

Research Report Series # **49**

**Apathy towards animal rights in Pakistan:
What needs to be done**

A spotlight on the laws in Pakistan, India, Sri Lanka,
Indonesia & Turkey

Ayesha Ilyas & Mahrukh Qazilbash

October 2021



SDPI
Sustainable Development Policy Institute

All rights reserved. No part of this paper may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or information storage and retrieval system, without prior written permission of the publisher.

A publication of the Sustainable Development Policy Institute (SDPI).

The opinions expressed in the papers are solely those of the authors and publishing them does not in any way constitute an endorsement of the opinion by the SDPI.

Sustainable Development Policy Institute is an independent, non-profit research institute on sustainable development.

First edition: October 2021

© 2020 by the Sustainable Development Policy Institute

Mailing Address: PO Box 2342, Islamabad, Pakistan.

Telephone ++ (92-51) 2278134, 2278136, 2277146, 2270674-76

Fax ++(92-51) 2278135, URL: www.sdpi.org

Table of Contents

Introduction	4
Pakistan	5
India	5
Sri Lanka	6
Indonesia	7
Turkey	8
Policy Recommendations	10
References	13

Introduction

Culling is a common practice in developing countries to manage the ever-growing population of stray dogs and reduce the chances of rabies' spread as a result of dog-bite. Every year municipal authorities poison or shoot thousands of stray dogs across the country which mainly sustain on garbage dumps and food surpluses of eateries. They are either culled for carrying diseases or fear of biting humans. Despite, there is no end to the 'problem'; the dogs population keeps on increasing and their aggression towards pedestrians is becoming harsh. At least one million dog bite cases take place in Pakistan every year (Ahmed 2020) of which 2,000-5,000 cases are believed to be of rabies (Jamal 2021). In the first 10 months of 2020, the number of dog bite cases reported alone in Sindh was 0.15 million (150,000 dog bite cases 2020). During the same period, 116,000 stray dogs were killed (Umair 2020).

The Indus Hospital, Karachi claims that 40 to 50 per cent dog-bite victims, who are brought there for treatment are of under 15. The victims may have been subjected to the animals' aggression because of their history of abuse and hunger. In Pakistani society, animals and dogs are usually subject to public hatred under the false pretext of being declared 'unclean' in the religious scriptures (Ilyas 2020).

Every year, more than 50,000 stray dogs are killed across Pakistan. Majority of them are culled by the municipal authorities. Karachi and Lahore have the highest rate of dog culling. In March 2021, the municipal authorities in different districts of the Punjab approved a target of culling 25,000 stray dogs in a span of 60 days. These dogs were shot or poisoned and then disposed of. Many countries have scrapped of such practices for its brutal nature as well as futility of efforts in eradicating rabies and other diseases (Inserito da oipainternational 2021).

The Office International des Epizooties¹ [OIE) to which Pakistan is the member has a set of standards for the animal welfare. The first OIE standards address issues like animal transport, slaughter and killing for disease control purposes. Subsequently, other standards include the use of animals in research and education, stray dog population control and the welfare of domestic use equids.

OIE also has a terrestrial code that defines animal welfare as 'the physical and mental state of an animal in relation to the conditions in which it lives and dies. The guiding principles, which inform the OIE's work on the welfare of terrestrial animals include: the 'Five Freedoms'. Developed in 1965, these freedoms describe the society's expectations for the conditions animals should experience when under human control. According to these freedoms, they should be:

- Free from hunger, malnutrition, and thirst
- Free from fear and distress
- Free from heat stress or physical discomfort

¹ World Organization for Animal Health

- Free from pain, injury, and disease; and
- Free to express normal patterns of behaviour.

It is obligatory to the OIE member states to ensure these five freedoms for animals. OIE also devised a Global Animal Welfare Strategy that was adopted by all member countries in 2017. It is considered a source of ongoing guidance for OIE member states. The strategy aims to achieve “a world where the welfare of animals is respected, promoted and advanced in ways that complement the pursuit of animal health, human well-being, socio-economic development and environmental sustainability”.

