A VOICE FOR ANIMALS

 $No.\overline{23}$ 

Autumn 1996



(C) 望月正夫

## GUILTY? or not GUILTY?

It is ironical that the very first case of a successful prosecution against cruelty to a child in the United States was implemented under the Cruelty to Animals Law, because in the late 19th century no law for Prevention of Cruelty to Children existed. The child in questioned had been brutally tortured by her parents who had slashed her entire body with scissors. The American Society for the Prevention of Cruelty to Animals (ASPCA) at the time, persuaded the courts that the girl deserved as much protection as any other helpless and defenceless animal.

More than a hundred years later in Japan, there is very little legal protection for children against abuse or neglect from their parents and virtually none for animals. Take the recent case where a mother nonchalantly played pachinko while her two boys were dying of heatstroke in her car. In Japan this case is regarded as an accident, albeit through negligence. In contrast, a Japanese couple who left their baby in a car while they went shopping in Los Angeles last year, were speedily arrested by the US police on suspicion of cruelty to an infant.

Japanese parents consider their children as private property, not as members of society with human rights. Likewise pet owners with their pets. Japanese law is based on ascertaining that a crime was committed with intention or based on the reasons why a crime was committed. The mother who played pachinko probably didn't intend to kill her children so she is judged innocent. Western law is based on result. The children died through the mother's negligence so she is regarded guilty of a crime.

As an organization which tries to protect animals we feel helpless when we see abuse or neglect of animals because there is no way we can appeal to the police if there is no effective animal protection law to back us up. All groups working for animals in Japan whatever their individual differences or opinions should lobby urgently for a new Animal Protection Law.

A foundation has recently been established by a group of Kyoto lawyers to raise money to pay legal costs in court cases involving animal rights.

For further information call Kyoto Horitsu Jimusho 075-256-1881 (in Japanese).

## 有罪と無罪を分けるもの

アメリカにおいて児童に対する虐待が起訴され、それの事実上初めての審判が、動物虐待禁止法の施行によって可能であったことは皮肉なことでした。19世紀末の終わりの頃には、児童虐待禁止法というものはまだ存在してなかったのです。その虐待された少女は自分の両親によって残忍な拷問を受けたのですが、その方法もはさみで体中をめった切りにするというものでした。

その少女が、無力で守ってくれる者のない動物と同様に 保護されねばならないと認められたのは、当時のアメリカの動物保護協会が裁判所に対して申し立てをつづけた からでした。

動物保護の努力をつづけている一団体として私たちは、動物虐待や動物に対する適切なケアがなされていないケースに接しても、私たちの活動をバックアップしてくれる効果的な動物保護の法律が存在しない限り、実際に警察に訴える手立てがないという経験をするたびに、実に隔靴掻痒の思いをしています。

先達て京都ではある弁護士が、絶滅の危機に瀕する動物の保護に関連して、わが国で初めて自然の権利を守る財団の設立を提唱しました。こういったことも踏まえて、日本で動物のための活動をしているあらゆる団体、グループは、個々の違いや考え方の相違を乗り越えて、真に効力ある動物保護の法律の制定に向け、今や早急に行政に働きかけていくべきであると考えます。