

# The Use of Animals in Circuses in Ireland: A 2012 Study

Report by Craig Redmond

On behalf of the Captive Animals'  
Protection Society



# CAPS

Captive Animals' Protection Society

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## **The Use of Animals in Circuses in Ireland: A 2012 Study**

This report has been researched and written by Craig Redmond on behalf of the Captive Animals' Protection Society.

Craig Redmond is an independent animal rights consultant who was previously CAPS' Campaigns Director, having worked at the charity for over a decade. He has extensive knowledge of the circus industry and has conducted numerous investigations, including previous studies of animal circuses in Ireland in 2003 and 2006.

The Captive Animals' Protection Society (CAPS) is a UK-based charity leading the campaign to end the use of animals in entertainment.

Through a combination of undercover investigations, research, campaigns, political lobbying and education, CAPS aims to stop the exploitation of animals in entertainment, particularly in circuses, zoos and the exotic pet trade.

The charity's evidence-based campaigns and strong ethical basis ensure we can make a significant difference to the lives of animals in ending their exploitation.

Working for a world without cages, CAPS encourages a more compassionate attitude and relationship between humans and other animals.

*The Captive Animals' Protection Society is a registered charity and receives no government funding. Registered number: 1124436*

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# 1 Executive summary

In 2006 the Captive Animals' Protection Society conducted a study of the use of animals in circuses across the whole of Ireland (CAPS 2006).

A further report was commissioned in 2012 to provide a comparison of the situation, assessment of the welfare of animals in circuses in the country and assist CAPS' strategy in ending the use of all animals in circuses throughout Ireland.

This latest study involved researching the current use of animals in Ireland as well as visits to all circuses still using animals. These visits were made in July 2012 with the researchers attending as ordinary paying members of the public.

This is the most comprehensive study ever undertaken into the use of animals in circuses across Ireland and aims to serve as an evidence-base not just for campaigners seeking to end animal use in entertainment but also for government officials and others looking for reliable information on which to base policy decisions.

CAPS' research shows an improved situation since the launch of its campaign six years ago:

- The number of animal circuses has declined from seven in 2006 to four in 2012
- This has aided a decrease in the numbers of animals used, from an overall 102 to 58. The use of wild animals declined from 33 to 16 and domestic animals from 69 to 42
- The importation of animals has reduced. In 2006, four elephants, one rhino and one hippo were brought into Ireland to perform in circuses. In 2012 five elephants were imported
- Arts Council Ireland funding of animal circuses has declined during the study period from €247,000 in 2006 to €103,000 in 2012/2013 with a corresponding rise in funding provided

to non-animal circuses from €70,000 to €126,000

Research of the four circuses using animals in Ireland in 2012 reveals that animal acts made up 17% of the total time of all performances and constituted just 21% of the number of acts in all shows. Human performances, therefore – the acrobats, jugglers, clowns, aerial artists and others – form the major part of the circus shows.

However, this report shows that there is no time for complacency. Inadequate legislation across both the Republic of Ireland and Northern Ireland, and no sign of any ban or serious restrictions on the activities of animal circuses, has continued to provide a 'green light' for circuses to continue their old ways. Courtney Brother's Circus imported five Asian elephants from France to perform in its shows during 2012. Few people in the country could have missed the controversy this created, including an elephant escaping, another crushing a person and seriously injuring him and parades of the animals through public streets. Less well known is the fate of the elephants before arriving in Europe, with possible death for the animals apparently on the agenda when importation to the European Union from Morocco was prevented due to Foot and Mouth Disease restrictions.

The care of captive wild animals is subjected to less regulation in circuses than in zoos. The latter are covered by specific licensing and industry standards which, although still cannot provide for all of the needs of wild animals, are higher than any for circuses. A tiger or elephant in a circus is no more immune to the welfare problems, physical or behavioural, than their counterparts in zoos, yet they are expected to face lower standards (particularly in terms of enclosure size and enrichment).

The more positive situation in Irish circuses in 2012 should not be used as an excuse for inaction. As this study also shows, the industry is open to a wide amount of fluctuation (see for example, the importation of seven sea lions, three fur seals and 15 penguins in 2009) and future trends are extremely difficult to

identify given the fluid nature of animal circuses and the flexible ability of some to introduce new acts throughout the touring season.

Politically, despite several years of discussions to update animal welfare legislation across Ireland, and input from key stakeholders including CAPS, the situation is little different to what it was six years ago.

A brief look at animal ethics is also included in this study as it is key to any discussion of animal use in entertainment and is central to CAPS' philosophy about animal captivity. There is increasing support amongst animal

behaviourists as well as the general public for the stance that animals are sentient beings with their own emotions and desires and that using them for our amusement denies the value and rights of those individuals. In relation to the ethical objection of the use of animals in circuses these remain the same in 2012 as they were in 2006.

Although all of the circuses operating in 2012 are based in the Republic of Ireland, they do travel into Northern Ireland for part of the season. Therefore, this study is appropriate for discussion of the situation across the whole of Ireland and comment is made on legislation in both areas.

## 2 A summary of the 2006 study

The CAPS study conducted in 2006 found:

- There were seven Irish-based circuses using animals
- These circuses held a total of 102 animals: 33 individuals of wild animal species, 69 individuals of domestic animal species (see Table 1)
- The touring season may last ten consecutive months, during which time the circus may travel the whole of Ireland (Republic and North), sometimes performing at two venues in the space of a week
- Evidence obtained by CAPS revealed that many animals used in Irish circuses

were suffering physical and behavioural welfare problems, living restricted lives, with temporary and inadequate accommodation, constant transportation and unnatural social groups

- CAPS' research found that few attempts were made by the circuses to provide suitable environmental enrichment for the animals
- There were many health and safety risks to the public and circus staff by the use of animals as well as reported cases of serious injuries



### **3 Animal circuses in Ireland, 2012**

During 2012, a total of four circuses used animals:

- Courtney Brothers Circus
- Tom Duffy's Circus
- Fossett's Circus
- Circus Gerbola

#### **3.1 Courtney Brothers Circus**

In 2012 a circus using five elephants toured in Ireland. Operating under the name Courtney Brothers Circus, the show is run by Wayne Courtney, whose family who have run circuses in Ireland for many years.

Since 1995 Wayne Courtney has toured circuses under various names, changing regularly: Circus World, American Super Heroes Circus, Planet Circus, Daredevil Circus and Royal Russian Circus. Between 2008 and 2011 the show was called European Circus.

The five female Asian elephants on the 2012 tour belong to the Gärtner family. They were imported via France in January by their trainer Joy Gärtner and his brother Sonny.

Early in the circus season CAPS was informed that one of the elephants would be leaving Ireland during spring or early summer for a prior engagement in Eastern Europe. However, all five elephants were on the show when CAPS visited in July 2012.

More information about the elephants at this circus is provided later in this report.

#### **3.2 Tom Duffy's Circus**

Established in 1875, Duffy's is one of the best known circuses in Ireland, particularly for its use of wild animals. It is the only Irish circus that has wild animal acts each year that are

not imported for the season and the only one to use tigers and lions.

Most of the animal acts are provided and presented by Tommy and Marilyn Chipperfield, with their son Thomas having taken over the presentation of the big cats in the ring. The show's lions, introduced since 2007, are believed to have come from the Great British Circus in the UK.

#### **3.3 Fossett's Circus**

Founded in 1888, Fossett's Circus calls itself 'Ireland's National Circus'.

Having used wild and domestic animals in its shows until 2006, in 2007 the circus featured only horses. Between 2008 and 2011 no animals were used in performances although ponies were available for children's rides during the interval.

However, in 2012 Fossett's reintroduced an equine act featuring Amanda Sandow with her horse and pony 'Big and Little' performance. During the previous circus season, Sandow had toured with UK-based circus, Paulo's. Paulo's has since taken the decision to stop using animals in its shows, apparently in response to public opinion.

#### **3.4 Circus Gerbola**

This circus started in 2001 and usually has horses, llamas, snakes and dogs in its shows (although it only had a camel, horses and ponies in 2012). Zebras, a camel and an ostrich appeared during 2011 when an act from Germany moved to Circus Gerbola following the closure of the Irish show International Big Top Circus Nitro. In 2009 the Belgian act Duo Borcani, with performing sea lions, appeared briefly but the season did not go well and the act left in the summer.



## 4 Animal-free circuses

Ireland does not have much of a history of animal-free circuses, certainly not of the 'traditional' tented kind. Although Fossett's Circus had no animals in its performances for the four years 2008 to 2011, it still had ponies for rides during the interval and it reintroduced a horse and pony act to the performance in 2012.

In 2012 a new show – Circus Amora – appeared in Ireland, strangely starting well into the touring season (June). Little information is known about this circus at the time of compiling this report other than it had planned to contain one animal act, a performance with domestic cats by Anelya Roslyakova from Russia.

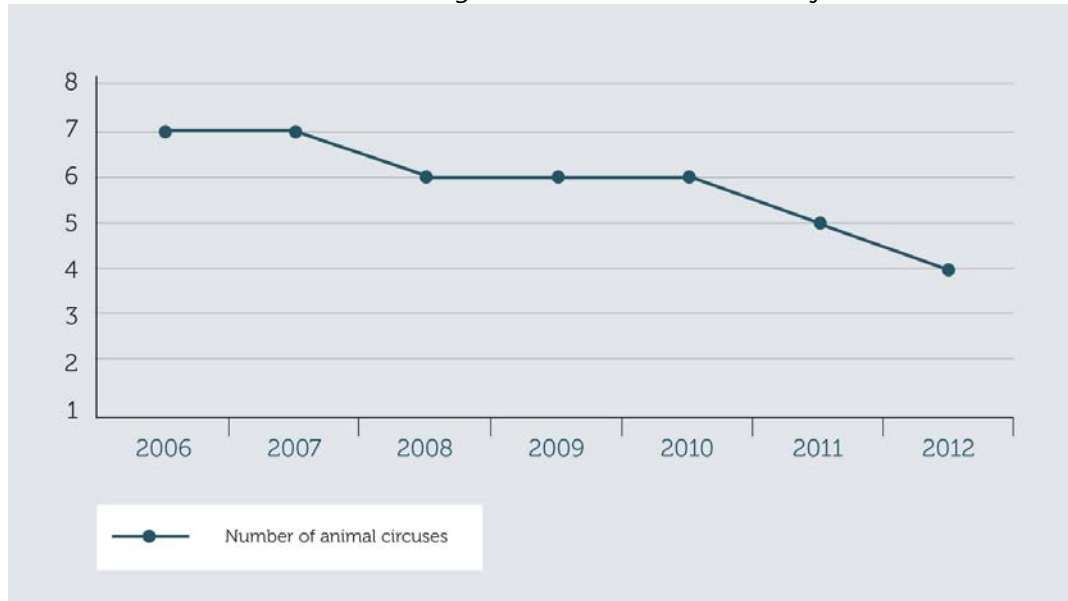
At the time of CAPS' visits to circuses in Ireland in July 2012, Circus Amora remained an all-human show.

Fortunately, there are several 'contemporary' performances which provide high quality entertainment such as aerial and acrobatics which fit loosely into the circus category. Cork Circus ('innovative street theatre'), Fidget Feet (an 'aerial dance company'), Galway Community Circus ('Ireland's first dedicated youth circus') and PaperDolls ('aerial circus treats and acrobatic feats'). Most of these also teach the skills to others, providing a real interactive service, but do not tour annual shows in the same way as the animal circuses do.

The lack of traditional touring animal-free shows is a problem: people who disagree with animal use either miss out on circuses altogether or have to sit through animal acts just to see the human performers. Given the increasing support for animal rights generally and the support for CAPS' circus campaign in Ireland, any high quality all-human circus is likely to be a welcome addition to the country.

## 5 Animal circuses in Ireland in 2006 – 2012

**Chart 1:** Number of circuses using animals in Ireland in the years 2006 - 2012



As can be seen from Chart 1, the number of animal circuses has continued to decline across this study period. In 2008 Fossett's Circus took the decision to stop using animals in performances (but reintroduced an equine act in 2012); at the end of the 2010 season

Circus Sydney left Ireland (its owners are from Germany) following a series of controversies; Circus Vegas left Ireland during the 2011 season to tour the UK, which it continued to do in 2012.

## 6 Animal circuses in 2006 and 2012

**Table 1:** Animal circuses in 2006 and 2012

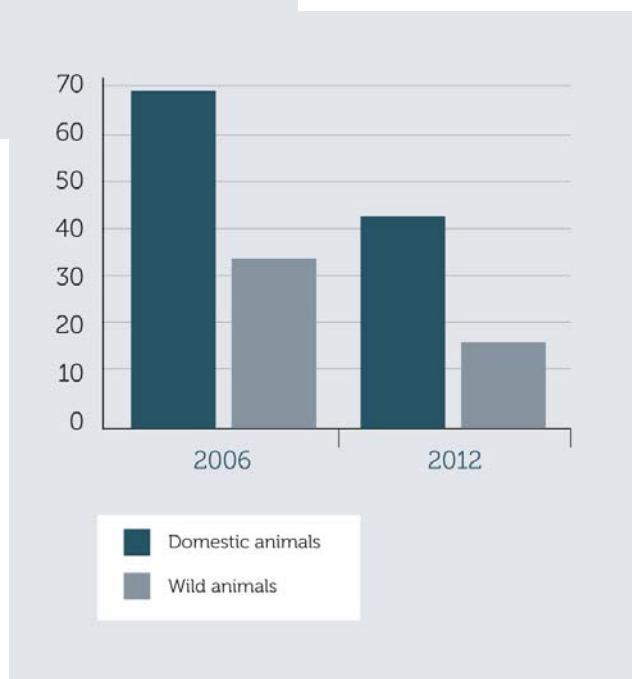
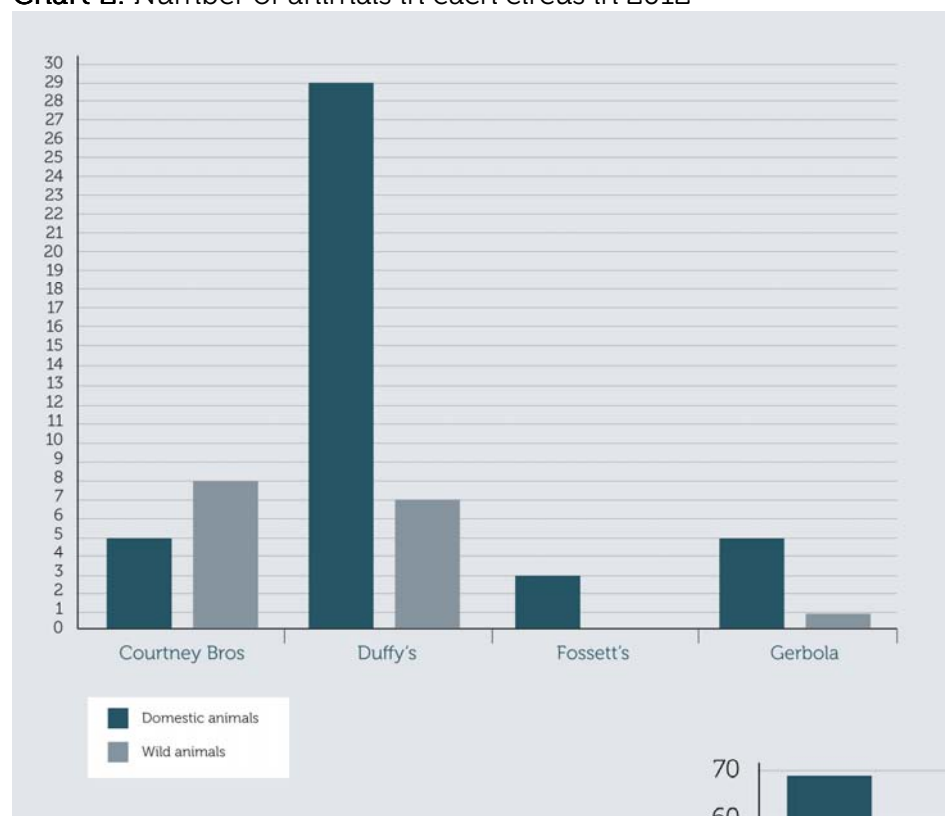
	Animals in 2006	Animals in 2012
Tom Duffy's Circus	Tigers, alligators, dogs, snakes, horses, ponies, donkeys, llamas	2 lions, 3 tigers, 1 zebra, 3 llamas, 4 alpacas, 7 dogs, 1 snake, 15 horses/ponies
Fossett's Circus	3 camels	2 horses/ponies, 1 dog (also 2 Shetland ponies for rides in interval)
Circus Gerbola	Horses, llamas, snakes and dogs	1 camel, 5 horses/ponies
Circus Hoffenburg	Horses, ponies, llamas, camel	Not toured since 2006
Royal Russian Circus (in 2012 toured as Courtney Brothers Circus)	2 elephants, giraffe, camels, ponies	5 elephants, 4 Shetland ponies, 2 Bactrian camels, 1 alpaca, 1 reptile (monitor)
Circus Sydney	2 African elephants, 4 wallabies, 1 ostrich, 6 horses, 5 dogs, 1 pony	Not toured in Ireland since late 2010
Circus Vegas	1 rhino, 1 hippo, 2 Asian elephants, ponies	Not toured Ireland in 2012 (touring UK with ponies for rides in interval)

