



COUNCIL ON  
ANIMAL AFFAIRS

# ENJOYABLE FOR HUMANS AND ANIMALS?

*The use of animals in Sport, Recreation,  
Tradition & Entertainment*

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# Foreword

This advisory report of the Council on Animal Affairs (Raad voor Dierenaangelegenheden, RDA) came about at the Council's initiative. It was prepared by a forum composed of the Council members Drs R.A. (Ruud) Tombrock (chair), W.T.A.A.G.M. (Ted) van den Berg, Prof. T.B. (Bas) Rodenburg, Drs J. (Jan) Staman, Dr N. (Nienke) Endenburg, Drs G. (Gerrit) Hofstra, Dr L.J.A. (Len) Lipman, Drs F. (Frank) Verstappen and P. (Priscilla) Paulussen (Junior Network). The report is a product of the Council as a whole.

The group held eleven meetings for the purpose of preparing the report. The working group was assisted by Secretary-Director Ir. M.H.W. Schakenraad and deputy secretaries Dr T.J. (Tamara) Bergstra (until March 2022), D. (Daniëlle) Hartman MSc (as from March 2022) and L. (Luca) Stolze MSc of the RDA staff office.

# Summary

## Introduction

Animals have been used in sports, games, traditions, festivities, events and other activities for centuries. For many people, these human-animal activities are an important part of their identity; for some, they are their primary source of income and for others, they represent the ultimate form of recreation or engaging in sport. Moreover, some of these activities are anchored in centuries-old traditions. Although people still hold varying views with regard to animals, and opinions in this regard may diverge considerably, society today seems to feel a greater involvement with the fortunes of animals. Violations of animal welfare are increasingly regarded to be unacceptable. Given this development, activities with animals are (once again) being reassessed. In this report, the Council on Animal Affairs investigates the consequences of this change in the relationship between humans and animals for the use of animals in sport, recreation, tradition and entertainment.

In 2021, the Council introduced the concept of 'humaneness' in livestock farming. As the Council sees it, humaneness signifies recognition of the intrinsic value of the animal, and ensuring basic necessities and quality of life. Using the six guiding principles of humaneness, based on scientific insights, a situation can be created in which animals can achieve a positive mental state. In this report, the Council applies these principles to animals used in sport, recreation, tradition and entertainment; and therefore the main question is: What implications do the guiding principles regarding humaneness have for animals used in sport, recreation, tradition and entertainment?

## Outline of the situation in the Netherlands

In the Netherlands, there is a great variety of sports, games, traditions, festivities, events and other activities that involve animals. These range from raptor shows and living nativity scenes to pig tapping (zwientie tikken) and pigeon racing. These activities are, among others, organised and/or practised by associations or clubs, private individuals, businesses and local or other communities. While these activities may be very diverse, often their primary objective is to provide humans with fun and relaxation. But what actually is the problem?

The extent of the research done into and literature on animal welfare differs from one human-animal activity to the next. We do know that certain activities can also have positive effects on animals and can be an enrichment of their lives. However, there are many other activities where the likelihood of the animals experiencing positive effects from the activity to which they are exposed is questionable. Where things get problematic is when the activity has negative effects on the welfare of the animal but there are substantial human interests (commerce, prestige, entertainment) as well.

## The guiding principles regarding animals used in sport, recreation, tradition and entertainment

The Council has worked out the six guiding principles drawn up for humane livestock farming for application in respect of animals in sport and recreation.

### *Recognition of the animal's intrinsic value and integrity*

The Council defines intrinsic value as follows:

*'The term intrinsic value refers to the value inherent in an animal, irrespective of its utility. Respecting this inherent value means factoring in the interests of animals in all decisions that affect them. Specifically, there is a moral obligation for human intervention not to cause structural or serious damage to the welfare, health or integrity of animals or their habitat'* – RDA Conceptual Framework

It is the Council's view that this weighing should be adhered to not only by the government, but also by the sector in all phases of sport, recreation, tradition and entertainment.

In concrete terms, this would have the following implications:

- The animal must be treated with respect at all times.
- The activity and everything concerning it must suit the species, its nature and the individual animal.
- The activity and everything concerning it may not violate the integrity (wholeness) of the animal.

### *Good feeding*

- The animal must have adequate amounts of water and nutrients, suited to its species-specific and natural needs.

### *Good housing*

- Exposure to stimuli experienced as negative by the animal should be limited to a minimum.
- The animal must have access to suitable environmental conditions to give it sufficient space to exercise naturally and have enough fresh air.

### *Good health*

- The animal taking part in the activity must be physically able to perform the activity.
- The lifespan of the animal may not be reduced by the activity and everything concerning it.
- For activities that hold an increased risk of harm or stress, it is important to organise professional supervision so that the activity can be interrupted if necessary and proper care is available to the animal.

### *Natural behaviour (and interactions)*

- The animal must have the freedom to discontinue the physical activity or training without this having unpleasant consequences.
- The animal should be able to withdraw from environmental stimuli that it experiences as negative.
- The animal may not be exposed to enforced changes to its social environment that could result in a violation of the welfare of the animal.
- The animal must only be exposed to training methods and devices that the animal experiences as neutral or positive.
- The persons who are in direct contact with the animal must have the proper knowledge, expertise and attitude with regard to the animal.

### *Positive mental state*

- If the animal is able to respond to changes in its social and physical environment it can achieve a state that it experiences as predominantly positive ('A life worth living'). Such a state will result if all the guiding principles mentioned above are adhered to.

## Conclusion and recommendations

It appears that detrimental consequences for animals are no longer seen as a matter of course in our society. The Council is of the opinion that six guiding principles need to be adhered to if animals are exposed to activities in the fields of sport, recreation, tradition or entertainment. This is necessary for realising humane use of these animals. If the activities cannot be reconciled with the guiding principles, how and where the activities can be modified must be looked into. This might result in some activities not being able to continue in their current form and therefore having to be modified or even perhaps discontinued. What the Council wants is a future in which sport, recreation, tradition and entertainment are enjoyable for humans and animals. The Council considers it important that the interest of the animal is always prioritised, so that in the future animals are only used for activities in which they are able to achieve positive welfare, and to this end it makes the following recommendations:

### *Recommendations to the sector*

The Council advises sector organisations to chart the impact of their activities on animals, to investigate the problem areas and subsequently draw up an animal welfare plan based on the guiding principles presented in this advisory report. The Council considers it very important that the animal welfare plans are then applied broadly in the sector and, to this end, it appeals to the self-regulating ability of the sectors in question. The Council advises associations within the sector to then draw up practical rules for their associations (in the form of articles of association or regulations, for example) to properly anchor their animal welfare plan in the association's practices.

