW with action, and to utilise financial and human resources to do so.
Are enforcement mechanisms in place in policy and legislation?
There are no enforcement mechanisms relevant to this indicator.

3. There are animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act

Ranking: C

Part 1: Verification
There is legislation with partial application
<p>The Criminal Code B.E. 2499, section 381 provides that 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 1,000 Baht. Further, section 382 provides that 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 up to 1,000 Baht. This does not cover suffering caused by failure to act. The Code does not define "animal" so it is not clear whether this is intended to extend to wild animals or only to protect domestic animals, and whether it covers animals used in scientific research.</p> <p>As at the date of publication of this report, the Animal Anti-Cruelty and Welfare Act has been passed by Parliament and is awaiting enactment. The Act will provide further legislation against cruelty. Section 17 prohibits any actions that cause cruelty with no reasonable cause. Cruelty is defined as any action or failure to act that causes physical or mental suffering, pain, illness, disability or that may result in death (section 3). Section 18 provides exceptions to this, including slaughter and animal fighting.</p> <p>Sections 19 to 21 create a duty of care by owners to provide appropriate animal welfare (defined in section 3 as suitable and healthy welfare with sufficient habitation, food and water).</p>

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>The anti-cruelty legal provisions are categorised as 'petty offences' in the Criminal Code, which indicates the necessity for an improved status for animal welfare offences. Development of the Animal Anti-Cruelty and Welfare Act has given rise to discussions at national level concerning the importance of the issue and the draft legislation has attracted some support.¹ As the Act takes a firmer stance against cruelty and introduces a duty of care by animal owners, there may be more</p>

¹ <http://www.nationmultimedia.com/opinion/Animal-welfare-bill-in-the-works-30212693.html>

<p>scope for education and increased understanding of the importance of avoiding cruelty in the future. The Act will also provide for the legal registration of juristic bodies or legal persons whose purpose is to prevent cruelty to animals and maintain animal welfare.</p> <p>There are currently exceptions for killing animals in wilderness areas where necessary, or where justified for extraordinary and appropriate reasons or in accordance with religious rituals (under the Protection on Slaughter and Sale of Meat Act), and the Animal Anti-Cruelty and Welfare Act also provides exceptions from the anti-cruelty provision including the slaughter of animals in accordance with any religious ceremony or belief, and the arrangement of animal fighting in accordance with any local tradition (section 18).</p>
<p>Are there economic and societal barriers to improving this aspect of animal welfare?</p>
<p>The passing of the Animal Anti-Cruelty and Welfare Act through the House of Representatives with full common consent of 325 votes to 0, and with a significant majority in the upper house, shows the willingness of government to provide human and financial resources towards achieving the goals of the Act.² On the current system, responsibility has been allocated within the criminal enforcement authorities for which human and financial resource exist, albeit with limitations.</p>
<p>Are enforcement mechanisms in place in policy and legislation?</p>
<p>Cruel ill-treatment, killing with unnecessary suffering, or unreasonably overworking an animal, is punishable with imprisonment of up to one month and/or a fine of up to 1,000 Baht (section 381, 382 Criminal Code).</p> <p>The Animal Anti-Cruelty and Welfare Act will authorise officials to inspect suspected venues and vehicles for animal ill-treatment, and to confiscate animals or their carcasses if necessary. Breach of the anti-cruelty provisions will be punishable with fines and imprisonment.</p>

4. a. There are laws that apply to animals used in farming including rearing, transport and slaughter

Ranking: C

<p>Part I: Verification</p>
<p>There is legislation with partial application</p>
<p>The anti-cruelty provisions in sections 381 and 382 of the Criminal Code apply to this category of animals. As at the date of publication of this report, the Animal Anti-Cruelty and Welfare Act has been passed by Parliament and is awaiting enactment. Once enacted this will apply to animals used in farming, including the anti-cruelty provision in section 17 (with exceptions in section 18 including slaughter) and the duty of care in sections 19 to 21. Section 21 requires that accommodation, food and water are provided during transport in accordance with prescribed conditions.</p> <p>Under powers in Article 32 of the State Administration Act B.E. 2534 of 1991, in 2011 the Department of Livestock Development issued regulations on the protection of poultry on farms, during transport and at slaughter (B.E. 2554 (2011)), replacing previous regulations from 1999. These</p>

² <http://www.nationmultimedia.com/opinion/Animal-welfare-bill-in-the-works-30212693.html>;
<http://www.bangkokpost.com/news/general/442966/first-animal-welfare-law-passed>

include requirements such as for poultry to be free to move and to be fed according to physiological needs, for sufficient space and ventilation and avoiding pain and distress during transport, and for electrical water-bath stunning before slaughter.

The government has also produced non-binding standards on good agricultural practices for broiler farms (TAS 6901-2009), which include more specific welfare provisions such as space and lighting requirements and the need to express normal behaviour.

Section 22 of the Protection on Slaughter and Sale Of Meat Act B.E. 2535 (1992) allows for the killing of animals outside the abattoir in accordance with conditions set forth on the Ministerial Regulations, including in accordance with religious rituals, in a local area notified as a wilderness area (where necessary) and where justified under 'appropriate reasons'.