**Table 2:** Animals used in circuses in 2006 and 2012

Species	2006	2012
<b>Wild animals</b>		
Alligators	4	0
Camels	7	3
Elephants (Asian)	3	5
Elephants (African)	3	0
Giraffe	1	0
Hippopotamus	1	0
Lions	0	2
Ostrich	1	0
Rhinoceros	1	0
Snakes	4	1
Other reptiles	0	1
Tigers	4	3
Wallabies	4	0
Zebra	0	1
<b>Domestic animals</b>		
Alpacas	0	5
Dogs	19	8
Donkeys	2	0
Horses and ponies	38	26
Llamas <sup>3</sup>	10	3
<b>Total number of wild animals</b>	<b>33</b>	<b>16</b>
<b>Total number of domestic animals</b>	<b>69</b>	<b>42</b>
<b>Total number of all animals</b>	<b>102</b>	<b>58</b>

[3] In CAPS' 2006 study, llamas were included in the category 'wild animals'. For the purpose of this study this has been amended to include them in the 'domestic animals' category. This is in line with zoo licensing guidance from the UK's Department for Environment, Food and Rural Affairs which, in 2004, reclassified llamas and alpacas as "normally domesticated in Great Britain" (DEFRA 2004)

**Chart 2:** Number of animals in each circus in 2012



**Chart 3:** Variation in animal use in 2006 and 2012

## 7 Importation of animals for use in circuses in Ireland

Although many of the animals used in Irish circuses belong to those circuses and remain in Ireland, others are imported for a particular season or part of a season. These animals are usually of wild species which Irish-based circuses do not own. Domestic species such as dogs and horses are not recorded in the official statistics.

These statistics relate to imports into the Republic of Ireland. No figures are available for

Northern Ireland as the Department of Agriculture and Rural Development records imports using a different system than its counterpart in the Republic. DARD only uses the EU's TRACES web-based system and does not keep records for longer than three months. However, it is believed that all animals imported for circuses for the whole of Ireland enter through the Republic, so the following figures are accurate.

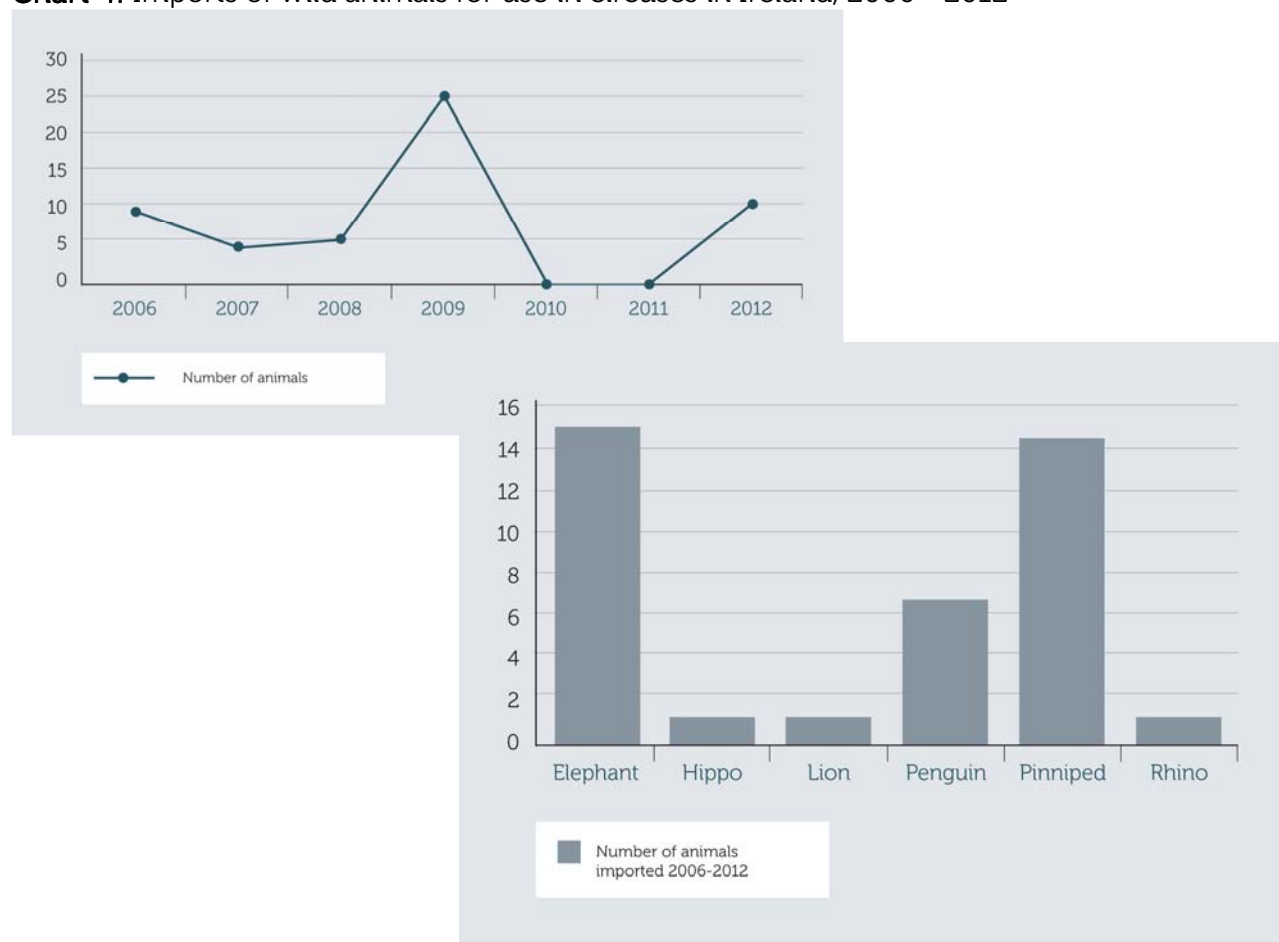
**Table 3:** Animal imports into Republic of Ireland for circuses, 2006 - 2012<sup>1</sup>

Species	Number	Origin
Year 2006		
Elephant	2	Germany
Elephant	2	Italy
Rhinoceros	1	Italy
Hippopotamus	1	Italy
Total	6	
Year 2007		
Elephant	9	Germany (NB: It is believed that three elephants were actually imported into Ireland; the higher number includes movements of the animals back into the Republic after tours in Northern Ireland)
Lion	1	UK
Total	4 - taking into account note regarding elephants	
Year 2008		
Elephant	3	Germany (via France)
Sea lion	2	Spain
Total	5	
Year 2009 <sup>5</sup>		
Sea lion	7	France
Fur seals	3	Belgium
Penguin	15	France
Total	25	
Year 2010	No imports took place	
Year 2011	No imports took place	
Year 2012		
Elephant	5	France
Total	5	

<sup>1</sup> Figures obtained through Written Questions raised in Dáil Éireann, 2006 – 2012

NB: In 2007 a lion was imported into Ireland for use in a circus. It is believed that this lion is one sent to Duffy's Circus and remained permanently in the country. In 2011 a circus magazine reported that Duffy's circus "recently acquired two lion cubs" and CAPS saw two lions performing at the circus in July 2012. However no further imports of the species appear in official statistics.

**Chart 4:** Imports of wild animals for use in circuses in Ireland, 2006 - 2012



**Chart 5:** Number of animals imported for use in circuses, 2006 – 2012, by species<sup>2</sup>

<sup>2</sup> Pinnipeds are sea lions, seals and walruses. In the table above pinniped refers to sea lions and fur seals

## 8 Discussion on the number of animals imported for, and used in, Irish circuses

The data above show how the numbers of animals used in circuses in Ireland, their species and the importation of wild animals have all fluctuated during the period of CAPS' first study in 2006 and this latest in 2012.

The biggest change has been in the number of animals used in circuses: almost a halving of the number for both domesticated and wild animal species, from a total of 102 animals in 2006 to 58 in 2012.

A number of factors play a part in these reductions and the role played by CAPS in highlighting the suffering of animals is seen here. Although a number of Ireland-based organisations have campaigned against animal circuses for many years, and CAPS conducted an investigation in the country in 2003 which resulted in media coverage, it was not until 2006 with CAPS' publication of the first in-depth study of the situation that pressure really increased and the call for an end to using animals was widely taken to the media, public and politicians.

Changing public attitudes towards animal use is a global phenomenon and Ireland is no exception. Dr Roger Yates, a sociology lecturer at University College Dublin, states (pers. corres.):

*"There is some research evidence suggesting that positive attitudes towards other animals are growing on a global level, and it seems this trend is happening in Ireland too. Irish animal advocacy groups appear to have consolidated their social position in recent years, and there are now several vegan societies across Ireland, something that was regarded as extremely unlikely less than a decade ago."*

In several countries, opposition to animal acts in circuses is so strong that governments have prohibited their use altogether (Greece, Bolivia, and Bosnia & Herzegovina). Other countries, such as Austria, Croatia and Israel, have banned the use of wild animals. At the time of writing this report

the UK government is "working on a draft Bill to achieve a ban" on wild animals in travelling circuses (DEFRA, 2012).

This change in attitude has not gone unnoticed by circuses. In 2008, Fossett's Circus took the decision to stop using animals in performances altogether, other than having ponies for children's rides during the interval. Sadly, it has reintroduced two animal acts in 2012 (using a horse, pony and dog) but is perhaps unlikely to use wild animals again.

Circus Vegas has also had some major changes since the 2006 study. Between at least 2002 and 2006 this circus used elephants on an annual basis and included sea lions in 2003 and a giraffe in 2005. Most notoriously, in 2006 they had a rhino and a hippo on the show, imported from an Italian circus. By 2007 their animal content had been reduced to some ponies and camels and the occasional use of dogs. 2010 saw the circus just have ponies for children's rides and during 2011 it left Ireland to tour the UK, which it continued to do in 2012 with ponies for rides in the show's interval.

One other major change has been the departure of Circus Sydney at the end of the 2010 season following a series of controversies which were well highlighted by CAPS through media across the country, both north and south (see page 24). Sydney had included a large number of animals in each annual tour since it began in Ireland in 2006, including elephants, wallabies, horses, dogs, ostrich and llamas.

However, a look at Chart 4 shows how the importation of animals can easily fluctuate. Some circuses in Ireland (as in many other European countries) often hire animal acts by the season and the availability of certain acts determines what animals a circus may have from one year to the next. Data above show some progress in limiting animals being imported in the two years following the 2006 study. Then, in 2009, the Belgian act Duo Borcani performed with their two fur seals at Circus Gerbola (a third seal, the offspring of



the other two, was not used in the show but still toured with the circus) and the Danish animal trainer Hans Petersen and his family worked with seven sea lions (only three of whom may have actually performed) and 15 penguins at Circus New York, representing by far the largest animal importation for circuses in Ireland for any year during this study.

Changes in EU law are thought to have also helped limit animal imports. A 2005 European Commission Regulation set out animal health requirements for the movement of animals in circuses between EU Member States in order to help prevent the spread of animal disease (European Commission 2005). Circuses "must be registered with the relevant authority (in Ireland the Department of Agriculture, Food and the Marine) and must comply with certain conditions. These conditions require that the animals are clinically healthy, that the place of departure is not subject to any animal health restrictions and that all testing and vaccination requirements are met" (Dáil Éireann 2012).

The EC Regulation is enacted in the Republic of Ireland via The European Communities

(Circuses) Regulations 2007 and in Northern Ireland by The Trade in Animals and Related Products Regulations (Northern Ireland) 2011 (which replaces The Animals and Animal Products (Import and Export) (Circuses and Avian Quarantine) Regulations (Northern Ireland) 2007).

Although, as Table 3 shows, elephants are regularly imported into Ireland for performances, CAPS understands that EU animal health regulations have prevented at least one circus being able to bring elephants into the country in 2007.

Despite successes so far with the campaign, no-one can become complacent. It is extremely difficult to predict what the circus industry will do from one year to the next and despite the issues CAPS has highlighted over the past six years through this campaign, some circuses persist in using animals in their shows and have shown no intention of stopping. It would not be out of the question to see more animals being introduced in the future if legislation is not enacted to prohibit it.

## 9 Circus tours

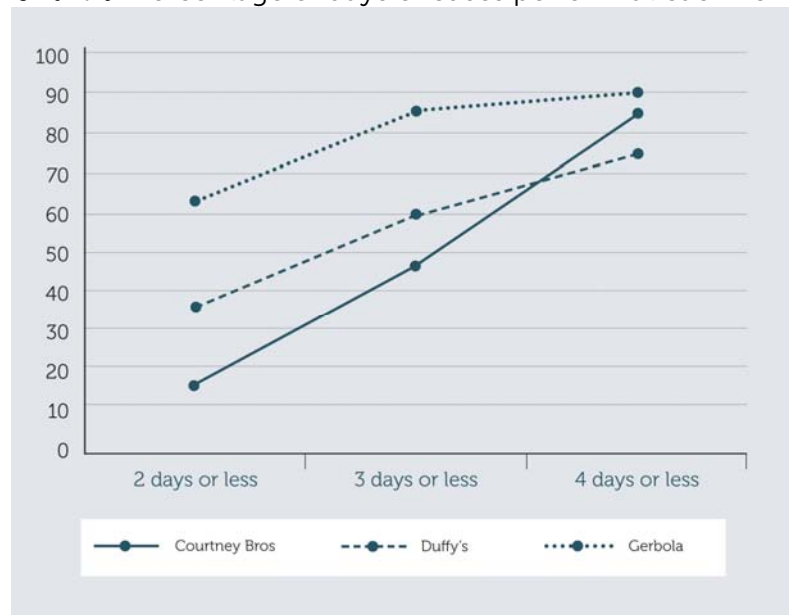
Circuses in Ireland begin touring in January or February and continue until November, with some doing winter / Christmas shows as well. In some cases, animal acts are hired for the touring season in Ireland and afterwards move to another country to continue performances there.