In the Council's view, activities that are in not in any way compatible with the guiding principles should in time be phased out. The three Rs (3Rs) might serve as a guideline in this gradual transition in order to bring about improvement in animal welfare within a relatively short term. The 3Rs are Replacement, Reduction and Refinement.

### *Recommendations to the sector*

The RDA makes the following recommendations to the Minister:

- Introduce an obligation to register for all organisations inside and outside sector organisations that offer or organise activities that make use of animals in the fields of sport, recreation, tradition and entertainment.
- Keep actively promoting the self-regulating ability of the sectors by stimulating the development of animal welfare plans.
- Give municipalities the authority to set conditions regarding animal welfare in respect of event permits, such as those recommended in the Council's advisory report 'Animals in the House of Thorbecke' (Dieren in het huis van Thorbecke).

### *Recommendations to knowledge institutes*

To support the public debate, the Council recommends that research institutions further develop knowledge about animals in sport, recreation, tradition and entertainment. The Council notes that the available literature is fragmented and at times hard to find. A (virtual) knowledge centre would be able to collect, update and make the findings of national and international scientific research on each activity available, and serve as a source of consultation for sector organisations and others.

# 1. Introduction

Animals have been used in sports, games, traditions, festivities, events and other activities for centuries. Through the years, the nature and organisation of these activities have changed and, generally, they reflect the position animals hold in society at a particular point. In the past, the conscious abuse or killing of animals was considered public entertainment. An example of this is what is known as ‘pulling the goose’ (ganstrekken), which involved participants trying to pull the head off a live goose. As people became more aware of the fact the animals are sentient beings, the live goose was replaced by a goose that had already been euthanized. In 2014, in a further shift of social and legal norms, the killing of geese by private individuals was forbidden. In 2019 for the first time, this folkloric tradition involved the use of an artificial goose<sup>1</sup>.

As animal welfare has gained increasing importance in society, people have started thinking differently about the use of animals for our pleasure. In this vein, the use of wild mammals in circuses or similar shows was banned in 2015 – it was central government’s view that the harm to the wild mammals outweighed the entertainment of the public. And while people still hold varying views with regard to animals, and opinions in this regard may diverge considerably, society today seems to feel a greater involvement with the fortunes of animals. Violations of animal welfare are increasingly regarded to be unacceptable. The Council on Animal Affairs described this development at length in ‘State of the Animal’ (Staat van het Dier), a collection of writings to mark the 25th anniversary of the Council in 2018<sup>2</sup>. In this publication the Council describes how initially humankind regarded itself as the owner of and ruler over the animal kingdom. The role of humans evolved from that of rulers into that of stewards, and animals were treated with more care and respect. A more recent development identified in ‘State of the Animal’ is that we humans no longer regard our superiority over animals as a self-evident truth. We are moving from stewardship to partnership, more often regarding humans and animals as equal partners. The position of animals in our society is changing. In ‘State of the Animal’, the Council also describes how science is questioning the ease with which we decide whether it is justified to involve animals in our own recreation and pleasure. Until recently, for example, equestrian sports, pet animals, assistance animals or dog shows were seen to reflect ties of affection between humans and animals. However, new insights sometimes place these things in a different light. A critical approach remains possible and indeed appropriate, even where a bond of love and affection between humans and animals was assumed. In this report, the Council on Animal Affairs investigates the consequences of this change in the relationship between humans and animals for the use of animals in sport, recreation, tradition and entertainment.

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<sup>1</sup> Limburg (2018). *Omstreden ganstrekken vervangen door neppans*

<sup>2</sup> RDA (2019). *‘Staat van het Dier’ Beschouwingen en opinies over de verschuivende relatie tussen mens en dier in Nederland*



## 1.1 Outline of the situation in the Netherlands

An initial orientation shows that there is a great variety of sports, games, traditions, festivities, events and other activities in the Netherlands that involve animals. The variety of activities involved is evident from the box below.

The following activities have emerged from an inventory\* of activities in the Netherlands in which animals are used for sport, recreation, tradition and entertainment:

**Sports**, such as equestrian, pigeon, dog and fishing sports, sheep guarding and herding; **shows** such as dog, cat, pigeon and alpaca shows and small pet shows; **fairs** (rides, petting, photos); festivities at **animal markets**, inspections and shows; **(domestic) animal festivals**; **television shows**, films, advertisements, music videos, campaigns and other media; parties, weddings and other ceremonies (e.g. releasing wedding doves); magicians' shows featuring animals; **circuses** featuring animals; **specific animal shows** such as raptor, reptile and horse shows; **petting zoos**; **zoos** and other animal parks, including dolphinariums, sea aquarium parks, bird parks and butterfly gardens; amusement parks featuring animals (shows); live animals as **mascots/club symbols**; **sport hunting**; **cultural heritage** such as trotting sport, short-track harness racing, ringtilting and chaise riding (horses), amateur beekeeping, falconry, pigeon racing, festivities on horse markets, par force hunting; **other traditions** such as the Kallemooi festival, pig tapping (zwientie tikken) and horses in St Nicholas or Sint Maarten parades; **games or races** such as the game of chance 'where does the moo poo?' (waar schijt de koe?), guinea pig races; **living nativity scenes**; **songbird contests**; **cock crowing contests**; **spa treatments** involving animals (e.g. fish spas, slug treatments); **mule or alpaca walks**; **high teas** amongst alpacas or cats (cat cafes); **cow hugging**; **goat and cat yoga**; **camel safaris**; **cow survival games**; **animal photography**, **bird watching**.