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The existing primary legislation largely deals with procedural affairs and contains very few provisions on the promotion of animal welfare, with the exception of poultry. The government controls some local provisions in terms of maintaining the living conditions suitable to the population in the locality and preventing diseases, which can assist in ensuring animal enclosures are adequately spacious to prevent outbreak of disease.

It is extremely positive that there are regulations and guidelines that address some key welfare issues in poultry, and the government is encouraged to enforce these provisions and to produce specific provisions on animal welfare relating to other species of farmed animals.

The enactment of the Animal Anti-Cruelty and Welfare Act will further improve legal protection for this category of animals.

Are there economic and societal barriers to improving this aspect of animal welfare?

The progression of the Animal Anti-Cruelty and Welfare Act shows that there is willingness to devote government time and resource to improving animal welfare generally. The government also reports that the Animal Welfare Sub-Committee has amended the draft animal welfare strategy to prioritise the welfare of farm animals.³

Existing provisions relating to poultry welfare also suggest that it may be possible to achieve improvement in this area. Indeed in relation to poultry some commercial enterprises in Thailand have introduced good animal welfare practices in order to gain access for their produce to international markets and have received some recognition internationally for their efforts.⁴ The government might find support from a number of quarters for increased policy and legislative development for other farm animal welfare issues because of trade drivers. The government also reports that it has received some assistance from the European Union for the establishment of poultry welfare standards and good operating procedures.⁵

Are enforcement mechanisms in place in policy and legislation?

Cruel ill-treatment, killing with unnecessary suffering, or unreasonably overworking an animal, is

³ http://www.rr-asia.oie.int/uploads/tx_oiefiles/RAWS_CG_Mtg_7_March_2014.PDF

⁴ <http://www.independent.co.uk/life-style/food-and-drink/news/thai-chicken-better-than-most-british-production-says-rspca-2124580.html>

⁵ http://www.rr-asia.oie.int/uploads/tx_oiefiles/RAWS_CG_Mtg_7_March_2014.PDF

punishable with imprisonment of up to one month and/or a fine of up to 1,000 Baht (section 381, 382 Criminal Code).

The standards on good agricultural practices for broiler farms are not enforceable. It is not clear whether the 2011 regulations on poultry have enforcement mechanisms.

The Animal Anti-Cruelty and Welfare Act (awaiting enactment, at the date of publication of this report) has enforcement mechanisms including fines and imprisonment, and authorisation for officials to inspect suspected venues and vehicles for animals of ill treatment, and to confiscate them or their carcasses if necessary.

4. b. There are laws that apply to animals in captivity

Ranking: D

Part 1: Verification

There is legislation with partial application

It appears that the anti-cruelty provisions in sections 381 and 382 of the Criminal Code apply to this category of animals.

The Wildlife Preservation and Protection Act, B.E. (1992) prohibits the killing and keeping of protected wildlife and sets out provisions for wildlife sanctuaries and public zoos. Permission to start a public zoo must be sought from the Director General (section 29). The zoo-keeper must abide by conditions and procedures stipulated. Section 31 gives the Director General the power to require rectification where a public zoo causes suffering. Public zoos must be run in accordance with guidelines set by the Minister, although it is not clear whether such guidelines have been made or whether they include welfare-related considerations.

At the date of publication of this report, the Animal Anti-Cruelty and Welfare Act has been passed by Parliament and is awaiting enactment. This Act will help to fill several gaps in the existing legislation, as it will authorise officials to inspect premises where they suspect animal ill-treatment is taking place and give them powers of confiscation. The Act will apply to animals in captivity, including the anti-cruelty provision in section 17 (with exceptions in section 18) and the duty of care in sections 19 to 21.

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The legislation currently falls short of good international standards in protecting the welfare of animals kept in captivity. Although the government has extensive control over the running and granting of licences to operate zoos, conditions of welfare are not explicitly dealt with under the Wildlife Preservation and Protection Act. In recent years conditions in some private zoos in Thailand

have come under criticism internationally, with comments that the existing legislation and enforcement efforts are not sufficient to protect animals kept in captivity.^{6 7}

It is positive that the Animal Anti-Cruelty and Welfare Act will apply to wild animals kept in captivity, and this should assist with improving legal protection for this category of animals. The government is encouraged to develop more detailed welfare-related regulations on keeping wild animals in captivity, with reference to freedom of movement and the ability to perform natural behaviours.

Are there economic and societal barriers to improving this aspect of animal welfare?

Although there are significant barriers associated with the use of captive wild animals for purposes such as performances, the fact that the government has progressed the Animal Anti-Cruelty and Welfare Act shows that there is willingness to devote government time and resource to improving animal welfare. The government is encouraged to build on this with more detailed regulation of the keeping of wild animals in captivity.

Are enforcement mechanisms in place in policy and legislation?

Cruel ill-treatment, killing with unnecessary suffering, or unreasonably overworking an animal, is punishable with imprisonment of up to one month and/or a fine of up to 1,000 Baht (section 381, 382 Criminal Code).