CAPS keeps a database of tour dates for circuses using animals in order to be able to assess how often the animals perform, how long the circus stays at each venue, etc. Analysis of this database for three of the circuses (Courtney Brothers Circus, Tom Duffy's Circus and Circus Gerbola) for January to mid-July 2012 show that, on average, each circus performs at a venue for just three days.

**Table 4:** Number and percentage of days circuses spend at each venue<sup>3</sup>

	Number of venues in database	Number of venues 1-2 days	Percentage of venues 1-2 days	Number of venues 1-3 days	Percentage of venues 1-3 days	Number of venues 1-4 days	Percentage of venues 1-4 days
Courtney Brothers Circus	13	2	15.38%	6	46.15%	11	84.61%
Duffy's Circus	38	14	36.84%	23	60.53%	29	76.32%
Circus Gerbola	52	33	63.46%	45	86.54%	47	90.38%

**Chart 6:** Percentage of days circuses perform at each venue



<sup>3</sup> NB: Venue dates for each circus are taken from a number of sources and may be subject to change without amendments on the original source, but these are as accurate as possible

Circuses normally perform one show on their first day at a venue and two on remaining days. In addition, the circuses usually do not have a day off, meaning that animals are transported to a new venue, perform that evening, do two shows the next day, move to the new venue and perform again. This pattern is repeated day after day, for months on end.

Such regular movement means that animals are confined to transportation vehicles for longer periods and are unable to become accustomed to new sites before they are again moved on.

Travelling circuses not only move site every few days, they travel across the whole of the country. Information obtained from the Arts Council Ireland, which funds some animal circuses (see page 40) shows, for example, that Duffy's Circus tours for nine and half months of the year, visits 32 counties in the Republic

and Northern Ireland and gives approximately 500 performances over a total of 266 days.

The only statistics seen by CAPS relating to audience figures for animal circuses in Ireland are contained in Arts Council Ireland documents obtained under the Freedom of Information Act. In 2009, Duffy's Circus had approximately 149,000 visitors during the year and Circus Gerbola had 40,000. In 2010, the ACI commented on Gerbola: "audiences for each show are low and, based on the information provided in the application [for funding], it is estimated that just 80 tickets were sold for each show."

If CAPS' visits to the four Irish animal circuses are anything to go by, audience numbers are not high. CAPS visited each circus during the summer high season and three shows were less than half full. Only one had a full audience but that was on the first night of performances at that venue and a large number of people had free tickets.

## 10 Elephants at Courtney Brothers Circus

As mentioned above, Courtney Brothers Circus has toured Ireland in 2012 with five elephants presented by Joy Gärtner.

Names used for elephants in circuses are not always their correct ones. For a variety of reasons circuses may use different names, and names can become misspelled. The names CAPS has seen for the five elephants are: Baby (or Bebe), Pyra, Dana, Belinda and Sabine.

During 2011, Joy Gärtner's elephants had been performing with Cirque Pinder in Paris and a

circus history website gave the names of the elephants at this show as Baby, Pira, Dana, Belinda and Thai. CAPS believes that the elephant in Ireland referred to as 'Sabine' may in fact be 'Thai' as no elephant by the name Sabine appears on the database of the Elephant Encyclopedia website ([www.elephant.se](http://www.elephant.se)), the most comprehensive database of elephants in captivity.

This database lists seven Asian elephants as belonging to Joy Gärtner. The details of the elephants performing in Ireland are:

**Table 5:** Joy Gärtner's elephants (Elephant Encyclopaedia 2012)

Name	Origin	Year of birth	Age in 2012	Arrival Date / Where from
Pira	Born in wild	1969	43	26.11.05 from Circus Giovanni Althoff (Germany)
Diana	Born in wild	1967	45	26.11.05 from Circus Giovanni Althoff (Germany)
Belinda	Born in wild	1963	49	26.11.05 from Circus Giovanni Althoff (Germany)
Baby (Bebe)	Born in wild	Unknown	Unknown	20.09.11 from Circo Americano (Faggioni) (Spain)
Thai	Born in wild	1966	46	1997 from Circus Lidia Togni (Italy)

All the elephants used in the Courtney Brothers Circus were, according to this database, born in the wild.

The Gärtner family has used its elephants in Courtney circuses previously. In 2005, two of the Gärtner brothers performed with two elephants on Courtney's Daredevil Circus, with four elephants apparently appearing in the show by the end of the season (the additional two possibly arriving in Ireland with Joy Gärtner, who had been performing with them in Norway).

Two of Gärtner's elephants were also on the show in 2006, replaced towards the end of the season by the Antonio Alcaraz family with Calle Scholl's elephants following the closure of Circus New York (another Irish-based show).

Elephants are the species most likely to be shipped around each year between circuses in different countries, particularly in Ireland where no circus owns elephants so has to rent acts in from other European countries. This is despite the fact that elephants are considered to be a species particularly unsuited to captivity of any form, especially circuses (Iossa 2009; Clubb 2008; Harris 2008).

According to Bristol University scientists in a peer-reviewed study (Iossa 2009):

*"Captivity can induce poor welfare in non-domesticated animals but circuses, in particular, fail to provide some of their most basic social, spatial and feeding requirements. The ability to execute many natural behaviours is severely reduced, with partial evidence of a*

*concomitant reduction in welfare, health and reproduction, at least in the most well-studied species, such as African and Asian elephants."*

## 10.1 Trouble in Morocco



**Figure 1:** Elephants in Morocco (christinehouben/YouTube)

In January 2011 news came to light that four Asian elephants (named as Pira, Dana, Belinda and Sabina) were 'stranded' in Morocco because they could not be imported into Europe due to animal health laws.

According to videos on YouTube of the elephants in Morocco, the elephants were "parked in a small enclosure planted on municipal land in the city of Casablanca" (Chefhamid 2011).

The animals, belonging to Joy Gärtner, had left France via Italy in 2005 to tour Romania, Tunisia and Morocco but when Gärtner tried to take them back into France they were refused.

Having spent more than six months in Morocco, "under European rules they have technically acquired the 'nationality' of the country where they are," an EU spokesperson told news agency AFP (AFP 2011). The agency reported: "Morocco, however, has no regulations on animal health compatible with EU rules and suffers moreover from foot and mouth disease."

Foot and mouth disease (FMD) is an infectious disease affecting cloven-hoofed animals. Although its main impact has been on domesticated animals reared for human consumption, particularly cattle, sheep and

pigs, several species used in circuses are also susceptible, including elephants, camels and llamas.

Methods of transmission of FMD, one of the most contagious animal diseases, include "direct contact between infected and susceptible animals [and] direct contact of susceptible animals with contaminated inanimate objects (hands, footwear, clothing, vehicles, etc.)" (OIE 2009).

Asian elephants appear to be "significantly more sensitive to infection" to FMD than their African cousins (Mahy 2005).

Outbreaks of FMD amongst farmed domestic animals in Morocco and other North African countries have been well documented, with evidence associating epidemics with the importation of infected animals, mainly sheep (FAO 1999).

As mentioned above, in 2005 the European Commission introduced a regulation setting out animal health requirements for the movement of animals in circuses between EU Member States in order to help prevent the spread of animal disease.

Gärtner's elephants were stranded in Morocco throughout the year whilst paperwork was sorted out. He accused the EU of "taking the elephants hostage", saying he had run up huge debts feeding them and could not afford to pay the freight to move them.

AFP press agency claimed Gärtner was "threatening to put the elephants down failing a breakthrough." An EU spokesperson responded: "He doesn't seem to have done his homework before leaving."

The EU recommended that the elephants be shipped to a country with a health agreement with the EU, such as non-EU Croatia. Here they could spend 40 days in quarantine before returning to an EU country (Croatian Times 2011). (The Elephants Encyclopedia website lists Gärtner's base location as Croatia which is another reason why the EU may have recommended this country).

The elephants remained in Morocco for more than a year, apparently fed through donations

from animal welfare organisations and the public (christinehouben 2011).

Gärtner and a few supporters even held a protest in Morocco, seeking help in exporting the elephants to France so they could be used in shows there. "Help us find the way back" read one placard.



**Figure 2:** Circus workers attempt to stop escaped elephant

Finally, in August 2011, following the intervention of the French Ministers of Agriculture and Environment (Maroc Newswire 2011), Gärtner was allowed to move the animals through quarantine at Marseille in France. They were transported to Paris in November and two days later started performing again with Cirque Pinder Jean Richard before being shipped to Ireland in January 2012.

However, in April 2012, the European Commission's Spokesperson on Health & Consumer Policy told CAPS: "The Commission is not aware of the elephants having come back to EU soil. The Commission's position on this issue had always remained the same: **a ban on imports of live animals from Morocco** (or re-entering into the EU of the elephants in question) since Foot and Mouth (FMD) disease is endemic in Morocco. Morocco is considered endemic of FMD and allowing such imports could put the farming community at risk." (Original emphasis; e-mail to study author, 12.4.12). He added: "The Commission was indeed not informed by the French authorities" that the elephants had been imported to France" (E-mail to study author, 13.4.12).

The French Ministers of Agriculture and Environment have both failed to respond to

repeated correspondence questioning their involvement in the importation of the elephants from Morocco.

## **10.2 Elephant escape**

On 27 March 2012 one of the Courtney Brothers Circus elephants, Baby, escaped from the circus, ran down a road and into a shopping centre car park in Blackpool, County Cork (Irish Examiner 2012).

Video footage taken by office worker Paul Dunbar on his mobile phone from an office block overlooking the incident was used in media worldwide and viewed 140,000 times on YouTube within days (irishexaminer 2012).

The footage clearly shows the 2.5 tonne elephant, whose age was given in the press as either 37 or 40 years old, acting panicked as she is grabbed by a circus worker who tries to gain control of her. One minute into the filming, another worker arrives and tries to assist but Baby becomes more panicked, starts to run and the two men move quickly away from her. Then, as she runs towards the car park exit and onto the road, the first worker begins jabbing her sharply with an ankus, also known as a bullhook, a metal rod with a sharp point used to 'control' elephants. Baby continues to run along the road, under the office window. The footage reveals the person filming running to another window to continue filming as the elephant, followed closely by the two men – one continuing to jab with the ankus – runs towards a main road. The video ends as the elephant disappears from view.

The circus claimed that Baby had managed to escape after the electric fence confining the animals at the circus site was turned off whilst they were being hosed down.

Failing to adequately confine an animal such as an elephant (a species defined under UK law as a 'dangerous wild animal') should be seen as a failure to protect circus staff and the public.

The circus played down the danger caused by 2.5 tonne of pachyderm charging through a car park and a busy road junction. "If it was a



dangerous animal we wouldn't have it in the circus", said Jim Conway, general manager of the circus (O'Connell 2012).

The circus also claimed the elephant was not mistreated during her capture, despite the video showing her being jabbed with the ankus. "No one saw how she came back. She just walked calmly back behind the lads holding the hock", added Mr Conway (O'Connell 2012). The only reason given for Baby's dramatic escape by the circus was that she didn't want to take a shower.

Another circus spokesperson, Michelle Courtney, told Dublin's Evening Herald: "Handlers were with Baby at all times and she was simply trying to retrace the route that she had taken in the Blackpool parade the day before" (Hayes 2012).

Gardai (police) were called to the scene by a passing motorist, stating that damage may have been done to a vehicle and they would be investigating the matter and viewing CCTV footage of the incident (Youghal Online 2012).

Yet it appears that no formal action has been taken against the circus for this serious risk to public and worker safety.

Simon Adams, a Zoo & Wildlife Veterinary Adviser, has experience with elephants in captive situations. He said of Baby's escape and the attempts to catch her (pers. corres.):

*"This is a pretty classic example of the 'predictably, unpredictable behaviour' of trained wild circus elephants, in my opinion. The term 'accident waiting to happen' applies here I believe. They were fortunate indeed this time that this animal didn't cause a traffic accident or trample anyone.*

*"It is not possible to say with certainty what stimuli were motivating this elephant from the video clip, however she was clearly 'distressed' by many strange stimuli, such as unfamiliar territory, the general alarm of the people around her, noises and shouting etc, all adding to her confusion and alarm. However, it does seem to me that the presence of the keeper with the ankus*

*caused her to decide to flee from the scene at the sight of the noxious pain inflicting stimulus that even the sight of the ankus produced.*

*"I can only speculate here, but if she was merely contained by an electric fence, then this in my opinion is insufficient to deter an elephant determined to escape the circus' outside enclosure, and probably explains how she got out."*

CAPS had previously warned of the dangers of using elephants in circuses following publication of the 2006 study. That report questioned the adequacy of the electric fence containing the two elephants then at the Royal Russian Circus (now operating as Courtney Brothers Circus). The fence appeared not to always be switched on, despite it being the only means of protecting the public from the animals when they were in the field. In addition, the circus was criticised over the ease of access that members of the public had to the elephants with little supervision from staff. The report warned that "in allowing the public such contact with such an animal there is always a risk of a dangerous incident occurring" (CAPS 2006).

### **10.3 Visitor crushed at circus**

Four days after Baby's dramatic escape from the circus, a 31-year-old Spanish man, Justino Muños, was seriously injured whilst feeding the elephants.

Muños, a friend of one of the circus workers, was rushed to Cork University Hospital with several broken ribs and a punctured lung after an elephant fell over and crushed him on a concrete floor. His injuries were so severe that doctors had to put him in an induced coma (Cashell 2012).

An eyewitness said she saw one elephant charge at another, causing her to fall and land on Mr Muños (English 2012).

Joy Gärtner, the elephant's trainer, again repeated his claim that the animals "are not dangerous". "I let my own son play with them. It's something I would not do unless I was 100 per cent sure of his safety", he said (Carr 2012).



According to media reports, Justino Muños was “a Spanish friend of one of the animal handlers” (Riegel 2012a). This raises additional concerns about why someone who did not even work at the circus, and possibly did not have relevant expertise with the animals and health and safety knowledge, was allowed to have such close contact with them.

Following the worker’s injury, the circus had blood and urine samples from the elephants tested, claiming they feared the animals’ food had been ‘tampered’ with. Tests found traces of paracetamol and morphine in the samples taken from the elephant who escaped in March and the one who crushed the worker. Media reports did not confirm whether the drugs were also found in the other three elephants at the circus (Riegel 2012b).

The circus claims that neither elephant was on veterinary medications at the time and that it suspects the drugs were administered through their food or water (Riegel 2012b).

Media reported lab results as concluding: “(There is) a positive opiate screen due to the presence of (both) codeine and morphine. During the course of the confirmatory testing, the presence of paracetamol was also detected. The presence of morphine is likely to be as a result of metabolised codeine” (Riegel 2012b).

