

The use of animals in circuses and shows

By Sacha Lucassen, L.L.M, Masters in Animal Law

In recent years, the use of (wild) animals in circuses, and similar performances, has become the subject of much public and political debate throughout the world. This has led, especially over the last decade, to a number of countries adopting regulations concerning the use and displaying of (wild) animals in circuses and shows. The scope of these regulations differs however from country to country. While Bolivia, Cyprus, Greece and Malta are the only countries that have introduced a national ban on the use of all animals, most countries have only implemented restrictions on the use of all/some-wild ¹ animals.

This article investigates what regulations Denmark, Sweden, Norway and Finland have adopted concerning the use of (wild) animals in shows.

1. Denmark

In 1916, Denmark adopted the Animal Welfare Act.² The purpose of the Act is to protect all animals and make sure their welfare is considered. On this ground article 17 in the act states that the participation of animals for showings, movies or circuses is not permitted if it causes the animal significant discomfort. The act also provides the Minister of Food and Agriculture the authority to prescribe more detailed regulation on animals for display in showings.

In 2008, the keeping and display of animals for entertainment was discussed in the government, in response to the conclusions from a workgroup set down by the Ministry.³ The working group concluded that the use of wild animals in circuses is not detrimental to the welfare of the animals if they are kept under certain regulated conditions. The report, however, demonstrates that the working group was divided in its opinion. The participants with most knowledge on the animals and their welfare were especially opposed to the use of wild animals in circuses. Discussions led to several changes in legislation.⁴

Positive and negative list

In 2015, an Executive Order on the keeping and showing of animals in circuses etc. was adopted.⁵ It comprises both a negative list and positive list of animals. Appendix

¹ Wild Animal: An animal that is not normally or historically domesticated in the specific country. Definition given by ENDCAP.EU (working together for wild animals in captivity), <http://endcap.eu/animal-circuses/>.

² Bekendtgørelse af dyreværnsloven, 13/05/2005, as found on: <https://www.retsinformation.dk/Forms/r0710.aspx?id=186207>

³ Justitsministeriet, Udvalg foreslår regler for cirkusdyr, 03/11/2008, as found on: <http://justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2008/udvalg-foreslaar-regler-cirkusdyr>

⁴ Rapport afgivet af Justitsministeriets arbejdsgruppe vedrørende hold og fremvisning af dyr i cirkus mv., November 2008, as found on: http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2008/Rapport_om_hold_og_fremvisning_af_dyr_i_cirkus.pdf

⁵ Bekendtgørelse om hold og fremvisning af dyr i cirkus mv., 12/09/2015, as found on: <https://www.retsinformation.dk/eli/lt/2015/1494>

I prescribes a negative list of animals, which under no circumstance can be kept and exposed. This list includes species such as; penguins, snakes, giraffes, primates etc. Appendix II in its turn shows a positive list of animals, which can be kept and used for the purpose of display, if detailed requirements for the specific specie are met. This list includes species such as; dogs, cats, horses, sea lions, elephants etc. For animals not prescribed in appendices I or II the authority can grant special permission, when this is considered soundly from an animal welfare point of view.

2. Sweden

As one of the first countries in the world Sweden adopted in 1988 an Animal Welfare Act.⁶ This Act especially set rules relative to the care and treatment of domestic animals, but also applied to other animals if they are kept in captivity or are used for scientific purposes. Section 17 on “Sporting events and exhibitions involving animals” states that those animals should not be trained or used in such a way as to subject them to suffering.

Negative list

The Animal Welfare Act was implemented by the Animal Welfare Ordinance (1988)⁷. Section 35 of the Ordinance gives a negative list of animals that can never be exhibited to the public in performances, circuses, variety shows or similar entertainments. It includes monkeys, predators (with the exception of domesticated dogs and cats), pinnipeds (with the exception of sea lions), rhinoceroses, hippopotamuses, deer (with the exception of reindeer), giraffes, kangaroos, birds of prey, ratite birds and crocodilians.

In addition, the Ordinance states that animals other than those referred above may only be exhibited to the public in performances if they have been exhibited in such performances already. Finally, a circus that exhibits animals to the public has to be inspected once a year by the administrative board of the county where the circus is domiciled enters the country or gives its first performance. An additional inspection is needed in the event of any change in the collection of animals or equipment that is of significant relevance to animal welfare or animal health.