Section 31 of the Wildlife Preservation and Protection Act provides that where it appears that the zoo is contrary to the stipulations contained in the ministerial regulations made under section 29 or renders lack of safety or suffering to any wildlife the Director General is able to order rectification of this or completion of the conditions. If the permission holder continues to fail to comply, the competent officer shall have the power to rectify it, with the expenses incurred by the permission holder. There are also penal provisions under the Act, of fines and jail time of up to 4 years. The Animal Anti-Cruelty and Welfare Act (awaiting enactment, at the date of publication of this report) has enforcement mechanisms including fines and imprisonment, and authorisation for officials to inspect suspected venues and vehicles for animals of ill treatment, and to confiscate them or their carcasses if necessary.

4. c. There are laws that apply to companion animals

Ranking: D

Part 1: Verification

There is legislation with partial application

The anti-cruelty provisions in sections 381 and 382 of the Criminal Code apply to this category of animals.

Section 377 of the Criminal Code states that whoever allows a ferocious or vicious animal in their care to wander about alone in a manner likely to cause injury to a person or things shall be

⁶ <http://www.dailymail.co.uk/news/article-2350609/The-zoo-200-animals-kept-caged-perform-tricks-visitors-department-store.html>

⁷ <http://asiaforanimals.com/coalition-voice/latest-news/item/103-pata-zoo-bangkok-department-store-zoo-animals-trapped-in-an-urban-jungle>

punished with imprisonment of one month or a one thousand baht fine, or both. In the Civil and Commercial Code, section 433 provides that an owner or controller of an animal is responsible for damage caused under his care, unless he can prove that he exercised proper care in keeping it according to its species and nature or otherwise, or that damage would have occurred notwithstanding the exercise of such care.

As at the date of publication of this report, the Animal Anti-Cruelty and Welfare Act has been passed by Parliament and is awaiting enactment. Once enacted this will apply to companion animals, including the anti-cruelty provision in section 17 and the duty of care in sections 19 to 21. The exceptions to the anti-cruelty provision include cutting ears and tails with reasonable cause and without any harm to the animal, which appears contradictory.

At a local level, in Bangkok secondary legislation provides conditions and requirements for the owners of dogs, requiring compulsory dog registration and mandatory compliance with the requirements of public health and dog welfare in the ordinance (sections 29 and 30, Bangkok Ordinance B.E. 2535).

Part 2: Assessment

Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?

The limited existing legislation does not align with international standards and does not promote a high standard of care for companion animals. The main focus of existing legislation is protection of property and of human health. There is no existing legislation requiring adequate provision of food, shelter and water to companion animals. However there is hope that this can be improved with the enactment of the Animal Anti-Cruelty and Welfare Act, which will strengthen anti-cruelty provisions and create a duty of care.

There is no national legislation on humane management of stray dogs and cats or on responsible pet ownership (beyond the provisions addressing damage caused by animals), and this is not addressed in the Animal Anti-Cruelty and Welfare Act.

Rearing dogs for the meat trade also remains a welfare issue in Thailand. Although Thai law enforcement agencies are trying to address problems with smuggling, legislation specifically targeted to this offence with harsher penalties is a recommended step. A collaborative effort with Chinese, Vietnamese, Lao and Cambodian authorities may be effective.⁸

Are there economic and societal barriers to improving this aspect of animal welfare?

Enactment and implementation of the Animal Anti-Cruelty and Welfare Act could provide for a better standard of care for this category of animals. However, funding makes it difficult to place rescued companion animals, and whilst local arms of government have tried to crack down on those involved in the illegal dog-meat trade, this has not proven effective as yet. There appear to be significant barriers to improvement in this area.

Are enforcement mechanisms in place in policy and legislation?

Cruel ill-treatment, killing with unnecessary suffering, or unreasonably overworking an animal, is punishable with imprisonment of up to one month and/or a fine of up to 1,000 Baht (section 381, 382 Criminal Code).

The Animal Anti-Cruelty and Welfare Act (awaiting enactment, at the date of publication of this

⁸ <http://www.thailawforum.com/thailands-dog-meat-and-skin-trade/>

report) has enforcement mechanisms including fines and imprisonment, and authorisation for officials to inspect suspected venues and vehicles for animals of ill treatment, and to confiscate them or their carcasses if necessary.

4. d. There are laws that apply to animals used for draught or recreational purposes

Ranking: D

Part 1: Verification
There is legislation with partial application
<p>The anti-cruelty provisions in sections 381 and 382 of the Criminal Code apply to this category of animals. Particularly relevant is the prohibition on overworking animals under section 382.</p> <p>As at the date of publication of this report, the Animal Anti-Cruelty and Welfare Act has been passed by Parliament and is awaiting enactment. Once enacted this will apply to animals used for draught or recreational purposes, including the anti-cruelty provision in section 17 and the duty of care in sections 19 to 21. When using an animal for work or performance, animal owners or any involved persons are required by section 21 to provide appropriate animal welfare in accordance with prescribed conditions. Animal welfare is defined as providing suitable and healthy welfare with sufficient habitation, food and water (section 3). The definition of cruelty under section 3 of the Act specifically includes the use of any ill, old or young animal in inappropriate work.</p> <p>Animal fighting in accordance with any local tradition is exempted from the anti-cruelty provision under section 18(9) of the Act.</p>

Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>In a country where animals are still widely used for draught purposes, it is positive that existing legislation recognises potential welfare issues for these animals.</p> <p>However, there does not appear to be any current legislation regarding animals used in recreation despite Thailand relying heavily on the use of animals in tourism. There are some concerns internationally regarding the welfare of Thailand's working elephants.⁹ Tourist entertainment using elephants is profitable and supported by the Thai government, which itself runs elephant training for tourist purposes¹⁰.</p> <p>The anticipated enactment of the Animal Anti-Cruelty and Welfare Act should assist with improvement, but much will depend on the extent to which detailed regulations are made as envisaged by section 21 of the Act, and traditional animal fighting is expressly excluded from the protection of the Act.</p>

⁹ <http://www.dailymail.co.uk/news/article-2176957/The-agonising-blows-expose-evil-secrets-Thailand-selephant-tourism-The-Duchess-Cornwalls-brother-tells-baby-elephants-brutally-starved-tortured.html>

¹⁰ <http://www.thailandelephant.org/en/show.html>

<p>Are there economic and societal barriers to improving this aspect of animal welfare?</p> <p>Financial and educational factors could present barriers to improvement in animal welfare, as animals may be used in more remote areas and those who rely on animals for tourism and recreational purposes may not have the means to provide appropriate care for animals. It is positive that animals in this category are included in the scope of the Animal Anti-Cruelty and Welfare Act and that the Act envisages more detailed regulation in this area (under section 21). This suggests that some improvement may be possible.</p>
<p>Are enforcement mechanisms in place in policy and legislation?</p> <p>Cruel ill-treatment, killing with unnecessary suffering, or unreasonably overworking an animal, is punishable with imprisonment of up to one month and/or a fine of up to 1,000 Baht (section 381, 382 Criminal Code).</p> <p>The Animal Anti-Cruelty and Welfare Act (awaiting enactment, at the date of publication of this report) has enforcement mechanisms including fines and imprisonment, and authorisation for officials to inspect suspected venues and vehicles for animals of ill treatment, and to confiscate them or their carcasses if necessary.</p>

4. e. There are laws that apply to animals used for scientific research

Ranking: D

<p>Part 1: Verification</p>
<p>There is legislation with partial application</p> <p>It appears that the anti-cruelty provisions in sections 381 and 382 of the Criminal Code apply to this category of animals.</p> <p>The Wildlife Preservation and Protection Act B.E 2535 (1992) stipulates in section 26 that protection under that Act does not apply to any work performed by an official for the purposes of surveying, education and scientific research.</p> <p>The National Research Council of Thailand, a government body, has produced Ethical Principles and Guidelines for the Use of Animals for Scientific Purposes, which include treating animals with kindness and avoiding procedures that cause pain or stress where possible. However it appears that these have only advisory status.</p> <p>As at the date of publication of this report, the Animal Anti-Cruelty and Welfare Act has been passed by Parliament and is awaiting enactment. Once enacted this will apply to animals used for scientific research, where such use is not a "reasonable cause" for actions that would otherwise be considered cruel (section 17).</p>

<p>Part 2: Assessment</p>
<p>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</p> <p>Although it is positive that there is some policy guidance given by the National Research Council of Thailand, it does not appear that there is any current legislation specifically dealing with scientific</p>

<p>experiments or research involving animals. The Animal Anti-Cruelty and Welfare Act will not introduce regulation in this area. The government is encouraged to take steps to align Thailand's legislation in this area with good international standards.</p>
<p>Are there economic and societal barriers to improving this aspect of animal welfare?</p>
<p>The existence of policy guidance on this subject suggests that some improvement may be possible, although it is noted that the recently passed (and soon to be enacted) Animal Anti-Cruelty and Welfare Act does not provide detail in this area. The government is encouraged to consider introducing mandatory legislation incorporating the principles of the Three Rs.</p>
<p>Are enforcement mechanisms in place in policy and legislation?</p>
<p>Cruel ill-treatment, killing with unnecessary suffering, or unreasonably overworking an animal, is punishable with imprisonment of up to one month and/or a fine of up to 1,000 Baht (section 381, 382 Criminal Code).</p>

4. f. There are laws that apply to wild animals

Ranking: C

<p>Part 1: Verification</p>
<p>There is legislation with partial application</p>
<p>It appears that the anti-cruelty provisions in section 381 of the Criminal Code apply to this category of animals.</p> <p>The Wildlife Preservation and Protection Act B.E. 2535 (1992) covers a broad range of wildlife including 'all kinds of animals either terrestrial or aquatic, fowls, insects or arthropods which naturally exist, or things which originated from or are found by nature and able to sustain life in the forest and includes insects' eggs of all kinds'. Hunting is allowed in self-defence or for a reasonable cause (section 7), although if the hunted wildlife is a preserved or protected wildlife it mandates immediate reporting of the death to authorities (section 7(3)).</p> <p>Hunting (section 16), propagating (section 18), keeping (section 19) or trading in preserved or protected wildlife (or their carcasses) are banned unless performed by an official or covered by an exception under section 26 (which includes for the purposes of scientific research).</p> <p>The Animal Anti-Cruelty and Welfare Act, which at the date of publication of this report has been passed by Parliament and is awaiting enactment, will not cover wild animals in nature unless where prescribed by the Minister of Agriculture and Cooperatives.</p>

<p>Part 2: Assessment</p>
<p>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</p>
<p>Thailand's adherence to the International Agreement on the Trade of Wildlife and their Carcasses is indicative of a desire to keep up with international standards for importing and exporting wildlife. The existing legislation provides a solid role for government authorities to oversee protected wilderness areas, import and export of protected species, and authorities enforce penalties against those in</p>

breach of these laws without a permit. However this legislation is focussed on conservation rather than on the welfare of individual animals.

