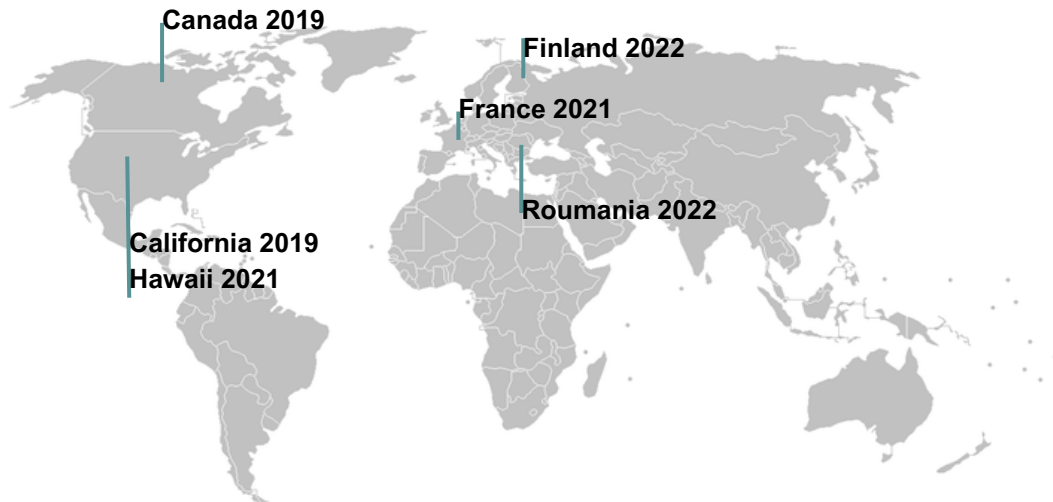


ZOOSEXUALITY

The legal situation in France

A wave of criminalisation underway



For more than 20 years, countries have been adopting provisions prohibiting sexual contacts with animals. Claiming as a goal the protection of animal welfare, preventive measures against sexual offences, or the defence of a moral, natural or religious order, such prescriptions still raise questions in a world where artificial insemination is the norm and in which queer identities are accepted.

In this report, is about zoosexuality and its legal status in France as of 2024.

What is zoosexuality?

Zoosexuality is a **sexual orientation** in which animal is the source of **romantic and/or sexual attraction**.

An educated population

83% were either college graduates or had completed some college (Williams & Weinberg 2003)

An expression of love

76% of the participants reported their relationship with animals was with a human partner (Miletski 2016)

Links with the LGBT community

47% either have homosexual or bisexual tendencies (Miletski 2002)

Links with Animal protection

35 % of the men indicated that they are active in animal protection (Beetz 2005)

Animals as victims?

A low risk for the human...

96,17% said they have never needed medical care as a result of their sexual relations with animals (Allard 2019)

...just as for the animal

99,52% said that their animal has never needed medical care because of their relationship

“But there’s nothing in the literature that supports the idea that the animals necessarily suffer from all kinds of sexual activities.”



50 % are interested in horses



70 % are interested in dogs

In 2006 the Danish Animal Ethics Council claimed that some veterinarians consider that **sexual relations with animals do not necessarily imply injuries for the animals, they can also be a source of pleasure.**

The tragic fate of seized animals

Another factor too often ignored is the fate of animals seized in cases of zoosexuality: **castration, euthanasia, confinement** for 23 hours a day in a cage - **the consequences of seizures are dramatic.**

Origins of the sexual contacts with animals in France



Association L214 estimated that in 2018 1,2 billion animals were slaughtered in France. Counting 1 insemination per animal we obtain **at least more than one billion instances of sexual contacts due to animal husbandry.**

In 2021, Association Animal Cross claimed that 10'000 people in France were sexually active with animals with an average of 2,1 sexual interactions per week. That means we have **around one million zoosexual relations per year.**

By comparing the two results, we can see that **zoophilia is the source of less than 0,1% of the sexual acts** that occur between human and animals.

A law out of proportions

The following table compares the penalties for **three types of offences** against animals: **serious abuse or cruelty (art. 521-1)**, **sexual offence (art. 521-1-1)** and **offences of ill-treatment (R653-1 et seq.)**.

As we can see, the **serious abuse offence felony is only applied for the worst forms of mistreatments**. Thus, the **case law often qualifies severe forms of abuse as a simple mistreatment**.