This study aims to examine the practices adopted by the countries having socio-cultural similarities with Pakistan and derive alternative practices to dispose of stray animals. There are daunting gaps in the existing legislature, which is outdated. Besides, there are issues of implementation as well. and a need for systematic changes that are reflected upon in a comparison with countries like The study also throws light on the animal rights enacted in India, Sri Lanka, Indonesia, and Turkey, draws a comparison with Pakistan and suggest changes how to improve the situation of animal rights.

Pakistan

The only law regarding animal rights being practiced in Pakistan is the Prevention of Cruelty to Animals Act’ 1890 introduced during the British colonial rule. acknowledging that animals can feel pain and sufferings, the act provides for the protection of animals from injury and suffering, especially when they are used in fighting. The act also lists a series of conducts such as physical abuse, i.e. beating, mutilation, blinding, overdriving, killing (albeit only in an unnecessarily cruel manner) and negligence such as starvation, thirst, overcrowding punishable by fines and imprisonment. Although it is prohibited to bait or incite animals to fight, an exception is also there if such a fighting may not cause injury or any harm to the animals. The provisions apply to domestic and captured animals, therefore, free or wild animals are not covered by this protection.

The Azad Jammu and Kashmir Wildlife Protection, Preservation, Conservation and Management Act, 2014 terms cruelty to animals as ‘an act towards an animal, which is against its instinct and behaviour and has a negative effect on its health, including overdriving, beating, mutilation, starvation, thirst and overcrowding or otherwise ill-treatment to the animal.’ (Animal Protection Index 2014).

India

For India, the 1890 ‘Prevention of Cruelty to Animals Act’ makes the basis of animal rights, succeeded by The Prevention of Cruelty to Animals Act, 1960. The provisions of the act declare causing unnecessary pain or suffering to any animal through employment, administering any injuries, confinement or possession for sale or any unreasonable cause, neglect, ill treatment, or abandonment, mutilation or murdering any animal (including stray dogs) by using any unnecessarily cruel

manner, inciting any animal to fight or bait any other animal being an offence punishable by fine.

According to the act, killing of an animal/pet poisoning, mutilating, or making useless any animal or animals of Rs 10 value or upwards is a cognizable offence under Section 428 and Section 429 of the Indian Penal Code. The punishment for such acts/offences is simple or rigorous imprisonment for a term, which may extend to two years, or with a fine, or with both.

On the provisions of the 1960 Prevention of Cruelty Act, the Government of India has also established 'The Animal Welfare Board of India' for the purpose of protecting animals from being subjected to unnecessary pain or suffering and promotion of animal welfare (The Prevention of Cruelty to Animals Act 1960).

The board advises amendments, improvements and new rules under the Prevention of Cruelty Act and ensure their enforcement for the wellbeing of animals in the country. The board also works in close coordination with animal welfare organizations and encourages the establishment of such organizations, shelters, and sanctuaries through financial assistance. The board also advises the government on matters related to medical care, imparts education on the humane treatment of animals and encourages the formation of public opinion against inflicting unnecessary pain or suffering to animals and for the promotion of animal welfare by means of lectures, books, posters, cinematographic exhibitions, etc. (Animal Welfare Board of India, n.d.). There have been constant amendments and improvements in the laws ever since.

Sri Lanka

In Sri Lanka, the Prevention of Cruelty to Animals Ordinance No. 13 of 1907, the main piece of legislation protecting animals from cruelty in the country, was last amended in 1955. It faced heavy criticism for being outdated and inadequate as it was drafted during a time when animals were considered cattle or property. As a result, the protections it affords are limited and weak. A key restriction of this law stems from its narrow definition of 'animal' which extends only to domestic or captive animals and the list of cruelties it outlines only covers starvation, use of unfit animals for labour, mutilation and use of cruel practices to kill animals (Anon 1907).

Furthermore, the penalties for violating laws defined by this ordinance are desperately antiquated with minimal charges and fines that have not been adjusted to inflation since its last amendment over 50 years ago. Perhaps even more critically, no monitoring body was created or given enforcement power to oversee and implement laws protecting animal rights in Sri Lanka. As a result, the Lankan government reported an alarming rate of animal abuse and victimization particularly among its elephant and stray dog populations with little or no action being taken against perpetrators. The current law also does not address the issue of selling and

transporting animals, animal testing and experimentation, hunting for sport or establish a duty of care on pet owners leaving several significant gaps in the law.