There is no evidence of protection of animals that are not listed as protected or preserved species. Wild animals are not included in the protection of the Animal Anti-Cruelty and Welfare Act, leaving Thailand significantly behind good international standards, although it is noted that the Act creates the possibility for the Minister of Agriculture and Cooperatives to extend the protection of the Act to wild animals (section 3).

Thailand is one of the key centres of the illegal ivory trade. In March 2013 at the opening of the Convention on the International Trade in Endangered Species of Fauna and Flora (CITES) in Bangkok, Prime Minister Yingluck Shinawatra pledged to start a legislative process to end ivory trade in the country¹¹, however a 2014 report published by TRAFFIC found that ivory sales had tripled in Thailand since that commitment.¹² In a July 2014 CITES meeting the represented governments voted to institute trade sanctions against Thailand unless the country takes measures by March 2015 to stop domestic trade in illegal elephant ivory.¹³ The government has said that it intends to address this.¹⁴

Are there economic and societal barriers to improving this aspect of animal welfare?

It appears that social and cultural attitudes to wildlife present barriers to improving animal welfare. It also appears that there are structural barriers in place that prevent prompt action in the face of threats to wildlife and animal welfare. A lack of education in the country on animal welfare issues and on wild animal protection presents further barriers. It is possible that the economic importance of the illegal trade in wildlife presents further barriers.

Are enforcement mechanisms in place in policy and legislation?

Cruel ill-treatment or killing with unnecessary suffering is punishable with imprisonment of up to one month and/or a fine of up to 1,000 Baht (section 381 Criminal Code).

Goal 2: Presence of effective governance structures and systems

5. The government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources

Ranking: D

Part 1: Verification

There is legislation with partial application

¹¹ <http://wwf.panda.org/?225332/Last-chance-for-Thailand-to-tackle-illegal-ivory-trade>

¹² <http://www.traffic.org/storage/Thailand-market-survey-report.pdf>

¹³ <http://wwf.panda.org/?225332/Last-chance-for-Thailand-to-tackle-illegal-ivory-trade>

¹⁴ <http://www.pattayamail.com/business/wildlife-laws-to-be-amended-to-address-ivory-trade-40366>

The Department of Livestock Development has powers in legislation to make regulations on areas concerning animals used in farming (under Article 32 of the State Administration Act B.E. 2534 of 1991), and regulations about poultry welfare have been made under these powers. Section 9 of the Wildlife Preservation and Protection Act BE. 2535 (1992) established the National Wildlife Preservation and Protection Committee, which consists of government representatives from various divisions, and other expert members who are representatives of any Society or Foundation related to wildlife. However this legislation is focussed on conservation rather than on the welfare of individual animals.

As at the date of publication of this report, the Animal Anti-Cruelty and Welfare Act has been passed by Parliament and is awaiting enactment. Section 5 of the Act will provide for the establishment of an Animal Anti-Cruelty and Welfare Committee bringing together members of a variety of ministries and departments (including education and religious affairs) and experts in veterinary medicine and animal welfare. The Committee will be responsible for duties including proposing policy to the Minister of Agriculture and Cooperatives; creating awareness of anti-cruelty and welfare; commenting to the Minister on the revision and amendment of animal protection law; and implementing the Act (section 8).

Part 2: Assessment
<i>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</i>
Current legislation is not sufficient to make animal welfare a mainstream concern of society. However, the provisions in the Animal Anti-Cruelty and Welfare Act relating to a collaborative government committee (section 8) demonstrate that the government wishes to create a well-rounded board to make decisions regarding the progress of animal protection. This board will include expert members from NGOs, thus allowing for broader issues and alternative perspectives to be taken into consideration.
<i>Are there economic and societal barriers to improving this aspect of animal welfare?</i>
The committee to be established under the Animal Anti-Cruelty and Welfare Act will have the scope to reach many different areas of animal welfare and to work at a high level of government. This is evidence that the government is willing to put human and financial resources into ensuring compliance and oversight at a high government level. Incorporation of many facets of government as well as experts from NGOs into the committee should increase the likelihood of overcoming barriers posed by traditions that may be contrary to current international animal welfare standards.
<i>Are enforcement mechanisms in place in policy and legislation?</i>
There are at present no enforcement mechanisms relevant to this indicator. Enactment of the Animal Anti-Cruelty and Welfare Act will result in legislative mandates to relevant government bodies on animal welfare issues.

