

Report to the Prime Minister

# SECTARIAN ABERRATIONS

2003

Interministerial Mission of Vigilance and Combat  
against Sectarian Aberrations

- MIVILUDES -

## INTRODUCTION

***Decree No. 2002-1392 November 28, 2002***

***Art. 6 :*** “*The mission chairman shall determine each year, after consultation with the executive committee and the Orientation Council, the program of mission activities. He shall prepare, in the same way, an annual activity report to be submitted to the Prime Minister and made available to the public.*”

The present report, for the year 2003, will not attempt to list all movements, but will point out sectarian aberrations.

This new approach is not a departure from the existing consensus in France that individuals and public order are to be protected from such activities.

It emphasizes that the object of our battle is not the doctrine, but the act, since that has always been at the heart of the French conception of public liberties.

The VIVIEN Report, and the work of the parliamentary inquiries, led to the creation in 1996 of an Observatory, and then to a first inter-ministerial mission -MILS- in 1998.

This was followed, in 2002, by MIVILUDES, with a double objective of vigilance and combat. It consists of three bodies: a permanent general secretariat; an executive committee formed of the main ministries concerned; and an Orientation Council composed of thirty qualified individuals, deputies, academics, government functionaries, and representatives of economic and social groups.

The chair of these three bodies is required to submit an annual report to the Prime Minister. This report, for 2003, is composed of two sections presenting the main missions and orientations adopted.

Thank you in advance for your interest.

**Jean-Louis LANGLAIS**  
Administration Inspector General

January 2004

# PART ONE

## MISSIONS

***Decree No. 2002-1392 November 28, 2002<sup>1</sup>***

***Article 1 – An Interministerial mission is hereby created, responsible to the Prime Minister, charged with vigilance and combat against sectarian aberrations, and:***

*1° Observing and analyzing the phenomenon of sectarian movements whose practices are prejudicial to human rights and basic liberties, constitute a menace to public order, or are in conflict with existing laws and regulations;*

*2° Favoring, in the respect of public liberties, the coordination of preventive and repressive action by the authorities against such practices;*

*3° Developing the exchange of information between public services on administrative practices relating to the combat against sectarian aberrations;*

*4° Contributing to the informing and training of public agents in this area;*

*5° Informing the public about the risks and, in some cases, the dangers, arising from sectarian aberrations, and facilitating the implementation of actions to aid the victims of such practices;*

*6° Participating in activities relating to issues falling within its scope undertaken at the international level by the ministry of foreign affairs.*

**From MILS to MIVILUDES**

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<sup>1</sup> APPENDIX n°1

Rather than giving a legal definition of what constitutes a sect, the law condemns all practices which are prejudicial to human rights and fundamental liberties, or are a threat to public order. The About-Picard law in 2001 redefined the offense of fraudulent abuse of weakness. This calls for various types of action.

The action of the judge, who is not only the guardian of our liberties, but also the protector of individuals against physical and psychological subjection. The action of the administrator, who is responsible for setting up adequate surveillance and preventive measures. The action of the social worker, who detects such dangers and come to the aid of victims. These define the **geography of sectarian aberrations**.

This report can thus identify a certain number of practices sanctioned by the law or reported to the legal authorities. By focusing on reprehensible, risk-creating, or dangerous practices, MIVILUDES fulfills its first mission, which is one of analysis and observation, while avoiding the opposing pitfalls of excessive optimism and diabolization.

The goal of one of the following chapters is to **alert the public** to the particular risks observed in the fields of professional education and health care. Dramatic examples of denial of health care, the debate on the regulation of psychotherapy, and projected commissions of inquiry on professional education all testify to the relevance of these questions.

Another of the objectives assigned to the Mission is to develop the exchange of information and make it available to the general public. Newsletters, brochures and other documents, web sites, and media contacts all contribute to this goal. The constant aim, in this case as well, is to be sufficiently informative to alert public opinion to the existing dangers without arousing excessive fear.

The **training of public servants** is a permanent task, given personnel turnover and the variety of practices. All three sectors of government are concerned. MIVILUDES brings its expertise to the training of the trainers; it provides guidelines; it participates in conferences. But each administration must invest in the task. The action of local authorities is particularly essential. The Mission aims to better support these efforts.

Finally, there is a chapter on the **international dimension**. The French approach turns out to be relatively exceptional. We thus have an obligation to defend and illustrate it to our partners, stressing its democratic and balanced character. MIVILUDES has undertaken to do this, in liaison with the services of the Quai d'Orsay, by hosting foreign delegations, making visits abroad, and participating in international meetings where we have been able to observe that the French position is now well understood.

Given that different government departments are involved, **coordination** is necessary. The executive committee<sup>2</sup> of MIVILUDES which groups fifteen central administrative departments, is the main locus of this coordination. Even though the concert is polyphonic, it must avoid dissonance. Likewise, the Orientation Council expresses various points of view, and all need to be heard. This is the responsibility of the chairman, whose role is to guarantee the equilibrium of the whole.

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<sup>2</sup> See APPENDIX 2, for the order of March 3, 2003 concerning the composition of CEPO.

# 1 – ANALYZING ABERRATIONS

## The notion of a sectarian aberration

On November 28, 2002, the Interministerial Mission for Vigilance and Combat against Sectarian Aberrations, MIVILUDES, replaced the Interministerial Mission of Combat against Sects, MILS. The government thus strongly affirmed its intention to continue the action undertaken since the creation of the Interministerial Observatory and to develop it by focusing, not on doctrines or beliefs, but on harmful acts and abusive behavior.

The decree of November 28, 2002 does not define what a sectarian aberration is. It entrusts to the new Interministerial mission the task of “observing and analyzing the phenomenon of sectarian movements whose behavior and actions are prejudicial to human rights and basic freedoms, constitute a menace to law and order, or violate statutes and regulations”. In the absence of specific criteria to designate what falls under the label of sectarian activity, the temptation for some is strong to deny that any such thing exists, while others are too ready to overextend its scope and frequency.

Thus, for some, the list of sects adopted by the parliamentary commission of inquiry in 1996 is a sufficient criterion for considering a movement or community as a sect. Others, judging that this list no longer corresponds to present-day reality and has no normative value, think its use should be abandoned.

Faced with such opposing viewpoints, a conceptual problem and the absence of a list of specific offenses, administrations had to sharpen their criteria for analyzing the phenomenon. It was natural in such a situation to resort to “common law”, as well as the information contained in the parliamentary reports of 1996 and 1999, and in particular the criteria of dangerousness mentioned there.

## I - Administrative approaches

Lacking any specific description of offenses, and unable to rely on a genuine sociology of sectarian aberrations, government administrations were led to deal with the problem pragmatically.

### *Absence of specific offenses*

Respectful of all beliefs, faithful to the principle of secularity, recognizing no religion, the legislator has always refused to define what counts as a religion. For the same reasons, he has not defined the notion of a “sect” or a sectarian aberration.