*\* The summary above is meant to give an impression of the activities, and does not purport to be exhaustive.*

These activities are organised and/or practised by, among others, associations or clubs, private individuals, businesses and local or other communities. The role of the animals in these activities varies greatly: in some of them the animal is a team member and in others the animal is a catch or prize. Some activities are about the presence of and proximity to 'real animals' and others are about the achievement(s) of the animals. And although these activities may be very diverse, often their primary objective is to provide humans with fun and relaxation.

In recent decades, the position of the animal in society has undergone a change. Added to that is the fact that we have an increasingly better understanding of what animal welfare entails and our knowledge in this regard is steadily getting broader and deeper. Through scientific research we are gaining increasing insight into the complexity of animals, in terms of their behaviour, neurobiology, cognitive and mental traits, social organisation and breed characteristics. Given these developments, activities with animals are (once again) being reassessed. The Council recently also contributed an advisory report 'Humane Livestock Farming' in this regard<sup>3</sup>. This report introduced the concept of 'humaneness'. As the Council sees it, humaneness signifies recognition of the intrinsic value of the animal, and that basic necessities and a good quality of life are ensured. There are six guiding principles of humaneness, based on scientific insights, that facilitate the creation of a situation in which animals can achieve a positive mental state. In this report, the Council turns its attention to animals used in sport, recreation, tradition and entertainment, with the Council adopting the point of view of the animal. But what actually is the problem?

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3 RDA (2021). 'Humane livestock farming' advisory report.

The extent of the research done into and literature on animal welfare differs from one human-animal activity to the next. We do know that certain activities can also have positive effects on animals and can be an enrichment of their lives. It appears that a motivated dog, for example, might experience enjoyment from tracking something<sup>4</sup>. However, there are many other activities where the likelihood of the animals experiencing positive effects from the activity to which they are exposed is questionable. This includes activities in which the animal is harmed, such as, for example, fishing. From a biological point of view, the pain system of fish is very similar to that of mammals. A study in which two groups of fish were subjected to pain stimuli, with one group receiving a form of pain relief, showed that the fish in the two groups reacted differently to the pain stimuli. The fish that had not been given pain relief exhibited reduced activity, increased alertness, accelerated breathing and other abnormal behaviour. This indicates that fish can actually experience pain<sup>5</sup>. Certain activities unavoidably involve losses being suffered. In the summer of 2022, for example, thousands of racing pigeons failed to return from an international flight. The weather was poor when they set off, and they possibly got lost. In the Netherlands, releases are subject to stricter rules, and the weather is monitored very closely. Even so, there are always a few pigeons that succumb to orientation problems, raptors or accidents during races. Dog sports in the Netherlands involve the use of a variety of training methods. Whereas many dog schools primarily use positive training methods (i.e. involving rewards), some dog schools apply aversive training methods (such as positive corrections)\*. Many studies have shown that the use of aversive training methods can lead to increased aggression, reduced eye contact with the owner and stress and/or behavioural problems<sup>6</sup>. Additionally, research shows aversive training methods to be less effective than positive methods in the long run.

An intensive, loving relationship with an animal is no guarantee of good animal welfare, as one reads in the Council essay 'Love is blind' (Liefde maakt blind)<sup>7</sup>. Our love for an animal may, for example, blind us and result in our projecting human characteristics and needs onto the animal. Where things get problematic is when the activity has negative effects on the welfare of the animal but there are substantial human interests (commerce, prestige, entertainment) as well.

\* *Positive correction means adding a stimulus that is experienced as unpleasant, with the purpose of reducing/correcting a certain behaviour in the animal.*

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4 Duranton, C., Horowitz, A. (2019). Let me sniff! Nosework induces positive judgement bias in pet dogs. *Applied Animal Behaviour Science*, 211, 61-66.

5 Sneddon LU. (2019). Evolution of nociception and pain: evidence from fish models. *Phil. Trans. R. Soc. B* 374: 20190290.

6 Todd, Z. (2018). Barriers to the adoption of humane dog training methods. *Journal of Veterinary Behavior*. V. 25, pp. 28-34.

7 RDA (2021). Essay 'Love is blind'.

## 1.2 Central question, objective and methodology

The public shift towards a partnership in which humans and animals are more equal means that there seems to be increasingly less acceptance of the use of animals for human enjoyment, which previously was taken for granted. More so if it involves suffering or harm to the animals in question. For this reason, in this advisory report the RDA wishes to focus on the animals involved in these activities. In this report, the Council applies the six guiding principles for humaneness formulated in the advisory report ‘Humane livestock farming’ (see annex). What are the preconditions that need to be met for the use of animals in sport, recreation, tradition and entertainment to involve a positive welfare experience for the animals involved?

Therefore, the main research question of this advisory report is:

**‘What implications do the guiding principles regarding humaneness have for animals used in sport, recreation, tradition and entertainment?’**

With this report, the Council on Animal Affairs aims to provide guidelines for humane use of animals in sport, recreation and entertainment. The Council is aware of the enormous diversity between – and among – various kinds of activities involving animals, also in terms of professionalism, commercial level, organisation and popularity. The report is meant for all those involved in the use of kept or non-kept animals for sport, recreation, tradition and entertainment, from practitioners to policymakers. This report expressly does not relate to activities in which animals are used for therapeutic, coaching, socialisation, rehabilitation or other care-related purposes. The Council considered these activities in the advisory report ‘Animal Assisted Interventions’<sup>8</sup>.

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8 RDA (2019). Advisory report ‘Animal Assisted Interventions. Welfare of Humans and Animals?’.

## 2. The public debate

Through the ages, the interplay and the bond between humans and animals have been associated with positive human well-being<sup>9,10</sup>. There are signs that contact with animals reduces stress, anxiety or negative moods and increases self-confidence. In addition to this, human-animal activities can give daily life more structure, contribute to physical and psychological health, provide physical and mental challenges, alleviate boredom, help people establish and maintain social contacts and contribute to pleasure and recreation.

