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# STATEMENT ON HUMANS' SEXUAL RELATIONS WITH ANIMALS

(UNOFFICIAL TRANSLATION)

This translation is prepared with permission from The Danish Animal Ethics Council.

The translators are not connected in any way with the Danish Animal Ethics Council, and any errors in translation are those of the translators, and are not a reflection of the work of the Council.

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The Danish Animal Ethics Council can only be held responsible for the contents of the original Danish version.

The Danish Animal Ethics Council was established under the Law for Animal Protection of September 1, 1991. The Council replaced the Ethical Council for Domestic Animals, which had been in office since 1986.

At the time of developing this statement the Council consisted of the following 11 members:

Peter Sandøe (professor) - *chairman*  
Pia Haubro Andersen (professor)  
Bengt Holst (company vice-president)  
Karsten Vig Jensen (farmer)  
Peter Møllerup (company administrative director)  
Ingeborg Mølbak (veterinarian)  
Bent Olufsen (company branch manager)  
Anne Sørensen (veterinarian)  
Peder Thomsen (farmer)  
Torben Jensen (head of [Ministry] division)  
Gorm Vølver (journalist)

The Danish Animal Ethics Council is established to ethically assess developments concerning animal protection. The Council produces statements to questions regarding animal protection and can at the request of the Minister of Justice give statements on specific questions in regards to laws on animal protection (The Animal Welfare Act § 25).

There have been the following statements from the Danish Animal Ethics Council:

- Statement regarding animal experiments (September 1992)
- Statement regarding pig production (October 1993)
- Statement on hunting with bows (September 1993)
- Statement regarding keeping of animals, that can cause danger or create fear, or which can only with difficulty be kept in captivity in a responsible fashion. (June 1994)
- Statement regarding poultry for slaughter (February 1995)
- Statement on ecological animal production (November 1995)
- Statement on bio-technology regarding animals (June 1996)
- Statement on extermination of vermin (May 1997)
- Statement on ritual slaughter (April 1997)

- Usage of “Ovum-Pick-Up” technique for collecting oocytes from domestic cattle (March 1998)
- Statement on keeping of horses (March 1998)
- Statement regarding de-registration of certain medical drugs for horses (November 1998)
- Statement on breeding of animal species, where difficulties during birth will often occur (December 1998)
- Statement on breeding of dogs and cats (April 1999)
- Statement on ethical boundaries for medicinal and surgical treatment of family pets (September 1999)
- Statement on tail-docking of dogs (May 2000)
- Debate on cloning and cloning-related techniques (June 2000)
- Statement on cloning of animals (February 2001)
- Statement on egg laying hens (June 2001)
- Statement on cloning (April 2002)
- Statement on production of animals for fur (January 2003)
- Statement on cats (September 2004)
- Statement on ritual slaughter (march 2005)
- Statement on hunting with predator birds (January 2006)
- Statement on dairy cattle (February 2006)

The statements are all accessible in Danish on the Department of Justice’s website <http://www.jm.dk>

All contact to the Danish Animal Ethics Council should be directed to Council’s secretary:  
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## Summary

This statement is prepared at the request of the Ministry of Justice. The background to the request was that on 18 March 2005 Danske Folkeparti [Danish Peoples’ Party] put forward a Bill in Folketinget [Parliament], with the purpose of forbidding that human beings have sexual relations with animals. Furthermore presentation and dissemination of animal pornography were also to be prohibited. The motion was rejected by Folketinget at the second reading on 16 June 2005. Subsequently, on 8 July 2005, the Ministry of Justice forwarded its request to the Danish Animal Ethics Council to make a formal statement about the question of humans’ sexual relations with animals, including whether it is the Council’s perception that there ought to be regulations enacted, that go further than The Animal Welfare Act and if this is the case, about the closer working out of an approach to forbidding humans’ sexual relations with animals as well as of a ban on animal pornography.

In recent years there has been an increased critical focus on humans’ sexual relations with animals, both in Denmark and in a number of other countries. That human beings have sexual relations with animals is not a new phenomenon, and in Denmark such activities were definitely prohibited from the 17th century, in line with other sexual activities which were considered deviant. The ban was lifted in 1930 along with decriminalisation of a number of sexual activities. Sexual relations with animals has since then not been criminal, as long as the act does not constitute an offence against other legislation, e.g. concerning animal protection or indecent exposure.

It is possible to point to at least three conditions, which seem to play a role in why it has become relevant at this time to discuss a tighter regulation of the area:

1. *Greater freedom and openness in the sexual area give occasion for backlashes*

The connection between marriage, reproduction and sexuality has, especially in the last 50 years, become looser. This increased sexual tolerance and openness combined with an added accessibility for different kinds for pornographic material

might mean that firstly there has appeared an added knowledge of unusual sexual practices, and secondly that in light of this some find a need to put limits to what ought to happen and be commonly accessible.

2. *Animals’ status has changed dramatically through the last few decades*

In the same period, while sexuality has been liberalised, the relation between human beings and animals has developed from a situation where animals primarily had a role as work-animals, to today where some animals still have this role, while others, typically dogs, cats and horses, increasingly gain the status of members of the family. At the same time there has been a development in the animal protection legislation, where society tries to tighten the regulation of how human beings are allowed to use animals in general.

3. *There has been a number of cases where animals apparently have been molested with a sexual motive*

In the summer of 2004 there were a number of cases visible in the press, where horses apparently had been harmed in a way that pointed to a sexual motive. The cases drew attention to the question of humans’ sexual relations with animals. In the public debate concern was expressed over the presumed rise in such activities, and there was promotion of legal initiatives to ban sexual relations with animals, including those cases which were not already covered by The Animal Welfare Act.

There is today no legislation in Denmark which directly deals with humans’ sexual relations with animals or animal pornography. But there exists legal regulation to protect animals’ welfare, as well as other legislation, which in different ways regulates relevant aspects of the subject, e.g. by protecting human beings against indecent exposure.

### *Knowledge about the subject*

The Council have tried to discover the nature and the scope of, as well as the background to, humans' sexual relations with animals. There are only a limited number of scientific studies, mainly from Europe and North America, about the subject, and given the subject's taboo nature it is uncertain how representative these studies are. The Council has not been able to find research that illuminates animals' reactions to human beings having sexual intercourse with them. There is however a lot of scientific knowledge about animals' sexual behaviour and reproduction, and based on this the Council has made certain estimates of how these sexual activities are experienced by the animals.

While it is difficult to say anything for certain about the prevalence of humans' sexual relations with animals, it can with great certainty be said that there is mention of a very wide spectrum of activities. There are human beings who live in one-to-one relationships (similar to other human relationships) with animals, typically dogs, and where the sexual activity in the view of the Animal Welfare Act cannot be said to harm the animals. There are also human beings for whom sexual intercourse with animals has a character more akin to sexual entertainment, and among these there are probably human beings who use the animals in a way which is unacceptable in respect of animal rights. At the same time there are also human beings, who, under the umbrella of commercial interests, hire out animals for sexual use or use animals in pornographic material.

### *Danish Animal Ethics Council's ethical considerations*

The Danish Animal Ethics Council has focused their discussions on those kinds of sexual relations with animals which have been the subject of worry in both the public and political debate; that is, acts which have the primary intention of giving a human being or animal sexual satisfaction. The Council has therefore not discussed other questions in connection with sexual activity with animals, such as castration, sterilisation, sperm collecting and insemination.

A single member of the Danish Animal Ethics Council, Peter Mollerup, has in the discussions differed in his viewpoint from the other members. Peter Mollerup stands together with the other members of the Council behind the first six sections of the statement; but in regards to the ethical considerations and the resulting conclusions and recommendations has expressed the wish to present his own minority statement (Appendix 1).

The focus for the Danish Animal Ethics Council's considerations has been, whether there is ethically seen to be reason to make regulations in the area which extend further than is already found in the existing legislation. The Council has found that possible relevant ethical considerations include animal welfare, respect for animals' dignity and integrity, respect for animal owners' emotions, respect for sexual minorities, and respect for public morals.

### *The Danish Animal Ethics Council's conclusions and recommendations*

The Council members do not think that there is a need for legislation that bans private persons' sexual relations with their own animals (assuming that other legislation is respected). The Council rests this conclusion on the basis that existing animal protection legislation already takes into account the situations where animals are injured, as well as that there is an important opposing consideration to show respect for other human beings' sexual preferences and for a sexual minority.

The Council's members emphasise in continuation of the above that people who do wish to have sexual relations with animals take a great responsibility, to which they are to be held.

The Council's members find that there may be a need for initiatives which ban or in other ways prevent sexual relations with animals happening under organised or commercial auspices such as sex shows, leasing, brothel operation or production of pornography. The Council's members have the view that there is an added risk of the animals' welfare being neglected when there are financial interests involved, and think furthermore that use of animals in this way reflects a lack of respect to

the animals' integrity. Even though such activities at present time probably aren't widespread, the Council puts forward the recommendation with reference to trying to prevent future activities.

The Council's members strongly distance themselves from humans' sexual relations with others' animals, known as "fence-hopping". This is due to the fact not just that there is an added risk of the animal being harmed, but also consideration to the animal's owner's feelings. The Council thinks that current animal protection legislation are adequate for the situations where animals are injured, but if current legislation does not yield the animal's owner sufficient protection, the Council recommends that there is implemented the necessary legal initiatives to secure this protection.

The Council finds furthermore that there may be a need to evaluate whether existing relevant legislation is currently utilised to a sufficient extent.

Finally the Council wants to encourage that in any possible further work, as well as in both the public and private debate, it is taken as their starting point the existing professional knowledge in the area. The Council refers in that connection to the material in Appendix 3 for further information.

### *Minority statement from Peter Mollerup*

Following is the central wordings from the minority statement:

"Humans' sexual relations with animals is unacceptable, and therefore I must take distance from every activity of this kind.

I certainly do not envy these people's situation, but in this case the consideration for respectful treatment of animals weighs more heavily for me than the consideration for these people's possibility of sexual relations with animals.

A legislation, which bans sex with animals, will in my opinion have a moderating effect on the desire of young people to experiment sexually with animals.

When it comes to sexual relations with animals where the animal in this connection is injured, I agree with the Council's other members that the existing sections in the Animal Welfare Act are completely adequate, but that specific legislation is necessary with regards to animal pornography, animal sex shows and animal brothels."

## 1. Purposes of this statement

This statement is prepared at the request of the Ministry of Justice. The background to the request was that Dansk Folkeparti [Danish Peoples’ Party] on 18 March 2005 put forward a Bill in Folketinget [Parliament], with the purpose of forbidding that human beings have sexual relations with animals. Furthermore production and dissemination of animal pornography were also to be prohibited. The motion was rejected by Folketinget at the second reading on 16 June 2005.