In the absence of such a legal base, public agents and services have had to navigate between an overly narrow approach, based on the single criterion of violation of the law, and an approach in terms of potential risk, no doubt too broad.

The task has not been any easier for judges dealing with movements or sectarian aberrations for which common law furnished no definition.

To be sure, in 2001, the legislator modified the definition of abuse of weakness by extending it to the situations of physical or psychological subjection characteristic of sectarian domination, but no significant jurisprudence has yet developed.

### *The inadequacy of sociological studies*

In France, sociological studies on the question of sectarian aberration are not numerous. Sociologists have been mainly interested in the relations between the state and “socially contested religious and intellectual movements” and in anything which might constitute a form of intolerance or discrimination founded on belief or conviction. Because of this, their analyses have more often dealt with the relative inadequacy of existing legal or institutional models for multiple and original forms of spirituality, than with the factual study of cases of sectarian aberration.

### *The parliamentary list*

With its very principle contested by those who say they do not belong on the list, the parliamentary list is, perhaps abusively, invoked as a sign of their own normality by others who do not figure on it. In any event, this list, established by the members of parliament, can only be revised by them. Therefore MIVILUDES has consistently referred the constitutional principle of the separation of powers to movements applying to it to be removed from the list.

In exercising their mission of vigilance and combat against sectarian practices, government administrations, going beyond the list of sectarian movements cited in parliamentary reports, give a determining role to criteria of dangerousness, whether it be those mentioned by the commission of parliamentary inquiry, or specific criteria they have developed themselves.

### *Criteria of dangerousness*

On the one hand, we find:

- . Mental destabilization
- . Exorbitant financial demands
- . A total break with the person's original environment
- . Existence of harm to the individual's physical integrity
- . Recruiting of children, antisocial discourse, breaches of public order
- . Major problems with the legal authorities
- . Misuse of traditional economic circuits
- . Attempts to infiltrate public services

On the other hand, we find:

- . Threats to public order
- . Destabilizing living conditions
- . Abuse of the weak or ignorant
- . Mental subjection leading to harmful acts or abstentions
- . Rejection of others and isolation within a closed group
- . Violation of the founding principles of the French republic
- . Non-respect of international conventions ratified by France

The multiplicity of these criteria of danger indicates a concern to precisely identify the reality of sectarian risks. The fact is that not all movements have the same characteristics. Nor do all these criteria have the same evidential value or the same utility for identifying risks. For instance, antisocial discourse, problems with the law, and attempts to infiltrate public services are not limited to sectarian groups.

However mental destabilization, a break with the normal environment, exploitation of weakness due to physical or psychological subjection, enforced recruitment of children, or their confinement within desocializing educational principles, all seem to be at the heart of the notion of sectarian aberration.

The movements concerned generally combine several of these criteria.

## **II – The search for a common approach**

Individual freedom of belief and religion cannot have other limitations than those embodied in the law, the right to health care and the freedom of others.

While it is the judge's responsibility to sanction abuse of rights and violations of law, everyone knows that, in any domain whatsoever, but especially in the area of sectarian practices, the institutional response cannot be limited to legal actions. That would amount to asking magistrates to assume alone the entire burden of global policy when they are just one of the important actors.

Prior to any judicial response that respects the law, the public authorities – and this is perhaps specifically French – have a preventive conception of sectarian aberrations.

### **Freedom of conscience and abuse of the law**

We make no a priori judgment as to the value or sincerity of a spiritual or ideological commitment.

However, not everything is permitted in the name of freedom of conscience or religion, and legal authorities can, when necessary, remind us that there are limits that are not to be overstepped.

Thus, for example, a movement whose conception of humanity is based on the use of biological technology such as reproductive cloning will no doubt be subject to penal sanctions once use of this technology is proved.

However such situations remain exceptional, since most socially contested groups or movements make an effort to appear respectable; some will think that this is a mask.

Public servants, while remaining neutral with respect to beliefs, must observe the practices and behavior of people, in order to evaluate their sectarian character or their conformity with the republic's laws and values.

By conforming to rules of analysis that respect the law, the administration will be able to avoid the trap of a priori stigmatization of a group or belief, and to respect the spiritual or philosophical commitments of its own agents, as long as they refrain from all proselytizing activity.

From the relation between an accused individual and the structure he or she appeals to for justification we will be able to judge the real nature of the movement in question.

### **An institutional response that respects the law**

The judiciary, as guarantee of individual freedoms, is duty-bound to reject all forms of discrimination. The criminal judge can forge his own conviction only on the precise facts constituting the crimes or offenses. The juvenile court judge can take measures for educational assistance only for minors whose health, morality, or education appear to him to be seriously endangered. The administrative judge can only decide on the basis of clearly established breaches of the peace, when he must rule on the conditions under which a cult is exercised. In a state based on law there can be juridical responses only to violations of the law or actual breaches of the peace.

Nevertheless, all would agree that the institutional response cannot be restricted to decisions of the legal authorities.

### **A conception of sectarian aberration that protects the freedom of all**

Penal infractions leading to definitive condemnation, and more generally recourse to the law, are not sufficient as criteria for sectarian aberration, and do not allow full appreciation of the existence of a risk justifying preventive action and the need for vigilance of public authorities.

Prior to an infraction or proven breach of law, sectarian aberrations must be sought wherever individuals or groups create or maintain physical or psychological subjection of their disciples, adepts, or clients in order to lead them to acts or renunciations which can cause them serious harm.

These situations of unconditional allegiance to a person or group, which lead to the loss of all critical capacity, or autonomous thinking, become sectarian when the follower cannot freely put an end to them.

A movement such as the *Order of the Solar Temple*, because of the high degree of subjection of its followers, is a dramatic illustration of the case of a totalitarian-type sectarian group.

Sectarian aberrations are also to be looked for in health care offers that rule out recourse to conventional and recognized practice. Examples of people who, despairing of official medicine which has not brought them the cure they seek, abandon themselves entirely to charlatans who do no more than take advantage of their suffering, are far from rare.

Sectarian aberrations are, of course, also found in cases of children who are victims of the commitment of their parents to movements preaching a return to structure-destroying life styles which can durably compromise the child's chances for a normal life in the world.

In the domain of education, the freedom of parents must not be abused to become an instrument of indoctrination and desocialization, as is the case in certain communities which consider the outside world to be a source of corruption, and school a place for learning "violence and lack of discipline".

### **The goal of an impartial approach**

Confronted with evidence of a sectarian risk, the public authorities have a legitimate obligation of assistance toward potential victims and a duty to inform the public.

It is their responsibility to pass laws that enhance security for those seeking medical help and protect them from possible abuses.

It is not our intention to intervene in the current parliamentary debate on the profession of psychotherapist, but MIVILUDES would like to see patients helped to evaluate the practices offered to them.

The Interministerial Mission wishes to adopt the same approach in the field of professional education, where a reform of the legal structure regulating the dispensers of training was adopted by parliament in January, 2002. The dispositions aimed at increasing the vigilance of administrative services towards the risks of sectarian infiltration are not aimed at condemning everything related to personal development and well-being, but MIVILUDES will be careful to spotlight those sectarian movements that use the adult education sector to extend their influence and engage in active proselytism.