In a sign that the veterinary lab was perhaps not too happy with the way the results were used by the circus, a later media story reported that opiates “cover a ‘wide variety’ of sedative drugs, including codeine. Paracetamol was also detected. ... Laboratory director Lucy Gaffney said it was ‘highly unlikely’ the presence of these drugs would have caused the elephants to behave in the unusual way they had. ‘The presence of these drugs would not necessarily have resulted in that sort of frenzied behaviour. The test for opiates covers a wide variety of drugs, including codeine, which turns into a morphine-like substance in the body’, she said” (Irish Times 2012).

As far as CAPS is aware, no authority in Ireland has taken action against the circus for this incident. Following both this accident and the escape of the elephant in March, the circus

was allowed to carry on as normal and continued to tour the country.

#### ***10.4 Use of elephants in parades***

Courtney’s had been using its five elephants in public parades since they were imported into Ireland in January 2012. Such stunts are used to promote the circus and gain media coverage and free publicity.

CAPS had first raised concerns about the public safety risks of parading elephants through public streets in its report on Irish circuses in 2006, which was sent to local authorities with the aim of preventing a recurrence of these stunts.

Before Baby’s escape in March 2012, the Courtney’s circus had used elephants in parades in public streets at Laois Shopping Centre (Laois Shopping Centre 2012), Carlow (Carlow Nationalist 2012) and Wexford (Wexford People 2012). Press images show members of the public close to, or touching, the elephants with no barriers between them.

The serious incidents involving the circus’ elephants described in this report, and the controversy and criticism of parading the animals in public areas, did not stop the circus continuing with such publicity stunts. It was at it again on 30<sup>th</sup> May when the elephants were walked down the main street of Naas, a Dublin commuter suburb, on a midweek afternoon (Leinster Leader 2012).

The Republic of Ireland has no legislative equivalent to the UK’s Dangerous Wild Animals Act 1976 or the Dangerous Wild Animals (Northern Ireland) Order 2004, which licenses the keeping of specific species (such as elephants). Although circuses are exempt from this legislation whilst they remain within the boundaries of the circus site, once animals are removed from the confines of the circus area, such as paraded down a public street, a licence under the Dangerous Wild Animals Act/Order is required as there is a clear risk to public safety.

As such, under UK and NI law, the parade of elephants carried out by Courtney Brothers Circus would be illegal unless they first

obtained a licence. However, the failure of the Republic to introduce such legislation allows circuses with elephants to continue to use elephants in a way which creates unacceptable risks to the safety of the public.

Following Baby's escape at Blackpool, CAPS sought comments from local authorities where elephant parades had taken place.

Wexford Borough Council told CAPS they were not happy about the stunt that took place in the town. The Town Clerk had not been made aware that the circus was planning the parade so were unable to send officials to monitor public safety but he did have concerns. He said that the council always tries to assist groups with events in the area but following this parade the council "wrote to the circus ... expressing our view that we were unhappy with events of this kind going ahead without permission." He added: "In my view, a simple national licensing system for circuses and funfairs would stop a recurrence of this kind of incident. If the licence set out the rules and regulations, then serious breaches of the licence could lead to a licence being revoked or refused in the future. It would also establish the names and addresses of the directors of such businesses." (E-mail correspondence, CAPS and Wexford Borough Council Town Clerk, 12.4.12).

Carlow's council saw the matter differently. When the circus paraded the elephants through Carlow in February 2012, Assistant town clerk Seamus de Faoite told the *Carlow People* newspaper that special permission

from the council was not needed to bring the elephants through Carlow as "it is a public roadway". The clerk was more concerned about any potential cleanliness issue: "We would have issues with regards to fouling and would expect it to be cleaned up" (Carlow People 2012).

The Town Clerk's comments are in contrast to those of Carlow County Council's Road Safety Officer in 2006. In November that year, two elephants from the Royal Russian Circus (now called Courtney Brother's Circus) were walked down roads in Carlow town. According to one witness the animals were petted by children, stepped into a fountain and walked amongst cars on the road. The circus had not alerted police or the local council to their stunt (CAPS 2006).

Carlow County Council's Road Safety Officer told the press at the time that he was "very, very concerned". He told CAPS that, after hearing of the incident, he reported it "to all Senior Local Authority officials in Carlow County Council and Carlow Town Council. The matter was reported to the Gardai who also monitored the circus during the remainder of its run in the area to prevent a repeat of the incident" (E-mail to CAPS from John McDarby, Road Safety Officer, Carlow County Council, 20 November 2006; Star 2006).

However, it appears that no long-term changes were made within the authority's area.

## 11 Circus Sydney

A discussion of the state of Irish circuses since the 2006 report would be incomplete without mention of Circus Sydney. Although this show left Ireland at the end of the 2010 season, it provides a useful example of how animal circuses operate in the country<sup>4</sup>.

Run by the German family Scholl, the circus began touring in Ireland in 2006 and immediately came to CAPS' attention during the investigations and study that year as one of their elephants, a bull elephant named Max, was performing despite having a deformed rear leg which not only could create welfare problems but also health and safety risks should he collapse in the ring. The circus had agreed to allow an independent vet to carry out an examination of both its elephants but the animals were transported to Germany by the circus shortly before the veterinary inspection was due.

Max never returned to Ireland but the following year, the cow elephant, Kenya, died under mysterious circumstances while the circus was in County Antrim. The body of the 19-year-old African elephant was incinerated before any examination could be done. The circus claimed Kenya had suffered a heart attack after "she was hassled by dogs".

In 2008 the circus used two elephants in a publicity parade, walking them down a main road in Bangor, County Down until they were told to stop by police. A month later, the Advertising Standards Authority Ireland upheld four complaints made by CAPS about advertising by the circus, including false claims about the number of elephants at the show and that the circus is from Australia.

The circus was no stranger to losing its animals. In 2006 one of its wallabies went on the run for a week. In its most infamous escape incident, the show was ordered to pay €5,500 to South Dublin Council for the return of six llamas and four goats who escaped from the circus and caused major traffic chaos on the M50.

It was also no stranger to the courts: In 2010 the boss' brother was convicted of drugging two dogs and smuggling them into Britain on his way to perform with the show.

2010 proved to be the final year for the circus in Ireland following allegations that the show had provided a wallaby for a party at a nightclub. Partygoers allegedly fed the animal alcohol and drugs, causing his death. The huge negative publicity surrounding the animal's death may have been the reason that the circus left the country shortly afterwards.

While some would claim that Circus Sydney is an extreme example of a circus that created such a large number of negative incidents, it offers a telling insight into how the circus industry can operate: local and national authorities are either unable or unwilling to deal effectively with animal welfare problems; publicity stunts put the animals and public at risk; the death of animals (as in Kenya's case) either goes virtually unnoticed or it is impossible to really find out what causes their demise.

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<sup>4</sup> Further information is available on CAPS' Irish circus campaign website at <http://www.irishcircuses.org/Circus-sydney>

## 12 Discussion of animal performances

### 12.1 Visits to animal circuses

During July 2012 CAPS visited all four animal circuses to confirm what animals were being used and the type of acts they were performing.

#### 12.1.1 Courtney Brothers Circus

##### *Animals at circus:*

Five elephants, four Shetland ponies, two Bactrian camels, one alpaca and one reptile (possibly a monitor).

##### *Animal acts:*

Four Shetland ponies were taken through a usual circus routine including jumping over barriers, standing on the ringside fence, front leg bow and rearing/walking on hind legs.

A 'exotic act' consisted of one Bactrian camel and an alpaca being walked into the ring but not performing any tricks. At the same time a young boy walked around the ringside fence carrying a large reptile (possibly a monitor).

In 2006 the Association of Circus Proprietors of Great Britain published its 'Standards for the care and welfare of circus animals on tour'. This is the document submitted by circuses to the Arts Council Ireland as their animal welfare policy when applying for funding (see page 44). On the use of reptiles in circuses, this document states: "The ONLY reptile species permitted to be held by circuses are large constricting snakes, and if suitable accommodation can be provided, alligators. NO OTHER REPTILE IS ACCEPTABLE" (Original emphasis). Although Courtney's may not be a member of the ACP it reveals that even these basic, and often criticised, standards are not always being applied by circuses.

The Gärtner family presented a single elephant for the first of two elephant acts. The elephant

walked into the ring with one young boy riding on top of her and his younger brother hanging from her trunk. She also stood on a pedestal, walking in a circular route with the boy hanging from her trunk.

In the second half of the show the Gärtner family appeared with all five elephants. Acts included: all standing and sitting on podiums; rearing up and putting front legs on rear of one in front; four elephants sitting on podiums, one standing on podium between them and two of the Gärtners standing on an elephant; walking out of the ring by rearing and walking with front legs on rear of elephant in front.



**Figure 3:** Elephant act, Courtney Brothers Circus

With five elephants, five metal podiums, two trainers and two children all in the space of a small circus ring, there was a potential for a serious incident should one of the animals fall or become scared. Only a low wooden ringside barrier stood between the animals and the audience.

Four of the elephants also appeared in the finale with all of the cast who were dancing and singing. Finally, one elephant walked backward waving the Irish tricolour flag.



**Figure 4:** Elephant act, Courtney Brothers' Circus

#### *Animal enclosures:*

The circus was set up on what appeared to be waste ground, alongside some industrial units and commercial buildings. Observation of the animal enclosures at the back of the big top was restricted and there was no opportunity to see the animals after the show. However, limited observations could be made several times throughout the day and access was gained to photograph the elephant and camel enclosures.

The elephants appeared to be brought out of their housing tent and put into the outdoor enclosure during late morning. The enclosure, approximately 25 metres by 10 metres in size, was an area of grass with some hay, surrounded by single electric wire fence. No enrichment such as scratching posts or bathing pool could be seen.

Further comments on conditions for the elephants at this circus can be found on page 30.

Two camels were housed in a small pen (approximately 50m<sup>2</sup>) full of overgrown vegetation. Only one camel appeared in the show.

The Shetland ponies and alpaca were tethered near to the road.

The reptile could not be seen and was presumably housed in one of the vehicles on site.

The circus site was visited four times throughout the course of the day and the animals were in these areas each time.



**Figure 5:** Elephant enclosure, Courtney Brothers' Circus



**Figure 6:** Camel enclosure, Courtney Brothers' Circus



### 12.1.2 Tom Duffy's Circus

#### *Animals at circus:*

Two lions, three tigers, one zebra, three llamas, four alpacas, seven dogs, one snake, fifteen horses and ponies. (Two tigers seen in the outside enclosure after the show appeared younger in age than the three tigers in the show. No other tigers could be seen. As it is unclear whether there were actually five tigers this report refers instead to three tigers being held/used at the circus.)

#### *Animal acts:*



**Figure 7:** Tiger act, Duffy's Circus

Two lions and three tigers were in the ring together. They performed standard circus acts including jumps, standing on hind legs and roll overs.

Two llamas, an alpaca and a zebra were used in standard routine including jumps and standing on ringside fence.

The horses and ponies were in standard acts including 'Big and Little', jumps and hind leg walking.



**Figure 8:** Equine act, Duffy's Circus

A bareback riding act had three performers jumping on and off the horse.

Seven dogs performed acts such as hind leg walking and going down a slide.

During the interval children could have their photo taken holding a snake.

In 2000, the Chief Medical Officer for England and Wales issued a warning, advising that children under five years old, pregnant women, the elderly and those with impaired immunity should avoid contact with reptiles because of the risk of contracting salmonella (DOH 2000). The warning was issued following an increase in cases of salmonella in children and infants associated with exotic pets. Just months before the health advice, a three-week-old baby died after contracting the disease from the family's pet lizard. Professor Donaldson said: "It is estimated that nine out of ten reptiles carry salmonella."

Although at Duffy's Circus children were encouraged to use a handwash gel after handling the snake, greater awareness and regulation needs to be carried out to prevent people at higher risk (such as young children) from having contact with reptiles.

#### *Animal enclosures:*

The circus site was surrounded by security fencing which restricted the ability to obtain close visual observation of the animal enclosures at the rear of the big top. The animals could be seen after the show (for an additional payment of €2 the circus audience can visit what is referred to as the 'zoo').

The big cats were housed in a typical beastwagon (cages built onto the back of a lorry) with a fenced outside enclosure attached. Two of the tigers could be seen in this outdoor pen (approximately 80-90 m<sup>2</sup>) and one pacing lion was locked inside the beastwagon). The enclosure contained some very basic attempts at providing enrichment – one low wooden platform and two metal pedestals to lie/stand on, one tyre, a plastic barrel and two small logs.

Major concerns held by CAPS regarding the big cat enclosure relate not only to animal

welfare but also public safety. The enclosure attached to the beastwagon was of a temporary nature (i.e. not a permanent structure) and the mesh panels appeared to be fixed together using metal pins which were not bolted for security (see photo below); there was a rope mesh instead of a metal fixed roof to the enclosure; no electric guard wires to prevent the cats climbing up the fence panels could be seen.

The Association of Circus Proprietors of Great Britain (ACP) guidelines, which Duffy's Circus should abide by as part of its Arts Council funding policy (see page 43) provides the following standards for big cat enclosures: "Annexes [outdoor enclosures] should be constructed from steel tube framed interlocking mesh panels or other acceptable materials of sufficient strength to contain big cats. ... Annexes must be roofed" (ACP 2006).



**Figure 9:** Interlocking mesh on tiger enclosure, Duffy's Circus



**Figure 10:** Tiger Enclosure, Duffy's Circus

Four small pens (approximately 20m<sup>2</sup>) housed several dogs including a Bassett hound who was not in the show. The pens each had travel crates as shelter/platforms and other than a food or water bowl were bare. ACP guidelines state: "The area in which the dogs are kept while not performing must have access to sunlight and shade during daylight hours. Drinking water and shelter from climatic extremes must be provided at all times of the day to satisfy the needs of all the dogs. ... Dogs

to be housed in purpose-built mobile kennels with access to exercise pens" (ACP 2006).



**Figure 11:** Tiger enclosure, Duffy's Circus

Eight horses and ponies were in standard stable housing but this was fenced off so no close observation could be made. Seven small ponies, three llamas and four alpacas were housed in three very small pens, approximately 8m<sup>2</sup> to 32m<sup>2</sup>.

The zebra and snake were not seen.

Although it is possible that the equines, camelids and dogs were only in these pens for the period after the show for people to see, the site did not appear to provide any extra room for exercise as it was surrounded by a high fence.



**Figure 12:** Dog enclosure, Duffy's Circus



**Figure 13:** Pony enclosure, Duffy's Circus



### 12.1.3 Fossett's Circus



Figure 14: Equine Act, Fossett's Circus

#### ***Animals at circus:***

One horse, one pony and one dog. An additional pony was used for rides in interval and before start of show.

#### ***Animal acts:***

There were only two animal acts in the show (or one as the first act flowed into the next). Amanda Sandow presented the 'Big and Little' horse and Shetland pony act for which she is known. This was immediately followed by the introduction of a dog who stood on the pony's back as the pony walked around the ring.

#### ***Animal enclosures:***

On the day CAPS visited the circus there was very heavy rain and no access could be gained to the field the circus was pitched on and no animals could be seen. After the show finished there was no opportunity to see the animals.

### 12.1.4 Circus Gerbola

#### ***Animals at circus:***

One Bactrian camel, two Shetland ponies, three horses.

#### ***Animal acts:***

A camel and two Shetland ponies were brought into the ring. The ring mistress said the camel was 'shy' and it was his first time in the ring (presumably she meant his first season). The animals just stood in the ring. After 45 seconds the ponies were led out of the ring but the camel refused to go and was fed slices of bread until he co-operated.