Goal 3: Implementation of animal protection standards

6. The government is actively engaged with the OIE to improve animal welfare internationally, regionally and nationally

Ranking: D

Part 1: Verification
There is policy
<p>In 2010, the OIE and the government of Thailand signed a memorandum of understanding establishing the OIE Sub-Regional Representation for South East Asia (SRR-REA) in Bangkok. Thailand is also part of other regional groups, such as MTM Tri State Commission- the Malaysia, Thailand and Myanmar subgroup of OIE SRR-SEA, which hold meetings where, among other things, compliance with OIE guidance principles is discussed.</p> <p>Internationally, in 2013 Chiang Mai University joined with the University of Minnesota in the U.S. in an OIE twinning project aimed at increasing the quality of veterinarian education¹⁵. Also in 2013 Thailand's Department of Livestock Development collaborated with the OIE to deliver pig pre-slaughter and slaughter welfare training to Department officials.¹⁶</p> <p>The government hosted the March 2014 meeting of the OIE Regional Animal Welfare Strategy Coordination Group.¹⁷</p>
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>There is some level of engagement with the OIE, although this is focused on animal health and disease control. For example, the recent partnership of Chiang Mai University with the University of Minnesota for the OIE Veterinary Twinning Program (2013) aims to improve the training of veterinarians in Thailand and to enhance the capacity of Thai graduates to support the control of diseases.</p> <p>More focus on OIE partnerships on animal welfare could help Thailand to come closer to meeting the OIE's guidelines and standards.</p>
Are there economic and societal barriers to improving this aspect of animal welfare?
<p>The government appears to be engaged with the OIE and willing to use human and financial resources to collaborate with other regional governments. However the text of the Animal Anti-Cruelty and Welfare Act does not incorporate the OIE's standards. The government is encouraged to incorporate the OIE's standards into implementing secondary legislation.</p>
Are enforcement mechanisms in place in policy and legislation?
<p>There are no enforcement mechanisms relevant to this indicator.</p>

¹⁵ <http://www.oie.int/forthe-media/press-releases/detail/article/the-university-of-minnesota-usa-and-chiang-mai-university-thailand-engage-in-the-first-oie-veter/>

¹⁶

<http://www.australiananimalwelfare.com.au/app/webroot/files/upload/files/RAWS%20Newsletter%20December%202013.pdf>

¹⁷ http://www.rrasia.oie.int/uploads/tx_oiefiles/RAWS_CG_Mtg_7_March_2014.PDF

7. The government has incorporated the OIE's guiding principles for animal welfare and its animal welfare standards into policy and legislation

Ranking: E

Part 1: Verification
Legislation is being discussed or developed
<p>Progress of the Animal Anti-Cruelty and Welfare Act is evidence that the Thai government is contemplating a closer alignment of legislation with the OIE's guiding principles, as the standards that have been proposed are much closer to international standards than current legislation and policy. However the Act does not incorporate all of the OIE's guiding principles such as the Five Freedoms or the Three Rs, and does not incorporate the OIE's standards.</p>
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>Other than in poultry farming and basic anti-cruelty laws, the bulk of the existing legislative protection for animals is for those species on the protected and preserved lists, such as through the establishment of animal sanctuaries and no hunting zones (section 36 Wildlife Preservation and Protection Act). Cruel ill-treatment of animals is a petty offence in the Thai Criminal Code (sections 381 and 382). Current legislation is not effective in incorporating the OIE's guiding principles and standards.</p> <p>Whilst the Thai government is taking significant steps to improve the current standards for animal welfare through the Animal Anti-Cruelty and Welfare Act, the Act has not fully engaged with the OIE's guiding principles on animal welfare and its content still falls short of good international standards. For example, exemptions to the cruelty prohibition under the Act include traditional animal fighting (section 18).</p>
Are there economic and societal barriers to improving this aspect of animal welfare?
<p>The heavy reliance on the use of animals within the tourism industry could be seen as a barrier to achieving good international standards. However, some international tourism companies are taking steps to distance themselves from involvement in cruelty by boycotting some activities and venues in the country, and in the future there may be lower tourist demand for these activities.¹⁸</p> <p>The Animal Anti-Cruelty and Welfare Act will provide some improvement. Although the absence of any mandatory education for the Thai public or animal handlers means that attitudes and current behaviours are unlikely to change in the short term, the Secretary-General of the Basic Education Commission is included in the Animal Anti-Cruelty and Welfare Committee to be established under section 5 of the Act. The content of the Act suggests that there is limited possibility of change in the short term to incorporate the OIE's standards. The government is encouraged to work on this by way</p>

¹⁸ <http://www.intrepidtravel.com/adventures/why-not-ride-elephants/>

of implementing secondary legislation to provide detailed regulations in relevant areas of animal use.
<i>Are enforcement mechanisms in place in policy and legislation?</i>
There is no current legislation or policy relevant to this indicator.

8. The government publishes reports on progress towards goals set to monitor and improve standards of animal welfare

Ranking: G

Part 1: Verification
<i>There is no policy or legislation</i>
There is no evidence of any policy or legislation for publishing government reports on progress for monitoring and improving standards of welfare. The Animal Anti-Cruelty and Welfare Act, which has been passed by Parliament and is awaiting enactment at the date of publication of this report, does not include requirements for reporting.