## 2 – OBSERVING PRACTICES

### From clear infraction to potential risk

Now that it has acquired the necessary tools of analysis, the Interministerial Mission is better able to satisfy its first assigned objective: the observation of sectarian movements whose practices are harmful to basic freedoms, contrary to laws or regulations, or constitute a threat to public order.

In 2002/2003, the judiciary was called upon to condemn crimes and offenses, but prior to infractions, the administration was able to exercise its capacities for vigilance.

### I – The judicial response to sectarian aberrations

An analysis of judicial decisions in this area will help understand how the criteria of dangerousness adopted by administrations are translated into legal and penal terms in the case of practices harmful to persons and property.

Thus, mental destabilization is generally prosecuted under the heading of fraudulent abuse of a state of weakness. Physical harm is prosecuted as infractions of a sexual nature (rape, sexual aggression, corruption of minors, etc.) or intentional violence.

Recruitment of children has its judicial translation as offenses such as the deprivation of medical care, mistreatment, or refusal of obligatory vaccinations.

The infractions of fraud and breach of trust allow the punishment of exorbitant financial demands.

The report of the Department of Justice (see below) lists in detail the pending penal procedures: roughly one hundred.

### Personal harm

With respect to harm to individuals, the infractions most often observed are sexual in nature or offenses in the area of health care. A few examples of judicial decisions in prosecutions undertaken in 2002 and 2003 illustrate.

### *Sexual abuses*

Sexuality is a major preoccupation in most sectarian groups, sometimes encouraged, sometimes repressed. In the organization of certain structures, everything is done to make the relationship with the guru exclusive, replacing normal affective bonds between followers. There have been cases where spouses were forced to separate and unite with other individuals, or children separated from their parents in order to favor their submission.

- A decision of the Court of Cassation of October, 2002 rejected the appeal against a decision of the Court of Appeal of Lyons condemning four followers of the *Raelian* movement to prison sentences for “corruption of minors”. The reasons given for this judgment mention that “in the name of hedonism, the *Raelian* group to which the accused belong led to an exacerbation of sexuality, particularly in the case of adolescents; besides the discourse coming from the spiritual guides vaunting personal development and the search for sexual pleasure, adolescents ... were the target ... of increasingly pressing invitations to have sexual intercourse with the leaders of the movement....”
- In July 2003, the appeal Court of Assizes of Essonne sentenced the founder of Instinctotherapy, Guy-Claude BURGER, to fifteen years imprisonment for “rape and corruption of 15 year-old minors”. The condemned party has appealed against this decision. The expert cited in this case explains, in the light of the writing and lectures of Mr. Burger, how with his perverse and manipulating discourse the accused justified suppression of the taboos against incest and pedophile behavior.
- In a decision dated May 16, 2003, the Dijon Court of Appeal pronounced a couple, disciples of Instinctotherapy, guilty of refusal of treatment for a child, and sentenced the mother to a one year suspended sentence, and the father to an eight month suspended sentence. This decision is now definitive.

### *Offenses concerning health care*

The number of groups of healers with non-conventional or unproven practices is increasing. Therapists employing charlatan procedures, such as divine cures and miraculous potions, to treat illnesses of the most serious sort are regularly brought to court.

- On October 21, 2003, the Court of Appeal of Montpellier sentenced the leader of *Human Universal Energy* (H.U.E.) to three months in prison and a fine of 9000 euros for the illegal exercise of medicine. This decision is now under final appeal.

The origin of this case was a complaint by the family of one of the followers of this sect, who stopped medical treatment on the advice of the movement, which claims to be able to heal illnesses such as cancer and Aids by touching.

- Two parents, who at the time had positions of responsibility in the movement *Invitation to Intense Living* (IVI) are the object of a criminal investigation for failure of a parent to seek medical care for a 15-year-old minor. The child, suffering from leukemia, was sent to Germany for treatment based on plants, after which his state of health deteriorated critically.
- In March 2002, the Court of Appeal of Pau sentenced thirteen members of the community called *The Apostolic Order Tabitha's Place*, based in Sus, in Pyrénées-Atlantiques, to a six-month suspended sentence for refusing to enroll a child in an educational facility, and a fine of 300 euros for refusal to vaccinate. The followers have appealed against the sentence.  
Late in 2001, a couple who are members of this group were sentenced by an appeal court to twelve years in prison for having caused the death of their 19 month old child by depriving it of care and nourishment. This decision is now definitive.
- On December 19, 2003, the correctional tribunal of Millau sentenced the head of a new-age group called the *School of Solar Culture*, close to the *Universal White Fraternity*, to eight months suspended sentence for complicity in the abuse of social property and his consort to ten months suspended sentence for abuse of social property and execution of undeclared work. This decision is under appeal.
- Since October, 2002, the head of Neophare, a small group of the apocalyptic type, is the object of judicial inquiry for “abuse of weakness”. One suicide and two attempted suicides have been reported among members of this group, whose spiritual leader has proclaimed himself “the reincarnation of Christ” and imposed an autarkic existence on his followers.
- On October 13, 2003, the *Spiritual Association of the Church of Scientology of Ile-de-France* (ASESIF) and its chief were sentenced by the Court of Appeal of Paris to a fine (suspended) of 5000 euros for breaking the law on computers and freedom. This decision is now under final appeal.
- On March 7, 2002, The Court of Appeal of Fort-de-France, Martinique, sentenced members of the *Movement of Twelve* to up to eighteen months imprisonment, suspended, for “aggravated violence”. Two of the accused, teachers, were prohibited from the exercise of any profession bringing them into contact with minors for a period of ten years. The practices motivating this decision occurred during a ceremony of “spell removal”.

### Misappropriation of property

- Since June, 2003, “a false bishop”, in fact an excommunicated Catholic priest, head of the association called *Communion of Satonnay*, created in 1988 and established in Saône-et-Loire, has been under indictment for fraud. He is accused of having misappropriated contributions. He has already been condemned for practices of the same type to a ten months’ suspended sentence, for having swindled a number of mostly elderly individuals.

These few examples illustrate the capacity of the judiciary to sanction sectarian practices. Nevertheless, for reasons to be presented below, judicial procedures remain limited in number. They do not reveal the full extent of sectarian activities, which are largely hidden from view, and have to be sought as well in behavior that does not fall under the criminal law.

To fulfill the obligation of vigilance assigned to it, the administration must have the means to identify and warn the public of behavior which, prior to any criminal acts or breach of the peace, involves aberrations.

## **II – Behavior calling for administrative vigilance**

The public authorities must be particularly vigilant with respect to individuals who manifest unconditional loyalty to a guru or a group.

The same is true with respect to children who are recruited or subjected to a desocializing life style.

The discreet, even clandestine, nature of certain groups, their functioning (virtual imprisonment, break with family ties, or representation of the outside world as diabolical), and the control exercised over followers, does not facilitate the task of reporting the most worrisome practices.