Under the first discussion of the bill the Minister of Justice stated that humans’ sexual relations with animals was already regulated by the Animal Welfare Act §1, which says that animals are to be treated securely and protected in the best possible way against pain, suffering, permanent injury and significant harm. The minister stated furthermore that the Animal Welfare Act §17 contains bans on using animals in the shooting of films and the like, if the animal in that connection is exposed to considerable harm. According to the minister a ban on humans’ sexual relations with animals would have relevance only in cases where the action is not against the Animal Welfare Act, for instance because it is not causing the animal pain, suffering or fear.

The minister concluded that the government could not support Dansk Folkeparti’s Bill. As a reason the minister stated among other things that there is a lack of knowledge on the subject, concerning the prevalence of human sexual relations with animals. The minister stated finally that it was the government’s perception that the Danish Animal Ethics Council should be requested to produce a formal statement about the question, and that a final stance to the question had to be based on the Danish Animal Ethics Council’s statement.

Subsequently, on 8 July 2005, the Ministry of Justice forwarded with reference to the above sequence of events its request to the Danish Animal Ethics Council to make a formal statement about the question of human beings’ sexual relations with animals, including whether it is the Council’s perception that there ought to be

regulations enacted, that go further than the Animal Welfare Act, and if this is the case, about the closer working out of an approach to forbidding human beings’ sexual intercourse with animals as well as a ban on animal pornography.

The Danish Animal Ethics Council has in the light of the above perceived that its statement about human beings’ sexual intercourse with animals is to fulfil three goals:

1. To procure knowledge about human beings’ sexual intercourse with animals, including production and dissemination of so-called animal pornography.
2. To evaluate whether there is a need for new legislation, that leads to a more extensive regulation of human beings’ sexual relations with animals as well as production and dissemination of animal pornography than is already found in the Animal Welfare Act and other existing legislation.
3. To make a statement about the working out of new legislation, if the Council concludes that the existing legislation is insufficient.

The Council has with the help of international scientific literature, other relevant literature, contact with people with relevant professional knowledge and people who have sexual relations with animals, as well as inspection of various kinds of visual pornography with animals, tried to collect knowledge about the subject and to gain knowledge of all relevant aspects. In order to be able to undertake a thorough discussion it has been necessary for the Council’s members to familiarise themselves with material which includes detailed descriptions and illustrations. Additionally, to be able to establish the background to the Council’s discussions in this statement, it is inevitable in a certain extent to explicitly describe different practices for sexual acts with animals. On that basis, the Council wants to warn that parts of the statement may seem offensive to some people.



## 2. Historical background

That human beings have taken a sexual interest in and had contact with animals can be traced back to over 25,000 years ago, where among other things cave paintings depict sexual activities between human beings and animals. Archaeological finds, depictions and writings tell about sexual relations between human beings and animals at all times and in practically all cultures. The sexual relations do occur furthermore in art and myths, as well as in connection with religion and superstition – mostly well-known in this part of the world is probably the story about Leda and the Swan (Zeus) from Greek mythology. There is however no certain knowledge about the connection between the mentioned artistic and mythical presentations of human beings’ sexual intercourse with animals, and what human beings actually have done sexually.

To judge by appearances, human beings’ sexual intercourse with animals has been looked at very different through time and in different cultures. In different historical and cultural connections people have apparently perceived sexual intercourse with animals as a means to increase virility, fertility, or the size of a man’s penis; as a way of getting sexual experience before marriage, as a treatment against nymphomania, as a manhood trial, as an element in cultivation of black magic and witchcraft, as an unnatural sexual act, or as a crime. Sexual intercourse with animals has been met by the surrounding societies with anything from instigation and acceptance, to tolerance, to expulsion, prison sentence, torture or execution.

In Middle Ages Europe, sexual intercourse with animals was according to some sources both spread out and far accepted but gave however occasion for worries and stories about hybrid creatures that could perhaps be the result. With the dissemination of the Christian view of sex as something that was exclusively for reproduction, however, a tabooising happened not just of sexual intercourse with animals, but of a wide spectrum of other kinds of sexual behaviour. As an extension of this came legislation that among other things banned sexual intercourse both with animals and between human beings of the same sex.

Criminalising of human beings’ sexual relations with animals in a Danish connection can in any case be traced back historically to King Christian V’s Danish Law (“Danske Lov”) of 1683. In the law’s 6<sup>th</sup> book about misconduct (6-13-15), is found a law from which it appeared that human beings’ sexual relations with animals was prohibited and sentenced with the death penalty. The law had the following wording:

“Relations, which are against Nature, is punished with Flame and Fire”

The law criminalised both homosexuality (*sodomia ratione sexus*) and sexual intercourse with animals (*crimen bestialitatis sive sodomia ratione generis*). In addition to this the law banned among other things oral and anal sex, also between people of opposite sex (*sodomia ratione ordinis naturæ*). The punishment for these offences was, as it says, death by “Flame and Fire” which incidentally was very similar to the same punishment as for e.g. witchcraft, cf. Danish Law 6-1-9: “thrown on the Fire and be burnt up”.

The law is written in Danish Law’s 13<sup>th</sup> chapter about looseness, the goals of which were to maintain a certain common morality and morale in the society. The law was thus related to among other things the law about “frivolous, or disgraceful occupation”. Most of Danish Law’s decisions about morality had a religious background, and the law about sexual relations with animals in fact had a certain religious imprint. The expression “sodomy” in this way originates from the Bible’s description of the town Sodom near the Black Sea, cf. Genesis, chapter 13, verse 13 (sodomei): “with reference to the corruption prevalent here”. Semantically the expression “sodomy” originally held the meaning “unnatural sexual relation”, which closely corresponds to the description of acts in Danish Law’s 6-13-15.

It is difficult to describe what was actually valid law *before* Danish Law. Danish Law was to some extent a compilation of earlier regulations and the previous regional laws such as Jutland’s Law (“Jyske Lov”), and on that background one could assume that sexual intercourse with animals must also have been criminalised before Danish Law. The historical court literature indicates that certain laws of more general ethical and religious character were enacted in the legal system precisely in

connection with Danish Law, but there are no certain bases to support that the ban on sexual intercourse with animals was one of these laws.

The law in Danish Law’s 6-13-15 was maintained unchanged until the passing of the Civil Penal Code of 10 February 1866. The law was included in Civil Penal Code §177 with unchanged wording, though the punishment was reduced to “community service”.

There are not many written sources for casting light on the interpretation of the law in that age. Printed verdicts from the period after 1866, where sentence was passed by the courts for sexual intercourse with animals in pursuance of §177, are extremely rare, which possibly can indicate that the law was not used particularly often in this respect. From practices concerning sexual intercourse with animals, there is only mention of one criminal and police court verdict, reprinted in Weekly Paper for Administration of Justice from 1911 A, where a defendant was punished for a crime according to §177, having inserted his sexual member in a mare’s genitals and having made intercourse movements.

There are a series of chancery and departmental writings from the 1800’s about how one, when violating Civil Penal Code §177, should behave in relation to the involved animals, and replacement for the animal owners. The recordings indicate that there at that time was a certain focus on at least this – more practical – problem. When the writings were at all necessary it was due to it being the law that not only the man was punished for the crime, but that also the animal was killed. The purpose of the killing of the animal was possibly to prevent “indignation” in the inhabitants. As an instance of a letter, the Ministry of Justice’s letter no. 245 of 18 September 1872 can be mentioned, about the killing of the animal with which the *crimen bestialitatis* is committed, and settlement of damages of the accused or in lieu of this the case’s other costs.

The law in the 1866 Penal Code §177 was de-legislated during the reform of the Civil Penal Code that led to the passing of the Civil Penal Code of 1930 (Act no. 126 of 15 April 1930). The only remains of the law in the new penal code of 1930 was a ban on certain homosexual relations. It was therefore in fact a complete decriminalisation

of human beings’ sexual intercourse with animals to the extent that they did not constitute an offence against other laws, such as cruelty to animals, indecent exposure, or vandalism law.

The reform of the penal code built on extensive preliminary works in the shape of a number of reports submitted at the beginning of the 20th century. One of the more central preliminary works in this connection was a report submitted by the Commission, which was established to make a revision of the ordinary civil penal code. The reports cover among other things, remarks about the decriminalisation of human beings’ sexual intercourse with animals. It appears for instance in the report’s remarks to the working out of the new law in the penal code (§213), which was to replace the then in-force penal code §177 about intercourse against nature that:

“The section rests on the point of view that those mentioned Actions must be punished, because the common sense of decency must be protected against the Attacks these Actions contain.

[...]

It has not been deemed necessary to add any Penal Code for Intercourse with Animals, the so-called *crimen bestialis*. If outrage or indignation is caused by the action, it is of course punishable as such; but to punish the Action without such offences being present seems to lay outside the function of the legal system, and not adding this is likely in harmony with the manner in which Self-abuse [masturbation] is also not punished as an Offence of the common moral sense. Judging after those few cases where such a Relation is punished, the omission of that Regulation will hardly be missed.

In another essential preliminary work to the reform of the civil criminal law, the Criminal Law Commission’s report of 1916, it is stated in agreement with the above that one ought to leave the “probably outdated” perception of §177, that every such action ought to be punishable as being against ordinary conception of law and public morals.

After the passing of the penal code of 1930 human beings’ sexual intercourse with animals in this way was in principle allowed, albeit only when this was not against other laws concerning e.g. cruelty to animals or indecent exposure. There are no printed verdicts where a charged person is convicted for cruelty to animals or indecent exposure in relation to sexual intercourse with animals.

In recent time, and in connection with the preparatory studies for the animal welfare law of 1991, Dyreværnsudvalget [the Animal Protection Committee] considered how far the outline of §1 should deal with human sexual relations with animals. That appears as follows in the Animal Protection Committee report:

“The ethical aspect in connection with sexual assaults on animals is not included in the law. Included by §1 is however the pain etc., which the animal is caused hereby.”

In recent years there has been an increased critical focus on human beings’ sexual intercourse with animals both in Denmark and in a range of other countries, and the need for a possible prohibition is discussed in more countries. Since sexual activities with animals are not a new phenomenon, and earlier bans have been lifted, one can raise the question, why it has just now become relevant to discuss a tighter regulation of the area.

This question can not be answered clearly or unambiguously. However, three conditions can be pointed to in any case, which seem to play a part:

1. *Greater freedom and openness in the sexual area give occasion for backlashes*

The connection between marriage, reproduction and sexuality has, especially in the last 50 years, become looser. Today from society’s side it is accepted that human beings have sexual involvements without these being anchored in marriage or having reproduction as a goal. Minorities such as e.g. homo- and transsexuals, have become increasingly more accepted, and there is in the public perception generally a lot of openness about sexuality and different ways of

acting this out. This increased sexual tolerance and openness combined with an added accessibility for different kinds for pornographic material, e.g. with the help of the internet, might mean that firstly there has appeared an added knowledge of unusual sexual practices, and secondly that in the light of this some find a need to put limits to what ought to happen and be commonly accessible. This is valid not least when there is mention of sexual practices which are still the subject of taboos. Despite being more than 70 years since sexual intercourse with animals was decriminalised, this kind of sexual practice is still greatly taboo.