Swedish regulations as such leave the possibility of using wild animals such as elephants in circus acts. However, according to a 2016 poll presented by Djurens Rätt, the largest animal rights organization in Sweden, 76 percent of the Swedish population believe that wild animals in circuses should be completely banned.⁸

3. Norway

On September 6, 2016, the Norwegian government announced “animal welfare regulations on animal display”, that effectively ended the use of wild animals in

⁶ The Animal Welfare Act (1988:534), 1988, as found on <http://extwprlegs1.fao.org/docs/pdf/swe19544E.pdf>

⁷ The Animal Welfare Ordinance (1988:539), 1988, as found on: <http://extwprlegs1.fao.org/docs/pdf/swe19545E.pdf>

⁸ Djurens Rätt, Nu vill 3 av 4 svenskar förbjuda vilda djur på circus, 03/07/2016, as found on: <https://www.djurensratt.se/blogg/nu-vill-3-av-4-svenskar-forbjuda-vilda-djur-pa-cirkus>

shows. They took effect on 1 January 2017, after years of campaigning by several animal rights groups.⁹

As a main purpose of the regulations is stated that they want “to protect the welfare and respect for animals that appear in front of a crowd”.¹⁰ The scope includes the keeping and use of mammals, birds, reptiles, amphibians, fish, decapods and squid in zoos, circuses and temporary shows.¹¹ The regulations directly address the people who are responsible for such kind of businesses. However, regulations don’t apply to cases where the display is not the main purpose, including teaching, breeding, competitions, performance tests, the sales of living animals and the sales for human consumption of fish, decapods and squid.

Positive list

Regulations concerning the display of animals differ between zoos, temporary shows and circuses. Appendix 1 to the legislative act consists of a positive list of animals, such as dromedaries, horses, camels, goats, reindeers, geese, fish, decapods... Whereas zoos and temporary shows can display these animals without special permission, circuses need to ask authorization from Norway’s Food Safety Agency (FSA). Only zoos have the right to ask for permission to the FSA to showcase animals that do not belong to the above list. As such, wild animal acts in circuses or temporary shows are effectively prohibited.

In addition, the legislative act includes regulations prohibiting certain types of display (such as animal fights, falconry and rodeos) and setting standards for living conditions, supervision and care.

4. Finland

In April 1996, Finland adopted the Animal Protection Act.¹² Article 20 of the act states that animals may only be used in circuses and similar exhibitions, or displayed in a zoo or a permanent or traveling animal show after permission by the provincial government. A couple of months later, in August 1996, Finland’s Ministry of Agriculture and Forestry approved decision 22/EE0/96 on the “Using of animals in the circus and other comparable performances”. It set limitations regarding animals that are allowed to be used in shows.¹³

⁹ Nærings- og fiskeridepartementet, Landbruks- og matdepartementet, Forskrift om dyrevelferd ved fremvisning av dyr, published 05/09/2016. As found on <https://lovdata.no/dokument/SF/forskrift/2016-09-05-1035>

¹⁰ Ibid

¹¹ Definitions, as stated in the legislative act:

- circus: all forms of itinerant performances where animals are displayed to the public;
- zoo: all forms of stationary and fixed facilities where animals are kept to be presented to the public, including zoos, commercial aquariums and farms;
- temporary show: when animals are displayed to the public for a limited period outside their familiar surroundings, with or without overnight housing.

¹² FINLEX, Eläinsuojelulaki, 04/04/1996. As published on <http://www.finlex.fi/fi/laki/alkup/1996/19960247#Pidp430981632>.

¹³ Ministry of Agriculture and Forestry, Eläinten käyttäminen sirkuksessa ja muussa siihen verrattavassa näytöksessä, 02/08/1996. As published on: <http://mmm.fi/documents/1410837/1818168/f10.pdf/6d6d4308-5711-4ead-b43e-1e22ca36bb5c>

In December 2009, additional regulations concerning animals in shows were adopted in the “Act amending the Animal Protection Act”.¹⁴ Articles 20a and 20b build further upon article 20 of the 1996 Animal Protection Act by summing up clear tasks for zoos and permanent exhibitions, such as research, animal protection and education. In addition, the requirements for zoos, circuses and shows for the use and display of animals are specified.

Negative list

The above-mentioned decision 22/EEO/96 consists of a negative list of animals which are banned in show performances; monkeys, elephants, seals, rhinoceroses, hippopotamuses, peacocks, crocodiles, ruminants, ungulates, marsupials, predators and birds of prey. Other (wild) animals, such as sea lions, ponies and horses are, however, still allowed.

5. Conclusion

Both Denmark, Sweden, Norway and Finland have adopted measures concerning the use and displaying of wild animals in circuses and shows. All four countries limit the use of wild animals, but do not completely prevent it. However, each country uses its own regulation methods. While Norway has published a positive list of animals who are allowed for use, Finland and Sweden both have adopted a negative list of animals, which are banned in all circumstances. Denmark in its turn has approved a positive as well as a negative list of animals.

	Prohibition of the use of		Positive/negative list	
	All wild animals	Some wild animals	Positive	Negative
Sweden		x		x
Denmark		x	x	x
Norway		x	x	
Finland		x		x

¹⁴ FINLEX, Laki eläinsuojelulain muuttamisesta, 22/12/2009. As published on: <http://www.finlex.fi/fi/laki/alkup/2009/20091477>