It is also important not to underestimate the fear, shame, or guilt frequently felt by ex-members, which can keep them from reporting an experience that they want above all to forget.

During the period 2002-2003, a certain number of facts were nonetheless brought to the attention of various administrations and associations.

### **Aberrations reported**

*Jehovah Witnesses* is the organization the most often cited. This is due to the number of adherents living in France, about 110,000, according to their own estimate, and also to the difficulty created by their refusal of blood transfusion, as well as by their community centered attitude, which raises questions concerning their attitude to citizenship.

The new-age type *Kryeon* movement has recently become a subject of concern. The most disturbing reports involve the areas of health and child care, concerning both the practice of “harmonizations” and the theory of indigo children (see below).

The *Love and Misericorde* movement, established in the Côte d’Or region, has also attracted attention. The head of this organization, which is not recognized by the Catholic church, claims apparitions which attract a large number of followers on the

twelfth of each month. The group, subjected to the authority of its clairvoyant, has a tendency to function as a closed system.

### Potential aberrations

In the absence of recent reports, certain indicators nonetheless require authorities to maintain their vigilance. Groups previously condemned may be sleepers. Others may later turn out to be dangerous.

A community like the *Thebaid*, located at Roybon (in Isère), raises questions. Even if the community claims to respect legal requirements with respect to sexual conduct, specious texts concerning pedophilia are to be found on the group's web site, such as a document entitled *Plea in favor of an authentic pedophilia*.

The international arrest warrant issued in May 2003 by a prosecutor in the canton of Geneva against the head of Universal Energy (HUE), called "Master Dang", for fraud and money-laundering confirm that the problems raised by HUE are still with us. This syncretic movement of the healing type uses oriental techniques of health preservation (chakras, etc.) and the supernatural treatment of illnesses such as cancer and Aids (by touching). Healing sessions at different levels, requiring considerable financial outlay, are also offered to followers.

Satanic movements are another source of concern. The disappearance of the Luciferian organizations Wicca international and Wicca Occidental, in the mid-nineties, has favored the appearance of informal groups, hard to identify. The violence of these groups, often close to neo-nazi skinhead movements, is revealed in the profanations of churches and graveyards. The recent indictment before the criminal court of Toulon of eight satanists for "racist profanation of tombs, apology for intentional destruction of life, war crimes against humanity and provocation of racial hatred" indicate the permanence of the phenomenon.

In the world of secret societies, aberrations can also be manifested as they were, in the mid-nineties, in the series of massacres of the *Order of the Solar Temple*, an apocalyptic neo-templar group.

Some little-known structures must also be kept under surveillance. There is, for instance, the *Church of Euthanasia*, featuring an apology for suicide on its web site, which is trying to establish itself in France. "Save the planet, kill yourself" is the slogan adopted by its followers. The site explains in detail, with the help of photos, how to commit suicide, using helium.

Examination of these aberrations illustrates the diversity of risks to which authorities must adapt.

It is difficult to count the followers and sympathizers of these movements. However, it seems to be the case, according to the most reliable estimates, that in the past ten years the number of people involved in a sectarian environment has been stable. Likewise, the number of structures has remained more or less constant, about fifteen for each French department.

If we try to establish a typology of the most common movements, they will fall, in order of size, into healing, pseudo-evangelical, apocalyptic, and orientalistic movements.

All social categories are represented.

The geography of the sectarian phenomenon has not changed much: the Mediterranean facade, the Northeast frontier and the Paris region have the greatest concentration of groups, for the most part in urban zones.

While a certain number of groups that appeared in the sixties have disappeared from France, or are on the decline, there has been a multiplication of small structures. Many of these new groups show the influence of the *new-age*, which has impregnated society with ideas or behavior often in conflict with established values. As a whole they are increasingly varied.

The use of new technologies, such as the Internet, the multiplication of legal actions, such as administrative recourse, suits, etc., the efforts aimed at discrediting government action in this matter, both at the national level and internationally, and the use of infiltration strategies in the economic and governmental spheres, are a reminder that the slightest relaxation of vigilance is likely to be quickly exploited by those who would be only too happy to be emancipated from the French Republic's values.

Even though the phenomenon seems under control today, their capacity to adapt and to harm should not be underestimated.

## 3 – WARNING ABOUT RISKS

The action of sectarian movements mainly targets those in difficulty or in great need of protection. This is particularly true of individuals faced with health problems.

The greatest vigilance is also required in the area of professional training aimed at those in fragile situations or poorly integrated into the work force.

### I – In the field of professional training

Organizations of a sectarian nature have invested this sector, which is for them an important source of revenue. Thus those in the market for professional education must carefully examine what is being offered.

#### Fragile populations

The strategy of helping those in precarious situations, such the handicapped and the long-term unemployed, provides many examples of training offers that are totally useless, sometimes involving misuse of psychological techniques, sometimes inspired by esoteric practices.

- Financed by a regional council, an educational organization was supposed to provide unemployed individuals with technical training as secretaries, office workers, and training in creating web sites. In fact, the proposed activities deviated from the technical content announced towards use of neurolinguistic programming. Participants were thus made to feel guilty about their status as unemployed persons.  
The program was terminated after the complaints of numerous participants. A control process was set up. The administrative procedure for reimbursement of expenses was applied.
- An association which applied to be registered with government services as an educational organization, stated its object to be the restoring of a dwelling, to “*promote its vibratory aspect and to revive by all means this cosmoteluric site, along with its alchemy*”. Its application was refused.
- A “harmonization technique” was offered to contribute to the economic and professional reinsertion of those lacking employment. Based on references to energetic anatomy, vibratory frequency, and the notion of the “cosmic lattice”,

this technique claimed to provide “a complete training course as a practitioner in six days; it mentioned an “internationally accredited certificate”; such claims fall under the label of false advertising and fraud.

- Very similar proposals offer to help the unemployed set up as “consultants in ethology”, “reflexology”, “magnetotherapy”, to develop activities as an “etiopath”, “hypnotherapist”, or “hygienic consultant”. Certificates for “practical training in podoreflexology”, “practical training for an iridologist course”, as a “counselor in nutrition – naturopath”, or as a “practitioner in naturopathic health” prepare applicants for the illegal exercise of a variety of regulated health professions.
- Inspired by Kryeon, so-called “interior source” seminars are organized, preferably in a “high energy site”, where teachings are given by “Ascended Masters”<sup>3</sup>. The “disimplantation protocol” offered is no different from the processes of recruitment and rupture with social, familial, and professional ties found in sectarian approaches.

These different offers often touch psychologically and economically vulnerable populations, but others may target health professionals.

### Continuing education of health professionals

Some training organizations maintain a close relationship with groups of healers or *new-age* movements. Programs have dealt with prenatal care, pregnancy care, and newborn care. The authorities have been invited to check the approval status of this type of training.

Therapeutic “coaching” based on psycho-morphology, with an elitist flavor, has been offered as continuing education. However the title of “master practitioner coach” citing the name of the organization, brings no real qualification. This could fall under the heading of communication of fraudulent or misleading information, sanctioned by the Consumer Code.