2. *Animals’ status has changed dramatically through the last few decades*

In the same period, while sexuality has been liberalised, the relation between human beings and animals has developed from a situation where animals primarily had a role as work-animals, to today where some animals still have this role, while others, typically dogs, cats and horses, increasingly gain the status of members of the family. Many people do become attached strongly to these family pets, arranging their life so that consideration for the animal can be considered and mourn deeply when the animal dies. The difference between relations human beings have with other human beings, and relations human beings have with animals, has in some ways become much smaller than before.

At the same time there has been a development in the animal protection legislation, where society tries to tighten the regulation of how human beings are allowed to use animals in general. While the early animal protection legislation only centred on preventing “pointless” cruelty against animals, there is in today’s legislation an increasing focus on animal welfare and on respectful treatment of animals.

Animals’ own sexuality can perhaps furthermore become taboo. Animals’ sexual behaviour is controlled with the

help of castration and sterilisation, or by simply physically cutting off the animals possibility of sexual display, and even though this is maintained to be of practical and financial reasons, the assumption of a certain taboo is supported by the fact that animals often (among other things in the entertainment industry) are portrayed as gender neutrally as possible, e.g. without visible sexual organs. The position on the animals’ sexual behaviour might also among other things be shaped by social change, where increasingly fewer human beings have attachment to agriculture where people typically are closely aware of animal reproduction, while other people only have contact with animals in the role of “family pets”.

At the same time with the above mentioned possible tabooising of animals’ sexuality there is a tendency to promote and focus on the likenesses between children and animals. Through selective breeding people have, especially in the case of dogs, promoted behaviour that is normally seen in young animals. Contrary to the wild ancestors, these animals therefore show for the species a “childish” behaviour, even though they are completely full-grown. This type of behaviour appeals to many people and to their desire to show care. In their role as a family pet animals today often have a status which in many ways can be compared with the status of children. Indeed, many dog and cat owners refer to themselves as the animal’s “mommy” or “daddy”. In that light it is comprehensible why a comparison between sexual relations with animals and paedophilia can occur. There may for instance be a connection between the added focus on sexual relations with animals and animal porn, and the fact that in the last decade there has been a greatly added focus on paedophilia and child pornography and on legislative initiatives to limit the occurrence and distribution of this.

In the summer of 2004 there were a number of cases visible in the press, where horses apparently had been harmed in a way that pointed to a sexual motive. On closer inspection, a lot of these cases could be explained by other causes. The cases drew attention to the question of human beings’ sexual intercourse with animals. In the public debate concern was expressed over the presumed rise in such activities, which could be inspired among other things by the internet. There was also promotion of legal initiatives to ban sexual intercourse with animals, including cases which were not already covered by animal rights law general legislation.

3. *There has been a series of cases where animals apparently have been molested with a sexual motive*

### 3. Existing legislation

#### *Legislation in Denmark*

There is today no legislation in Denmark which directly deals with human beings’ sexual intercourse with animals or animal pornography. But as detailed above, there are regulations which protect animals’ welfare, as well as other legislation which in different ways regulates relevant aspects of the area, e.g. by protecting human beings against indecent exposure.

#### *Animal welfare protection*

Keeping of animals is covered under the Animal Welfare Act (Act no. 386 of 6 June 1991 with subsequent amendments), which also covers situations where human beings have sexual relations with them. In the Animal Welfare Act §1 and §2 it is laid down that:

§1: Animals shall be treated responsibly and be protected in the best possible way against pain, suffering, fear, lasting injury and considerable harm.

§2: Anyone who keeps animals, shall make sure that they are treated with care; including that they are housed, fed, watered, and taken care of with consideration for their physiological, behavioural and health-related needs in accordance with established practical and scientific experiences.

Human beings’ sexual intercourse with animals must for instance be considered to be an offence against the Animal Welfare Act if the sexual activities lead to the animals becoming injured, as directed in these two sections.

Some sexual activities involve the animal being killed. This definitely invokes the Animal Welfare Act, which (in addition to the above mentioned §1 and §2) in §13 directs that “he, who will kill an animal, is to ensure that the animal is killed as

quickly and painlessly as possible”, as well as that “euthanasia by drowning does not take place”. Furthermore, in certain cases the regulation about slaughter and euthanasia of animals will be relevant (Act no. 1037 of 14 December 1994 with subsequent amendments). According to this animals are to be protected in the best possible way against agitation, pain and suffering under transport, stabling, restraint, stunning, slaughter and euthanasia, and there is a requirement for certain types of qualification for those people who can euthanise animals. However, this covers only certain animal species and certain kinds of keeping of animals, and therefore this will not be able to be relied upon in every situation where animals have been killed in connection with sexual activities.

#### *Protection against human beings being able to have sexual intercourse with others’ animals*

In relation with being able to get access to another person’s animals, and/or having sexual intercourse with another’s animals, there will be two relevant laws in the penal code (Act no. 1000 of 5 October 2006):

#### *Offence against domestic peace*

It follows from penal code §264 clause 1 that it is a criminal offence to gain for oneself access to another’s houses or another area which is not freely accessible. This implies that the place must appear compartmentalised, in that it is bordered by fencing or a hedge, but this does not mean that the place necessarily has to be locked. It is for instance not allowed to go in on another person’s field or in his stable – no matter whether or not the goal is to have sexual intercourse with another’s animal.

#### *Vandalism and limited use appropriation*

Animals can (still) in regards to criminal law be considered property, which belong to the owner, and injuries to the animals can therefore be punished as vandalism, cf. penal code §291 clause 1. However, it is probably very rare that an injury to an animal that can be punished as vandalism, will not at the same time be able to be

punished as an offence against the Animal Welfare Act's §1. Besides vandalism under penal code §291 clause 1, there is, if un-permitted "use" of another's animals happens depending on the conditions, a case of "borrowing" that may be punishable under penal code §293 clause 1.

In addition to this there is also §17 of the law regarding field- and road-peace (Act no. 818 of 11 December 1987 with subsequent amendments), according to which it is a criminal offence to move onto another person's land or private road without the owner's permission or other legal reason, if it is legally shown that such traffic is prohibited.

#### *Consideration to public morals*

Previously it was common for the law to incorporate fairly extensive directions for protection of concepts, such as public morality, morals and order. Common for these expressions is that they have the intention of defending the consideration to the collective conception of justice, the social order, or the people's safety, and they are tokens of so-called legal standards, that themselves develop in accordance with society's ordinary development. Today the term "public order" is fairly wide in the legislation, while "morality" is mostly used in the meaning "sexual morality". The regulation concerning sexual morality has undergone a certain liberalisation, e.g. in connection with liberation of porn but still arises in a few areas. In relation to human beings' sexual relations with animals, sexual morality is protected in two areas:

#### *Affront to public decency*

According to penal code §232 it is a criminal offence of indecent behaviour to affront public decency or make a public scandal. There are three conditions for the law to be broken: some people have or may have witnessed the condition, the fact can be characterised as indecent, and the perpetrator must have an intention or in any case to be aware that the act will be able to be taken as indecent and offensive to modesty.

What is considered indecent takes its starting point as what in that age can be considered to cause

affront, and will depend on a court's estimate at the involved time (flashing and sexual intercourse are as a principal rule included). There are not any cases in printed legal rulings where the law has been used in relation to sexual intercourse with animals, but it must be assumed that the law would be able to be used, if the mentioned conditions are present. Actions, that are attempted to be made secretly, or that nobody in any likelihood can be expected to see, are therefore probably not covered by the law.

#### *Bans on indecent and offensive behaviour*

In the Announcement of Order §3 clause 2, it is enacted that it is prohibited to show indecent or offensive behaviour, that is of a form likely to give offence to others or the giving of public offence (Act no. 511 of 20 June 2006). The law includes behaviour in areas with ordinary access, e.g. public places. Sexual intercourse with animals will here be included and could be punished, no matter whether the activity is attempted to be made in secret or in a place where it cannot be expected that somebody will witness the act.

#### *Pornography and sex shows*

It is not a criminal offence as such to possess or distribute animal pornographic material. With respect to the production of animal pornography and holding of sex shows with animals, the Animal Welfare Act §17 is applicable, according to which animals must not be trained or be used for presentation, circus performances, the shooting of a film or the like, if the animal hereby is caused considerable harm. Production of animal pornography or use of animals at sex shows, for instance, is capable of being against the Animal Welfare Act, if the animals hereby are caused pain or considerable harm in connection with the actual sexual activity that is recorded or in connection with training towards various activities.

Bans on distribution of pornography, including animal pornography, were lifted in the late 1960s. Penal code §234 still however bans sales of "immoral pictures or objects" to people below 16 years of age. The concept of "immoral pictures" typically covers pictures of sexual intercourse,

situations appearing to be similar to sexual intercourse, or pictures where the model's genitals are emphasised. The line between pornography and art has proven difficult to draw in practice. To this must be added that pornography today in some extent is produced with the help of computer graphics and animation. In relation to child pornography this technological development has led to the law stating that not just traditional picture pornography, but also pornography that is produced with the help of computer technology, is prohibited. In the context of animal pornography one can imagine similar problems of definition both in relation to art, e.g. works that depicts the myth about Leda and the Swan, and computer-produced animal pornography. To this must be added further demarcation problems in relation to (among other things) illustrations of mating animals, e.g. in animal films on TV, and educational material for educations, that include animals' sexual behaviour and reproduction.

Production, distribution and showing of pornography can in certain cases constitute an affront to the public decency or to the Announcement of Order mentioned above. This will probably, upon assessment of specific cases, also be able to cover animal pornography.

#### *Protection of sexual minorities*

Finally according to penal code §266b, it is prohibited to publicly make statements in which a group of people are threatened, insulted or degraded because of their (legal) sexual orientation, and it is considered an aggravating circumstance if it has the character of incitement.

#### *The Danish Veterinarian Health Council*

In Denmark the Veterinarian Health Council has had a few cases for discussion which concerned sexual intercourse with animals. The Veterinarian Health Council did not find that the concerned cases were irresponsible treatment of animals under the Animal Welfare Act §1 and §2.

In 2004 the Veterinarian Health Council

produced a statement concerning layman's rectal examination of horses. The Council concluded here that a person who did not have the necessary education, would be able to cause a mare pain, suffering, fear etc. in contravention of the Animal Welfare Act §1. The Council thereby considered anal penetration with an arm to be irresponsible treatment of horses, unless done by a person with relevant education (typically a vet).

