Environment, Climate Change and Land Reform Committee

Wild Animals in Travelling Circuses (Scotland) Bill

Written submission from Animal Defenders International

The ethical basis for the Bill, as opposed to other justifications such as animal welfare

Given the strength of public opinion on this issue, an ethically based Bill is entirely reasonable. There has been consistent public support over many years for a ban. In 2005 a MORI opinion poll showed 80% of people in the UK supported a ban¹. A 2010 Defra public consultation found 94.5% of respondents supported a ban², while a similar 2015 consultation by the Scottish government showed 98% supported a ban³. Over 200 UK local authorities have also prohibited wild or all animal acts on public land, with many of these bans in place for a number of years.

Changing attitudes have seen the public turn away from animal circuses resulting in a significant shift from the use of animals. Between 1997 and 2002, the number of circuses using animals almost halved, from 23 to 12. The number of circuses with wild animals now stands at only two. As animal circuses decline, circuses with just human performers grow.

The tricks which animals are trained to perform are neither natural movements for the animals, nor educational for those watching them. Circus animal acts do not teach respect for animals or appreciation of the species with whom we share our planet; in fact, they teach the opposite.

Audiences are shown a caricature of an animal, often presented to make the trainer look strong and brave. Circuses strive for spectacle, forcing animals to perform increasingly bizarre and unnatural acts that they would naturally resist.

Circuses also do little to educate their audience about the natural behaviour of the wild animals on display, or their conservation. The 2016 expert report “The Welfare of Wild Animals in Travelling Circuses” carried out by Professor Stephen Harris for the Welsh Government concluded how “the education and conservation role of travelling circuses ….. is likely to be marginal, and any potential educational and conservation benefits are likely to be outweighed by the negative impression generated by using wild animals for entertainment”⁴.

Although the proposed ban on wild animals in circuses is on ethical grounds, the science and expert opinion also support a ban on welfare grounds. The constant travel, deprived environment, unnatural social groupings and restrictions on natural behaviours do not respect the animals’ needs in terms of mental stimulation, social and emotional welfare making it unethical to keep wild animals in travelling circuses.

The Welfare of Wild Animals in Travelling Circuses report, a comprehensive analysis of the scientific evidence, for which 658 experts and organisations were consulted, concluded that life for wild animals in travelling circuses “does not appear to constitute either a ‘good life’ or a ‘life worth living’”⁴.
The Federation of Veterinarians of Europe (FVE), has also concluded “there is by no means the possibility that their [wild mammals in travelling circuses] physiological, mental and social requirements can adequately be met.” Additionally, the British Veterinary Association concludes that “The welfare needs of non-domesticated, wild animals cannot be met within a travelling circus - in terms of housing or being able to express normal behaviour.”

ADI’s numerous reports of circuses around the world and spanning 25 years have shown how, in travelling circuses, the welfare of animals is always compromised.

**The effectiveness of the creation of an offence to prevent wild animals being used in travelling circuses in Scotland**

A ban on the use of wild animals in circuses is the economic and proportionate option, given the difficulty of enforcing regulations in travelling shows (see below). It is unlikely that circuses would have any need or desire to travel to Scotland in the event of a ban, with the knowledge that they would be liable to prosecution. The creation of an offence is the most effective way of preventing wild animals being used in travelling circuses in Scotland and reflects the will of the public.

The ban on wild animals in circuses is likely to have a beneficial, positive impact on the circus industry. Acknowledging the difficulties that animal circuses face - animal welfare, public safety, declining ticket sales - governments in Europe and around the world have intervened, advocating a ban as a way of leveraging its development.

The Regional Council of Venice underlined the increasing aversion of the public towards animal performances and concluded “It is necessary to intervene decisively to support of the circus arts but it cannot leave out a measure that puts an end to the useless and non educational use of animals, forced to captivity and to coercive treatment.” The local government’s decisive intervention was to promote a bill to ban the use of animals in circuses in the Venetian region.

A similar approach was followed by the Brazilian government. In 2008, the Ministry of Culture, in partnership with the National Arts Foundation, launched a programme to promote small and medium circuses. The programme includes a new acts policy to stimulate substitutes of animal acts which includes the distribution of grants. Thus, bans on animal circuses can generate conditions to increase attendance and reactivate the circus.

**Alternative approaches to preventing the use of wild animals being used in travelling circuses**

Government studies have shown that regulation, licensing and inspection of animal circuses are costly. A ban on the use of wild animals in circuses is the economic and proportionate option, given the difficulty of enforcing regulations in travelling shows.

ADI have produced a wealth of evidence that shows that a regulatory licensing system is expensive, inspections are unlikely to uncover poor welfare and husbandry practices or even abuse, and it is difficult to implement and enforce. A regulatory licensing system which envisages the continued use of wild or exotic animals in travelling circuses is entirely at odds with both public and parliamentary will. Similar
regulatory licensing and inspection systems in other countries, including the USA, have failed to protect circus animals from poor welfare practices and abuse.

ADI evidence obtained over more than 20 years in, the UK and worldwide, indicates that there are inadequacies in regulation and inspection of circuses:

- A seriously injured animal hidden during an inspection.
- Repeated inspections of circus elephants not revealing evidence of physical abuse or the chaining regime which ADI had recorded during the time these inspections were carried out.
- Issues arising with animal acts imported from other countries. Against the advice of an inspector chronically ill elephant continued to be made to perform. The animal was also deemed unfit for transport but was inevitably transported back to her country of origin.
- Poor conditions at circus winter quarters; animals shut in a buildings for many hours and sometimes days at a time; animals tethered in pens with less space than guidelines; clear evidence of abusive attitude of a worker.
- Government circus inspectors in the UK have highlighted poor animal care including lack of veterinary attention, substandard animal facilities and poor protection of the public.
- At circus winter quarters, an elephant was chained continuously for many weeks and subjected to physical abuse; none of this was revealed during inspections of the facility.\(^5\)
- A circus animal keeper who was filmed and prosecuted for beating animals, was himself a zoo inspector.

Numerous incidences of violence to animals and suffering have been revealed only as a result of undercover investigations – not by inspection and regulation. Video and photographic evidence for the above instances are available on request. The only way to address these issues and public concerns, and promote respect for animals is to ban wild animals in circuses.

**The definitions of key phrases in the Bill such as “wild animal”, “animal”, “circus operator” and “travelling circus”**

ADI accept the definitions in the Bill, which are defined in a way which is widely understood and accepted.

The definition for “wild animal” in the Wild Animals in Travelling Circuses (Scotland) Bill should remain, as this is in line with The Zoo Licensing Act 1981, which differentiates between species normally domesticated in Great Britain and those not normally domesticated in Great Britain. This allows for a useful consideration that the environment for which the animal was domesticated may have a bearing on their welfare.
It is also important that the definition of “wild animal” is not distorted. Claims from the circus associations that all circus animals are domestic as a result of “living with men for generations”, is not in line with any scientifically recognised definition of domesticated species.

**Proposed culpability**

ADI accept the proposals for individual liability.

**The effectiveness of proposed powers of enforcement**

ADI accept the proposals for powers of enforcement.

**References**