A hospital gynecological obstetrician applied for financial aid<sup>4</sup> for a course in the discipline of family constellations. The training organization, an association, declares as its object the “nursing sciences” and personal, professional, and organizational development. It also proclaims an ethical preoccupation related to the commercial future of “constellations” and their users. This preoccupation, of course, has no link with the codes of ethics or professional rules prevailing in the different health professions.

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<sup>3</sup> Source: [www.lumieresdelaudela.com/ascension.htm](http://www.lumieresdelaudela.com/ascension.htm). August, 2003.

<sup>4</sup> The financing was refused by the hospital administration.

The examples of situations described above may seem to illustrate charlatan or mercenary behavior rather than sectarian aberrations. However, the context and background allow us to determine that logics of ascendancy and subjection are often at work.

MIVILUDES can only encourage the creation of training evaluation procedures that are based on genuine criteria of acquisition and improvement of professional knowledge and skills.

## II - The health sector

The membership of adults (parents, treatment providers, teachers) in certain “healing” groups can be a source of danger for children and other vulnerable parties. These groups can also block access both to such preventive measures as obligatory vaccinations<sup>5</sup>, and to curative treatment, especially in the case of cancers.

### Examples of networks

The following two cases will give a better idea of the functioning of certain sectarian movements, illustrating how the network of care-giving and economic relationships develops.

#### *A simple network<sup>6</sup>*

“There exists, in my department, a network consisting of an osteopath ... a sophrological psychotherapist ... and, at the end of the line, a geobiologist who practice spell removal. The geobiologist lives with the sophrologist. These practitioners send their clients to one another and attract clients looking for a feeling of well-being.

*The osteopath ... picks up accident victims, individuals who are in pain and stressed. She evaluates the psychological problems of these clients and then orients them to a psychotherapist-relaxologist- sophrologist. The latter ... who has no degrees or diplomas, uses techniques like rebirth and sophrology, which involve hypnosis. This could be without danger except that the sophrologist manages to find a cause for all her clients’ problems using her powers of second sight.... Only her concubine, the radioaesthetist, of course, is able to find and combat the evil entity.*

*This occurs after a number of seances of hyperventilation, where she makes you relive your birth experience, among other things, with a few spell-removal seances by her concubine, with photos, candles, burning coals, locks of hair cut off and burned, wax dolls costing 600 euros! apiece ... and especially a sort of home-made electrometer*

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<sup>5</sup> A reminder concerning the rules which apply to vaccinations was carried out by the Ministry of Health in a memorandum published by the DHOS (the department of hospitalisation and organisation of health care services) dated 18 June, 2003.

<sup>6</sup> Extract from a witness statement .

*that measures stress. One key element must be added: the religious aspect, since this couple invites anyone interested to come and pray during their sessions.*

This rather primitive network uses time-tested manipulatory techniques: the exploitation of traumatism to get people into a state of subjection, use of false memories, magic, etc.

### ***A more sophisticated network***

The network to which an individual who died in October, 2002 belonged can be reconstituted as follows. The head of the network is a general physician, one not registered with the Order of French Doctors. He exercises numerous activities, and his discourse is hostile to traditional medicine and the pharmaceutical industry. He develops the theories of *Hamer* on the following subjects: cancer, Aids, and neurological disorders, among others.

His sessions on “defying abundance”, “atlantic and divine magic”, “radionics”, and his publications and cassettes on “how to succeed in business” or develop a “megamemory” are billed at surprising prices.

Such a situation can be tragic for someone suffering from cancer who abandons regular medicine and instead submits to the care proposed by this group, involving fasting, enemas, and plant therapy.

### **How to treat cancer: From psychobiology to biological decoding and other theories**

Here, under labels such as “psychobiology”, “psychogenealogy”, and even “psychobiogenealogy”, also known as “cellular memory” and “biological decoding”<sup>7</sup>, there is reason to fear deviations in the practice of health care.

The troubling nature of certain theories and teachings offered – in particular for cancer and Aids – is clear when we consult the web sites.

Some examples will indicate the extent of the risk:

- A young man of seventeen died of cancer. A practitioner had decided that a psychological problem was the source of his illness, requiring self-therapy of the “psychobiogenealogical” sort. This in turn required abandonment of all traditional medical treatment. Three women, aged 39, 41, and 43, who also died of cancer, had likewise refused conventional treatment under the hold of practitioners of this method.

- A psychiatrist in a clinic treated hospitalized patients, including a case of cancer of the uterus, by a diet claimed to be of Cretan origin, which led to malnutrition. MIVILUDES brought this situation to the attention of the departmental prefect. It turned out that this psychiatrist had already been excluded from the scientific community.

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<sup>7</sup> Terms found in the training programmes offered for these disciplines in 2003 and 2004.

- *Eleutheropedia*, a practice related to *Instinctotherapy*, imposes a diet for children exclusively made up of raw products, which can slow growth. The parents who follow this method are themselves worried: *“The children didn’t chose it, we’ve chosen for them, and like it or not this choice implies some frustration for them.... We worry as we see the size gap growing between them and other children of the same age.”*

- Invoking his membership in a community that refuses all medication, a father refused necessary anti-malaria treatment for his child. He was sentenced to six months imprisonment for failure to provide needed care and unintentional injury.

These descriptions give only an approximate idea of the phenomenon, but they illustrate the persistent behavior of self-proclaimed healing movements. MIVILUDES observes that, in spite of the efforts made, those who are suffering or are at risk are still favored targets of these aberrations.

## 4 – INFORMING THE PUBLIC

One of the goals of our Mission is to develop the **exchange of information** and especially to inform the general public. A newsletter, a booklet, a web site, and contacts with the media are part of this effort. Our constant aim is, in this area as well, to alert the public without fanning the flames of fear.

### I - The MIVILUDES newsletter

Since June, 2003, a bimonthly publication, *The MIVILUDES Newsletter*, is one aspect of our aim to better inform those involved in the work of vigilance and combat against sectarian aberrations.

It is especially aimed at the members of the Orientation Council and The Pilot Executive Committee, prefects and/or MIVILUDES contacts in prefectural cells of vigilance, designated resource personnel in the ministries, public prosecutors, targeted magistrates in courts of appeal and criminal courts, heads of associations and certain deputies and journalists who have requested it. It is published in 450 copies and distributed by mail.

The table of contents has eight headings:

- The MIVILUDES calendar
- Meetings of the Orientation Council and Executive Committee
- International visits
- Basic issues, treatment of a theme
- Press review
- Books
- Legal news
- Parliamentary report: laws adopted, questions submitted, etc.

### II – A booklet for the general public

What is the role of the Interministerial Mission? What attitude should be adopted towards the sectarian risk? How can we identify a group or loved one under sectarian influence? What is the best way to react when faced with a victim? Who should be contacted?