#### *Specific criminal cases concerning sexual intercourse with animals*

The Danish Animal Ethics Council has tried to obtain information about such specific criminal cases as there have been in Denmark concerning sexual intercourse with animals. There is however not a central registration of such cases. The Council has however been informed that there have been at least a couple of cases, and that these have not been considered to be an offence against The Animal Welfare Act but may have involved offences against other legislation. These include e.g. a case from 2006, where a person had put 3-4 fingers up in a pony's vagina. The charged got a fine of 500 DKK [roughly 80 USD] for an offence against field- and road-peace law §17 (venting onto another person's land without permission).

#### *Foreign countries*

Other countries show great variation in the legislation concerning sexual activities with animals. In most European countries, as in Denmark, sexual intercourse with animals is only covered by the normal laws of animal protection legislation. In England there are bans on penetrating the animal with a penis (vaginally or anally), or letting oneself be penetrated by an animal's penis (vaginally or anally). According to the French legislation sexual intercourse with animals is in any case to a certain extent punishable, and in Switzerland a law was recently changed, that bans sexual relations between human beings and animals, with reference to this violating animal's integrity. In Sweden the Djurskyddsmyndighet [Swedish Animal Welfare Agency] in 2005 concluded that the present legislation is insufficient to fully protect animals against being used by human beings in a sexual

connexion, and within both Norway and Sweden there is currently being discussed a need for and possible outlining of further legislation. In the Netherlands the Raad voor Dierenaangelegenheden [Council on Animal Affairs] concluded in 2004 that sexual intercourse with animals constitutes a risk to the animal's welfare only in few cases, but that the activity still ought to be prohibited because it offends public morals. There was not, however, political backing to a law change on that background, and the legislation in the Netherlands corresponds on this area today to the Danish. In the US the legislation varies in the different states, and in some states sexual intercourse with animals is prohibited.

Only a few of those countries the Council has received information from, have legislation aimed at animal pornographic material (other than possible legislation corresponding to Danish Animal Welfare Act §17). In Norway there are bans on publishing animal pornography. In Sweden there are bans on production and distribution of pornography that describes brutal violence against animals, as well as bans on loans of films and the like for people below 15 years if the material reproduces violence or threats about violence against animals. Finally there are in Germany bans on production, distribution or possession of pornographic material depicting human beings' sexual relations with animals.

## 4. Knowledge about human beings' sexual activities with animals

### *Collection of material*

In connection with this statement, the Council has tried to uncover the nature and the extent of, as well as the background to, human beings' sexual activities with animals. There are only a limited number of scientific studies about the subject, mainly based on people from Europe and North America, and given the subject's taboo nature is it uncertain how representative these studies are. The Council has in addition found their bearings through other relevant literature and internet sites and it has had contact with people with relevant professional knowledge. The Council has furthermore made an informal survey among vets in Denmark. And finally the Council's scientific secretary has had contact via email and telephone with a number of people who have sexual intercourse with animals, and who have shared their knowledge, experiences and thoughts. The overview below is a summary of those parts of the information which contain relevant aspects for the Council's discussions. A list of the main literature the Council has collected, is found in Appendix 3.

### *Human beings' sexual activities with animals*

#### *Involved parties*

*Human:* There are both men and women who have sexual intercourse with animals. Research indicate that there are more such men than women, but these inquiries can give a misrepresentative picture, for instance, if there are more men than women in the places where the surveys recruit respondents from, or if women to a higher degree than men keep their sexual activities secret.

*Animal species:* Research indicate that in this



part of the world dogs and horses are the animal species that are most often included in sexual activities. But cattle, sheep, goats and pigs are also mentioned frequently. Other animal species such as cats, snakes, fish, small rodents, insects and others are mentioned too, though this is more rare.

#### *Types of sexual activity*

- The person feels sexual excitement from seeing animals' sexual organs, and at seeing animals mate, either with other animals or with human beings (voyeurism).
- The person rubs his/her genitals against the animal's body or genitals, or lets the animal rub its own genitals against their body (frottage).
- The person feels the animal's genitals without necessarily exciting the animal sexually (e.g. fingers in the animal's vagina or around the animal's penis).
- The person lets the animal touch his/her genitals, without this necessarily being connected with a sexual activity for the animal (e.g. dog/cat that licks, or a snake that slides smoothly over the genitals).
- The person stimulates the animal's genitals manually or orally, which leads to sexual arousal of the animal and possibly orgasm/ejaculation.
- Sexual intercourse (vaginal or anal) with male animals, with the animal as the active part.
- Sexual intercourse (vaginal or anal) with a human male as the active part.
- Introduction of the whole or parts of an animal (other than the penis) in the person's vagina, urethra of the penis, or anus.
- The person exercises violence against the animal's genitals (possibly as an element in general cruelty to the animal and not necessarily sexually motivated).

- The person kills the animal and uses its body or parts of it, for sexual satisfaction (necrophilia).

#### *Motivations to have sexual intercourse with animals*

- A need to exercise a (possibly violent) power demonstration. The animal is typically controlled, forced to submission and possibly consciously put to harm. This could possibly be a part of a general desire for brutality and cruelty to animals, possibly with sexual undertones (e.g. sadistic inclinations), or the animal may be a preparation for/compensation for activities with a human being. In addition another person can be subdued by forcing them into sexual intercourse with the animal.
- Living out of masochistic inclinations. The animal represents something large, dangerous and potent, i.e. the focus is on the animal's size, strength, power, wildness, and potential or real danger. The person can entirely or partly leave the control to the animal, and let him/herself be dominated by the animal in the sexual act.
- Animals are a replacement for a human sex partner. It may e.g. be that a human partner is not practically accessible or is seen as unattainable. It may also be that the social aspects of relations with human beings seem overwhelming. The animal furthermore creates the possibility of acting out sexual wishes without the risk that the sexual partner condemns, gossips or transmits diseases.
- The sexual intercourse with animals is something that is tried as part of an experimental phase. This will typically be only one of several different sexual efforts, such as sexual intercourse with people of one's own sex. That can for instance, pertain to young people, who are shaping their sexual identity, and where a possibility of sexual intercourse with an animal randomly appears, or it may be an element in a "manhood trial".
- Animals are seen as one possibility

among several others in order to spice up an “ordinary” sex life, i.e. the animal is considered a kind of “sex toy” or a “friend of the family”. The same animal, or different animals, are used in the sexual activities, possibly only as an isolated experiment, or possibly the animal will become a regular part of the sex life.

- Animals are experienced to be better as sex partners than human beings. They may be anatomically equipped and move in a way that is found more satisfactory than human beings, and mentally it can be experienced positively that animals do not have inhibitions or inferiority complexes, do not show disgust or condemnation over certain sexual activities, and that they do not put demands to or pass judgment on one’s sexual performance.

- It is seen as a part of responsible caring for the animal’s need to help the animal to sexual satisfaction, e.g. just as to take care of good nutrition. Some animals, typically male dogs, can show great sexual interest, including towards human beings. The sexual activities here often start on the animal’s initiative, and the person who satisfies the animal, does not necessarily get sexual pleasure out of the relationship him/herself, but may just be happy about being together and about seeing the animal’s pleasure, e.g. similar to scratching the animal behind the ears.

- The sexual relation with animals is seen as the expression of a sexual orientation and is often compared with homosexuality. These people have often felt a sexual attraction to animals early in life. Some people experience at the same time sexual attraction to human beings, while others are not sexually attracted by human beings and are solely attracted by animals.

- The sexual relation is an extension of a deep, loving attitude towards the animal. To many people it is common that physical contact with their animal includes “kisses” on the mouth/snout, and that they sleep in the same bed, and the animal is considered a member of the family. For some human beings this

develops further into a couple-like relationship, which also includes sexual contact.

- Intercourse with the animal includes more than only the sexual and emotional relation. It comes together with a more deep feeling of all in all being on the same wavelength more with animals than with human beings, possibly in a way where these people can to a higher degree identify with animals (or perhaps a specific animal species) than with human beings.

In practice there is no clear separation between the above mentioned categories. People who have sexual intercourse with animals, can easily belong to several of the above-mentioned categories at the same time or in different phases in life, and in relation to the same animal or different animals. Furthermore there is a great spectrum, where at one end there is only mention for some of an isolated experience, while in the other end for others it is a lifelong integrated part of their sexual identity.

### *Terminology concerning human beings who have sexual intercourse with animals*

In the literature many different names are seen, among other things zoophilia, zooerasty, bestiality, sodomy and zoosexuality. The terms are not clearly defined, and there is not agreement about what exactly they cover. Both among sexologists and the researchers who have undertaken the most recent research on the subject, the term “sodomy” is considered obsolete (as mentioned the term has been used as a collective name for a wide range of sexual activities, not only sexual intercourse with animals). Instead sexologists often use the name “zoophilia”, and the mentioned researchers define two main subcategories roughly along the following lines:

*zoophilia*: characterised as an emotional affiliation to animals, that involves sexual attraction, and where the animal may be the preferred sex partner.

*Bestiality*: every sexual or physical contact

between animals and human beings which leads to sexual arousal and satisfaction for the involved person.

There are no clearly separate groupings here, either. At first it may look as if “zoophilia” is just a subgroup of “bestiality”, but the terms are used in practice rather like extremes within a spectrum of sexual relations between human beings and animals. To this must be added that some people self-identify as zoophiles despite not having sexual intercourse with animals. If a person has sexual intercourse with someone else's animal without their knowledge and acceptance, it is called “fence-hopping”.

A more recent study does indicate furthermore that sexual attraction to animals for certain people fulfils the criteria for a sexual orientation. One can in this case speak about “zoosexuality” answering to the criteria for hetero- and homosexuality. The term “zoo exclusive” is used for people who only have sexual intercourse with animals.

## *Prevalence*

### *Studies related to human beings*

The few research studies, that are made, are encumbered with great uncertainty. The studies are typically made on a chosen group of human beings, and given the subject's sensitive and taboo nature it is uncertain whether the answers are completely truthful. The results can therefore at most give an insight in the conditions within the examined groups. Thus the studies do not necessarily illuminate how the conditions are in other sections of the population or for everybody who has sexual intercourse with animals. Likewise the studies are as mentioned primarily based on people from the western world.

The Kinsey reports (USA) from 1948 (men) and 1953 (women) are the most extensive studies that have been made concerning the occurrence of sexual intercourse with animals. Here it was reported that about 8% of the men and 3% of the women had had some sexual experience with animals. For the men concerned it is furthermore noted that 40-50% of men from agricultural areas

had had at least one sexual contact with animals. In more recent studies the numbers have been a little lower, which has led to speculations about the degree to which this may be due to the effect of urbanisation and thus perhaps less contact with animals. The studies indicate that many people only mention a single or few sexual experiences with animals, and that these typically happened in the teenage years or early adult life.