Taking the above into account, it is understandable that human-animal activities have thus made their way into the realm of sport, recreation, tradition and entertainment. It is clear to the Council that many keepers of animals, practitioners and other involved parties cherish their human-animal activity and sometimes have a very intimate bond with the animal. This is certainly true for activities involving active and dynamic interaction between humans and animals. Examples of this are equestrian sports and pigeon racing. For the practitioners of such sports, it can be more than a hobby or profession: it is a passion or a lifestyle, which calls for great investments of energy and even financial means. The activity itself, and of course the love for the animal, can become an important part of their identity, even to the extent that the activity is passed on from one generation to the next. The same applies to traditions that involve the use of animals.

These activities usually involve domesticated animals, such as horses, dogs and pigeons. As a rule, domesticated animals are less anxious about contact with people than non-domesticated animals. These animals experience less stress from the proximity of people, sounds, and stimuli of a new environment than wild members of their species<sup>11</sup>. Nonetheless, individual members of domesticated populations can differ greatly in terms of sensitivity, reactivity and stress tolerance. In other words: even domesticated animals react in different ways and not every individual is suited to human-animal activity. However, if the activity and the animal are a good match, it can be an enriching experience for the animal.

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9 Crossman, M. K. (2016). *Effects of Interactions With Animals On Human Psychological Distress*. *Journal of Clinical Psychology*, 73(7), 761-784.

10 Friedmann, E., Son, H. (2009). *The Human-Companion Animal Bond: How Humans Benefit*. *Veterinary Clinics of North America: Small Animal Practice*, 39(2), 293-326.

11 Neijenhuis, F., Hopster, H. (2018). *Gedomesticeerd? Begripsomschrijving en beoordelingskader, toegepast voor het rendier en de zebou*. Wageningen Livestock Research.

## 2.1 What is the discussion about?

We regularly read reports in the media about the public debate regarding the use of animals for sport, recreation, tradition and entertainment. Figure 1 shows some of the various (Dutch press reports <sup>12,13,14,15,16,17,18,19,20,21</sup> expressing concern about and criticism of the use of animals for these activities.



Figure 1: A selection from various press reports evidencing concern about and criticism of the use of animals for sport, recreation, tradition and entertainment. From the Dutch press.

12 De Stentor (2019). *Zwientie tikken: Een traditie die moet blijven of niet meer van deze tijd?*

13 Algemeen Dagblad (2021). *Tegenstanders willen van zoo af: 'Dierentuin is koloniaal relikwie.'*

14 de Volkskrant (2019). *Stop met de achterhaalde Kallemooi-traditie* (De ingezonden lezersbrieven van zaterdag 8 juni).

15 Dagblad van het Noorden (2016). *Groningers willen einde aan hobbyjacht.*

16 Het Parool (2018). *Een hondenshow, kan dat nog?*

17 RTL Nieuws (2019). *Sierduiven op je bruiloft loslaten? 'Die dieren vliegen hun dood tegemoet'.*

18 Trouw (2020). *Paardensport worstelt met kritiek: lijden de dieren niet?*

19 Algemeen Dagblad (2022). *Roofvogelshow tijdens Koningsdag oogst kritiek: 'het draait om spektakel, niet dierenwelzijn'.*

20 BNNVARA (2019). *Hobbyvisserij hoort niet in een modern land* (opiniestuk).

21 de Volkskrant (2017). *De 'Tour de France' van de duivensport was dit jaar een slagveld.*

Keepers of animals, practitioners, organisers and other providers of these activities do not necessarily find this criticism fair, as is evidenced by this selection from various (Dutch) press reports<sup>22,10,23,24,25,26,27,28</sup> (see Figure 2).



Figure 2: A selection from various press reports evidencing the fact that keepers of animals, practitioners, organisers and other providers of these activities do not necessarily find concerns about the use of animals for sport, recreation, tradition and entertainment fair.

As mentioned earlier in this report, engaging in an activity involving animals can have great added value, for many people at any rate. Critics in the media point out that these activities involving animals do not always serve the interests of the animals in question. People expose animals to their human ambitions and needs; animals are bred, kept, trained, transported and/or otherwise used to serve these ambitions and desires. Critics have a moral problem with the fact that breeding and keeping animals deprives the animals of a free choice as to the activity and the lifestyle associated with it. Certain practitioners maintain in response that discontinuing these practices would result in the extinction of some domesticated animals.

22 Brabants Dagblad (2018). 'Als katten de show niet meer leuk vinden, laten ze dat echt wel merken'.

23 NRC (2021). *Publiek én dieren zijn gebaat bij de dierentuin* (opiniestuk).

24 Algemeen Dagblad (2018). *Tuincentrum Bosrand weerlegt kritiek op roofvogelshow*.

25 Algemeen Dagblad (2021). *Jagers boos op beperken jacht door provincie Limburg*.

26 Trouw (2022). *Zwijntje tikken een schadelijke traditie? Pak liever de echte problemen aan* (opiniestuk).

27 De Stentor (2007). "Zonder vissen geen hengelsport. We hebben dus het beste met ze voor".

28 Internetbode (2022). *Duivensport gaat om liefde tussen mens en dier*.

In respect of racing or contest activities, the real point for concern is the focus on achievement. In order to win, the animal needs to make high jumps, fly home via the shortest route, meet the ideal criteria set for a particular breed, and in the quest of these ideals challenge itself further and further in the same way top-level human athletes and professional practitioners do. Winning contests often makes an animal more valuable in the eyes of practitioners and interested parties, and losing has the opposite effect. Critics have concerns about the training methods and means used to get the optimum achievement from animals. According to them, the focus on achievement at contests negatively affects the welfare of the animal as this can result in it being hurt or suffering injury, pain or stress. Then again, some practitioners maintain that in return for their achievements these animals are well cared for and lead a good life, and that this deserves something in return. However, the question remains whether, from the perspective of the animal, that which humans consider to be a 'good life' actually meets the breed- and species-specific needs of the animal.

The shift in public perception towards partnership with animals also generates other criticism. According to critics, not all human-animal activities involve respect for the intrinsic value of the animal. They maintain that the animal is not always seen as a partner or team member, but at times as a target, for example in hunting or fishing. According to them, the animal is merely an instrument for winning prizes: the activity is not about winning in partnership with the animal but about winning at all costs, even to the detriment of the animal. In response, some practitioners maintain that they treat the animals with care and therefore animal welfare is hardly violated or not at all.

