

WILD ANIMALS IN TRAVELLING CIRCUSES

**THE REPORT OF THE CHAIRMAN OF THE
CIRCUS WORKING GROUP**

OCTOBER 2007

"We know so little about the physiology and the sentience of the exotic species that often used to be seen - and still are - in some travelling circuses."

Lord Soulsby of Swaffham Prior FRCVS

**Debate on the Animal Welfare
Bill in Grand Committee,
House of Lords,
23 May 2006**

CHAIRMAN'S FOREWORD

I would like to make four important points at the outset of this Report.

First, I am conscious that, to varying degrees, all the members of the Circus Working Group have had serious reservations about participating in the process we have undertaken. This was perhaps inevitable in bringing together two groups of people with diametrically opposed views about the continued use of non-domesticated animals in circuses. Those from the industry clearly wish to see their traditional livelihood secured and protected, while all the welfare organisations involved have long campaigned for a total ban on the use of non-domesticated animals in circuses. It is not surprising if the industry regarded the process with suspicion and not a little fear, while the welfare organisations were concerned that the Working Group was a mechanism to frustrate their ultimate objective. There have been a number of occasions when it seemed that the process might fail altogether. Most, if not all, of the participants have been on the point of walking away at least once, and I think it is some achievement to have completed our work with only a single refusal to participate and one resignation during the process. An exercise of this nature cannot please everyone - possibly the outcome will please no one - but however the various participants view the conclusion, I hope they feel that their views have been treated seriously, objectively, and with due respect. Against this background, I would like to take this opportunity to pay tribute to all the members of the Working Group for their time, their effort, and the professional manner in which they have advanced their respective arguments.

Second, I wish to emphasise that the primary purpose of the exercise has been to subject scientific evidence submitted by each side of the controversy to independent expert review better to inform Ministers and the wider debate about the use of non-domesticated animals in circuses. Although I have explored various issues separately with each side, the Working Group was not intended to be a negotiating forum. Neither side has been asked to compromise its principles during our work, and neither has done so. Furthermore, involvement with the Working Group has not prevented either side from continuing to campaign for its particular viewpoint.

Third, it must be understood that this is the Chairman's Report, not that of the Working Group. With the exception of Chapter 5, which is the work of the Academic Panel, this Report represents my personal analysis and conclusions. The members of the Circus Working Group have not been party to the compilation of the Report, and I have not sought their views or agreement prior to its publication. Indeed, the final Report was delivered to Ministers before its contents were presented to the Working Group. It follows that none of the members of the Working Group – neither as individuals nor on behalf of the organizations they represent – should be taken to have endorsed the Report's contents or to be a party to them.

Fourth, the contribution of the Academic Panel has been invaluable and much appreciated. The distinguished and learned nominees who served on the Panel not only undertook a complex and onerous task, but the credibility of the entire exercise

has been wholly dependent on their individual and collective analysis of the available evidence and also their personal expertise, reputation and standing.

Finally, I would like to take this opportunity to thank all those who have contributed to the activities of the Circus Working Party: the members of the Group itself; the members of the Academic Panel, especially its Chairman, Mike Lomas, whose efforts succeeded in producing a unanimous view of the evidence; Laura John, who was responsible for the administration associated with establishing the Working Group; Hugh Togher and Charlotte Coles, for administrative and technical support; and Jennifer Anderson, for undertaking documentary research. In particular, however, I would like to express my gratitude to Helen Odom whose intellect, initiative, organisational skills, and good humour combined to make an indispensable contribution to the activities of the Working Group and the contents of this Report.

MIKE RADFORD
Aberdeen, October 2007

5. THE REPORT OF THE ACADEMIC PANEL

Having considered all the material which was submitted to them, the members of the Academic Panel have agreed the following Report.

5.1. INTRODUCTION

- 5.1.1. In general, the Academic Panel was disappointed with the evidence submitted by both the Welfare and Industry Sub-Groups and was divided over which Sub-Group presented the stronger argument. For the status quo to be changed the balance of evidence would have to present a convincing and coherent argument for change.
- 5.1.2. The opinion of the Academic Panel members is that such an argument, based on a sound scientific basis, has not been made.
- 5.1.3. There appears to be little evidence to demonstrate that the welfare of animals kept in travelling circuses is any better or worse than that of animals kept in other captive environments.
- 5.1.4. When seeking submissions, Defra anticipated that identifying research meeting its stated criteria might prove difficult. At the outset of the exercise, it acknowledged “that there is likely to be a lack of scientific evidence relating to animals used specifically in entertainment, and would be willing to consider sound scientific results obtained on species kept in different conditions, if it can be established that those results can reasonably be extrapolated to other circumstances.”⁵
- 5.1.5. The opinion of the Academic Panel is that the environment in circuses is too different from those of farms or zoos for helpful comparisons of research findings to be made. Legitimate comparisons could possibly be made with animals transported regularly to shows or competitions involving a high degree of training and human contact but the data are not available at present although even this could be problematic as these are usually domesticated animals.
- 5.1.6. Non-domesticated circus animals have been the subjects of research carried out by two members of the Panel as well as others. Although this research has not found evidence of adverse welfare, the Panel encourages continued monitoring and research on the welfare of circus animals.