The extent of the different kinds of sexual activities between human beings and animals is not known with certainty. The newer studies that have been made point in the same direction, but (as previously mentioned) the results can not necessarily be generalised to the entirety of people who have sexual intercourse with animals. Among the people who have co-operated in these studies, there is typically a preponderance of people who express large interest for the animals' welfare. But it is uncertain, how many improve their answers, or choose not at all to participate in the investigations. Furthermore only few women, have participated in the inquiries. The studies indicate that dogs and horses are the animal species which human beings mainly have sexual intercourse with, in the parts of the world the studies cover. After this come cattle and other ruminants. Among the dogs, male dogs are preferred, amongst horses there is sexual activities with both mares and stallions fairly equally, and among cattle and other ruminants the female animals seem to be preferred. According to participants in these inquiries, masturbation of the animals is one of the most commonly occurring activities, especially with male dogs. Also vaginal sexual intercourse, especially with mares, is reported rather often. Oral stimulation from dogs especially, but also from horses, as well as oral stimulation of the animals is furthermore frequently occurring. Anal penetration seems to apparently occur less often and happens in this case more often with horses than with dogs. By contrast, the human is more often the receiving part at anal penetration, most often with a male dog as the practicing part.

Finally there is a study in the literature concerning connections between human beings' sexual intercourse with animals and behaviour that involves violence and sexual violation. The exploration of possible connections is rendered difficult however, in that the relevant literature seldom distinguishes between different kinds of sexual activities with animals, or whether violence

has been used in that connection. This is often combined in primary inquiries typically with an acceptance that every sexual contact with animals means cruelty to animals. The author's conclusion on the literature discussion is among other things that a connection between violence against human beings and violence against animals seems well documented (especially among very aggressive people), as well as that sexual intercourse with animals in those inquiries that are made, is typically seen more frequently with people who have exposed other human beings to sexual violations (especially people who in connection with the violations are more violent). The author points out at the same time that where the literature in this way can suggest a connection between violence against human beings and sexual intercourse with animals, it does *not* automatically follow from this that there is a connection between violence against human beings and non-violent sexual intercourse with animals. The author does consider further that more detailed studies will probably show a stronger link between violence against human beings and violence against animals – no matter whether the act is sexual or not. The author emphasises that this data must be provided, before conclusions can be drawn regarding to what degree there really is a connection between violence against human beings and all kinds of sexual intercourse with animals, or whether the connection only concerns sexual intercourse with animals that involve use of violence. In other words the literature of existing studies shows that there may be a higher occurrence of sexual intercourse with animals among people with violent tendencies, but does *not* give reason for the opposite conclusion – that among the people who have sexual intercourse with animals (without use of violence) there are more with violent inclinations than in the rest of the population.

Two journalist-students at the University of Southern Denmark in Odense tried in the spring of 2006 to uncover the occurrence in Denmark of loans of animals as sexual partners. Under different profiles on relevant internet sites they contacted a number of people who have sexual intercourse with animals. They concluded that these people could be split up into the two main groups: “zoophiles” and “bestialists”, as sketched above, where the zoophiles as a principal rule do not borrow or lend animals and often distance themselves from that practice, while the bestialists as a rule are not emotionally involved in the

animals, and that it is among people in this last group that loans of animals primarily take place. Those students thought furthermore that it looks like there is very little contact between these two main groups of people who have sexual intercourse with animals. The people the students had contact with represented a large spread in both age, education and geography. The people reported that the animals that were lent out, typically are dogs, horses, cows and pigs, and that the most widespread activity is sexual intercourse.

It has been claimed in the public debate that there is a rise in the number of people who have sexual intercourse with animals. The studies that are made concerning the prevalence, can however neither confirm nor deny this. The Council's information, both from people with professional knowledge of the area and from people who themselves are in the zoophile environment, suggest that zoophiles make up a relatively small group, where the number appears fairly constant, whilst bestialists seem to make up a bigger group of a more varying size. The Council's zoophile contacts tell that a rising number of curious people seek to view relevant internet sites when the subject is brought forward into the public debate, for example when focus has been placed upon a possible ban on sexual intercourse with animals.

#### *Studies related to animals*

Another source to illuminate the distribution of sexual activities with animals is to look at recognised injuries to animals, e.g. through reports from vets. Just as for the research of human beings it is valid to state here that there is talk of a chosen group. The results of such studies can thus say something about the cases vets meet, where suspicion arises or is confirmed concerning sexual intercourse with animals. But the studies do not throw light on cases where the animals have suffered from harm but have not been attended to by a vet, or cases where injuries are due to sexual activity but where the vet does not gain suspicion or does not observe the injuries. The studies also do not (or do only seldom) throw light on either cases where the animals have not gotten injuries, or cases where the sexual activity may have been a positive experience for the animal. One cannot therefore in the light of existing studies draw a general conclusion about possible harm to animals in connection with sexual activity.

In a study from England from 2001 vets at small animal practices reported about injuries among other things of sexual character. 404 vets answered the questionnaire and told of in all 28 cases of suspicion about or certification of injuries in consequence of sexually motivated activities. It is not mentioned how long a time period the vets’ experiences cover. The authors behind the study indicate that the problem with such injuries might not be completely insignificant. The study’s original focus was however not sexual activities with animals, and the authors emphasise that the reported cases cannot be said to reflect the occurrences in England as such.

The Swedish Djurskyddsmyndigheten [Animal Welfare Agency] published in 2005 a report, that among other things contains an investigation of the extent to which human beings use animals for sexual activities. Information was collected from among other sources vets, police, and other authorities. In the study, 209 cases were reported since about 1970. The vast majority of the cases, that were reported, concerned horses (161 of the cases). It is pointed out in the report that a realistic estimate of the problem’s real extent is difficult to make.

In a Norwegian study from 2006 a survey was made among Norwegian vets about observation of cases of sexual abuse of animals. The author of the study has left it up to the vets themselves to define, what counts as “sexual abuse”. They reported in the survey about 124 cases since 1970 of suspicion about (and possibly certification of) sexual abuse of animals. In 95 cases physical injuries and/or mental changes were the basis for the suspicion. In the other cases there either was no visible sign, or this was not reported. In 23 cases the vets informed that the animal either had been found dead or had been put down. The cases that are reported far more often concern female animals than males and more often bigger animal such as mares and cows. The author points out that the survey is not representative and is unable to say anything about the true extent of sexual violations against animals (author’s wording), as well as that many of the vets strongly emphasise in their answers that they do not know with certainty whether there is indeed sexual abuse, and that the damage noted *could* have been due to other things (the author’s writing in italics).

The Danish Animal Ethics Council in March to April 2006 made an enquiry of vets in Denmark via the Danish Veterinary Association’s shared email list. The intention of this enquiry was not to make a formal study like the above but only to get an insight into such relevant experiences as vets could contribute. The Council is aware of that this method means that there are only a limited number of vets who had received the enquiry in the first place and in comparison with the Danish veterinarian profession as a whole the Council received a relatively modest number of answers. The Council received in all 122 answers; from these 114 answers were from present or previously practicing vets, who could tell in all of 17 cases where they through practice work had themselves observed cases where suspicion had arisen and/or been confirmed concerning sexual relations with animals (including within this, one case where the suspicion subsequently was proven false). The Council did receive furthermore mention of cases from e.g. “neighbouring practices”, “former boss”, “heard from others”, “pathological examination” or “insurance cases”, but it is uncertain, whether in certain cases these trace back to the same episodes. A number of vets attached furthermore their comments to the answer. The experiences among those vets, who answered the enquiry, dates back to the 1970s. In light of the answers, the Danish Animal Ethics Council has concluded the following:

- that sexual intercourse with animals and cruelty to animals with sexual undertones happens in Denmark.
- that suspicion about sexual intercourse with/cruelty to animals can emerge for reasons that subsequently are proven not to be related to an activity which is sexually motivated or caused by humans.
- that sexual relations with animals (cf. both estimates of specific cases and theoretical considerations) is by some veterinarians not seen as synonymous with causing the animals harm.

Likewise, this material can not be considered representative, and the Council has therefore chosen not to give importance to the numbers of reported cases, or draw further general conclusions about vets’ observations, on the basis of this enquiry.

## *Sexual relations with animals in an organised and commercial context*

### *Animal pornography*

Pornographic material with animals is easily accessible on the internet and can also be bought at certain pornography shops. This immediately accessible animal pornography depicts in a strongly predominant degree male dogs and stallions, that are stimulated orally by a human being, or vaginal or anal sexual intercourse with the animal as the active part. The majority of the people, who perform in the material are women, unless one directly looks for material with homophilic contents. Pornographic material, where the animal is penetrated vaginally or anally by men, is also found, but that appears to be less common. Material of more violent character is only seen sporadically. Finally examples of animal pornographic material can be found which is produced with the help of computer technology.

Today there is not always the strength of organised commercial businesses behind pornographic recordings. With the help of modern technology private persons can make recordings of their own or others' sexual efforts, including recordings of sexual intercourse with animals. Such recordings may be kept for private use, or may be shared with others - e.g. put out onto the internet, sold to other private persons on the internet, or sold to pornography producers who later incorporate the movie clip into a pornography movie. There exists in this way a grey zone between private recordings and professional pornography production. Pornographic material, where animals are penetrated, possibly with use of violence, is primarily observed where private persons have uploaded their own recordings onto relevant sites on the internet to share with like-minded persons, possibly with payment.

It has often been stressed in the public debate that Denmark is a leader in the production and distribution of animal porn. In the 1970s, Denmark was particularly well-known for a few films involving a woman's sexual intercourse with her animals, but in spite of searches on relevant internet sites and in pornography shops, as well as enquiries in both the zoophile environment and in the pornography line of business, the Council has

not been able to find information confirming that there is reason to claim that Denmark is leading this field today. According to the information the Council has acquired, most animal pornography today is produced in Europe (south of Denmark) and in South America. The imported animal pornography is sold, and is distributed in and from, Denmark, both in shops and over the internet. But even though certain internet sites with animal pornography have relation to Denmark (they have e.g. a web address that ends in .dk), it would appear that the web pages are typically run from abroad. Whether the distribution of animal pornography in and from Denmark is bigger than in other countries is uncertain, but its distribution does not necessarily have a greater extent than in and from other countries where it is also allowed. The Council does not preclude that there may be a commercial production of animal pornography in Denmark, but does, however, question the extent of this, as the material that is readily found for sale, is apparently not produced in Denmark.

Among zoophiles, there is typically disapproval of pornographic material and other commercial use of animals for sexual purposes. This is not surprising, since these people value the emotional affiliation with the animal highly. The target group for animal pornography etc must therefore be assumed in higher degree to be people where sexual curiosity or sexual satisfaction in relation to animals is a central matter (that is, bestialists), possibly only as a fantasy, or where the animal's symbolic value (e.g. as the super-potent male) is the stimulating factor. It is possible that such animal pornography could inspire potential bestialists to experiment with sexual intercourse with animals.