These are the sorts of questions generally asked by a victim's entourage. It became evident that there was a need for a widely distributed document as an essential

link in the task of informing the public specified in Article 1-5 of the decree creating the Mission.

A booklet prepared by the permanent team of MIVILUDES fulfills this need.<sup>8</sup>

This document, now available, has been issued in 40,000 copies for the largest possible distribution via prefectures, administrative offices, educational and health care establishments, local and territorial government bureaus, and at conferences and seminars.

### III - Creation of the MIVILUDES Internet site

The goals of MIVILUDES with this site are:

- To inform the general public, and in particular younger people, about the sectarian phenomenon and the risks of abuses, as well as informational professionals, researchers and students, by providing useful documentation on line.
- To group together on an official site the various resources available to victims of sectarian aberrations.
- To put documents on line that have been prepared by the actors associated with different instances of the MIVILUDES structure, as well as contributions from other parties, in particular the seminar "Sects and Secularity".

The solution adopted is a contributive site. The general plan was presented at the June 25, 2003 meeting of the Pilot Executive Committee.

With the address <http://www.miviludes.gouv.fr>, the site has been consultable on the web since the beginning of the current year.

### IV – Press – Radio -Television

The change in the name of the mission, from MILS to MIVILUDES, and the naming of a new chairman were widely discussed in the media.<sup>9</sup>

Installation of an Orientation Council drew the attention of the media, as did the seminar "Sects and Secularity" and the participation of the chairman at certain meetings of prefectural cells of vigilance.

On September 22, 2003 the chairman participated in the radio program "*The phone is ringing*" on France Inter. On November 14, he was an invitee of TV channel M6's series "*Secrets in the news*" in a program dedicated to the *Church of Scientology*. Certain members of the Orientation Council were solicited by the media, including Professor Philippe-Jean Parquet, a psychiatrist, who participated in the broadcast "*It's in the air*" on the station France 5, also dedicated to the *Solar Temple* (OTS) trial.

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<sup>8</sup> See APPENDIX n°4

<sup>9</sup> See APPENDIX n°5

Many journalists have consulted the Mission for information about a specific topic – aberrations in the health and educational fields are the most frequent subjects – to enrich an article or report with figures and legal decisions, or simply to check information they have acquired.

## V – Treatment in the media

Major coverage: creation of MIVILUDES, trials and judicial decisions (for instance *OTS*, *Instinctotherapy*, *AUM*, etc.), legislation (a proposed law on bioethics and reproductive cloning, the ACCOYER amendment to a proposed public health law , etc.), news items involving a sectarian movement or adept, specific inquiries<sup>10</sup>, etc.

- Exceptional coverage: this was the case for the *Rael* affair and the announcement of the birth of a cloned baby

The EXPRESS of January 23 ended its coverage of a debate with a statement by the chairman of MIVILUDES: *“With the announcement of the birth, at Christmas, of the first cloned human, the Raelian sect has accomplished a media coup which, unfortunately, will help it recruit new followers. The chairman of MIVILUDES ... regrets that “the French media have given excessive and disproportionate coverage to this event, without sufficient emphasis on the absence of scientific guarantees.”*

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<sup>10</sup> . « *Sects : how to recognise them and how to get out of them* », TOP SANTÉ magazine – April 1, 2003.  
 . « *Teenagers can let themselves be attracted by the friendship substitutes that sects offer* », TOP FAMILLE magazine – September 2003  
 . Dossier on obscurantism : «*How the sect phenomenon is making itself seem banal* » MARIANNE magazine - 20 October 2003  
 . « *How you are being manipulated* », SCIENCES ET VIE JUNIOR , magazine – November 2003

## 5 – TRAINING THE ACTORS

A certain number of ministries (Youth and National Education, Health, Interior, Justice) have named “correspondents” in their far-flung departments.

The ministries of Health, National Education, Youth, and Sports have been firmly committed for more than ten years in activities to train their supervisory personnel.

For the past six years, the Ministry of Justice has organized training sessions at the National School for Magistrates both for judges and for functionaries of other departments.

The Ministry of the Interior, Internal Security, and Local Liberties offers training on the sectarian problem to police chiefs, officers, and agents, as part of their initial training. The General Direction of the National Gendarmerie also provides, on the same theme, training for its personnel (officers and sub-officers).

The Institute for Higher Studies in Internal Security (IHESI) and the Institute for Higher Studies in National Defense (IHEDN) both offer at each annual session awareness training for auditors concerning the sectarian phenomenon.

For the past two years, the National Training Center for territorial personnel has offered training in prevention of sectarian risks.

MIVILUDES cooperates with these administrative branches in the definition and setting up of their training programs.

### **The Ministry of Economy, Finances, and Industry (MINEFI)**

Movements of the sectarian type are based on a variety of legal structures and particular economical and financial circuits.

In many cases, their analysis by MIVILUDES is pursued by the relevant services of the MINEFI, who may proceed to open checks and investigations.

During 2003, various general departments (taxes, customs, monopoly, consumer, fraud, industry, information technologies, postal, treasury) communicated requests for information, which were answered on a case by case basis, and by the setting up by MIVILUDES of ad hoc work groups.

In 2003, a meeting of the seminar “Underground economy” held at the National School of Competition, Consumption, and Fraud Prevention was devoted to the question of how to detect and combat sectarian aberrations.

### **The Ministry of Youth, National Education, and Research**

Training aimed at educational personnel (teachers, youth workers) had several aims: informing those of school age of the sectarian risk, training of teachers and auxiliaries.

Training of history-geography teachers, who are often responsible for preventive teaching in civic education classes at the high school level, continued with the help of the association of history and geography teachers (APHG), in particular on the occasion of meetings in Reims on March 13, 2003, and Mission participation in the Festival of Geography at Saint-Dié (with three forums in October, 2002).

It is regrettable that training of youth and popular education personnel was not pursued in 2003, and that the reform of the IUFM which provided for a program dealing with sectarian risks in the third year of their course, was not carried out.

The “correspondents” at each regional academy of the national education service were convoked to a meeting at the Ministry on April 29, 2003. The Secretary General and another official of MIVILUDES participated in this training activity for supervisory personnel.

In another instance, at the request of the Prefect of the Loiret department, a similar action was held for high school and junior high school principals under the responsibility of the inspector of the academy.

Finally, MIVILUDES continues its DESS in “Economic intelligence” and “Information and security”; these courses are aimed at administration students, among others.

### **The Interior Ministry**

It was decided that a MIVILUDES mission head would help develop an educational reference system on sectarian movements, intended for police training schools.

### **The Health Ministry**

A general information meeting was held at the Health Ministry, for personnel dealing with delicate cases. It provided an opportunity to present the general problem and the practices of certain groups active in the health system: mental health, prenatal care, cloning, palliative care, care of neurological and cancer patients, etc.

In 2002, the Mission participated in a national and regional educational campaign aimed at hospital personnel. It focused on the resources provided by regulation and the common law, and concrete situations of sectarian penetration in health establishments and the medical-social sector.