Part 2: Assessment
<i>Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?</i>
There is no policy or legislation relevant to this indicator.
<i>Are there economic and societal barriers to improving this aspect of animal welfare?</i>
It is assumed that there are no significant financial or human resource barriers to producing reports on meeting government goals and progress made, and the Animal Anti-Cruelty and Welfare Committee to be established under section 5 of the Animal Anti-Cruelty and Welfare Act may provide a useful forum for reporting. However this is not included in the terms of the Act and does not appear to be a priority at present.
<i>Are enforcement mechanisms in place in policy and legislation?</i>
There is no policy or legislation relevant to this indicator.

Goal 4: Provision of humane education

9. Animal care and protection are included in the national education system

Ranking: E

Part 1: Verification
Policy is being discussed or developed
<p>Elements of animal care and protection are included in various teaching resources produced for use in primary schools across the country, which have endorsement from the Ministry of Education. For example, in a government-approved text for Thai language studies at primary level, reference is made to training water buffalo without acting unnaturally against their nature or beyond their physical abilities.¹⁹ In an approved science text for primary year 2, students are taught that pets must be provided with food, love, good health and hygiene, suitable living space and vaccination, and that before acquiring a pet they should study how to take care of that particular species.²⁰ On an individual basis, some schools include animal welfare programmes run by NGOs. For example, between 2012 and 2014, 125 primary teachers graduated from an animal welfare training programme run by World Animal Protection in partnership with the Bangkok Metropolitan Authority.²¹ Some veterinary schools have also started to incorporate animal welfare into their curriculum.²²</p>
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>It is positive that some animal welfare education is taking place in schools and that the government is incorporating elements of humane education into teaching resources. The government is encouraged to formalise this within official curriculum requirements.</p> <p>It is also positive that the Secretary-General of the Basic Education Commission is included in the Animal Anti-Cruelty and Welfare Committee to be established under section 5 of the Act (at the date of publication of this report, approved and awaiting enactment). This demonstrates that the government recognises the important role of education in improving animal protection.</p>
Are there economic and societal barriers to improving this aspect of animal welfare?
<p>Although animal welfare is not currently part of the national curriculum, the government has made some effort in this area and has also allowed NGOs to deliver programmes at school level, and the Secretary-General of the Basic Education Commission is included in the Animal Anti-Cruelty and Welfare Committee to be established under section 5 of the Act (at the date of publication of this report, approved and awaiting enactment), providing scope for incorporation of more humane education into the curriculum.</p> <p>Lack of finance for education generally may present a practical barrier to improvement.</p>
Are enforcement mechanisms in place in policy and legislation?
There are no enforcement mechanisms relevant to this indicator.

¹⁹ Phaasaaphaathee, Primary Year 6, pages 19 and 21, Bangkok: Suksapan, 2013

²⁰ Wittayaasaat, Primary Year 2, pages 16 and 19, Bangkok: Suksapan, 2013

²¹ http://issuu.com/wspanederland/docs/wspa_global_review_2012/13; 2013 FCAW Bangkok Graduation Ceremony Report, March 2013, WSPA; 2014 FCAW Bangkok Graduation Ceremony Report, March 2014, WSPA

²² http://www.worldvet.org/docs/universities_and_academic_institutes_caw.pdf

Goal 5: Communication and awareness

10. The government works with others to improve animal protection by consulting and engaging relevant stakeholders, including NGOs

Ranking: D

Part 1: Verification
Legislation is being discussed or developed
<p>At present there is no legislation relevant to this indicator, however it is noted that the government welcomed NGO involvement in the initial drafting of the Animal Anti-Cruelty and Welfare Act, which at the date of publication of this report has been approved and is awaiting enactment.</p> <p>Section 5 of the Act will provide for the establishment of an Animal Anti-Cruelty and Welfare Committee, bringing together members of a variety of government ministries and departments with experts in veterinary medicine and animal welfare.</p> <p>The Act also provides for the registration of Animal Welfare Organisations and Animal Assistance Establishments under sections 11 to 16.</p>
Part 2: Assessment
Are policy and legal provisions effective in acknowledging animal welfare as a mainstream concern?
<p>The government demonstrates some current engagement with relevant stakeholders such as NGOs; there has been NGO involvement in the production of the draft Animal Anti-Cruelty and Welfare Act.</p> <p>Enactment of the Act will further improve government collaborations by including animal welfare experts in the committee to be established under section 5, to advise on issues such as revision of existing law and creation of policy, and by providing for formal support for relevant NGOs under sections 11 to 16 of the Act.</p>
Are there economic and societal barriers to improving this aspect of animal welfare?
<p>The inclusion of stakeholder consultation in the draft text of the Bill of Prevention of Cruelty to Animals and Animal Welfare, and the engagement of stakeholders in the production of the draft Bill, suggests that there are no significant barriers to improvement here. Section 13 of the Bill will provide for government support for independent animal welfare institutions that are established under the Bill.</p>
Are enforcement mechanisms in place in policy and legislation?
<p>There is at present no legislation or policy relevant to this indicator. Enactment of the draft Bill will result in legislative mandates to consult with relevant stakeholders on animal welfare issues.</p>

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Kingdom of Thailand: Socioeconomic information

Politics

Where not otherwise noted, information for this section has been sourced from the Economist Intelligence Unit's (EIU) country profiles.