For the felony of sexual offences, the penalties are the same as for cruel acts, regardless of any use of coercion, injuries or violence. Moreover, additional penalties like registration on a sex and violent offenders registry only apply to sexual offence.

serious abuse or cruelty on an animal (art. 521-1)	sexual offence on an animal (art. 521-1-1)	ill-treatment (R653-1 et seq.).
3 years & 45'000 € 4 years & 60'000 €	3 years & 45'000 € 4 years & 60'000 €	A fine of between 68 € and 1'500 €
Temporary or permanent ban on keeping an animal	Permanent ban on keeping an animal	N/A
N/A	Registration on a sex offender registry	N/A
<ul style="list-style-type: none"> • Castration without anaesthetic • Kicking a puppy with fractures • Killing a cat by throwing it to the ground • Leaving an animal with throat ripped out for 48 hours after two gunshots 	<ul style="list-style-type: none"> • Anal penetration of a human by a dog • Active contact with a pony • Stroking a mare's bottom • Masturbating a dog 	<ul style="list-style-type: none"> • Leaving cows to die in a pasture without food or water in harsh weather conditions • Leaving a dog in the sun to die with a choke collar on • Drowning a dog and eating it as a tradition

Sentencing is to be reviewed

Sexual relations with a dog, without injuries, in which the human is passive	→	18 months suspended jail time
Penetration of a cat that later dies of their injuries	→	10 months suspended jail time
Dog suffocates in cage in heatwave	→	4'000 € fine

The Criminal **Animal Protection** laws penalties are supposed to be proportionate **with the level of suffering endured by the animal**. **Sexual relations** with an animal without any intention to inflict suffering are now more severely punished than some of the worst forms of mistreatment.

Counterproductive aggravating factors

The felony of sexual offences against an animal (521-1-1) comes with aggravating factors. The penalty goes from a 3 years and a 45'000 € fine to a 4 years and a 60'000 € fine if they **are committed by the guardian or the owner of the animal**.

This aggravating factor is **totally inadequate and goes against the interests of the animal**, as it **encourages “fence hopping”**, a practice that consists of introducing oneself to someone else’s property to have sexual relations with their animals.

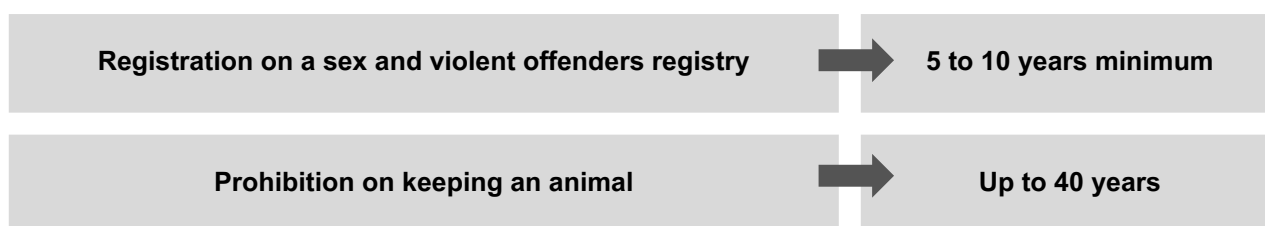
Fencehoppers usually **do not know the animals, do not know if they are sick, fearful and by their action violate the private property rights of the animal’s and land’s owners**. This can also greatly scare the animals. For all those **reasons fence-hopping is widely condemned in the Zoo Community**.

Artificial insemination: the legal sexual contact

To inseminate an animal, like a cow, **one has to insert their arm in the rectum of the cow** and then the other arm in the vagina all the way up to the uterus. **The animal, usually shackled, is given no choice**.

What zoosexuals are asking for, isn't to be allowed to force oneself's upon an animal like with artificial insemination, **but simply to have the possibility to propose or accept sexual relations with animals**.

Ever lasting inappropriate additional penalties



First and foremost, **we shall say that the usefulness of sex offenders registries is controversial**, for this reason Switzerland has decided multiple times not to have one.

Zoosexuals are unrightfully accused of having a tendency to commit other offences. This misunderstanding is due to the fact that **while people are under investigation proof of zoosexual relations may be found. This does not mean that Zoos as a group are more likely to commit crimes.** Since zoosexual relations do not negatively affect the animal, zoosexuals are most of the time left unnoticed.

A misleading justification

“[Z]oophilia is virtually never a clinically significant problem by itself” (American Psychiatric Association, 1987).

“The research basis for arguing that bestiality’s link to interpersonal offending is so strong that it warrants legal intervention **is simply not present**” (Holoyda 2022)

No links with sadism

- prevalence of sexual sadism is extremely low (<1%) (Sendler & Lew-Stariwicz, 2017)
- very low prevalence of sexual sadism (Emmett 2021, Zidenberg 2022)

No links other psychiatric conditions

- Data did not show more signs of psychopathy than the normal population (Beetz 2005)

Prisoners, a representative population?

In its report about Zoophilia, french association Animal Cross claimed that zoophilia would be a “paraphilia rarely reported alone”. This is not surprising since **they base their results on inmates and psychiatric patients.**

Such groups **are notorious for bearing a very strong negative selection bias and results should not be extended to the general population.** Zoosexuals that are socially adapted have less chance of ending up in prison and thus are not represented in those studies.