5 Defra, Invitation Letter, 13 June 2006.

5.2. GENERAL COMMENTS ON THE EVIDENCE

- 5.2.1. Unfortunately, significant parts of the submissions, and the comments on submissions, tended to err towards being adversarial and, in the view of the Academic Panel, without any evidence being presented to support a ban.
- 5.2.2. Perhaps understandably, both submissions rely heavily on ‘cherry-picking’ the references or parts of references which support their particular case. Both submissions also interpret such evidence as there is in a way to support the case being presented. Two examples of this, stereotypic behaviour and transport, are detailed below.
- 5.2.3. The results of opinion polls were disregarded, as they do not provide evidence of suffering in circus animals.
- 5.2.4. A significant part of the Industry submission concerned regulatory issues (to be considered separately) and this was disregarded by the Panel.
- 5.2.5. Much of the background presented by the industry, although interesting, did not present credible evidence that animals in circuses do not suffer, and was disregarded. However, there have been several studies conducted on aspects of the behaviour of circus animals and those studies did not identify inherent problems with the welfare of the animals that were studied. However, some members of the Group felt that this still needs corroborating with larger samples, physiological as well as behavioural data, and a reference population for comparison.

5.3. HOUSING

- 5.3.1. Comparisons were made with zoos where some animals might be more confined than circuses whereas, in others, they might have more space.
- 5.3.2. The extra stimuli experienced by animals in circuses by way of performing, being trained, being transported, and a regularly changing environment was said to be negative by the Welfare Sub-Group and positive by the Industry Sub-Group with little supporting evidence. Although the Academic Panel has not considered evidence relating to performance and training this, nevertheless, accounts for a significant part of the time budget of animals and makes circus animals different from other animals in captivity.
- 5.3.3. It should be noted that there is an element of selection for animals in circuses. Animals that are difficult to transport or which react adversely to performance and the presence of crowds are unlikely to be retained in the circus. The Panel debated whether such selection might ‘pass on’ welfare problems but that was outside the remit of this Report.
- 5.3.4. Whilst it was accepted that animals kept in circuses were more confined than

in the wild the opinion of most of the Panel was that this did not, necessarily, lead to adverse welfare.

5.4. TRAVEL

- 5.4.1. The Welfare Sub-Group made much of transport being a cause of stress to animals and cited papers relating to the transport of farm animals. They stated that, as circus animals were transported regularly, this meant that they must be subject to more stress than animals in zoos. The Industry Sub-Group argued the opposite. All transport will cause some stress but if the conditions are good and the animals are properly trained then that stress may be minimised. Circus animals are often transported in containers/vehicles that are also 'home'; therefore the stress of a novel environment may be reduced. They infrequently appear to object to being loaded and unloaded compared to animals not used to being transported regularly, although systematic data on this have not yet been collected.
- 5.4.2. There is much made of the distance and the duration of journeys whereas it is well documented that it is the quality of the journey that is important and other factors such as poor means of transport, poor handling/driving and inappropriate feeding/watering contribute to increased stress.
- 5.4.3. The Panel concluded that, although circus animals are transported regularly, there is no evidence that this, of its own nature, causes the animals' welfare to be adversely affected.

5.5. STEREOTYPIC BEHAVIOUR

- 5.5.1. The exchanges between Panel members indicated that this is a very complex area. There appears to be no data to indicate that the presence of stereotypic behaviour proves bad welfare or that the absence of stereotypic behaviour proves that welfare is good. Where animals have been brought in to circuses, separating the stereotypic behaviour resulting from earlier experience from current experience is difficult. Some researchers concluded that a significant number of stereotypic behaviours in circus tigers and elephants are anticipatory and not indicative of poor welfare. However, others, who argue that these could still be triggered by frustration or a poor environment, contest this.
- 5.5.2. Thus the Panel concluded that it is very difficult to make a decision on welfare based on stereotypic behaviour alone.

5.6. PHYSICAL HEALTH

- 5.6.1. Although some health problems (for example, arthritis and foot problems in elephants) are reported, in general, the overall health of animals, based on some of the papers cited, in travelling circuses is reported as being good. It is

true that the state of performing animals is fully open to public view during the travelling season although some concerns have been expressed about the conditions in winter quarters.

5.6.2. The Panel concluded that there is little evidence that the health of circus animals is any better or worse than animals in other captive environments.

5.7. THE FUTURE

5.7.1. The Academic Panel believes that circus animals should continue to receive full protection under the law that can be addressed by

- the effective enforcement of existing legislation together with the provisions of the new Animal Welfare Act;
- the development of codes of practice (for example Association of Circus Proprietors and Performing Animals Welfare Standards International); and
- the revision of the Performing Animals (Registration) Act 1925 concerning the registration of trainers of performing animals.

5.7.2. It is worth emphasising the word ‘effective’ in the first bullet point. It is the view of the Panel that a significant number of statutory instruments fail, not because of inherent flaws, but because of ineffective enforcement.

5.7.3. The Panel urges further investigation and research. For example,

- improving the knowledge base to enable behavioural and physiological comparisons of circus animals with conspecifics in other environments; and
- comparative data on other animals regularly transported to shows and competitions, for example horses and dogs.

5.8 ACKNOWLEDGMENT

5.8.1. The Academic panel acted entirely independently and separately from their nominating sub-group. The six members of the Panel generously gave their time voluntarily and were not reimbursed by their nominating Sub-Group or Defra.

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