Additional protections have been granted to Sri Lankan elephants under Section 22A of the Fauna and Flora Protection Ordinance, which stipulates that “no person shall own, have in his custody or make sue of an elephant unless it is registered and unless a license in respect of the elephant has been obtained in accordance with the provisions of this section.” Elephants used for riding tours are “fitted with a crude metal cage... tied tightly around the elephant’s spine” and that in order to train these elephants they are taken from their mothers while they are still babies and forced through a horrific training process known as ‘the crush’ (Pasqual, 2018).

To address these gaps and update the legal protections afforded to animals, an Animal Welfare Bill was approved by the cabinet in 2016, but it is yet to be enacted.

Indonesia

Indonesia is considered one of the best Asian countries in terms of animal rights and welfare. Article 1(42) of Law No. 18 of 2009 that pertains to Husbandry and Animal Health defines animal welfare as “all matters relating to animal’s physical and mental conditions.” This broad definition acknowledges both the physical and mental wellbeing of all animals. Additionally, it outlines how measures must be taken when catching, handling, breeding, care, slaughtering, transporting, and killing animals in ways that illustrate “reasonable treatment and tender care.” This further highlights the legal obligation to ensure that animals are not subject to starvation, thirst, pain as well as fear and pressure so that all forms of torture and mistreatment are avoided. This law can be applied to all vertebrates and those animals that do not have backbones, but they feel pain. (World Animal Protection 2020).

Law No: 18 is further supported by Government Regulation No. 95 which was enacted in 2012. It establishes the veterinary public health and applies the concept of animal welfare on any animal that relies on humankind for survival as well as all vertebrates and invertebrates that can feel pain. This kind of definition highlights how animals too can feel pain and how this is something that should be considered when handling or treating them (Resolute 2016).

Moreover, Article 303 of the Indonesian Penal Code sets penal sanctions for those charged with animal cruelty. This ranges punishments from “light maltreatment” to “serious harm, death or illness of over a week.” This article also sets a 3-month imprisonment or 300-rupiah fine for those found guilty of the lighter offence, and a 9-month imprisonment and/or fine for the graver violation.

The Indonesian Constitution places a duty of care on animal owners to ensure animal welfare, reasonable treatment and tender care of animals which is inclusive of their capture, slaughter, transport, and husbandry. Additionally, the term ‘animal

welfare' refers to both physical and mental conditions that animals are subjected to in Article 1(42) which sets the requirement to ensure their physical and mental well-being. This is further elaborated in Article 66 (2) which goes on to state that animals should not experience pressure, fear, or pain during any of the listed activities and that all forms of ill-treatment and misuse should be avoided. Article 66(4) also places the onus on the minister to provide further regulations to avoid all forms of abuse (World Animal Protection 2020).

Turkey

The Animal Protection Law of 2004 (Law 5199) and the recently updated Animal Rights Bill of 2021 are the governing laws on animal protection in Turkey. The country unambiguously declares all animals as equals providing them protection under the law. Law 5199 states that "all animals are born equal and have a right to life" which is inclusive of both domestic and wild animals. A new bill has been passed that seeks to redefine animals from "commodities" to living beings. This new update to Turkey's animal rights laws has come after public pressure was put on parliament to create an Animal Rights Legislative Commission in 2019. The commission after dialogue with several animal rights activist groups, non-profits, and key experts in drafted recommendations for the new bill, which was passed in July 2021 (Huaxia 2021).

This redefinition not only puts animal cruelty on the same level as human violence but also has given teeth to the animal protection laws by adding harsher penalties for those found guilty of abusing animals. Harming, torturing, or killing any animal could result in a prison sentence for anywhere between six months to four years depending on the severity of the crime. These sentences cannot be reduced by paying a fine or bail. Moreover, the local police have also been instructed to establish Animal Protection Squads and given the authority as first respondents to reports of animal abuse. These squads have also been charged with the responsibility of investigating and bringing down animal blood sports such as dog and cock fighting.

Furthermore, the Animal Rights Law also establishes a 'duty of care' on pet owners, making the intentional abandonment of a pet a punishable offence with a fine of minimum of 2000 and a maximum of 10,000 Turkish Liras and makes sterilization and vaccinations of all pets' mandatory. The updated law also sets a minimum imprisonment of two years for abuse or neglect of animals and stipulates that all pets must be tagged with a microchip allowing them to be registered and tracked properly. The bill has also put the sterilization of all stray animals into law with the responsibility of doing so being delegated to local municipalities (Gürler 2009).