## 3. Legislation and regulations

As described earlier in this report, the position of animals in society has shifted in recent decades, and we have seen the development of a public debate regarding the use of animals in sport, recreation, tradition and entertainment. This chapter considers the protection that the law provides for these animals in more detail.

### 3.1 The Animals Act and the Animal Keepers Decree

The Animals Act (Wet dieren) pertains to kept animals and, as such, applies to animals kept for sport, recreation, tradition and entertainment. The ‘intrinsic value’ of the animal is the key element of the current statutory framework on animal welfare (see box). As provided in Section 1.3 of the Animals Act, it is the government’s responsibility to weigh the interests of animals against those of humans or others. In carrying out this responsibility, the government is obliged to give consideration to the intrinsic value of animals when drawing up rules or decrees, in so far as this can reasonably be expected.

#### Section 1.3 Animals Act

1. The intrinsic value of the animal is recognised.
2. Recognition of intrinsic value as referred to in subsection 1 is understood to mean recognition of the value that animals possess in their own right as sentient beings. In drawing up rules under or pursuant to this Act, and in taking decisions on the basis of these rules, due consideration shall be given to the impact of these rules or decrees on the intrinsic value of the animal, notwithstanding other legitimate interests. This shall at any rate provide for violation of the integrity or well-being of animals, beyond what is reasonably necessary, to be avoided and the care reasonably required by the animals to be guaranteed.
3. For the purpose of subsection 2, the care reasonably required by animals shall in any event include safeguarding animals against:
  - a. thirst, hunger and malnutrition;
  - b. physical and physiological distress;
  - c. pain, injury and diseases;
  - d. fear and chronic stress;
  - e. limitation of their natural behaviour;in so far as this can be reasonably required.

Involving the intrinsic value of animals in decrees applies to the government. It needs to give consideration to the freedoms mentioned in subsection 3 of the Act only to the extent that this ‘can be reasonably required’. The provisions regarding cruelty to animals apply to citizens as well. It is prohibited for anyone to cause an animal pain or injury or to harm the health or well-being of the animal without good reason or in excess of what is acceptable for this reason (Animals Act, Section 2.1(1)).

Keepers must also adhere to the general rules of the Animal Keepers Decree (Besluit houders van dieren). An animal keeper is deemed to take responsibility him/herself and execute this in an appropriate manner. Specifically in connection with the use of animals in events and contests, a number of rules have been drawn up. Section 2.13 of the Animals Act contains a prohibition on offering animals as a prize, reward or gift at contests, lotteries, bets or similar events. Section 2.14



of the Animals Act prohibits holding or attending animal fights. Finally, Sections 2.15 and 2.16 of the Animals Act contain a prohibition on the use of animals that have undergone forbidden procedures.

For non-kept animals, such as fish and other animals that are hunted, different laws generally apply. In respect of recreational fishing, the Fisheries Act (Visserijwet), the Inland Fishing Regulations (Reglement voor de binnenvisserij), the Nature Conservation Act (Wet natuurbescherming) and Fisheries Implementation Regulations (Uitvoeringsregeling visserij) apply, as is set out in our advisory report 'Fish Welfare'<sup>29</sup>. In respect of market hunting, the Nature Conservation Act and the corresponding implementation regulations apply, as do the Nature Conservation Decree (Besluit natuurbescherming) and Nature Conservation Regulations (Regeling natuurbescherming). The provisions regarding cruelty to animals in the Animals Act also apply in respect of fish and other animals that are hunted.

Section 3.7 and the following of the Animal Keepers Decree accompanying the Animals Act, sets out rules for the use of animals at events at which commercial activities take place (commercial sale, delivery, keeping for the purpose of the boarding or breeding of pet animals). These include the obligation to report or seek approval from the Netherlands Food and Consumer Product Safety Authority (NVWA) for any event at which vertebrates are exhibited or sold. Additional rules apply to events of this kind. Thorough registration is required, for example, to make it possible to trace where which animals went to after the event. Veterinary health inspection is also mandated at exhibitions, shows or markets, and no animals suspected of having infectious diseases may be admitted. When animals are used for these kinds of events, the keeper or organiser of the event must be able to prove their expertise in respect of the type of animal being used for the event in question (Article 3.11 of the Animal Keepers Decree). Moreover, at exhibitions, shows or markets at which commercial activities with animals take place, the presence of a person with proof of professional expertise is mandated.

### 3.2 Self-regulation

Apart from the statutory requirements set by government, many associations and foundations have their own articles of association, regulations and codes of conduct that members must adhere to. This allows organisations to make animal welfare a priority and it stimulates internal discussion and awareness about the importance of proper animal welfare. Self-regulation allows dynamic rules that have the support of the members to be drawn up relatively swiftly.

For this reason, the national legislator is in favour of self-regulation when it comes to the interpretation of open standards set in the Animals Act. Section 8.44(1) of the Animals Act encourages the application of more sectoral national 'good practice guides'. Under paragraph 2 of this section, these sectoral guides may be submitted to the Minister of Agriculture, Nature and Food Quality for assessment, after which the minister may declare them generally binding. One of the good practice guides drawn up under Section 8.44 of the Animals Act is that of the Horse Sector Council (Sectorraad Paarden)<sup>30</sup>.

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29 RDA (2018). Advisory report 'Fish Welfare'.

30 Sectorraad Paarden (Horse Sector Council) (2019). Gids voor goede praktijken (Good practice guide).

### 3.3 Municipal powers

As of yet, municipalities do not have autonomous powers for setting requirements in the field of animal welfare when issuing a permit for an event, as one can read in the recently published Council on Animal Affairs advisory report 'Animals in the House of Thorbecke'<sup>31</sup>. In this report, the Council maintains that while municipalities and other decentralised government authorities wish to work towards better animal welfare, they feel unable to. Municipalities may only refuse to issue a permit for an event if this event is a threat to public order or constitutes a danger to safety, public health and/or the environment.