The three horses carried out a typical *liberty* routine, including walking around the ring and standing on the ring fence. One was supposed to perform a front leg bow and the presenter twice pulled the lead under his leg to try and make him do this but he refused. After two attempts the presenter decided to abandon it.

The two Shetland ponies carried out a basic routine such as standing on the ringside fence.

All the horses and ponies had tight head gear to make their necks arched.

#### ***Animal enclosures:***

The circus was set up on waste land set back off the road behind fencing and adjoining commercial businesses. Close observation was limited but at three times during the day the animals could all be seen outside at the back of the big top. However, it was not possible to confirm whether they were tethered or how much space they had.

When considering these four circuses, it is worth noting the work of scientists from Bristol University who, in a peer-reviewed study in 2009, wrote (Iossa 2009):

*"There is no evidence to suggest that the natural needs of non-domesticated animals can be met through the living conditions and husbandry offered by circuses. Neither natural environment nor much natural behaviour can be recreated in circuses. Complex captive environments (naturalistic displays with plants, objects, perches, etc) such as those set up in good zoos can, in part, alleviate behavioural problems stemming from captivity and provide the animal*

*with a diverse array of stimuli. However, due to their mobile life, circuses have a limited ability to set up complex environments and a non-domesticated animal's life is consequently impoverished."*

## **12.2 Vet comments on elephants at Courtney Brother's Circus<sup>5</sup>**

Because of specific concerns about the elephants, CAPS provided video footage of the elephants' performances, and photographs of their outdoor enclosure, to CAPS' Veterinary Advisor Samantha Lindley BVSc MRCVS for comment. In addition to running both the Pain and Rehabilitation Service and the Behaviour Service at Glasgow Veterinary School and a Pain clinic at a veterinary hospital in Stirling, Samantha lectures widely on the subject of behaviour, pain management and acupuncture and welfare of captive wild animals.

### **Comments on elephant performances**

*In the first performance a child is hanging from, and then actively swinging on, the elephant's trunk. This powerful yet sensitive piece of muscle is vulnerable to damage and in particular 'trunk paralysis'. This act is particularly irresponsible. It is also dangerous for the child as he is vulnerable to being thrown.*

*The video footage of the second act, using all five elephants, shows actions that can place repeated strain on the joints and muscles of these animals. The effort in getting onto their back legs can be seen as they prepare to rear up – they have to throw their head and neck along with their forelimbs up to achieve this, putting strain on their neck and back muscles as well as their back legs. If one takes into account rehearsal and performance these are significant levels of abnormal exercise that these elephants are required to perform and are likely in my opinion to have an impact on*

*their long-term health, in particular musculoskeletal pain.*

*The trainer can be seen pulling the tails of two of the elephants that do not appear to be turning as fast as the others, so there is some physical coercion going on here. What we do not know is whether the tail pull is just that, which is distasteful enough, or whether it is a cue that signals a more unpleasant sensation if they do not co-operate (such as a goad or spike).*

*The apparent 'lead' elephant then does two things that appear to be pertinent:*

*Firstly, she weaves (none of the others do this so I do not think its part of the performance) before backing up to sit down. This is a displacement activity and the most likely reason for it occurring here is that she does not want to perform the manoeuvre. She then sits much more slowly than do the other elephants.*

*Then, when this 'trick' is repeated, she again weaves, but more persistently and she is much more reluctant to back up and sit down, so much so that the older trainer has to come round to encourage her, which takes some time. One of the possibilities is that she finds this movement painful or difficult.*

*As usual with such circus acts, any resemblance to the performance behaviours being 'only part of what the animals would do in the wild' is non-existent. These postures (sitting on their hindquarters and balancing on the stools) are unnatural and likely to be put strain on muscles and joints, leading to pain and disability. Captive elephants are prone to the development of arthritis and this kind of repetitive behaviour will exacerbate joint wear and tear.*

### **Elephant outdoor enclosure**

*The photographs I have seen of the outdoor pen appear to show very poor security (particularly given previous incidents involving these animals). One small electric fence would not be enough to stop these elephants escaping or to stop anyone getting in. There is rubbish lying on the ground, which the elephants could pick up and ingest.*

<sup>5</sup> NB: These comments are based on watching the provided videos only and not from seeing the performances in person. It should also be noted that these comments are the opinion of Samantha Lindley and do not necessarily reflect that of the veterinary profession as a whole

*The hay is just thrown on the ground and will be spoiled by the wet ground and trampling by the elephants.*

*There is no shade or shelter.*

### **Camel enclosure**

*I was also provided with photographs of the outdoor pen housing the two camels. This is very small and taken up with bushes/shrubs that make it even smaller. The enclosure appears to be right next to oil tanks which is not safe and which may emit unpleasant fumes.*

### **12.3 Comparison between circus and zoo standards**

Circuses and zoos both keep some of the same species of wild animals, yet conditions and legislation differ between the two. In Ireland, no specific legislation covers the use of animals in circuses other than regulations concerning animal health implications of importing animals<sup>6</sup>. However, no-one can operate a zoo without first being granted a licence<sup>7</sup> and they must meet certain standards of animal care and participate in conservation programmes as well as be inspected at least once a year<sup>8</sup>.

The disparity between life for animals in circuses and individuals of the same species in zoos has often been questioned. An elephant or tiger in a circus is no less capable of physical or behavioural suffering than one in a zoo, yet the lack of regulatory control means that little is done to provide the same level of protection in circuses.

Although circuses do not have to meet the same standards of housing as zoos do, this

study compares conditions found for elephants and big cats in Irish circuses during July 2012 to published recommended standards for the same species in zoos. These species have been selected as conditions observed in Ireland are likely to be the same for each venue the circuses visit.

#### **12.3.1 Elephants:**

The outdoor enclosure provided for the five female Asian elephants at Courtney Brothers Circus at the time of CAPS' visit in July 2012 is compared here against UK circus industry guidelines and two sets of guidelines for elephants in zoos:

- The Association of Circus Proprietors of Great Britain's Standards for the care and welfare of circus animals on tour (ACP 2006)
- British and Irish Association of Zoos and Aquariums' Management Guidelines for Elephants (BIAZA 2010)
- Coalition for Captive Elephant Well-Being's Best Practices document (Kane et al 2005)

<sup>6</sup> The European Communities (Circuses) Regulations 2007 (in the Republic) and The Trade in Animals and Related Products Regulations (Northern Ireland) 2011

<sup>7</sup> The European Communities (Licensing and Inspection of Zoos) Regulations 2003 (in the Republic) and The Zoos Licensing Regulations (Northern Ireland) 2003

<sup>8</sup> This should not be taken as approval of the zoo licensing system. CAPS opposes zoos for ethical and conservation purposes and in 2012 published a detailed study revealing the failures of the zoo licensing system in England - <http://www.captiveanimals.org/licencetosuffer>. The comparison is made to show the different situations for circuses and zoos

**Table 6:** Comparison of standards for elephants at Courtney Brothers Circus compared to recommendations for circus and zoo

	Courtney Brothers Circus	Association of Circus Proprietors	BIAZA	Coalition for Captive Elephant Well-Being
Outdoor enclosure size	Approx 250m <sup>2</sup>	100m <sup>2</sup> for 1-3 animals; 20 m <sup>2</sup> for each extra elephant (i.e. 140 m <sup>2</sup> for 5 elephants)	2,000m <sup>2</sup> for herd up to 8 females	"Healthy elephants shall have sufficient space to travel a minimum of 7 miles on a daily basis while engaged in natural behaviours like foraging, feeding, exploring, socializing and the like." <sup>12</sup>
Outdoor enclosure substrates	Grassed area. Hay was piled on ground		" <b>MUST</b> be primarily natural e.g. soil, sand or grass with good drainage and discrete hygienic areas for feeding."	"A variety of substrates and substrate types shall be provided including different types of clean dirt, mulch, sand, well-established grasses and sedges, etc."
Shelter	No shelter		"The outdoor area <b>MUST</b> be protected from extremes of sunlight, wind and rain, i.e. sufficient sheltered areas should be provided."	"Shade from the sun, with wind and without wind, shall be available whenever an elephant is on exhibit or in an outdoor-holding area."
Enrichment	No obvious enrichment.		<p>"A pool, waterfall, sprinkler, dust baths and wallows provide enrichment, allow cooling and bathing and may also assist skin-care by protecting from sun and biting insects. Elephants <b>MUST</b> have access to water for bathing, especially during hot weather."</p> <p>"Other enrichment methods include: feeding browse, scatter feeding, log piles and root balls."</p> <p>"Enrichment <b>MUST</b> be incorporated into all aspects of elephant management and enclosure design with objects to rub against, interact and play with."</p>	<p>"Configuration of the exhibit area must include destinations, like quiet pools, trees, rock features, and options for the elephants to socialise or to avoid socialising."</p> <p>"Outdoor ... areas shall provide multiple sites for wet (mud) and dry (dust) wallows."</p> <p>"Varied rubbing surfaces, whether rocks, tree stumps or other large sturdy objects, at differing heights, shall be installed."</p> <p>"Staff shall rotate appropriate exhibit furniture (e.g., ... large tyres, climbing rocks, scratching posts, sticks, logs, root balls, and sunken trees) in and out of the exhibit areas on a sufficiently regular basis to maximise physical and mental stimulation."</p> <p>"Food or browse shall be distributed in a manner that permits and encourages significant, sustained foraging behaviour for at least 16 hours each day."</p> <p>"A variety of enrichment and environmental features should be provided that require animals to work for their food, such as devices that must be opened, are almost out of reach, include multiple steps, ration the amount of food, are triggered by behavioural responses and the like."</p>
Boundary fencing	Single strand electric fence, inadequate for preventing public access or contact between public and elephants		<p>"Enclosures <b>MUST</b> be designed to ensure that absolutely no physical contact is possible between public and elephant."</p> <p>"Electric fences are a popular and efficient secondary barrier but <b>MUST</b> be of sufficient power to deter elephants ... When electric fences are used as a main barrier, as in cases when they are used to give access to large grassed areas, suitably trained staff members <b>MUST</b> be present."</p>	"All fencing or other containment systems must prevent contact between elephants and the public."

<sup>12</sup> Kane et al note that Oakland Zoo in the USA used "browse, training opportunities, exhibit configuration and night time outdoor access to create conditions in which three captive adult elephants walked two miles a day in an enclosure totalling only 6,000 sq. m (1.5 acres)"



### 12.3.2 Big cats:

Duffy's Circus had two lions and three tigers in its show, housed together in a beastwagon behind the big top. When CAPS visited, only two tigers were in the outdoor enclosure and only one lion could be observed locked into a section of the beastwagon. It is presumed that the lions and tigers are given access to the outdoor pen in rotation (that the two species are not allowed outside together) and that the furniture and enrichment (i.e. platforms, tyres, plastic barrel, etc) in the outdoor pen at this circus is not changed, regardless of which species of big cat is using it.

If it is correct, as mentioned at 12.1.2, that there are an additional two young tigers at Duffy's Circus, then the animals' use of the outdoor enclosure is likely to be rotated between the three older tigers, two younger tigers and two lions, thereby further limiting the amount of time any animal has access to it.

Research carried out at zoos reveals that not only do different species require different

housing and husbandry in an attempt to meet their basic welfare needs, but even factors such as an individual animal's age and social rank affects their needs:

*"Different species have evolved to exploit different environmental niches, so there is no 'one size fits all' rule to housing and husbandry that will meet the needs of the whole diversity of species held in zoos" (Hosey et al 2009).*

Comparison is made here between the conditions for the tigers and lions at Duffy's Circus and:

- The Association of Circus Proprietors of Great Britain's Standards for the care and welfare of circus animals on tour (ACP 2006)
- The Association of British Wild Animal Keepers' Management Guidelines for Exotic Cats (Richardson 1997)
- Swiss Animal Protection Ordinance concerning animal use in circuses

**Table 7:** Comparison of standards for big cats at Duffy's Circus compared to circus and zoo recommendations

	Duffy's Circus	Association of Circus Proprietors	Richardson (1997) <sup>13</sup>	Switzerland <sup>14</sup>
Outdoor enclosure size	Approx 80-90m <sup>2</sup>	76m <sup>2</sup> or 12.3m diameter for 1-5 animals	10x20 body lengths = 392-1568m <sup>2</sup> . Should allow cage mates to distance themselves from each other	80m <sup>2</sup> for 1-2 cats, with extra 20m <sup>2</sup> per additional animal
Enrichment	One low wooden platform and two metal podiums; one tyre; one plastic barrel; two small logs	Access to wood as scratching and marking posts; high perches and places to climb	Climbing opportunities and resting platforms	Climbing opportunities, resting platforms
Other	No pool		Animals should be viewed from maximum of 2 sides of enclosure. Visual barriers should be provided	Pool should be provided (tigers). Visual barriers should be provided

<sup>13</sup> Taken from BFF/RSPCA 2006

<sup>14</sup> Swiss Animal Protection Ordinance of May 27, 1981 (as per November 1, 1998). Taken from BFF/RSPCA 2006

## 12.4 Amount of time animals appear in circus ring

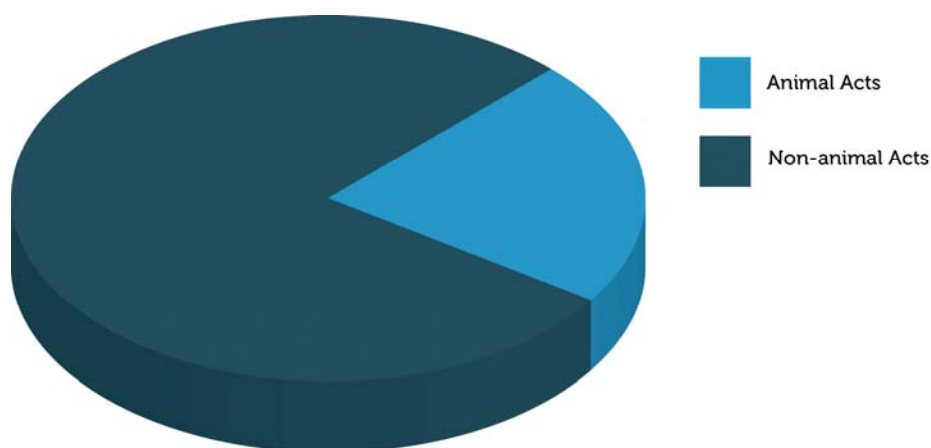
During CAPS' visit to each circus, the amount of time each animal appeared in the circus ring was logged.