### Well-adapted educational tools

MIVILUDES has begun developing a structure for informing and training public agents, consisting of a common knowledge base plus information specific to each department.

A “Guide for Public Servants” is under preparation. It will be widely distributed to administrative personnel. Multimedia (CD-ROM, DVD, website) will facilitate distribution, and access and updating of training content.

In the particular case of training of local level personnel, a partnership convention between the National Center for Territorial Government Personnel (CNFPT) and MIVILUDES is to be signed by the heads of both organizations. The partners undertake to exchange relevant information and promote activities to increase awareness and provide training in the area of sectarian aberrations.

### A university seminar on “Sects and Secularity”

With the backing of the Ministry of Research, MIVILUDES has organized a university seminar, meeting biweekly from October 2003 to June 2004, with teachers from the Ecole Pratique des Hautes Etudes and the Ecole des Hautes Etudes en Sciences Sociales.

Each participant will express his point of view on the theme of *Sects and Secularity* in order to better spotlight the criteria to be used to form public policy in this sensitive area. In addition to those familiar with the subject, such as parliamentary deputies, sociologists of religion, workers in the field, there will be contributions from doctors and psychiatrists, historians, anthropologists, jurists, in addition to foreign witnesses. Both specialists of secularity and representatives of major religions will be heard from. Philosophers introduced and will conclude this survey.<sup>11</sup>

The invited audience is made up mainly of doctoral students. Acts will be published at regular intervals on the web sites of MIVILUDES and the Ministry of Research.

The goal of MIVILUDES has thus been to create a space for reflection and idea-sharing between the participants and researchers who have been thinking about the sectarian phenomenon. For the first time in France an open debate is taking place where proponents and opponents of socially contested groups can express their points of view and, by confrontation, further the analysis of sectarian aberrations.

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<sup>11</sup> The programme and the list of the participants is in APPENDIX n°6

This seminar is not intended to define what counts as belief, since any belief is legitimate in a country like ours where there is absolute freedom of conscience. The idea is to determine what has put some recent groups so much outside the implicit functioning of our republican society, and to try, through reflection and information, to permit clarification of the criteria of public policy with respect to “sectarian aberrations”.

## 6 – COMPARING EXPERIENCE

The Mission's international activity has taken three main forms: establishment of contacts with other countries, as well as with the Council of Europe, participation in a meeting of European countries in Brussels, preparation of a synthetic study of the approach to the sectarian phenomenon in eight European countries.

### I - Missions for information exchange

These missions have allowed us to present the organization of MIVILUDES to our foreign interlocutors, as well as its assigned missions of vigilance and combat against sectarian aberrations.

They have also allowed us to present the major orientations of our administrative actions with respect to prevention and the protection of minors, aid to victims, improved coordination between departments and interaction with civil society via the Orientation Council, among other things.

MIVILUDES has initiated three foreign missions, to Canada, Denmark, and Slovakia. It has participated, with the Ministry of Foreign Affairs, in a meeting of the Organization for Security and Cooperation in Europe (OSCE), in Vienna, and has visited the Council of Europe.

These missions allowed comparison of public strategies in the combat against sectarian aberrations. The contacts were made in a spirit of open-mindedness and an effort to achieve mutual understanding beyond any conceptual differences.

No criticism was made of the French approach. To the contrary, our interlocutors expressed their desire to strengthen exchanges and experiences on shared themes.

### Meeting with Canadian authorities (February 20 et 21, 2003)

This country, which has no specific regulations in this matter, is characterized by a very liberal approach, guaranteed by the Charter of Rights and Freedoms of 1978, and the Law on Personal Rights of 1977.

In 1994, The *Raelian* movement obtained the status, in Quebec, of a "religious corporation", allowing it to benefit from fiscal exemptions. The movement's activities are exempt from land tax, and members making donations have tax benefits.

But the liberality that Canadian authorities show with respect to sectarian movements is qualified in some respects. For instance, since the September 11, 2001 attacks Canadian police have increased their surveillance of certain groups. Likewise, there is a mechanism of "multisectoral entente" whose equivalent in France is an ad hoc Interministry concertation intended, in particular, to protect child victims of sexual abuse. The projected Canadian law on cloning is similar, in its major orientations and

methods, to the French bill on bioethics, in that this bill concerning assisted procreation techniques and related research is aimed at forbidding any form of reproductive and therapeutic cloning.

### **Mission to Denmark (May 5 to 7, 2003)**

From May 5 to 7, 2003, MIVILUDES carried out a mission of information in Denmark. The program allowed us to meet individuals known for their competence in human rights matters and new religious movements.

In a country known for its great freedom of expression, MIVILUDES was especially concerned to explain to its interlocutors French policy concerning the sectarian problem.

In the Danish system of religious organization, the Lutheran church is a national church. The Danish conception is very tolerant towards “new religions” and sectarian movements. The criteria for recognition as a “religion” are, existence of a religious service, a minimal number of followers (150) and respect for certain fundamental legal principles. The ministry of religion makes its decision after receiving the opinion of a consultative committee.

The example of the *Church of Scientology*, which recently suspended its request for the status of a “religion” (after having been refused twice in similar requests) is symptomatic of the limits imposed by Danish society in the area of religion.

### **Visit to Slovakia (July 9 and 10, 2003)**

On July 9 and 10, 2003, MIVILUDES visited Slovakia, a candidate for admission to the European Union.

The criteria of the law of 1992 concerning registration of Churches with the state limit the number of churches recognized. Thus, in this country where the Catholic religion is predominant, the “traditional” churches are recognized, as are others for which it is necessary to submit a petition with at least 20,000 signatures of citizens who are permanent residents. Twelve of the sixteen churches registered receive financial aid from the state for the salary of priests and ministers.

The Slovakian authorities nevertheless admit that the sectarian phenomenon has been on the increase in the past ten years, and represents a diffuse threat for individuals as well as for state security. Besides the Catholic church, which is at the origin of public awareness of sectarian aberrations, various structures, governmental and private, are interested in this problem:

- The institute charged with relations between the state and religions, created in January, 1997, and attached to the Ministry of Culture, has listed more than two hundred groups, for the most part international movements also present in Slovakia;
- The Center for the Study of Sects, part of the Ecumenical Council of Churches, created in 1995, has as its basic mission the communication of authoritative information to the public about these movements. This associative structure has a web site and publishes a quarterly magazine with a distribution of 2500 copies;

- The Office for Violent Criminality, which has a cell for “sects” charged with watching movements, for preventive purposes.

### **MIVILUDES Mission to the Council of Europe (June 24, 2003)**

On June 24, 2003, the chairman of MIVILUDES visited the Council of Europe, in Strasbourg, where he met the Commissioner for Human Rights, Mr. Alvaro Gil-Roblès, and the upper echelons of the Council and the parliamentary assembly, to whom he presented MIVILUDES.

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Some of our interlocutors mentioned the interest that sectarian movements, especially the most powerful, have shown for the Council of Europe, and mentioned interventions, even pressure, exercised on certain deputies and bureaucrats. This can be explained by the role of the institution in protecting human rights and juridical norms, as well as its overtures to the countries of Central and Eastern Europe.