That animal welfare does not as such constitute grounds for refusal was something the foundation Stichting Comité Dierenhulp was confronted with. In 2018, the foundation launched legal proceedings to stop the issuance of a permit for the Whitsun Activities on Schiermonnikoog<sup>32</sup>, which traditionally involves hoisting a rooster up a flagpole (see the box below). Stichting Comité Dierenhulp found that this custom did not serve any reasonable purpose and that it violated the welfare of the rooster. The court ruled that animal welfare was not included in the grounds for refusal of an application for an event permit in the general municipal bylaws. The foundation was advised to invoke the Animals Act to seek enforcement if it deemed animal welfare to be at issue.

#### Kallemooi

Kallemooi is a celebration of fertility. One of the rituals that form part of the multiday festivities around Whitsun involves affixing a rooster to the Kallemooi flagpole in a basket. The basket is hoisted 18 metres into the air, and the animal remains there for three days. The rooster's crowing is regarded as a sign of fertility. The animal remains confined to a basket measuring 140 cm x 60 cm x 70 cm and is given water and nourishment.

It is not only the absence of animal welfare as grounds for refusal in the general municipal bylaws that makes it difficult to explicitly include animal welfare in decision-making processes; the open standards set in the Animals Act also contribute to this. This applies not only to municipalities, but to other levels of government as well, as one can read in the Council on Animal Affairs advisory report 'Animals in the House of Thorbecke'.

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<sup>31</sup> RDA (2022). Advisory report 'Animals in the House of Thorbecke'.

<sup>32</sup> de Rechtspraak (2019). <https://uitspraken.rechtspraak.nl/#!/details?id=ECLI:NL:RBNNE:2019:1204>.

## 4. Humaneness

The Council on Animal Affairs defined the term ‘humaneness’ in its ‘Humane Livestock Farming’ advisory report in 2021. Humaneness signifies recognition of the intrinsic value of the animal, and ensuring basic necessities and quality of life. In its report, the Council argues that livestock farming can be made more humane if it is guided by six principles. These principles flow from the recognition of the intrinsic value of animals, and were drawn up with reference to ‘The Five Domains Model’ developed by David Mellor<sup>33</sup> (see annex). The ‘Humane Livestock Farming’ advisory report indicates that, with possible modifications, these six principles also apply to other (kept) animals.

In the following chapter, the Council explores the implications of the six guiding principles for humaneness in respect of animals used in sport, recreation, tradition and entertainment. The focus here lays on the animal, and no distinction is made between kept and non-kept animals.

### Leidende principes dierwaardige veehouderij

The six guiding principles for humane livestock farming as framed in the ‘Humane Livestock Farming’ advisory report are:

1. **Recognition of the animal's intrinsic value and integrity**
2. **Good nutrition**
3. **Good environment**
4. **Good health**
5. **Natural behaviour (and interactions)**
6. **Positive mental state**

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<sup>33</sup> Mellor, D. (2017). Operational Details of the Five Domains Model and Its Key Applications to the Assessment and Management of Animal Welfare. *Animals* 7(8), 60.

## 4.1 The guiding principles regarding animals used in sport, recreation, tradition and entertainment

### *Recognition of the animal's intrinsic value and integrity*

The Council defines the concept 'intrinsic value of the animal' as follows:

*'The term intrinsic value refers to the value inherent in an animal, irrespective of its utility. Respecting this inherent value means factoring in the interests of animals in all decisions that affect them. Specifically, there is a moral obligation for human intervention not to cause structural or serious damage to the welfare, health or integrity of animals or their habitat'* – RDA Conceptual Framework<sup>34</sup>

It is the Council's view that this weighing should be adhered to not only by the government, but also by the sector in all phases of sport, recreation, tradition and entertainment: (i) in the breeding and selection of a suitable individual animal, (ii) in keeping the animal, (iii) during training, (iv) during transport if applicable, (v) during the activity itself and (vi) thereafter. In concrete terms, this would have the following implications:

- The animal must be treated with respect at all times;
  - This means that the animal may not be used as an object of play, sacrifice or ambience-enhancing/symbolic element if this results in a violation of the intrinsic value of the animal.
- The activity and everything surrounding it must suit the species, its nature and the individual animal;
- The activity and everything surrounding it may not violate the integrity (wholeness) of the animal;
  - Exposing the animal to activities that cause harm (or involve an increased risk of harm) must be avoided.
  - It also means that there must be limits to modifications of the animal through breeding practices. Especially when breeding practices detrimentally affect the resilience, normal performance and other vital functions of that animal.

### *Good nutrition*

- The animal must have adequate amounts of water and nutrients, suited to its species-specific and natural needs.

### *Good environment*

- Exposure to stimuli experienced as negative by the animal should be limited to a minimum.
  - These might include unpleasant sounds, smells, light and temperatures, and also the absence of space in which to move properly, and not being able to withdraw from contact with people or other animals.
- The animal must have access to suitable environmental conditions, so that it has sufficient space to move in a natural manner and enough fresh air.

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<sup>34</sup> RDA (2018). 'Conceptual Framework for Animal Welfare'.

### *Good health*

- The animal taking part in the activity must be physically able to perform the activity.
  - This also means that the animal must be in good health and free of injuries.
- The lifespan of the animal may not be reduced by the activity and everything concerning it.
- For activities that hold an increased risk of harm or stress, it is important to organise professional supervision so that the activity can be interrupted if necessary and proper care is available to the animal.

### *Natural behaviour (and interactions)*

- The animal must have the freedom to discontinue the physical activity or training without this having unpleasant consequences.
- The animal should be able to withdraw from environmental stimuli that it experiences as negative.
- The animal may not be exposed to enforced changes to its social environment that could result in a violation of the welfare of the animal.
  - This might include separating animals that live together, for example as stable mates, partners or otherwise.
- The animal must only be exposed to training methods and devices that the animal experiences as neutral or positive.
- ‘Pushing’ animals using coercion, violence, or performance-enhancing drugs must be prevented, as this can lead to resistance, pain, injuries and fear.
- The persons who are in direct contact with the animal must have the proper knowledge, expertise and attitude with regard to the animal.
  - This means that they must, at least, have species and breed-specific behavioural knowledge (for example, to recognise stress and pain signals) and must have knowledge of training methods and/or devices and their impact on the animal.