Animal Rights activists and experts also recommend restricting the sale of dogs and cats as well as banning of zoos, circus animals and fur farms but that has yet to be added to the updated legislation. However, pet shops will only be allowed to sell animals online and are not permitted to remove animals from their natural habitat unless they are adopted.

Turkey has received global fame for its treatment of street animals as communal pets and its blanket “No kill, no capture” policy. In fact, during the COVID-19 pandemic and subsequent lockdowns, local councils were given instructions to provide food and support to their regions’ homeless animals.

Policy Recommendations

A state is responsible for the well-being and security of all its inhabitants whether they be the human beings or animals. Similarly, it is the moral responsibility of human beings to be kind towards other creatures for a peaceful co-existence and to maintain the natural balance in the ecosystem. Pakistan clearly lags behind all these protocols, To ensure that the state and its people are more responsible towards the voiceless creatures of God, some of the policy recommendations are as follows:

- **Special body for animal welfare:** The government needs to establish a special body to protect animals as well as regularly review and reform the laws and regulations related to animal rights whether they are in captivity, at some wild place or on the streets.
- **Declaring animals as sentient beings:** A vast array of scientific evidence proves that at minimum all vertebrates, decapods crustaceans and cephalopods are sentient. There is a need to formally acknowledge animals as sentient beings. This legal act will further substantiate other considerations for national animal welfare policies.
- **Ensuring Five Freedoms of OIE:** At state level, there is a need to define animal welfare in line with the OIE, which explicitly mentions Five Freedoms granted to animals in the Prevention of Cruelty to Animals Act.
- **Trap, Neuter, Vaccinate, Release (TNVR) instead of culling:** Sterilizing has been proven to significantly reduce, if not stop, the aggressive behavior in dogs. It reduces the public fear and health concerns as these dogs would also be vaccinated and thus unable to spread disease.
- **To create an environment of peaceful co-existence and harmony between dogs and humans,** a nation-wide ban on culling is recommended. Culling should be replaced with mass vaccination, sterilizing, collaring, and tagging of street animals to ensure public health and safety for both humans and animals.
- **Vaccination is the only effective way to eliminate rabies and other transmittable diseases from animals to humans.** Mobile vehicles for vaccinating and chemically castrating dogs as well as government veterinary centers should be set up to spay female dogs to control populations at municipality level.
- **Declaring street animals as community animals:** The animal protection law shall declare street animals as community animals putting penalties on beating, killing, displacing, or dislocating street animals from their inherent localities.

- The local municipalities shall be obligated to make shelters for these animals at public spaces like parks and green belts where they can seek shelter from weather conditions and can live in safety.
- The government shall encourage corporations to cover community animals in their Corporate Social Responsibility (CSR) projects by contributing towards mass vaccination campaigns, Trap, Neuter, Release (TNR) campaigns, installing shelters and food stations for community animals. The municipalities should be responsible for their treatment in case of accidents or injury or any health conditions.
- Preaching kindness towards animals: Introducing animal welfare into national school curriculum and to run public awareness campaigns would help tackle societal fear and apathy towards animals.
- The religious scriptures have various instructions and examples of the importance of kindness towards animals that can be highlighted through media to clarify the stereotypes around certain animals being impure.
- Schools should be mandated to promote kindness towards animals by arranging regular visits of students to shelters and organizing lectures and sessions with animal rights activists.
- Legislation for farm animals: The government needs to enshrine into legislation requirements for rearing, transporting and slaughtering farm animals which are legally binding and align with OIE welfare standards.
- Literature describes that long distance transportation of livestock involves exhaustion, excessive heat or cold, overpopulation, insufficient ventilation and/or proper access to water and food for live animals, which often may lead to injury, pain or even death.
- Based on such evidence, the government should ban the import and export of live animals over long distances and as such switch over to meat only trade when the travel time exceeds eight hours.
- Additionally, the humane slaughter of all farm animals should be set into law and a regulatory body should be set up with the mandate to inspect all farms and slaughterhouses to ensure the law's enforcement.
- Animals in captivity: While the Prevention to Cruelty Animal Act, 1890 does cover animals in captivity, the legislation can be improved by addressing specific welfare needs such as animals kept in zoos. The government should work with animal right activists and experts to draft detailed policies for acceptable zoo conditions for wild animals.