### 12.4.1 Courtney Brothers Circus:

The whole show lasted approximately 1.5 hours with a ten minute interval. The following approximate times show how long each animal act lasted:

Act	Length of time
Shetland ponies	3 minutes 35 seconds
'Exotics' act (camel, alpaca, monitor)	1 minutes 50 seconds
Elephant (first act)	3 minutes 5 seconds
Elephants (second act)	7 minutes 20 seconds
Elephants (finale, with whole cast)	2 minutes 5 seconds
<b>Total time animals in show</b>	<b>17 minutes 55 seconds</b>

**Chart 7:** Animal performances as a percentage of the overall show at Courtney Brothers Circus



Total time of whole show (excluding interval): 1 hour 20 minutes

Total time animals in show: 17 minutes 55 seconds

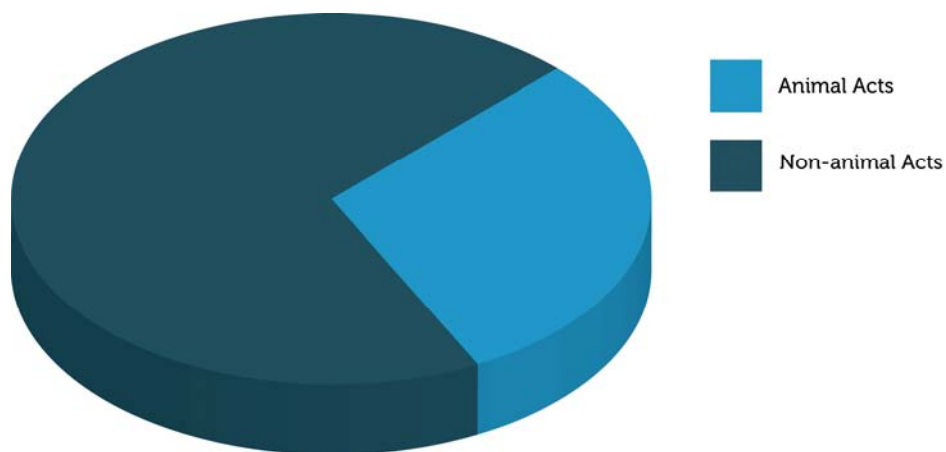
Animal acts constituted 22.4% of the show by time

#### 12.4.2 Tom Duffy's Circus:

The whole show lasted approximately two hours with a twenty minute interval. The following approximate times show how long each animal act lasted:

Act	Length of time
Tigers and lions	9 minutes 5 seconds
Llamas, alpaca and zebra	4 minutes 50 seconds
Horses and ponies (several acts consecutively using different animals)	9 minutes 28 seconds
Horse	3 minutes 30 seconds
Dogs	4 minutes 21 seconds
<b>Total time animals in show</b>	<b>31 minutes 14 seconds</b>

**Chart 8:** Animal performances as a percentage of the overall show at Duffy's Circus



Total time of whole show (excluding interval): 1 hour 40 minutes

Total time animals in show: 31 minutes 14 seconds

Animal acts constituted 31.23% of the show by time



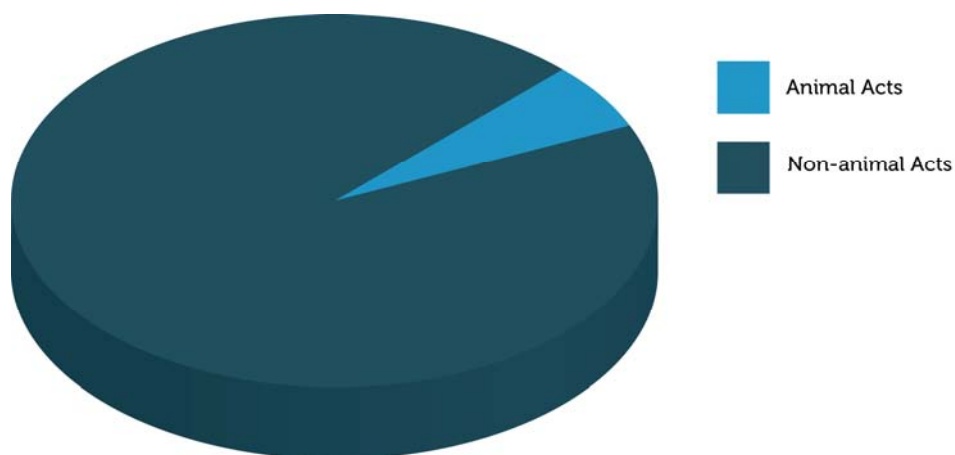
### 12.4.3 Fossett's Circus

The whole show lasted approximately 2 hours with a twenty minute interval. The following approximate times show how long each animal act lasted:

Act	Length of time
Horse and pony	5 minutes 27 seconds
Pony and dog	50 seconds
<b>Total time animals in show</b>	<b>6 minutes 17 seconds</b>

NB: The horse and pony / pony and dog acts were actually all part of the same act but as the dog was only used at the end, they have been separated for the purpose of this study

**Chart 9:** Animal performances as a percentage of the overall show at Fossett's Circus



Total time of whole show (excluding interval): 1 hour 40 minutes

Total time animals in show: 6 minutes 17 seconds

Animal acts constituted 6.28% of the show by time

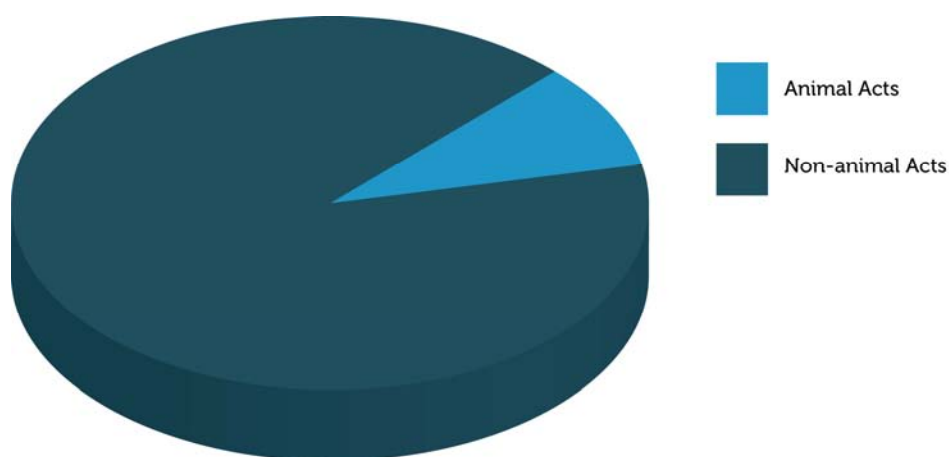
### 12.4.4 Circus Gerbola:

The whole show lasted approximately 1.5 hours with a 15 minute interval. The following approximate times show how long each animal act lasted:

Act	Length of time
Camel and Shetland ponies	2 minutes 11 seconds [1]
Shetland ponies (with camel)	45 seconds
Shetland ponies	1 minute 40 seconds
Horses	3 minutes 6 seconds
<b>Total time animals in show</b>	<b>6 minutes 57 seconds</b>

[1] – The 'act' in which the camel and two Shetland ponies were brought into the ring lasted a mere 45 seconds before the animals were walked out again. Although the ponies left the ring, the camel would not budge and remained in the ring for another 1 minute 26 seconds. It was unclear whether this refusal to move was part of the 'act', so the full amount of time the camel was in the ring is included here.

**Chart 10:** Animal performances as a percentage of the overall show at Circus Gerbola

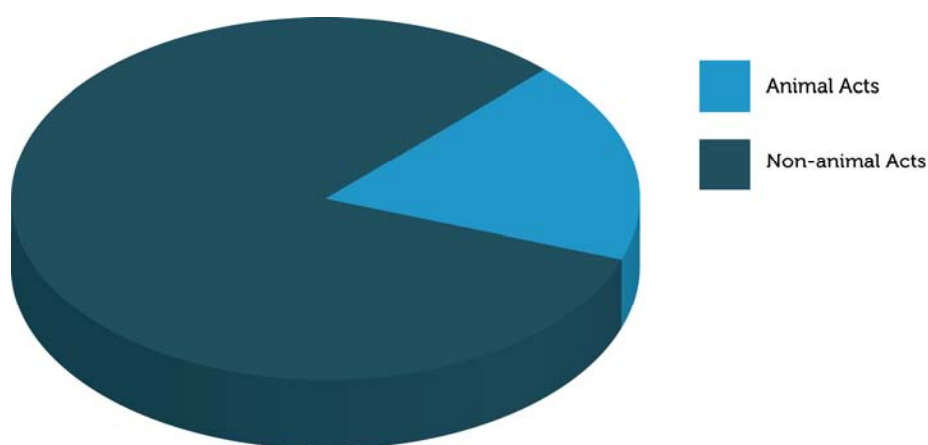


Total time of whole show (excluding interval): 1 hour 15 minutes

Total time animals in show: 6 minutes 57 seconds

Animal acts constituted 9.27% of the show by time

**Chart 11:** Comparison between percentage of animal and non-animal acts in all four circuses (time)



Total time of all shows combined (excluding interval): 5 hours 55 minutes

Total time of all animals in all shows: 1 hour 2 minutes

Animal acts constituted 17.57% of the time of all four shows

## 12.5 Animal acts and human acts

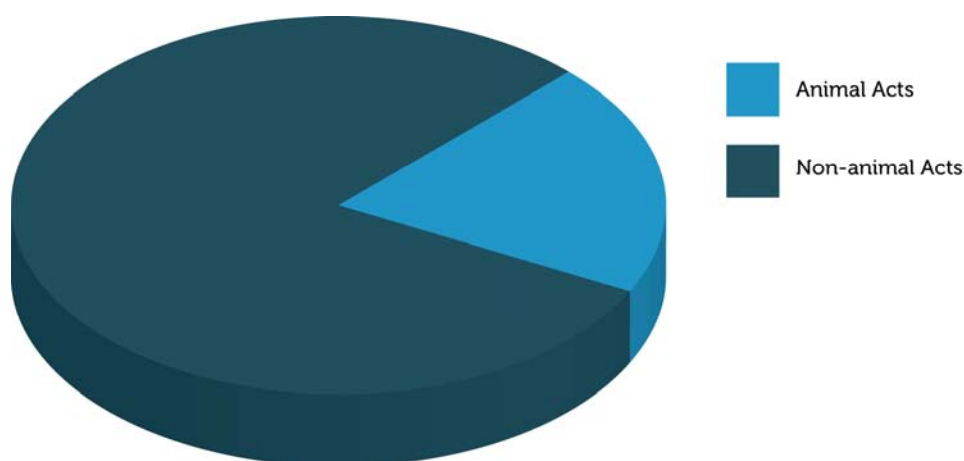
As seen in the charts above, animal acts generally make up a small part of the circus show in terms of time. During CAPS' visits to the circuses, the number of animal acts and human acts were noted

**Table 8:** Comparison of animal and human acts in each circus

	Number of acts in show	Number of acts with animals	Number of non-animal acts	Percentage of acts which use animals
Courtney Brothers Circus	13	4	9	30.77%
Duffy's Circus	21	5	16	23.81%
Fossett's Circus	17	2	15	11.76%
Circus Gerbola	16	3	13	18.75%

(NB: The difference between the overall numbers of acts is often due to some circuses making more use of clowns / comedy acts during set changes. The finale, where the whole cast, sometimes including animals, appear in the ring, has not been included in the table above)

**Chart 12:** Comparison of animal and human acts in all circuses (by number of acts)



Number of acts in all four circuses: 67; Number of animal acts: 14  
Percentage of animal acts (by number) in all four circuses: 20.9%

## 12.6 Discussion about animal and human performances

As the data above show, animal acts make up a minor part of the circus shows: by time, animals perform for just 17.5% amongst all four circuses and they form only 20.9% of all individual acts. Human performances, therefore – the acrobats, jugglers, clowns, aerial artists and others – form the major part of the circus shows.

These figures obviously differ between the individual circuses. Fossett's Circus had just two animal acts but 15 human acts, meaning just 11.7% of all acts were animal ones and the time the animals spent in the ring constituted

6.25% of the show. Duffy's Circus, with its large focus on animal acts, saw animals perform for 31.23% of the 1 hour 40 minute show. Courtney Brother's Circus, with its focus on the five elephants and a smaller number of individual performances, saw animal acts make up 30.77% of the show.

The point of including animals in these shows has to be questioned when they make up such a minor aspect of the show, at least in the case of Fossett's and Gerbola, yet create animal welfare and ethical concerns. In addition, some acts consist of little more than simply showing the animals to the audience. At Gerbola, one 'act' consisted of two Shetland ponies and a camel being walked into the ring and back out again (the ponies left after 45

seconds in the ring). A camel and alpaca were walked around the ring at Courtney Brother's while a young boy walked around the ringside fence carrying a large reptile.

Replacing the few animal acts seen in these shows with high quality human acts would not only eliminate the concerns raised about animal ethics and cruelty but would also enhance the standards of the show and, as discussed previously, encourage more people to visit the circus. Although no studies have been done, it is unlikely that many people would refuse to visit a circus just because it had no animals, yet many people do make a conscious decision to avoid circuses with animal acts. Even staunch supporters of animal circuses will visit all-human shows and marvel at the energy and skills of the performances.

If animal acts make up such a minor part of some of the circuses, we need to then look at why animals are included at all. Fossett's Circus, which used no animals between 2008 and 2011 (aside from pony rides during the interval) includes two animal acts in its 2012 tour (the first with a horse and pony, the second with a pony and dog). Both acts, from the same animal trainer, are not new or unique acts but old, standard performances seen at many circuses over many years. They added nothing significant to the show overall

and, judging by the audience reaction, were certainly not seen as the show's highlight. It is possible that Fossett's assumed that reintroducing an act using domestic animals rather than wild animals would not create controversy. The circus would be in a much better position to market itself as the country's highest quality all-human show and CAPS certainly encourages it to go down this route.

Spending so little time in the circus ring means that the animals spend most of their time (other than any training and rehearsal sessions) in their living or daytime enclosures. While the circuses may try to claim that this is a positive thing and that the animals only need to work for a short period once or twice a day, the reality is that animals probably spend most of their time in inadequate spaces with little enrichment and stimulation.

Although this study did not include a detailed survey of the living or daytime conditions for the animals, the snapshot seen by the investigator is likely to be the case for the animals each day of the touring season for which they are not travelling. Being confined to the enclosures seen during this study cannot realistically be considered to be beneficial to the psychological or physical welfare of the animals.

## 13 Arts Council Ireland funding

In the 2006 study of circuses in Ireland, CAPS highlighted how some animal circuses were receiving state funding via the Arts Council Ireland (ACI).

Of the four animal circuses touring Ireland in 2012, three have received funding each year (one of these circuses did not use animals during 2008 – 2011).

### 13.1 Arts Council Ireland funding of animal and all-human circuses

Tables 9, 10 and 11 (along with associated Charts 13 - 16) look at the levels of funding given by the Arts Council Ireland between 2006 and 2012/2013 to circuses with and without animals.

These figures were provided by the ACI in response to a July 2012 request from the Dublin animal rights organisation ALiberation.

The Arts Council Ireland awards grants under a number of different categories. Funding for animal circuses since 2006 has mostly been through Annual Programming Grants which “assist applicants with the costs of their artistic programme” (ACI 2012). Funding of non-animal shows is mainly through Annual Funding and Annual Programming Grants.

For the purpose of this study, funding received under all categories has been combined to provide a total level of funding for each individual circus.