### *Positive mental state*

If the animal is able to respond to changes in its social and physical environment it can achieve a state that it experiences as predominantly positive (‘A life worth living’). Such a state will result if all the guiding principles mentioned above are adhered to.

# 5. Conclusions and recommendations

## 5.1 Conclusions

In the Netherlands, there is a great variety of sports, games, traditions, festivities, events and other activities that involve animals. There can even be different varieties, disciplines, forms, levels and classes within a single human-animal activity. For many people, these human-animal activities are an important part of their identity; for others they represent the ultimate form of recreation or engaging in sports. Moreover, some of these activities are anchored in centuries-old traditions.

In view of current legislation, the Council is aware of the risk that the interests of humans predominate and that (too) little consideration is given to the effects of the activity on the welfare of the animal. It appears that detrimental consequences for the animal are no longer seen as a matter of course in our society. This means that these activities are increasingly subject to scrutiny, for example in the media.

The Council has transposed the guiding principles of humaneness to the use of animals in these activities, as phrased in the main question. The Council is of the opinion that activities in which animals are used in the areas of sport, recreation, tradition or entertainment must adhere to six guiding principles in order for humane use of animals to be achieved. If the activities cannot be reconciled with the guiding principles, it must be looked into how and where the activities can be modified. This might result in some activities not being able to continue in their current form and therefore having to be modified or even perhaps discontinued.

In addition, the Council notes that many municipalities would like more powers in the area of animal welfare at events, as was also revealed in the 'Animals in the House of Thorbecke' advisory report. As things currently stand, municipalities (or other layers of government) cannot refuse a permit application on grounds of animal welfare. In many cases, organising or offering human-animal activities is not subject to permit or registration requirements. This makes it difficult for the competent authorities to ensure animal welfare properly. If we acknowledge the intrinsic value of the animal and wish to protect animal welfare, we need better insight into the numbers of animals that are used, what they are used for, and by whom.

## 5.2 Recommendations

What the Council wants is a future in which sport, recreation, tradition and entertainment are pleasurable for humans and animals. The Council considers it important that the interest of the animal is always prioritised, so that in the future animals are only used for activities in which they are able to achieve positive welfare.

### 5.2.1 *Recommendations to the sector*

#### **Drawing up an animal welfare plan**

To ensure humane use of animals in sport, recreation, traditions and entertainment, it is important for the sector, and the public, to be aware of the impact these activities have on animals. The Council therefore advises sector organisations to chart this impact, investigate the problem areas and subsequently draw up an animal welfare plan based on the guiding principles presented in this advisory report. To this end, the Council encourages the various sectors to mobilise outside help (animal aid organisations, veterinarians, science, etc.), work towards drawing up a state-of-the-art animal welfare plan, and thus be open to the idea that evolving insights and innovations will result in updates to the plan. When drawing up the animal welfare plan, it is important that the

interpretation of open standards is done with reference to the guiding principles. This means, for example, that sector organisations must investigate how they can determine whether an individual animal is suitable for the human-animal activity they have in mind, how this can be assessed, and who may do this. The Council considers it very important that the animal welfare plans are then broadly applied in the sector and, to this end, it appeals to the self-regulating ability of the sectors in question. The Council advises associations within the sector to then draw up practical rules for their associations (in the form of articles of association or regulations, for example) to properly anchor their animal welfare plan in the association's practices. The Council is aware of the fact that persons or businesses that are not members of sector organisations organise or offer activities with animals as well and/or do this in an individual capacity. The Council advises them, where possible, to seek admission and, if that is not possible, to draw up their own animal welfare plans. In the Council's view, activities that are not in any way compatible with the guiding principles should in time be phased out. Given the social and economic effects of phasing out an activity of this kind, the Council is aware of the fact that this process will take time. If drawing up an animal welfare plan and following the guiding principles for humaneness do not result in the welfare of the animals in question being sufficiently guaranteed, the Council asks for the 3Rs from laboratory practice to be applied. The three Rs (3Rs) might serve as a guideline in this gradual transition in order to bring about improvement in animal welfare within a relatively short term. The 3Rs are Replacement, Reduction and Refinement.

- **Replacement:** can the animal be replaced? Pulling the goose, mentioned in section 1.1, is an example of replacement, with the goose having been replaced by an artificial goose. Replacing the live animals in a nativity scene with artificial ones is another good example<sup>35</sup>.
- **Reduction:** is it possible to reduce the number of animals, the duration of the activity or its frequency? An example of this is capping the number of fish that any person may catch at fishing contest.
- **Verfijning:** is it possible to refine the use of animals in such a way that the activity is less of a violation of the integrity and welfare of the animal? Examples of refinement are: giving the animal the choice of withdrawing from the activity by providing them with options for hiding, reducing interactions with visitors, and exposing the animal to stress for shorter periods.

### 5.2.2 Recommendations to the minister

#### Insight and improvement

The Council advises the minister to introduce an obligation to register for all organisations inside and outside sector organisations (from businesses to event committees) that offer or organise activities that make use of animals in the fields of sport, recreation, tradition and entertainment.

To actively keep promoting the self-regulating ability of the sectors, the Council advises the minister to promote the development of animal welfare plans. If sectors do not succeed in drawing up an animal welfare plan within the next three to five years, and thus have not taken the first steps towards humane sport, recreation, tradition or entertainment, the Council advises the minister to develop further legislation, possibly including a ban on inhumane activities.

#### Municipal powers

The Council advises the minister to adopt the recommendations regarding municipal powers at events featuring animals from the Council on Animal Affairs report 'Animals in the House of

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<sup>35</sup> Omroep Brabant (2018). Levende kerststal voor het eerst zonder levende dieren: 'We zitten niet op acties te wachten'.

Thorbecke'. As was described in that report, animal welfare can be more explicitly included in the decision-making processes of one or more levels of government. Certainly in terms of events featuring animals, this seems a positive improvement for the granting of permits at municipal level. However, it would require a new, explicit national legal basis (in the Animals Act).