- The said legislation should regulate feeding, husbandry, housing, handling and promote Five Freedoms afforded to all animals. Delegating responsibilities unto local police to ensure the enforcement and monitor their local zoos and subsequent reports of these inspections being public record would greatly benefit the state of animal rights in the country.
- Furthermore, the government is strongly advised to prepare a list of which animals are legally permitted to be kept as companions or pets based on a criterion of welfare and safety measures. A full ban on fur farming is also strongly advised as it causes unnecessary pain and suffering to the animals.
- There is a need to create a ‘duty of care’ for all animal owners, which protects Five Freedoms, mandates registering, tagging, and vaccinating, and encourages spaying and neutering of all pets and animals used for labour.
- Ban on hunting: The government also needs to impose a strict ban on animal hunting in any form that does not lend support to sustenance or for commercial gain, e.g. hunting for sport, especially for the prized endangered species that the country is home to. Subsistence hunting must also be regulated with restrictions on cruel hunting and slaughtering practices.

References

- Ahmed, K 2020, Pakistan to mass-produce antivenom, rabies vaccine to end reliance on India imports, *Arab News*, 27 October, viewed 16 July 2021, <https://www.arabnews.pk/node/1783581/pakistan>
- Animal Protection Index 2014, *World Animal Protection Report*, viewed 18 July 2021, <https://api.worldanimalprotection.org/>
- Animal Welfare Board of India, n.d. *Animal Welfare Board of India*, , viewed 22 March 2021, <http://www.awbi.in/index.html>
- Anon. 1907, *Prevention of Cruelty to Animals Ordinance*,
- Gürler, A & Osmanagaoglu, Ş 2009. *History of animal protection law in Turkey*. Available at: <https://www.cabdirect.org/cabdirect/abstract/20113400688>
- Huaxia 2021. *Feature: Turkey passes new law to protect animals*. Available at: http://www.xinhuanet.com/english/europe/2021-07/03/c_1310041502.htm
- Ilyas, F 2020, *Dog-bite cases increase amid delayed govt intervention*, *Dawn News*, 09 February, viewed 17 July 2021, <https://www.dawn.com/news/1533238>
- Inserito da oipainternational 2021, *A mass culling of strays in Pakistan: 25,000 dogs expected to be killed in the next few weeks, OIPA International writes to the prime minister*, viewed 18 July 2021, Available at: <https://www.oipa.org/international/stray-dogs-pakistan-mass-culling/>
- Jamal, S 2021, *Stray dog shooting banned in Islamabad* *Gulf News*, 26 January, viewed 15 July 2021, <https://gulfnews.com/world/asia/pakistan/stray-dog-shooting-banned-in-islamabad-1.76751551>
- Office International des Epizooties 2004. *OIE animal welfare standards*, viewed 16 March 2021, <https://www.oie.int/animal-welfare/an-international-network-of-expertise/>
- Pasqual, MH 2018, *A Better Approach to Animal Welfare Law; a Critical Analysis of the Law on Prevention of Cruelty to Animals in Sri Lanka*, viewed 20 March 2021, <http://ir.kdu.ac.lk/handle/345/2572>
- Resolute, P 2016, *Humanizing the Non-Human Animal: the Framing Analysis of Dogs' Rights Movement in Indonesia*, viewed 20 March 2021, <https://doi.org/10.7454/mjs.v21i2.5073>
- 150,000 dog bite cases reported in Sindh this year 2020*, *The Express Tribune*, 05 October, viewed 15 July 2021, <https://tribune.com.pk/story/2266964/150000-dog-bite-cases-reported-in-sindh-this-year>
- Umair, Z 2020, *Society: The Dog Days of Pakistan*, *DAWN*, 07 December, viewed 17 March 2021, <https://www.dawn.com/news/1598024/society-the-dog-days-of-pakistan>
- Zaman, JF 2020, *Animals and the City*, *Dawn News*, 24 May, viewed 15 March 2021, <https://www.dawn.com/news/1557574>