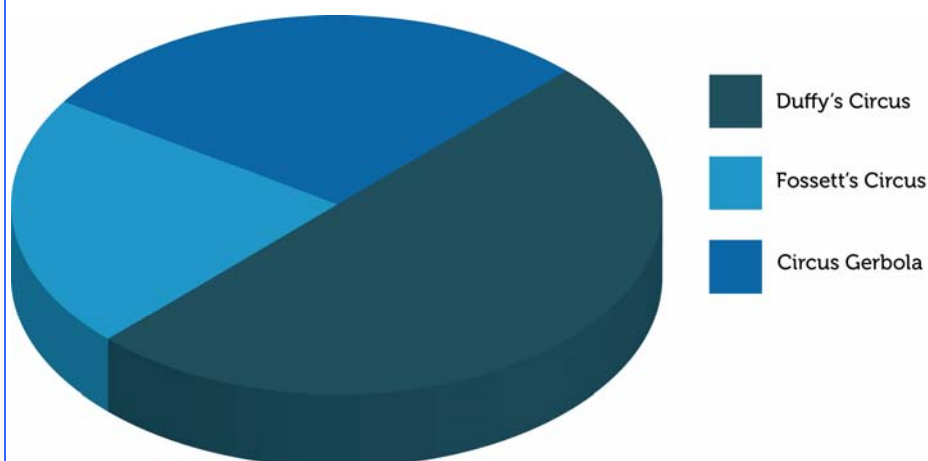
(NB: The funding data released by ACI does not include any information on the non-animal Galway Circus Project, later known as Galway Community Circus. Therefore, the information in Table 10 on funding of this circus is taken from the ACI ‘decisions database’ available on its website [http://www.artscouncil.ie/en/we\\_funded.aspx](http://www.artscouncil.ie/en/we_funded.aspx). As this database does not include funding statistics for 2006, the figures for Galway Circus Project in 2006 are based on data held in CAPS files which were taken from the ACI website in 2006 and 2007).

**Table 9:** Amounts awarded by the Arts Council Ireland to circuses using animals for the period 2006 – 2012/2013

	Animals used <sup>15</sup>	2006	2007	2008	2009	2010	2011	2012/2013	Total funding 2006-2012/2013
Circus Gerbola	Horses/ponies, llamas, snakes, dogs, Fur seals	€44,000	€51,000	€48,000	€48,000	€24,700	€26,870	€33,000	€275,570
Duffy's Circus	Tigers, lions, alligators, dogs, snakes, horses/ponies, donkeys, llamas, zebra, alpacas	€95,000	€72,500	€75,000	€75,000	€60,000	€75,000	€40,000	€492,500
Fossett's Circus	Camels, horses/ponies, dog	€108,000	€73,974	No animals	No animals	No animals	No animals	€30,000	€211,974
<b>Total</b>		<b>€247,000</b>	<b>€197,474</b>	<b>€123,000</b>	<b>€123,000</b>	<b>€84,700</b>	<b>€101,870</b>	<b>€103,000</b>	<b>€980,044</b>

15 The list of species used covers all known animals during 2006 - 2012

**Chart 13:** Arts Council funding for animal circuses 2006-2012/2013



Total funding 2006-2012/2013: €980,044

Duffy's Circus: €492,500

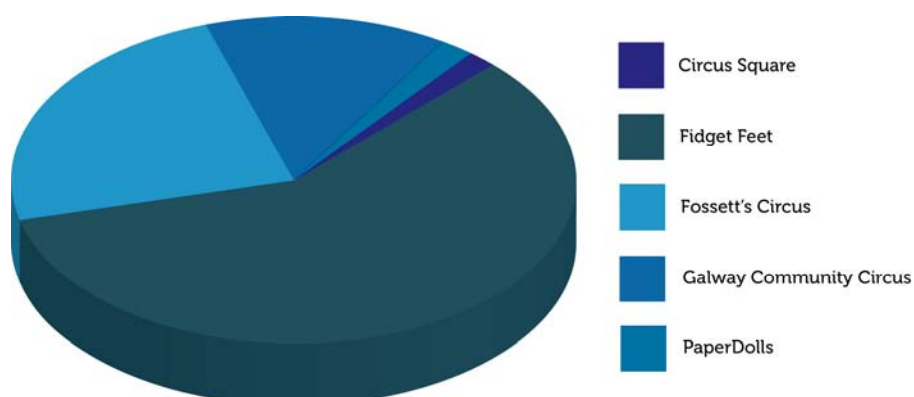
Fossett's Circus: €211,974

Circus Gerbola: €275,570

**Table 10:** Amounts awarded by the Arts Council Ireland to circuses not using animals for the period 2006 – 2012/2013

	2006	2007	2008	2009	2010	2011	2012/ 2013	Total funding 2006-2012/2013
Circus Square	No funding	No funding	No funding	No funding	No funding	€19,985	No funding	€19,985
Fidget Feet	€60,000	€107,500	€57,500	€57,500	€82,000	€117,580	€91,000	€573,080
Fossett's Circus	Had animals	Had animals	€63,500	€63,500	€50,000	€56,250	Had animals	€233,250
Galway Community Circus	€10,000	€12,500	€25,000	€22,000	€19,900	€25,000	€20,000	€134,400
Paperdolls	No funding	No funding	No funding	No funding	No funding	No funding	€15,000	€15,000
<b>Total</b>	<b>€70,000</b>	<b>€120,000</b>	<b>€146,000</b>	<b>€143,000</b>	<b>€151,900</b>	<b>€218,815</b>	<b>€126,000</b>	<b>€975,715</b>

**Chart 14:** Arts Council funding for non-animal circuses 2006-2012/2013



Total funding 2006-2012/2013: €975,715

Circus Square: €19,985

Fidget Feet: €573,080

Fossett's Circus: €233,250

Galway Community Circus: €134,400

PaperDolls: €15,000

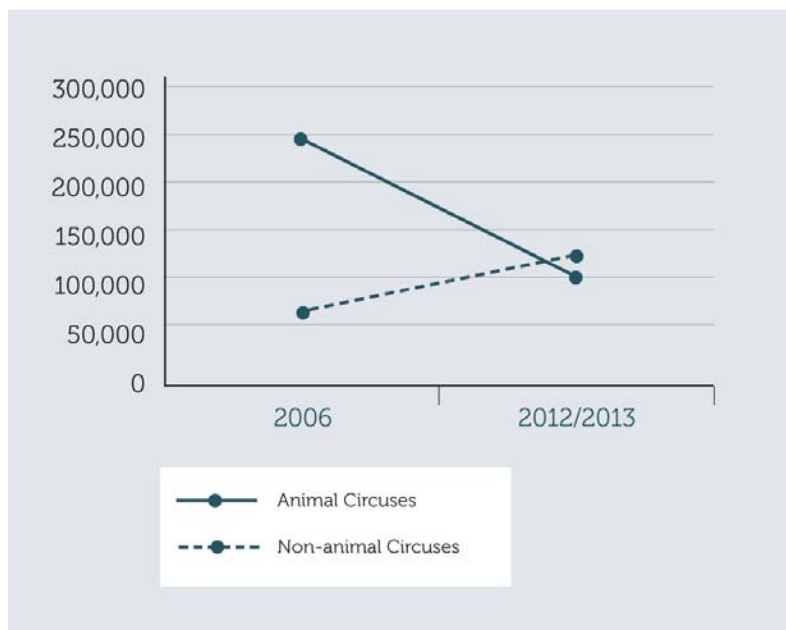


**Table 11:** Funding for animal versus non-animal circuses, 2006 – 2012/2013

Circus type	2006	2007	2008	2009	2010	2011	2012/ 2013	Total funding 2006-2012/2013
Animal Circus	€247,000	€197,474	€123,000	€123,000	€84,700	€101,870	€103,000	€980,044
Non-animal Circus	€70,000	€120,000	€146,000	€143,000	€151,900	€198,830	€126,000	€975,715
Funding difference	+ €177,000	+ €77,474	- €23,000	- €20,000	- €67,200	- €96,960	- €23,000	+ €4,329

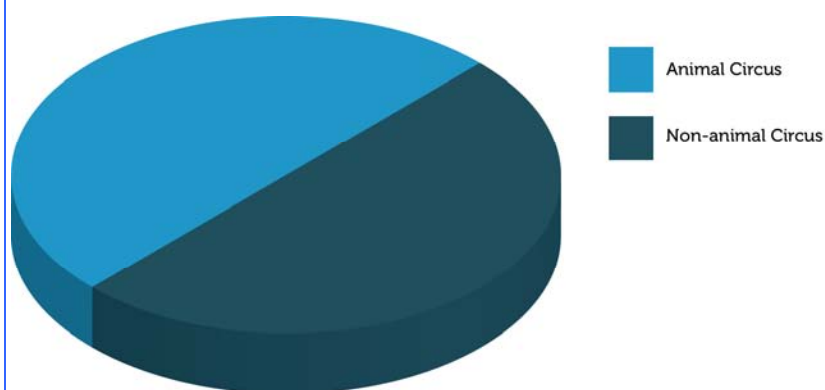
+ indicates that animal circuses received more funding than non-animal shows for that year.

- indicates that non-animal circuses received more funding than animal shows for that year.



**Chart 15:** Funding pattern for non-animal vs animal circuses 2006 – 2012

**Chart 16:** Arts Council funding of circuses with and without animals, 2006 – 2012/2013



Funding of all circuses (with and without animals) = €1,955,759

Animal circuses: €980,044 (50.11% of all ACI circus funding)

Non-animal circuses: €975,715 (49.89% of all ACI circus funding)



As can be seen from Table 11, in 2006 and 2007 funding was greater for animal circuses than for those not using animals. During these years three animal circuses and two non-animal shows received funding. In 2008 one of those circuses stopped using animals and continued to get ACI funding.

Between 2008 and 2011, non-animal circuses received greater funding than those using animals. During this time three circuses were all-human and two were animal shows.

In 2012/2013, funding was again greater for non-animal shows, with three animal shows and three non-animal shows receiving funding.

Overall, for the period 2006 to 2012/2013, funding has been evenly divided between circuses using animals and those not using animals.

### ***13.2 The Arts Council Ireland: Animal Welfare Policy***

The ACI decided to “establish a policy framework for animal welfare” in September 2007. Whether this was in response to CAPS’ 2006 report on circuses in Ireland, the charity’s criticism of the funding by the ACI or protests by CAPS’ campaign partners the Alliance for

Animal Rights outside the ACI’s offices in March 2007 is not known.

According to the ACI: “The Policy will be implemented through imposition of specific requirements to be met at the application stage as well as additional conditions that must be satisfied prior to the disbursement of funds and others that apply through the period for which funding is granted” (ACI 2009).

In 2009, the ACI published its ‘Framework for the Welfare of Animals Presented in the Arts’ (Arts Council Ireland 2009), setting out standards that must be met in order to be eligible for ACI funding. The scope of the document covers not only circuses but other ‘artistic’ productions involving animals such as stage productions, including opera and theatre, as well as film.

Conditions to be met under the Framework include:

- Maintenance of an Animal Welfare Policy and Animal Care Routines
- Compliance with Animal Health, Welfare and Conservation Laws
- Registration with National Authorities and Documentation
- Proof of Veterinary Coverage
- Successful Completion of Veterinary Inspection

The Framework document was guided by a Working Party including officials from the Department of Agriculture, Fisheries and Food. In addition, three individuals are listed as having “reviewed the Framework in draft form and improved it with their ideas, observations and input”:

- Dr Thomas Althaus: Zoologist/Ethologist, Switzerland
- Dr Jim Collins: Zoologist/Ecology and Conservation Biologist, United Kingdom
- Dr Christine Lendl, CertVA: Certified Veterinarian for Zoo and other Captive Wildlife, Germany

These are interesting people to choose to comment on this document, given their involvement in issues surrounding the captivity of wild animals; it is possible that all of them had preconceived ideas on how animals should be used in entertainment.

Dr Thomas Althaus is associated with the Swiss Circus Knie, in particular explaining to audiences how animals are trained at different venues the circus performs at (see: Knie 2012; Der Bund 2011).

Dr Jim Collins appears to have no specialist involvement with animal use in circus performances but he is well known within the exotic pet trade. As General Secretary of the National Association of Private Animal Keepers, Co-ordinator of the Sustainable Users Network and Livestock Consultant to the Pet Care Trust, his work has involved promoting the private keeping of wild animals and opposing the permanent ban on importing live birds into the European Union (Dyrehold I Fokus 2006; Pet Care Trust 2005).

Dr Christine Lendl is a vet with specialisation in the treatment of ‘exotic’ animals in zoos and

circuses (Tierärztliche Klinik undated). She is also listed on the website of Germany's Circus Krone as a member of their veterinary staff (Circus Krone undated). Krone describes itself as 'Europe's largest circus' and includes elephants, lions and tigers in its shows.

Listed as a 'Consultant' in the Framework is Laura van der Meer, credited as 'International Environmental Resources, sprl, Brussels, Belgium'. Whilst Ms van der Meer is indeed a "lawyer-lobbyist currently serving as the Director of International Environmental Resources SPRL" (IEF undated), she is also Brussels Representative of the European Circus Association and Executive Director of the Fédération Mondiale du Cirque, both organisations that actively lobby across Europe against restrictions on using animals in circuses. She also serves on the International Counsel Alliance of Marine Mammal Parks and Aquariums, a body representing facilities which keep marine mammals such as whales and dolphins in captivity (Kelly Drye and Warren LLP undated).

Why the ACI document does not refer to her circus connections is baffling. In fact, in the contract between the ACI and van der Meer setting out the terms of her work on the project, van der Meer is referred to as "an independent contractor" (ACI 2007).

Ms van der Meer's role appears to have been far more than just a consultant. Correspondence obtained under the Freedom of Information Act by the National Animal Rights Association (NARA) in Dublin reveals that in 2007 the Arts Council Ireland's Director asked van der Meer to submit a proposal for the ACI's Animal Policy and the contract between the two required the consultant to also "form and lead a working group".

The ACI's Head of Theatre and Circus told CAPS in July 2012: "Both the ISPCA and DSPCA [Dublin SPCA] were offered sight of, and an opportunity to comment on, a draft version of the document. They met with Arts Council members, and while they accepted the offer to review the document in good faith, their total opposition to the use of wild animals in circuses remained absolute, which position was noted by the Council."

In CAPS' 2006 report, it was noted that the ACI had refused to provide us with copies of the circus' 'policies on animal welfare' which it claimed were required before funding could be given. CAPS did subsequently obtain those policies and were disturbed to note that all three circus' policies simply consisted of a copy of the animal welfare standards produced by the Association of Circus Proprietors (ACP) in 2006. These standards were widely criticised at the time as purely an attempt to justify using animals in performances and failing to provide serious standards of care.

The documents obtained by under the Freedom of Information Act include grant application forms and animal welfare policies for Circus Gerbola and Tom Duffy's Circus, two of the animal circuses funded by Arts Council Ireland.

Once again, the animal welfare policies submitted by both circuses are simply a copy of the 2006 Association of Circus Proprietors guidelines. They do not appear to have been amended in any way to make them relevant to these circuses. Not only do they contain 'standards' for species the circuses do not have and are unlikely to use in the future, species not used in Irish circuses for many years (including primates and bears) are also included. In addition, with this document having been written in 2006, some of the requirements are likely to be outdated even by circus' standards.

In 2009, Circus Gerbola included two fur seals in its show (and a third travelling with the circus but not performing), an act presented by Duo Borcani from Belgium. The documentation obtained by NARA includes Gerbola's 'Annual Programming Grant application form for funding in 2009'. This document refers to the 2009 show being "themed around water" and called 'Aqua'. Despite providing an overview of the plan for the show, there is no mention of the use of fur seals or any other animals. Neither are they specifically mentioned in the animal welfare policy for the circus which was provided to NARA by ACI.

During June and July 2012, CAPS discussed concerns about the animal welfare framework

with David Parnell, the ACI's Head of Theatre and Circus. Although Mr Parnell was open in answering the queries put to him, it is clear that the ACI believes the standard documents provided by circuses are acceptable.