### *5.2.3 Recommendations to knowledge institutes*

#### **Knowledge development**

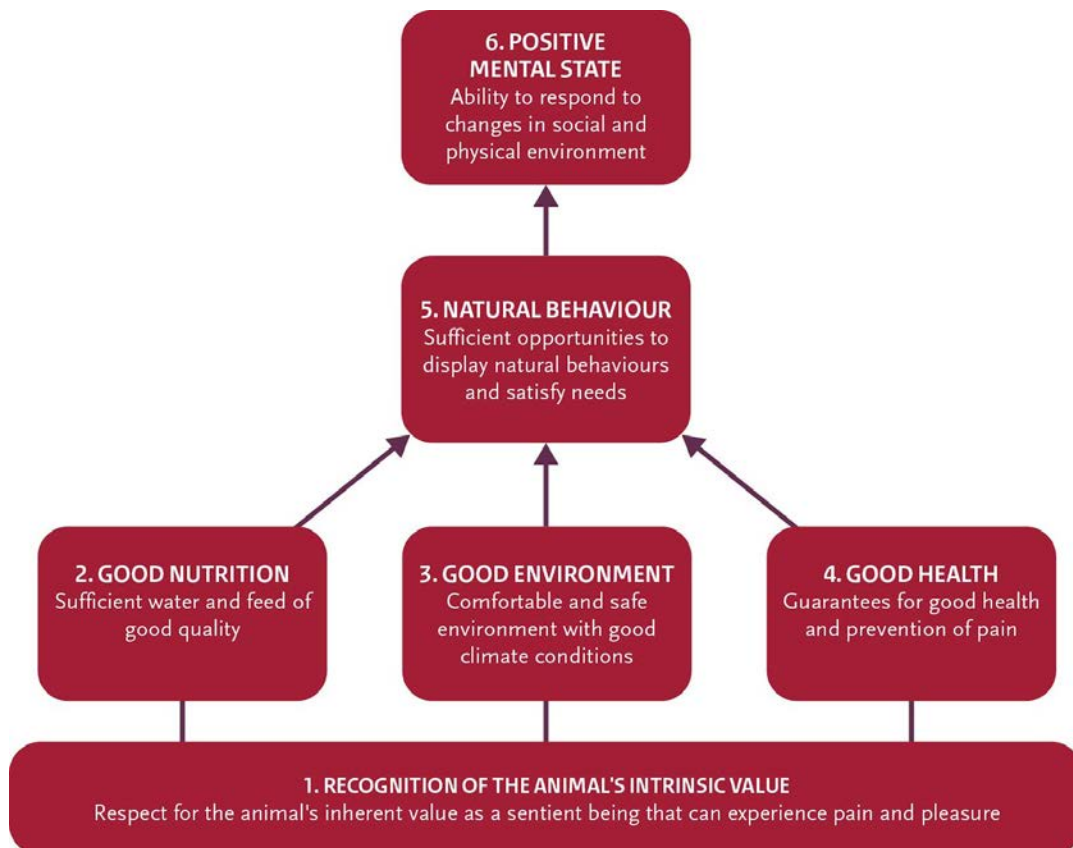
To support the public debate, the Council recommends that research institutions further develop knowledge about animals in sport, recreation, tradition and entertainment. The Council advises these organisations, on the one hand, to focus on the human-animal activities that involve the largest numbers of animals while, on the other hand, not forgetting the more regional human-animal activities that often involve smaller numbers of animals but can be image-defining.

#### **Knowledge sharing**

The Council notes that the available literature is fragmented and at times hard to find. A (virtual) knowledge centre would be able to collect, update and make available the findings of national and international scientific research on each activity, and serve as a source of consultation for sector organisations and others. The knowledge centre might also collect animal welfare plans in order for best practices from practical experience to be shared. The Council recommends investigating which organisation(s) would be best suited to taking on this role.



# Annex: The six guiding principles from the 'Humane Livestock Farming' advisory report of the Council on Animal Affairs



# Composition of the Council on Animal Affairs

The Council on Animal Affairs is an independent council of experts, which advises the Minister of Agriculture, Nature and Food Quality on request and on its own initiative on multidisciplinary issues in the field of animal welfare and health. The Council consists of scientific experts and professional practitioners, who serve on the Council in a personal capacity, independently and without any outside influence

As of 1 April 2023, the Council had the following members:

Prof. dr. J.J.M. van Alphen	Prof. dr. M.F.M. Langelaar
Dr. ir. G.B.C. Backus	Dr. L.J.A. Lipman
J.P. van den Berg	Drs. F.E. Rietkerk
W.T.A.A.G.M. van den Bergh	Mr. C.W. Ripmeester
Dr. B. Bovenkerk	Prof. dr. ir. T.B. Rodenburg
Dr. J.J.L. Candel MA	Dr. M.C.Th. Scholten
Drs. H.R. Chalmers Hoyneck van Papendrecht	Prof. dr. Y.H. Schukken
Prof. dr. ir. G.M. van Dijk	PhD Ir. G.C. Six
Dr. N. Endenburg	Drs. M. Slob
Prof. dr. R. Gehring	Prof. dr. G.R. de Snoo
Drs. D. van Gennep	Mr. Drs. J. Staman (voorzitter)
Prof. dr. M.A.M. Groenen	Dr. ir. J.W.G.M. Swinkels
Prof. dr. S. Haring	Drs. R.A. Tombrock
Prof. dr. ir. L.A. den Hartog	Prof. dr. ir. J.C.M. van Trijp
A.L. ten Have-Mellema	Dr. H.A.P. Urlings
Prof. dr. ir. J.A.P. Heesterbeek	Dr. J.B.F. van der Valk
Drs. G. Hofstra	J. van de Ven
J.A.M. Huijbers	Drs. F.A.L.M. Verstappen
Prof. dr. A. van Huis	Mr. Dr. J. Vink
Prof. dr. ir. B. Kemp	

The Council Secretary is M.H.W. Schakenraad MSc.

For more information about the Council on Animal Affairs, visit our website: [www.RDA.nl](http://www.RDA.nl), where you can also download all previous advisory reports.