Government type

Constitutional monarchy

Capital

Bangkok

International law organisation^{23 24}

Non-party state to ICC and has not submitted an ICJ jurisdiction declaration

Suffrage²⁵

18

Legal system

Civil law system with strong common law influences²⁶

Executive branch

Head of state: King Bhumibol Adulyadej
Prime minister, minister of defence: Yingluck Shinawatra

Judicial branch

The Judiciary in Thailand is divided into three parts, the Constitutional Court, the Courts of Justice and the Administrative courts²⁷. The Constitutional Court has eight members appointed by the King with the advice of the Senate, and they serve a single nine year term²⁸. The Supreme Court has a President, Vice-Presidents and justices²⁹.

Legislative branch

Thailand has a bicameral National Assembly comprising a House of Representatives with 500 members and an upper house, the Senate, composed of 150 members. Members of the House of Representatives usually serve a four year term.

Political parties

Puea Thai, Democrat Party, Bhum Jai Thai

Economics

Where not otherwise noted, information for this section has been sourced from the World Bank.

Since 2011, the minimum wage has risen by 35%, and tax cuts for first time home and car

²³

http://treaties.un.org/Pages/ViewDetails.aspx?src=TR&EATY&midsg_no=XVIII-10&chapter=18&lang=en#11

²⁴ <http://www.icj-cij.org/jurisdiction/index.php?p1=5&p2=1&p3=3>

²⁵ <http://aceproject.org/epic-en/CDTable?question=VR001#g>

²⁶

<http://www.nyulawglobal.org/Globalex/Thailand1.htm#SourcesofThailawf>

²⁷

<http://www.nyulawglobal.org/globalex/Thailand1.htm#JudicialBranch>

²⁸

<http://www.nyulawglobal.org/globalex/Thailand1.htm#JudicialBranch>

²⁹ http://www.supremecourt.or.th/file/dika_eng.pdf

buyers was introduced³⁰. These measures were implemented to buoy domestic consumption; however, it has also led to large increases in household debt levels - 80% of GDP³¹. In the third quarter of 2013, real GDP growth was weak, coming in at 2.7%. The BMI believes political tensions within in the country, coupled with weak external demand will lead to subdued growth in 2014³². In the long term, the EIU believes that although growth depends on the maintenance of the government's authority, the planned infrastructure projects in transport and educational reform will have a positive impact on business and the economy³³.

Main trading partners (2012)³⁴

Import

Japan - 19.8%

China - 14.8%

US - 6.3%

Export

China - 11.7%

Japan - 10.2%

US - 10%

Commodities (2012)³⁵

Imports

Machinery - 36.3%

Minerals, fuels and lubricants - 19.1%

Manufacturing goods - 16.2%

Exports

Machinery - 40.5%

Food - 12.6%

Manufactured goods - 12.6%

GDP (current USD, 2012)

\$365,965,815,820

GDP per capita, PPP (2012)

\$9,815

Labour force, total (2012)

38,731,466

Currency

Baht

Equivalence to 1 USD

31.8832

Central government debt, total, (% of GDP, 2011)

30.2

Manufacturing, value added (% of GDP, 2012)

36 (2010)

Agriculture, value added (% of GDP, 2012)

12

Industry, value added (% of GDP, 2012)

40

Exports of goods and services (% of GDP, 2012)

75

Imports of goods and services (% of GDP, 2012)

³⁰ <http://coface.com/Economic-Studies-and-Country-Risks/Thailand>

³¹ <http://coface.com/Economic-Studies-and-Country-Risks/Thailand>

³² <http://www.businessmonitor.com/thailand###>

³³ <http://country.eiu.com/article.aspx?articleid=220908806&Country=Thailand&topic=Economy&subtopic=Long-term+outlook&subsubtopic=Summary>

³⁴ <http://country.eiu.com/article.aspx?articleid=421426626&Country=Thailand&topic=Summary&subtopic=Fact%20sheet>

³⁵ <http://country.eiu.com/article.aspx?articleid=421426626&Country=Thailand&topic=Summary&subtopic=Fact%20sheet>

74

Services, etc., value added (% of GDP)
(2012)

48

Unemployment rate, (% 2011)

0.7

Education expenditure (% of GDP, 2012)
5.8 (2011)

Adjusted savings: Education expenditure
USD (2011)
13,572,790,365

Population: ages 15-64 (% of total) (2012)
72

Population: ages 65 and over (% of total)
(2012)
9

Population living in rural areas (% of total)
(2012)
66

Population living in urban areas (% of total)
(2012)
34

Society

Where not otherwise noted, information for this section has been sourced from the World Bank.

Total population (2012)

66,785,001

Religion³⁶

Buddhist (93.2%), Muslim (5.5%), Christian (0.9%), Unaffiliated (0.3%), Hindu (0.1%)

Languages

Thai³⁷

Population growth, annual % (2012)

0.3

Population: ages 0-14 (% of total) (2012)

18

³⁶ <http://features.pewforum.org/grl/population-percentage.php>

³⁷ <http://country.eiu.com/article.aspx?articleid=331037417&Country=Thailand&topic=Summary&subtopic=Basic+data>