With regards to the European Circus Association representative being commissioned to lead the ACI policy, Mr Parnell replied that she "was chosen because of her specialist knowledge in this area and her understanding of the laws and regulations across Europe. The document is not intended as a mechanism to debate the rights and wrongs of the use of animals in circuses. It takes as its starting point the fact that such acts are permissible under European and Irish law. As you know, the Arts Council is not responsible for the legislation, and so decided the best course of action was to introduce minimum standards of welfare for animals used in live performance (not just circus)."

However, this still does not explain why her circus connections were not revealed in the framework document.

In relation to animal welfare policies to be submitted by circuses requesting funding, Mr Parnell commented:

"The documentation received from funded circuses contains information relating to the welfare and care of the animals that each tours with. It may also include information about animals that the circuses could propose to tour with at a later date. It is understood that the governing body that a number of the organisations are members of issue guidance to their members (as would also be the case with membership organisations from other art forms.) The circuses can opt to present these guidelines or create their own as long as the paperwork presented includes the species that they are presently touring with."

However, the ACI "does not have on staff specialists who assess whether the overall individual welfare policies meet the required standard", adding: "however the policies that each submits have been matched against the European Circus Association and Association of Circus Proprietors own members' policies which themselves provide an industry standard." In other words, circuses can provide

the full industry guidelines and these are accepted by the ACI as they are not qualified to assess whether these really provide standards to meet animals' welfare needs.

Mr Parnell stated that circuses receiving funding must provide the relevant animal welfare documentation countersigned by qualified veterinary staff. These documents have not been seen by CAPS and were not included in the documentation provided under the Freedom of Information Act, so we are unable to verify whether they ensure the ACI's Framework – one that appears based on self-regulation provided by industry-written guidelines – is met.

### ***13.3 The Arts Council Ireland: A policy for the future***

CAPS has always recognised that circuses are an important part of the entertainment industry and in Ireland provide shows in many areas of the country where choices for live entertainment are limited, such as rural locations. CAPS' opposition is not against circuses, just against the use of animals.

We appreciate that the role of the Arts Council Ireland is to support a broad spectrum of artistic work across the country. However, it needs to recognise the large, and increasing, opposition to the use of animals in circuses and to reflect public opinion on this.

We fully support ACI funding of circus arts but believe that this financial backing should be restricted to those circuses that do not use any animals and that ACI policy should adapt to encourage circuses currently using animals to replace them with high quality human performances.

There is a real need in Ireland for high quality all-human circuses, particularly ones that will commit to remaining free of animal acts. If Fossett's, 'Ireland's National Circus', can have four successful years without relying on performing animals, then clearly others can be encouraged to.

Given the level of funding the ACI currently gives to animal circuses and what is probably a

large reliance for at least two of the circuses for that funding, such a change in policy could make a huge difference to persuading circuses to convert to all-human shows. This would open the shows up to new audiences of people who currently avoid animal circuses.

The ACI cannot continue to hide behind the smokescreen of an animal welfare policy which this report suggests has no serious role in protecting animals.

## 14 Animal welfare legislation in the Republic of Ireland

Currently, the legislative protection of animals in the Republic of Ireland is governed by the Protection of Animals Acts 1911 and 1965. This is enforced by the Garda Síochána (police).

During the six year period that CAPS has been focussing on Irish circuses, subsequent Agriculture Ministers have denied that their department has any responsibility to the animals other than “ensuring animals imported for use in a circus are imported in accordance with animal health certification requirements” (Dáil Éireann 2006).

Most recently, in May 2012, Minister Simon Coveney replied in a Written Answer to Bernard Durkan TD (Dáil Éireann 2012):

*“Inspections of circuses come within the remit of the local authorities [...].*

*“The main statutes governing cruelty to all animals, including circus animals, are the Protection of Animals Act 1911 and the Protection of Animals (Amendment) Act, 1965. Responsibility for enforcing this legislation rests with an Garda Síochána.”*

The Minister continued: “The Programme for Government 2011 contains a commitment to strengthen legislation relating to the welfare of all animals. The main vehicle to fulfil this commitment will be the Animal Health and Welfare Bill which recently had its second stage in the Seanad.”

Since 2008, CAPS has been involved in the consultation process of the Animal Health and Welfare Bill, which seeks to modernise animal welfare legislation, as has happened in England and Wales, Scotland and Northern Ireland throughout the same period. However, despite detailed submissions and meetings with officials at the Department of Agriculture, the Irish government has no plans to introduce a ban on the use of animals in circuses.

The Bill remains in draft stage and currently provides little improvement, certainly for animals in circuses. The 2012 draft of the Bill does, however, contain an equivalent of the Section 12 (secondary regulations) measures as provided in the Animal Welfare Act 2006 (covering England and Wales) which enables the UK government “to make regulations to promote the welfare of animals”.

Section 36 of the draft bill for Ireland, ‘Regulations relating to animal health and welfare’, provides powers for the Minister to make regulations to protect or enhance animal health and welfare and control or prohibit “specified uses or activities involving or relating to animals” as well as “the keeping, movement, transportation, sale or supply, in the interests of animal health and animal welfare”.

Whilst limited, this could provide some scope for the government to recognise the evidence relating to animal use in circuses as supporting a prohibition on the practice.

## 15 Animal welfare legislation in Northern Ireland

CAPS' involvement in progressing animal welfare legislation in Northern Ireland began in 2006 following the publication of its study into animal circuses across Ireland. The charity has been involved with each stage of the consultation process of legislative change, including written submissions and meetings.

As in the Republic, the Northern Ireland Government has claimed that its role in protecting the welfare of animals in circuses is minimal. In 2008, in response to a Written Question, the Minister of Agriculture and Rural Development stated (Northern Ireland Assembly 2008):

*"My Department's role in circuses is currently very limited. Part III of the Welfare of Animals Act (NI) 1972 protects all animals from unnecessary cruelty or suffering. There are, however, no specific provisions on the welfare of animals in circuses.*

*"DARD [Department of Agriculture and Rural Development] does not have powers of entry to circuses, and therefore has no authority to inspect circus animals at their 'winter quarters'. No routine inspections have been carried out. However, if a welfare complaint is received regarding a circus animal, the PSNI [Police Service of Northern Ireland] does have the legal power of entry under the 1972 Act."*

In July 2011, the Welfare of Animals Act (NI) 2011 was introduced, replacing the 1972 Act of the same name. Along the lines of the Animal Welfare Act 2006 (covering England and Wales) and the Animal Health and Welfare (Scotland) Act 2006, this introduces a 'duty of care' on anyone responsible for a vertebrate animal.

The issue of animal circuses has been far more of a political issue in Northern Ireland than in the Republic, with several Assembly Members raising debates, submitting questions to

Ministers and opposing animal use in statements to the media.

For example, in a 2009 debate on the Welfare of Animals Act in the Northern Ireland Assembly, MLA's (Members of the Legislative Assembly) across the political spectrum spoke out against animal use in circuses.

The then Minister of Agriculture and Rural Development, Michelle Gildernew, stated during the debate: "The Welfare of Animals Act 1972 allows for the protection of all animals, but there are no specific provisions for the welfare of animals in circuses. Nevertheless, many people are concerned about that matter, so I am actively considering whether there is a need for further regulation. That would require primary legislation, which would take time, but the Assembly should nevertheless consider it" (Northern Ireland Assembly 2009).

Disappointingly, the current Minister of Agriculture, Michelle O'Neill, has stated that no ban is forthcoming. In response to a Written Question from Jim Wells MLA in March 2012 (Northern Ireland Assembly 2012), the Minister replied:

*"At this time, I have no plans to introduce a ban on animals in circuses. However, I can assure you that I intend to take the time to assess the available evidence and give the issue detailed consideration. I will also take advice on the legal implications and on the proportionality of the options open to me so that the welfare of animals in circuses is fully protected. I will also need to consider the required legislative framework to support each option.*

*"I would want to examine developments in the south of Ireland as well as England, Scotland and Wales and engage with stakeholders, including circus operators and their representatives, to ensure that their views are properly considered. In addition, I would wish to take into account developments in Europe,*

*particularly in relation to the proposed new EU Animal Welfare Strategy for 2012 - 2015.*

*"While we have no circuses based in the north, there are a number of circuses registered in the south, some of which regularly travel here. My Department has an agreed protocol with the Department of Agriculture, Food and the Marine in the south which provides for an*

*inspection of animals from these registered circuses before moving back to the south."*

Given the fact that at least six years of evidence gathering from a wide range of stakeholders throughout the development of this new law has taken place, it has to be questioned whether there is a deliberate attempt to delay progress further.



## 16 Ethics of animal circuses

No discussion of the issues surrounding animal use in circuses is complete without looking at the ethics of such performances.

Since CAPS was founded in 1957 there have been numerous exposés of the conditions animals endure in circuses: in training, living conditions and performances. Animal behaviourists and other scientists have increasingly joined the growing numbers of people calling for an end to animal circuses and some governments have already banned the use of wild animals in circuses, with Bolivia and others going even further and prohibiting the use of domestic animals in the shows too. In July 2011 the UK government confirmed it was “working on a draft Bill to achieve a ban” on wild animal acts in England (DEFRA, 2012).

Defenders of animal circuses say that animals born in the circus know nothing different and do not need what their wild-born cousins need, whether that is the ability to hunt or to walk vast distances or even the company of others of their own species. Yet, while the tigers, lions and elephants used in circuses may be tamed to some extent, they are still wild and a captive situation cannot fully provide for their natural needs. In fact, many elephants used in circuses, such as the five at Courtney Brother’s in Ireland, were born in the wild.

A 2009 research paper by scientists at Bristol University (Iossa 2009) stated:

*“Captivity constrains an animal’s behaviours and restricts appropriate, or allows inappropriate, social interactions, both intra- and inter-specifically. Wild (i.e. non-domesticated) animals that have been bred for tens of generations in captivity still show extremely high motivation to perform certain activities seen in their wild counterparts. The restrictions that captivity imposes on an animal’s behaviours are increasingly being recognised as deleterious for an animal’s cognitive development, normal*

*social development and, later in life, reproduction and health.”*

Circuses claim to train animals through reward and repetition, and by having “trust and a personal relationship with the animal” (ECA 2004). Although the training methods used in Irish circuses are not open to public scrutiny, undercover investigations of circuses around the world have shown instances of animals being whipped, kicked and hit with sticks on a daily basis. When famous animal circus trainer, Mary Chipperfield, was prosecuted for cruelty, after being exposed by undercover investigators, the industry rallied to her support. Despite viewing film of a crying young chimpanzee being kicked and thrashed with a stick, and a sick elephant being whipped, another UK circus director, appearing as a defence witness in court, said he saw nothing wrong with this and would do the same thing himself (ADI 2006).

People often show greater concern for the elephants, lions and tigers than domestic animals. However, horses and dogs are subjected to the same constant transportation, restricted movements and training as their co-performers. As Lord Hattersley (Hattersley 2006) said: “I would be opposed to circuses exploiting performing animals [even] if every dog which ever walked round a ring on its hind legs lived in conditions approved by a joint committee of the RSPCA and Dogs Trust with Saint Francis of Assisi in the chair. Animal acts are demeaning - not to the animals which perform them but to the grown men and women who enjoy the spectacle.”

Whilst the ethics of keeping animals captive in zoos have been the subject of a great deal of philosophical and sociological discussion, less has been written about circuses from an academic perspective. Moral philosopher Dr Elisa Aaltola (Aaltola 2008) suggests that: “This is possibly because animal circuses are seen to be so blatantly at odds with animal welfare and value that it is not even necessary to point out that they would have negative implications on the way we conceptualise and treat non-human animals.”

Supporters of using animals in entertainment point to the tradition of doing so. Animal rights advocates say that we should recognise those animals as sentient beings with their own emotions and desires and that using them for our amusement denies the value and rights of those individuals (Redmond 2009).

In terms of animal ethics, circuses infringe on the basic needs of animals in order to benefit the secondary desires (amusement) of humans. Any ethic concerning animals should start with regard to the animal herself: her cognitive capacities, interests and needs. A basic step towards a meaningful ethic would require an end to using animals for our entertainment.

## 17 Conclusion

Although this study reveals an improved situation since CAPS' previous report in 2006 (fewer animals used, reduced number of importations, greater Arts Council Ireland funding for all-human rather than animal circuses), we cannot become complacent.

Despite concerns and objections held by CAPS to keeping animals both in circuses and zoos, there can be no justifiable reason for providing less protection to wild animals in one situation than the other. As inadequate as zoo licensing systems are, they at least provide for basic standards of welfare, annual inspections and the power to close zoos that do not meet basic requirements. Additionally, zoos throughout Europe have to participate in conservation projects in order to retain a licence to be open to the public. Why, then, should it still be legal for the members of the same species to be transported every few days to a new town and face far lower standards of care, particularly in terms of enclosure size and enrichment? And what role can circuses claim to have in conservation?

Animal welfare legislation throughout Ireland is still inadequate. In Northern Ireland, the Agriculture Minister stated earlier this year that she has "no plans to introduce a ban on animals in circuses", while in the Republic the Animal Health and Welfare Bill (which also fails to provide for a ban on animal acts) is still yet to finish its parliamentary process and become law.

Despite slow progress in achieving a ban on the use of wild animals in circuses in England (where all major parties support a ban and at the time of writing this report the coalition government is drafting primary legislation to introduce one), it is widely accepted that this practice has no future in the country and it is hoped that Scotland and Wales will follow this lead. Politically, Northern Ireland seems set on waiting for the Republic to take action as all circuses touring in the North have their bases in the South. Stormont can, and should, take its own affirmative action without waiting for the Oireachtas, particularly as it has already

made much speedier progress in updating general animal welfare legislation.

In the same way that Belfast hides behind Dublin in its refusal to take action, so the Arts Council Ireland hides behind its animal welfare framework to continue to fund circuses that have, during its period of funding, used tigers, lions, horses, dogs, fur seals and other animals in performances. This report aims to reveal the ACI's animal welfare framework as just another industry-led attempt to justify animal use. CAPS believes that the ACI, as a government agency, should instead only fund all-human shows and work with circuses currently using animals to adapt and showcase only non-animal acts.

Academics studying social movements in Ireland, particularly animal rights (such as Dr Roger Yates of University College Dublin), have seen a growing trend of public support for these campaigns. This should come as no surprise as it fits in with a global trend of public attitudes on such issues. Politicians should heed this and there is no doubt that animal circuses will become a much 'hotter' political issue across Ireland as it is already in England; circuses should also take note if they want to provide not only a future for their business but also high quality entertainment that everyone can enjoy.

As this report shows, less than one quarter of all acts in the four circuses in 2012 use animals. How easy it would be, then, to replace animal acts, which play a minor part in the show but with serious consequences for animal welfare and ethics, with an all-human show.

While changing public attitude in Ireland will eventually lead to circuses removing animal acts, this change will not come quickly enough for those animals. A change in Arts Council Ireland policy to funding only all-human shows would aid this process but it is for central government, both in the Republic and North, to recognise, as other countries have, that using animals in circuses is unethical and fails animal welfare and to introduce legislation to prohibit the practice.

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The Captive Animals' Protection Society  
PO Box 540  
Salford  
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M5 0DS  
United Kingdom

Tel: +44 (0) 845 330 3911  
Email: [info@captiveanimals.org](mailto:info@captiveanimals.org)  
[www.captiveanimals.org](http://www.captiveanimals.org)

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