### *Shows, clubs and brothels*

There are repeated reports about the occurrence of organised animal sex shows, clubs and brothels in Denmark. The Council has heard these rumours but has not been able to definitively confirm whether such activities take place in Denmark. On the other hand, on a private basis there is clearly a certain extent of loans of animals, where the contact typically is made via advertisements on the internet. The above-mentioned student journalists created amongst other things a female profile, who tried to borrow animals for sex. The profile got several offers over a few days. The people, who

those students made contact with, reported that in exchange for the loan the owner of the animal typically watches the sexual activities and possibly has sexual intercourse with those who wish to be lent the animal. There may also be mention of mutual loan of animals or about actual leasing, where money is paid for the loan. The people who those students made contact with, furthermore mentioned the occurrence of sex shows in Denmark, where girls have sexual intercourse with animals; a farm where the animals are bought with the intent of loaning out for sexual intercourse, as well as clubs where interested persons meet and have sex with their dogs. It must be assumed that the line between private loan and possibly more organised and commercial activities, e.g. in the shape of brothels, clubs and shows, is vague.

## 5. Knowledge about animals' sexuality and consequences for the involved animals

The Council has not been able to find any research that illuminates animals' reactions towards human beings having sexual relations with them. There is however very thorough research knowledge about animals' sexual behaviour and reproduction, and a number of descriptions from people who have had sexual intercourse with animals. The Council has consulted people with relevant professional knowledge about animals' reproduction and behaviour, introduced these to internet based guides concerning sexual intercourse with animals, and has then discussed the animal welfare related aspects of human beings' sexual activities with animals. The Council furthermore received offers of access in order to make health and mental examinations of animals who are involved in sexual acts with human beings. The Council has however decided to decline this offer, since these may not give a representative picture of the circumstances, and the Council are already aware that some activities aren't likely to result in harm. Even though knowledge which directly illuminates animals' reactions is limited, the Council finds it reasonable, based on the general knowledge of animals' behaviour and reproduction, to draw certain conclusions on how the sexual activities are experienced by the animals.

### *Animals' sexuality*

Like humans, animals are by nature motivated to carry out sexual behaviour. Even though the evolution-related purpose of mating can be said to be reproduction, it is not actually the creating of offspring which originally causes them to mate. It is probable that they mate because they are motivated for the actual copulation, and because this is connected with a positive experience. It is therefore reasonable to assume that there is some form of pleasure or satisfaction connected with the act. This assumption is confirmed by the behaviour of males, who in the case of many species are prepared to work to get access to female animals, especially if the female animal is in oestrus, and

males who for breeding purposes are used to having sperm collected become very eager, when the equipment they connect with the collection is taken out.

The nervous system which controls, respectively, the blood flow to the sexual organs (that is, erection, in the case of males) and reactions connected with fear and escape, can as a principal rule not readily act at the same time. It is therefore reasonable to assume that at least a male with erection is unlikely at the same time to feel fear or other kinds of discomfort in the situation – in particular not if the situation arises repeatedly, so the animal is acquainted with what it implies. According to personal reports from zoophiles, regular masturbation of male dogs leads to the dogs showing a more calm and harmonious behaviour.

There is nothing in the female mammals' anatomy or physiology which contradicts that stimulation of the sexual organs and mating is able to be a positive experience. For instance, the clitoris works in the same way as with women, and scientific studies have shown that the success of reproduction is improved by stimulation of clitoris on (among other species) cows and mares in connection with insemination, because it improves the transportation of the sperm due to contractions of the inner genitalia. This is probably also true for female animals of other species, and contractions in the inner genitals are seen e.g. also during orgasm in women. It is therefore reasonable to assume that sexual intercourse may be linked with a positive experience for the female animals.

The mucous membrane in the female animal's vagina and the animal's behaviour is under influence of its reproductive cycle. That means that the animal is physically and mentally more ready for sexual activities at some times than at others. But this does not mean that sexual activity will lead to injuries, fear and suffering, if it happens outside the "in heat" period. Subject to consideration of (among other things) anatomical size differences, a female animal will not necessarily be injured by vaginal penetration in this way – not even outside the "in heat" period, if there is only shown appropriate caution and patience, and some form of appropriate lubricant is used sufficiently.

There are hardly any variation of sexual intercourse which human beings exercise, that is

not also found in the animal kingdom. With animals, one can also see for instance, masturbation, homosexuality, paedophilia, anal sex, oral sex, sex between species, rape etc. The carrying out of rape (vaginally or anally) is however seldom seen with animals of those species that human beings typically have sexual intercourse with, since the copulation implies that the animal which is penetrated co-operates by taking a position that makes penetration possible.

In contrast to human beings, animals do not have feelings of disgust and repulsion towards certain things. Many dog owners can for instance agree that they have noticed dogs' unveiled interest for stools and genitalia. Most dog owners simply try to teach the dogs not to show this interest. But for some human beings one of the attractions of having sex with animals is exactly that there is not any condemnation over things which other human beings would call unappetising or perverted. The animals participate uncritically.

#### *Animals' ability to consent or say no*

Education for people who are to work with animals, typically includes one's own safety. That means it is commonly acknowledged that animals can refuse – and do refuse – when they want to resist various procedures. Even though they cannot verbally say no, they can refuse with e.g. teeth, claws, and hooves. In relation to human beings' sexual interactions with animals there are furthermore reports from zoophiles, not just of ways animals' can protest, but also of how animals can accept and take the initiative themselves for sexual activities, e.g. by positioning themselves in places which are associated with the sexual activity, or by showing the same behaviour towards the zoophile as they would towards an animal of the same species in connection with mating. One can in that way argue that animals through behaviour-related signals can in a sense both say yes and no in regards to sexual intercourse with human beings.

#### *Need for familiarisation, training or coercion*

Sexual behaviour is a normal part of the animals' behavioural repertoire. To show sexual behaviour is therefore as a starting point not



something that animals need to learn or be trained for. A large part of the behaviour pattern is genetically inherited, and the animals “fine tune” the behaviour, if they get the right conditions. In sexual interaction with human beings these conditions are different from the animals’ natural starting point. But the fact that the conditions are different, does not necessarily mean that the sexual act is connected with a worse experience for the animals, welfare-wise.

Some sexual activities can possibly require a certain degree of getting used to, e.g. because the stimuli that naturally would be present are missing, or the situation is not seen as sexual by the animal. Again this does not have to mean that the animal is harmed welfare-wise. As in other aspects of being together with human beings, the animals must adapt themselves to the conditions they live in, e.g. to have to be home alone, or wear a collar or harness. From a welfare point of view it is here crucial that someone, who wants sexual intercourse with an animal, allows the necessary time and shows sufficient patience, so that the animal can get used at its own pace to the conditions, as well as being aware that some animals will not accept certain activities (sexual or not), and if necessary give up their project.

It is in that connection important to be aware that animals can be trained to carry out certain things against their will. Here it will however often be the training methods that are the greatest welfare related problem. If an animal is not broken mentally by the training, is not tied, drugged or in other ways prevented from protesting, it will then be reasonable to assume that if the animal does not show signs of fear or show attempts at escape or defence, it does not experience the situation as a strain – no matter whether the action for the animal is sexual or not.

It is at the same time essential to be attentive to the fact that animals, if they have accepted a human being as “the leader of the pack”, could fail to resist actions they do not like. The question here is whether the possible passivity that can follow from timidity or submission is interpreted as such, or erroneously is interpreted as the animal consenting. It may be necessary to look at several aspects of the animal’s reaction in order to be able to interpret the animal’s behaviour, and it is therefore essential to have a good knowledge of

both the involved animal species’ behaviour and of the involved individual, in order to be able to read the animal’s behaviour correctly in the specific situation.

#### *Risk of injury to animals*

There are situations, where sexual activity between an animal and a human being may be connected to a positive experience for the animal – for instance, if a human being masturbates a male dog. But there may also be other situations where animals will be exposed to serious suffering as a consequence of human beings involving them in sexual activities. The consequences for the animals’ welfare thus cover a scale with risk of serious suffering in one end and possibility of positive experiences in the other end:

- Acts with clear risk that the animal dies, and that it dies in a painful way: e.g. fish or small rodents that are inserted vaginally or anally; or a man that has intercourse with a hen. The stimulation from the animal’s death spasms may be a part of the intention for the act.
- Acts with clear risk of fear, pain and injuries: e.g. living out sadistic fantasies, where the animal is restrained, is tied and possibly consciously put to physical harm.
- Acts with a possible risk of fear, pain and injuries: e.g. vaginal and anal penetration of the animal, where the risk of the animal’s welfare depends on among other things animal species, the animal’s size, the animal’s reproductive cycle, trust between animals and human being, the human’s patience and their size, as well as willingness and ability to observe signs that the animal is protesting.
- Acts without risk that the animal is harmed: for instance, an animal which stimulates a human being orally, possibly after he or she has put “bait” on his or her genitals (e.g. liver pâté).
- Acts that must be estimated to be associated with a positive experience for the animal: e.g. that the animal is

stimulated towards sexual arousal and possible orgasm/ejaculation, either through oral or manual stimulation or through sexual intercourse.

### *Comparison with paedophilia*

Sexual intercourse with animals has in the public debate often been compared with paedophilia. The comparison is at first glance obvious, among other things because there is an uneven balance of power both in adult-child relations and in human-animal relations. There are however considerable differences between children and animals. Firstly the uneven balance of power is typically a necessary precondition of keeping animals, and for the animals to thrive together with human beings. In relation to animals, it is important that this situation is maintained, for the sake of both parties. For instance, castration of males is considered an acceptable way to keep the animal in an “immature” stage in order to make it easier for the human to maintain their status. It is different with children, where these at some point should be able to act as independent adult human beings with intact sexuality. Therefore there are completely different considerations and aspects at stake in relation to the balance of power between adults and children and the protection of children’s sexuality. In relation to actual sexual activities, there are also considerable differences. According to the studies that are made, the animals with which human beings have sexual intercourse are typically adult individuals, who are sexually mature and have their own sexual urges. Even though sexual intercourse with human beings can be characterised as an unusual way for the animal to get outlet for these urges, it does not necessarily mean that the animal is forced to a behaviour it is not fully developed to exercise or receive. Finally there is the considerable difference that animals hardly reflect in the same way human beings do, on their own identity and relationships to other individuals. There are many reasons why children who have been exposed to sexual violations can suffer psychological problems subsequently. Some of these will also be true for animals, e.g. the experience of fear, pain and breach of confidences, while with others it may be more difficult to imagine that they are relevant for animals, e.g. confrontation with surrounding peoples’ reactions and complex mechanisms that step in to protect the psyche.