Solutions for the future

The current law is out of proportions, profoundly unfair and discriminatory against the sexual minority that has animals as its main preference. Rules protecting animals from sexual abuse shall be written with the principles of necessity and proportionality in mind. **The law needs to be re-written.**

Protection from abuse

- Crack down on sexual sadism
- Prohibit use of violence, coercion and injuries
- Prohibit animal prostitution
- Prohibit hate crimes against Zoos

Tolerate zoosexuality

- Legalise zoosexual relations
- Recongnition as a sexual orientation
- Support zoo associations
- Draft independent reports

Law proposal

Amendment of art. 521-1-1 of the Penal Code

Sexual abuse of an animal shall be liable of imprisonment for a year or of a 15'000 € fine.

Out of legally regulated activities, **any act of sexual nature committed on animal or on the person of the perpetrator by violence or coercion constitutes sexual abuse** within the meaning of this article.

Shall be liable of the same penalties, **offering or profiting from the prostitution** of an animal.

New art. R654-2

Using another person's animal for sexual purpose is punishable by a 4th class fine.

Explanations

This project of amendments to the Penal Code **enables the protection of animals against sexual abuse and exploitation without making every form of human – animal sexual relations outlawed.**

This new writing of art. 521-1-1 **prohibits acts of physical and psychological coercion and physical violence in a sexual context** with penalties much great than of the mistreatment misdemeanour. In the most severe cases, like with zoosadism, the article 521-1 prohibiting cruel acts will apply.

Legally regulated activities such as **artificial insemination and health care are exempt.**

Report - February 2024

Charles Menni

Allard, Littérature et réalité; une étude sur la zoophilie et la bestialité, Thèse, Papyrus: Institutional Repository, 2020

American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R, APA), 1987, p. 405.

Beetz, Bestiality/zoophilia: A scarcely investigated phenomenon between crime, paraphilia, and love, Journal of Forensic Psychology Practice, 2004, 4(2), pp. 1-36.

Emmett, Demystifying Zoophilia: Classification and Psychological Aspects of Humans Having Sexual Relationships with Animals, International Journal of Forensic Mental Health, 20:2, 2021, pp. 165-176.

Holoyda, Bestiality Law in the United States: Evolving Legislation with Scientific Limitations, Animals (Basel), 12(12):1525, 2022.

Iacob, Protection légale des animaux ou paternalisme?, Raisons politiques, vol. 44 n. 4, 2011, pp. 79-95.

Miletski, Zoophilia: Another sexual orientation? Archives of Sexual Behavior, 2017, 46(1), 39–42.

Miletski, Sexual Orientation – Zoophilia, Letter to Germany, 2013

Munro, “Battered pets:” sexual abuse, Journal of Small Animal Practice, 2001, 42 pp. 333-337.

Sendler & Lew-Stariwicz, Rethinking classification of zoophilia, European Psychiatry (41), pp. 851 ss.

Williams & Weinberg, Zoophilia in men: A study of sexual interest in animals, Archives of Sexual Behavior, 32(6), 523-535.

Zidenberg & Olver, Measurement and Correlates of Zoophilic Interest in an Online Community Sample, Archives of Sexual Behavior, 51(8), 2022, pp. 4179-4193.

Case law and news articles:

Auteur inconnu, Seine-et-Marne : un homme condamné pour avoir violé une chèvre, Le Figaro, 2022. [<https://www.lefigaro.fr/faits-divers/seine-et-marne-un-homme-juge-pour-avoir-viole-une-chevre>]

Durand Gilles, Lille: Un homme condamné à dix mois de prison avec sursis dans une affaire de zoophilie, 20 Minutes, 2023. [<https://www.20minutes.fr/justice/4055291-20230928-lille-homme-condamne-dix-mois-prison-sursis-affaire-zoophilie>]

Hoffmann Thomas, Denmark moves to ban bestiality – but is sex with animals really so bad?, ScienceNordic, 2014. [<https://www.sciencenordic.com/animal-welfare-animals-bestiality/denmark-moves-to-ban-bestiality----but-is-sex-with-animals-really-so-bad/1408484>]

Rivet Jérôme, Tarn : un élu local condamné pour zoophilie sur ses chiens, La Dépêche.fr, 2022. [<https://www.ladepeche.fr/2022/05/17/tarn-un-elu-local-condamne-pour-zoophilie-sur-ses-chiens-10301070.php>]

Parliamentary and associative work:

Motion 13.3127, Registre des délinquants sexuels et auteurs de violence sur des enfants, Parlement.ch, 2013. [<https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20133127#:~:text=La%20Suisse%20dispose%20d%20d%20d,p%20n%20ont%20acc%20en%20ligne>].

Animal Cross, La Zoophilie “les animaux, les nouveaux sex toys”, “enquête”, 2020.

Menni, Animal Cross, la Zoophilie et la Science, Blog de la Zeta Verein, 2023. [<https://blog.zeta-verein.de/fr/2023/04/animal-cross-la-zoophilie-et-la-science/>]

L214, Nombre d'animaux abattus en France, Chiffres clés.

<https://www.l214.com/animaux/chiffres-cles/statistiques-nombre-animaux-abattus-france-viande/>