## 6. Possible subsequent consequences deriving from a ban on sexual intercourse with animals

Apart from the risk of punishment there may be other consequences of a ban on sexual intercourse with animals, among other things for the involved animals. A prohibition can mean that certain internet forums where zoophiles can find like-minded persons must close, and this would diminish the possibility to exchange experiences and information about how one avoids animal injury in the course of sexual activities. Among zoophiles there is talk of the so-called Z.E.T.A principles (Z.E.T.A.= Zoophiles for the Ethical Treatment of Animals). The principles were apparently developed by a group of zoophiles in the USA 10-15 years ago and are a kind of guideline on sexual activities with animals. The focus in the principles is to put respect for and considerations of the animal at the centre, promote information about – but not encourage – sexual intercourse with animals, as well as counteract sexual intercourse with animals “for fun”, for financial gain, or in ways that involve abuse. Experienced zoophiles at the relevant internet forums can spread awareness of these principles, give good advice and try to talk others out of sexual activities that hold a risk to the animals’ welfare. Hereby there is a possibility to maintain a certain standard in the community. In the relevant internet forums one can see several contributions from beginners, who request good advice with reference to avoiding the animal becoming injured by sexual activity. A prohibition, which removes this possibility of this exchange of information, can therefore as mentioned possibly increase the risk of beginners “feeling their way” independently and causing the animals fear and pain.

On the other hand, it is also possible that a prohibition and resulting shutting down of various internet sites about the subject, would be able to contribute to reducing the focus on human beings’ sexual intercourse with animals. Thus it is possible that fewer will feel inspired to experiment with this form of sexual activities, and through that the number of beginners in the area may diminish.

As far as the Council has been able to identify, people who have sex with animals in such a way that the animal is harmed, seem in general terms to fall into the following categories:

- People, where tormenting or forcing the animal is a part of the purpose.
- People, who do not care about whether the animal is harmed, i.e. they do not react to the animal's sign of reluctance, even though they observe them.
- People, who are so busy with their own satisfaction that they do not really consider how the animal is feeling.
- People, who out of ignorance will harm the animal, but certainly do not intend to do it.

Whether the person is zoophile or bestialist does in itself not matter in the specific situation for whether the animal is injured. The Council's zoophile contacts estimate that the zoophiles with their emotional engagement probably have the lowest risk of injuring the animal, but that it can happen, and in this case typically happens at the first experiences due to ignorance. At the same it is estimated, that the bestialists with a possibly lesser focus on the animals' experience of the situation have a greater risk of injuring an animal, but that does not mean that they necessarily do so. All in all several of the Council's zoophile contacts estimate that in the majority of the cases where animals are harmed, this is due to the person's ignorance and inattention to the animal (typically with beginners), not indifference or deliberately inflicted injury.

The problem for people who search for information, however, is that good information may be difficult to locate. Information is found typically on animal sex sites on the internet, and it may be difficult or completely impossible for a beginner to distinguish whether the advice given is reliable. For the person who wants good information, and maybe to avoid contact with the sometimes "hard" environment on the sex sites of the internet, there is today nowhere to go. If one contacts traditional sources for sexual information, one is met by ignorance and is possibly refused as a fake. Several zoophiles have pointed out this problem to the Council, and the need for a place that takes such enquiries seriously and can give

proper information.

Finally it may be a problem, if people who have sexual intercourse with animals, out of fear of discovery and of being reported, hesitate or entirely fail to go to see a vet, if the animal shows symptoms from the sexual organs. The Council has received information from abroad about cases, where people in countries where sexual relations with animals is prohibited have been reluctant to consult a vet, even though the symptoms from the animal's sexual organs were not brought about by sexual activity.

## 7. The Danish Animal Ethics Council’s ethical considerations

The Danish Animal Ethics Council’s members had only very limited knowledge about human beings’ sexual activities with animals, when the Council received the request from the Ministry of Justice about a formal statement. The Council’s members have, in the period where the statement has been prepared, not only had to acquaint themselves with the professional material, but also had to consider questions that are not generally brought up in discussion concerning the keeping of animals. The members’ attitudes to the subject have been developed and differentiated during the process as they gained knowledge about the subject. The Council emphasises that this development does not necessarily reflect a development towards bigger acceptance, but rather that the Council’s members’ experience is that it takes time both to collect and reflect on the information about the subject, and the members therefore encourage that others who wish to work with this subject familiarise themselves with the accessible knowledge in the subject as an element to making up their minds.

The Danish Animal Ethics Council has focused their discussions on those kinds of sexual relations with animals which have been the subject of worry in both the public and political debate; that is, acts which have the primary intention of giving a human being or animal sexual satisfaction. The Council has therefore not discussed other questions in connection with sexual activity with animals, such as castration, sterilisation, sperm collecting and insemination.

A single member of the Danish Animal Ethics Council, Peter Mollerup, has in the discussions differed in his viewpoint from the other members. Peter Mollerup stands together with the other members of the Council behind the first six sections of the statement; but in regards to the ethical considerations and the resulting conclusions and recommendations has expressed the wish to present his own minority statement. This minority statement is inserted as Appendix 1.

The focus for the Council’s considerations has been, whether from an ethical point of view there is basis for tightening the legislation in regards to human beings’ sexual relations with animals. The question is, in other words, whether there is ethically seen to be a reason to make regulations in the area which extend further than that which is already found in the existing legislation (see section 3 “Existing legislation” for an outline of current relevant legislation). The Council has based the discussions on that possible relevant ethical considerations include animal welfare, respect for animals’ dignity and integrity, respect for animal owners’ emotions, respect for sexual minorities, and respect for public morals.

### *Consideration to animal welfare*

As is shown in the above discussion, human beings’ sexual activities with animals cover a wide range of different activities. There are some activities that clearly must be considered to be unacceptable in relation to animal welfare, because the animal inevitably is injured physically or mentally – or actually dies. There are however also a range of activities where the animals are not caused injury or harm. That may be situations where a human being stimulates an animal’s sexual organs, or it may be situations where a human being is the recipient of a vaginal or anal sexual intercourse, and where the active part is e.g. a male dog or a stallion.

Whether a human’s sexual relations with an animal causes the animal injury or harm, must rest on a concrete evaluation, which involves a number of considerations. It may among other things be relevant to consider the animal species, and possibly also breed in question. While e.g. a hen or a cat is anatomically of a proportion that penetration with a human penis inevitably will lead to pain for the animal, it is not certain that a cow would feel a lot from the same activity. Finally there may be a consideration to the female animals’ reproductive cycle, where in certain periods they may be respectively more vulnerable or receptive to vaginal penetration dependent on their reproductive cycle status.

All in all the Council concludes that to have sexual relations with animals can lead to animals suffering, but that this is not always the case, and

as well, that sexual relations under certain conditions may be a positive experience for the animal. The Animal Welfare Act §1 says that “animals shall be treated responsibly and be protected in the best possible way against pain, suffering, fear, lasting injury and considerable harm”. The Council considers that this law is in principle sufficient to handle the cases where humans’ sexual relations with animals would lead to the animal being harmed.

The Animal Welfare Act §2 directs that “anyone who keeps animals, shall make sure that they are treated with care; including that they are housed, fed, watered, and taken care of with consideration for their physiological, behavioural and health-related needs in accordance with established practical and scientific experiences.” The interpretation of this section in relation to sexual activity with animals is complex, and knowledge is missing about animals’ sexual needs. The paragraph refers to recognised practical and scientific experiences, but as far as the Council is aware, such information does not exist, to throw light on the consequences for the animals of either sexual activities with other animals, with human beings, nor the consequences of sexual abstinence.

The Council estimates however that this law in principle is sufficient to handle the cases where human beings in their sexual activities with animals do not in sufficient degree consider the animals’ physiology and behaviour, but point out that such a law must be based on a specific evaluation of those species and activities that are involved in the given individual case. The Council further notes that keeping of animals in accordance with their physiological- and behaviour-related needs does not necessarily mean that the animals’ needs are neglected unless everything happens as it would have done for wild animals. For instance, is it commonly accepted that owners may keep intact and sexually mature animals, without allowing them the possibility to express the same repertoire of sexual behaviour as can be seen in wild animals.

When it concerns the consideration for the animals’ welfare, the Council estimates that the current general legislation in the Animal Welfare Act to a sufficient extent covers the concerns that may arise, with respect to whether by legislation one can intervene against human beings who through sexual relations with animals cause the

animals injury, suffering or other harm.

### *Respect for animals, their dignity and integrity*

An argument that often is put forward in the public debate is that sexual relations with animals is an expression of an objectification and lack of respect towards animals. As a starting point the Council finds that the breaking down of respect to animals and animal dignity or integrity can arise through a wide variety of practices by which human beings choose to use animals for fulfilment of their own goals and wishes. This also includes the use of animals as tools for sexual satisfaction. The Council does note however that lack of respect to animals’ dignity and integrity, as such, is not something that animals themselves experience, although the consequences of respect or lack of this can be experienced by the animals and can cause injury, suffering or other harm – cf. previous sections. Violations against animals’ dignity and integrity is thus something human beings can feel, on an animals’ behalf.

The need to protect respect to animals can currently be found in legislation, including in preparations for legislation, e.g. in connection with cosmetic operations on animals, use of living animals as decorations at offices, as well as cloning and genetic modification of animals. These legislative initiatives have in common that there is drawn a limit to the use of animals, even though there is not necessarily an animal welfare problem, in the absence of a weighty human consideration or need.

For the Danish Animal Ethics Council there is an important ethical boundary when it comes to commercial use of animals in connection with sexual activities – be it the use of animals as accessories for production of pornographic material or leasing of animals for use for sex. Violations of this can be seen as a sign of lack of respect towards the involved animals’ integrity. The Council finds furthermore that these activities give reason for concerns in relation to animal welfare. Even though the animals are not necessarily harmed by the activities, the Council’s members estimate that there is an added risk that consideration of the animals could be neglected in

connection with the sexual activities when there are financial interests involved. Furthermore it is uncertain, where the animals are obtained from, and how they are kept and are trained. And finally there will hardly be a possibility of appropriate public control of the animals, as exists at a variety of other businesses which keep animals.

These kinds of use of animals however do not occur to a great extent in Denmark, according to the Council’s information, and the Council estimates that possible problems in this area will, in a number of cases, be able to be handled on the basis of the Animal Welfare Act. Even so the Council finds that with reference to preventing an increase of such activities, there is reason to consider a ban on commercial exploitation of animals sexually. It should in that connection be considered from a political perspective, whether the extent of the commercial activities justifies the resources which introduction of a prohibition as well as maintenance of the same would necessitate. The Council points out in that connection that it may be difficult to distinguish exactly which activities and which material should, and could be, included in such a prohibition.

When it comes to private individuals’ sexual relations with animals, the Council’s members are aware that for some human beings (typically bestialists) sexual intercourse with animals has the character of being a form of entertainment, and the Council considers therefore these situations comparable with the commercial use of animals in connection with sexual activities. At the same time the Council finds it has been shown that other human beings (typically zoophiles) feel great respect towards their animals, and that their sexual relation with the animal is an expression of a heartfelt attraction (cf. the following on the consideration to sexual minorities). The Council points out that in practice the line between these approaches to the sexual relation with animals will be impossible to draw in a legislative context. On that background the Council thinks that with reference to respect towards animals’ dignity and integrity, there is no basis for banning private people’s non-harmful sexual relations with animals.

### *Respect for animal owners’ emotions*

It happens that people have sexual intercourse with other human beings’ animals without the animal owner’s knowledge (so-called “fence-hopping”). The animal is not necessarily injured thereby, but the animal’s owner can feel offended both on his own and on the animal’s behalf, e.g. because a stranger has intruded on the animal owner’s property, because the animal has been used for an activity which the owner does not approve of nor has given permission for; because the owner feels that the animal’s integrity has been violated, or because the animal could perhaps have suffered even though this might not necessarily be possible to prove later.

To this must be added that today a lot of work is done on many farms, in order to protect the animals against various diseases. A crucial element in the disease protection is that there are not going to be people in the farm buildings who can bring infection with them. If disease breaks out in the livestock, or the livestock loses its health status, it may have financial consequences for the farmer. It may thus be a problem as such, if strangers enter the farm buildings without the farmer’s approval – no matter whether the person has sexual relations with the animals or not.

The Danish Animal Ethics Council does find “fence-hopping” absolutely unacceptable. The Council’s members are aware that the animals are not necessarily harmed hereby, but consider at the same time that there is an added risk that the animals are harmed, if the person is not acquainted with the animals. To this must be added that the consideration of respect for the animal owners’ feelings carries great weight.

The Danish Animal Ethics Council estimates that the current regulations in the penal code as well as the law about field- and road-peace to a sufficient extent covers situations where people gain entry to others’ property and have sexual intercourse with their animals. “Fence-hopping” can however also happen without entering another’s land without permission, e.g. when taking care of the animal. Here is it more uncertain whether the laws concerning vandalism and limited use appropriation will be adequate in all situations. In any case there could be reason to consider if the punishments given on such subjects would in all cases meet the expectations of the affected animal owners.

### *Respect for sexual minorities*

Recent research in the area points to the situation that for some human beings, their sexual attraction to animals fulfils the criteria for the definition of a sexual orientation. To this must be added numerous descriptions where zoophiles compare their relation with the animal to the relationship other human beings have with their spouse or life partner.

Even though sexual relations with animals to many people is maybe only a part of an experimenting sexuality, the Council’s members are aware that for other human beings it is a part of their sexual identity, and that this may be decisive for how they arrange their life. Even though it can happen that animals are harmed by sexual relations with human beings (and the animal welfare act is thereby violated), the Council does not find it proven [substantiated] that people who have sexual relations with animals always injure the animal – no matter whether the activity happens in regards to sexual experimentation or sexual identity. On the contrary reports from at least zoophiles point to a large interest for the animals’ welfare.

In line with the penal code’s protection of sexual minorities the Council emphasises the consideration of not condemning such sexual minorities and other human beings’ sexual activities, no matter how odd or bizarre the activities may seem to others. Even though the Council neither wants to encourage nor in other ways support sexual relations with animals, the Council’s members do not find on the existing basis that there is reason to criminalise human beings who have sexual relations with animals, as long as the animals are not harmed.

### *Respect for public morals*

Reference to morality and to not wishing to offend public morals is as a starting point a somewhat arbitrary reason for legislation, as the specific evaluation depends on what at the given time is considered “immoral”. In relation to sexual

activities the Council noted that in current legislation, the question of morality is only aimed at activities where other human beings unwillingly can be confronted with what happens. It is the Council’s impression that sexual relations with animals (among other reasons because of it being a taboo in society) usually happens in secret. It is therefore difficult to directly see who could take offence at the activities. The Council’s members are aware that the very idea about animals’ sexual role is for some incomprehensible and can seem greatly offensive – this is true also for some of the Council’s members. The Council does not find however that this, as such, is a sufficient basis to issue bans on sexual relations with animals.

### *Possible derived consequences of a ban on sexual relations with animals*

In connection with the discussion about a possible ban on humans’ sexual relations with animals, the Council considers it important also to be aware of the possible derived consequences. The Council in that connection refers especially to the possible consequences in the form of more difficult access to information for prevention of animal harm, as well as reluctance in seeking veterinary advice – regardless of the cause of the observed symptoms. Thus, the Council estimates that a prohibition could increase the risk that animals are injured by sexual relations as a consequence of human beings’ ignorance, as well as the risk that animals do not receive sufficient veterinary treatment due to fear that the sexual relationship could be discovered.

## 8. Conclusions and recommendations

In light of the above discussions the Danish Animal Ethics Council's members have reached the following conclusions and recommendations. The Council has chosen to consider and make a statement about the principles of the subject. The Council feels that possible legal issues are better dealt with in a different context.

The Council members do not think that there is a need for legislation that bans private persons' sexual relations with their own animals (provided that other legislation is respected). The Council rests this conclusion on the basis that the current animal protection legislation already takes into account the situations where animals are harmed, as well as that there is an important opposing consideration to show respect for other human beings' sexual preferences and for a sexual minority.

The Council's members emphasise in continuation of the above that sexual activity with animals can imply a risk that the animals are harmed. People who do wish to have sexual relations with animals take on a great responsibility, to which they are to be held.

The Council's members find that there may be a need for initiatives which ban or in other ways prevent sexual relations with animals happening in an organised or commercial context, such as sex shows, leasing, brothel operation or production of pornography. Even though the animals are not necessarily harmed by the activities, the Council's members estimate that there is an added risk that consideration for the animals could be neglected when there are financial interests involved. The Council's members think furthermore that use of animals in this context reflects a lack of respect for the animals' integrity. Even though such activities at present probably aren't widespread, the Council makes the recommendation with reference to trying to prevent future activities.

When it comes to people's sexual relations with other people's animals, so-called "fence-hopping",

the Council's members strongly distance themselves from such activities. This is due to the fact not just that there is an added risk of the animal being harmed, but also consideration to the animal's owner's feelings. The Council thinks that current animal protection legislation is adequate for the situations where animals are injured, but if current legislation does not give the animal's owner sufficient protection, the Council recommends that there is implemented the necessary legal initiatives to secure this protection.

The Council finds furthermore that there may be a need to evaluate whether existing relevant legislation is currently utilised to a sufficient extent.

Finally the Council wants to encourage that in any possible further work, as well as in both the public and private debate, it is taken as their starting point the existing professional knowledge in the area. The Council refers in that connection to the material in Appendix 3 for further information.

The Danish Animal Ethics Council notes again that documentation and scientific studies of the area are relatively limited. As the amount of relevant knowledge is increased, the Council's members may reach other conclusions and recommendations.



## Appendix 1

### *Minority statement from Peter Mollerup*

Human sexual relations with animals is unacceptable, and therefore I must take distance from every activity of this kind. From an ethical and biological consideration such a relationship is so wrong that I can not combine it with my personal values. It is at the same time deeply offensive for the animal's dignity and integrity.

We human beings use animals in many ways; we even allow ourselves to eat them. We also allow ourselves to collect sperm from breeding males and use artificial insemination of female animals, but here I distinguish between proper useful purposes and purposes where the animal is to satisfy a human beings' desire and wish for sexual play. What equal partners do sexually is for me totally unimportant. Adult human beings are equal partners in that sense, but an animal and a human being are not, and even though the animal maybe does not perceive or reflect on the offensive situation, I feel under an obligation to step in on the animals' behalf. Society has made rules for sexual relations between other unequal partners (child/adult, pupil/teacher, the mentally handicapped/educator), and society must also put rules for animals/human beings.

I am aware that there is a small minority of human beings, who feel an insatiable and loving desire to have sexual contact with living animals (zoophilia), and I know that this minority already lives a life where secretiveness, fear and the surrounding societal non-acceptance can already be destructive. I certainly do not envy these people's situation, but in this case the consideration for respectful treatment of animals weighs more heavily for me than the consideration for these people's possibility of sexual relations with animals.

A society must through legislation signal what is correct and what is wrong. Especially towards the generation growing up this signal's value is

important and part of forming youth. They say that making acts illegal encourages exploration. Maybe the first time, but in the longer term a prohibition is inhibitory. A legislation that bans sex with animals, and which is supported by parents, educators and other adults having contact with adolescents, will in my opinion have a moderating effect on the desire of young people to experiment sexually with animals.

When it comes to sexual relations with animals where the animal in this context is harmed, I agree with the Council's other members that the existing sections in the Animal Welfare Act are completely adequate, but that specific legislation is necessary with regards to animal pornography, animal sex shows and animal brothels.

and Bo Møhl.

## Appendix 2

### *The Danish Animal Ethics Council’s activities in connection with the statement*

The Danish Animal Ethics Council has treated the subject “humans’ sexual relations with animals” at 5 meetings during the period March to November 2006.

The Danish Animal Ethics Council wants to thank the following people, who have presented their knowledge and points of view at meetings with the Council as well as assisted in acquiring information about the subject: Erik Bork, journalist and author of the book “Danmark under dynen” [“Denmark under the duvet”]; Björn Forkman, Associate Professor of Ethology at The Royal Veterinary and Agricultural University, Henrik Lehn-Jensen, Associate Professor of Veterinary Reproduction and Obstetrics at The Royal Veterinary and Agricultural University; as well as Bo Møhl, sexologist and leading psychologist at the Psychiatric Clinic, University Hospital of Copenhagen.

The Danish Animal Ethics Council wants to furthermore express its thanks to the following people for help with research, contributions of information and sharing of points of view: Nicolas Barbano, film journalist and producer with specialty in pornography and other genre-films; May-Britt Grundahl, initiator of the petition to ban animal sex; Lene Kattrup, veterinarian; Stine Sillesen and Lasse Brodersen, journalist students at the University of Southern Denmark at Odense; Håkon Stolberg, journalist student at Danmarks Journalisthøjskole [Danish School of Journalism]; Lilja Warg, sexual politics debater and writer; as well as a number of zoophiles, of which a special thanks is expressed to Kim for help with research in the zoophile community.

Finally the Danish Animal Ethics Council would like to thank the following people for useful comments to earlier versions of parts of the statement: Björn Forkman, Henrik Lehn-Jensen

Stine B. Christiansen, D.V.M., M.Sc. and Ph.D. student at The Royal Veterinary and Agricultural University, has acted as scientific secretary.

## Appendix 3

### *Literature*

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