### **MIVILUDES Mission to the OSCE in Vienna (July 17-18, 2003)**

To conclude, in Vienna in July, 2003, at a conference of the OSCE on the human dimension the Mission participated in a meeting dedicated to freedom of religion and belief.

The presence of the chairman of MIVILUDES as part of the French delegation helped clarify certain doubts. Unlike preceding years, our country was not the target of criticisms of its policies concerning new religious movements. However, some non-governmental organizations still express concern about possible applications of the law of June 12, 2001.

## **II – The European seminar on sectarian aberrations, in Brussels, on April 5, and 6, 2003**

Ten countries were represented (Belgium, France, Finland, Hungary, Cyprus, Romania, Slovakia, the United Kingdom, Switzerland, and the Czech Republic), along with some qualified observers. The scope of the meeting highlighted the variety of approaches to the sectarian phenomenon and new religious movements in Europe.

The active vigilance of nations such as France and Belgium is food for thought for countries such as Slovakia, Hungary, and the Czech Republic. Other countries, like Great Britain, Finland and Switzerland have more neutral approaches.

A great variety in the types of administrative response could also be observed: a center independent from the public authorities in Switzerland, Interministry structures in Belgium and France, or attachment of actions to a particular ministry: the Interior Ministry in the UK, or sometime two ministries, as in Cyprus (Justice, Interior).

The seminar ended with the adoption of resolutions. Most delegations expressed their interest in maintaining the principal of an annual meeting by interested countries. In 2004, Romania offered to host the seminar, with the general theme “the sectarian phenomenon and public order”, along with a study of a particular movement. The delegations agreed to develop their bilateral contacts informally.

### **III – A synthesis of the approaches to sectarian aberrations in eight European states**

A comparison of the policies of eight European countries (Great Britain, Austria, Switzerland, Germany, Italy, Greece, Spain, the Netherlands) leads to the following main conclusions:

#### **In some countries, the approach to the sectarian phenomenon is more hands-off**

This is the case in Italy and Spain, where the Catholic church is dominant, and in Greece, where the Orthodox church, defined as a dominant, and not official, religion, represents 97% of the population.

In Great Britain, neither public opinion nor successive governments, nor a fortiori the media, seem interested in the sectarian phenomenon. Religion enjoys total freedom, and anyone can create a “cult” or “new religious movement”. There exist about 1,700 such in the country.

Switzerland is characterized by a two-fold policy, of liberal inspiration:

- the absence of any policy at the federal level to deal with sectarian aberrations, so long as there is no evidence of attempted infiltration of state services.
- very varied canton-level policies. Some cantons, such as Basle and Zurich, apparently wish to limit activities of proselytism. Others, such as Vaud, Tessin, propose projects of information and education. An international center of information on beliefs (CIC) has been created in Geneva, and a university observatory of religions was set up in Lausanne in 2000.

#### **In other countries, state intervention is greater**

Some European countries, traditionally more interventionist, are concerned to protect people from sectarian aberrations and block attempts to infiltrate government services.

Austria has created specific structures. At the federal level, a mission for sectarian questions (Bündestelle für Sekten Anfragen) was created in 1998 by law. This is a public establishment, under the supervision of the Ministry of Social Affairs, whose role is to inform public opinion. The Austrian government modified existing legislation in 1998, to make it more flexible. The law on “religious communities” allows new religious movements to acquire the benefits of legal status after a probationary procedure. After a ten-year period of “observation”, during which the department of religion ascertains that the movement concerned has used its resources “exclusively for religious ends” and have not been guilty of illegal activities, “religious communities” have the right to request status as a full “religion”, which offers various fiscal and educational advantages (financial support by the state of the religious education given as part of obligatory schooling. The major “new religious movements” today enjoy the status of a “religious community”.

In Germany, surveillance of sectarian movements is structured at different levels:

- The Bundestag created a parliamentary commission in 1998 to report on “*sects and psychological groups*”.
- A bill aimed at protecting “the consumer of religion” is under study.
- Various workgroups made up of federal officials and representatives of the Länder meet twice a year to exchange information and experience.
- The new länder (Mecklenburg, Pomerania, Berlin) have a policy of prevention, information, and counseling for ex-followers.
- In 1997, the annual conference of ministries of the interior declared the *Church of Scientology* dangerous for basic freedoms and human rights. The surveillance carried out on this movement was declared abusive by a decision of the administrative tribunal of Berlin in August, 2003.

### A look at French policy

In spite of policies and approaches differing from our own, numerous governments wish to exchange their experience in this area with France (Greece, Spain, Germany, Austria, Great Britain). In Greece, notably at the beginning of 2002, seventy-two deputies of the two major parties asked for the creation of a commission to combat sectarian aberrations, based on the French model. The Spanish authorities have been following with interest French initiatives in the matter. In 1999, for instance, a mixed commission, from the Justice and Interior ministries, suggested creation of an observatory of sectarian movements. Austria, Germany, and Great Britain are interested in exchange of useful practices and experience with France.

## 7 – COORDINATING SERVICES

In a domain as complex and diversified as that just described, activities of the public authorities can only be effective when carried out in a framework of Interministry partnership.

The structures making up MIVILUDES, whether the permanent team, the Executive Committee, or the Orientation Council, were designed and composed to meet this requirement, under the authority of a single chairman who is the guarantor of plurality in thinking and coherence in action.

Relying on all government departments, and in particular the prefectural cells of vigilance, the Interministry Mission benefits from a large administrative apparatus.

### I – The Interministerial Mission

#### A permanent interdisciplinary team

The chairman of MIVILUDES, an administration inspector general, the general secretary, a magistrate of the judiciary, and the permanent members of the Mission, together form a multidisciplinary team. The complementary nature of their expertise facilitates the job of coordination and networking, allowing study of sectarian aberrations in all their diversity.

#### An interministerial organization: the CEPO

The Pilot Executive Committee (CEPO<sup>12</sup>) is composed of representatives of those departments most concerned with the sectarian phenomenon: Interior, Social Affairs Labor and Solidarity, Justice, Foreign Affairs, Defense, Youth, National Education and Research, Economy, Finances and Industry, Health Family and the Handicapped.<sup>13</sup>

The Executive Committee is to meet at least six times a year, as convoked by the Mission chairman. In 2003, it met five times in full session<sup>14</sup> and twice in restricted session. At the first meeting, on March 5, 2004, the chairman outlined the priorities for

<sup>12</sup> Article 5 of the decree published on 28 November 2002, APPENDIX 1

<sup>13</sup> See the decree published on March 3, 2003 concerning the composition of the CEPO, APPENDIX 2

<sup>14</sup> 5 March, 23 April, 25 June, 24 September and 12 November 2003

the first year: combat against aberrations, protection of minors, improved aid to victims, and defense of the original aspects of the French position.

During these meetings, the CEPO attempted to make the notion of sectarian aberration more precise, by reaching agreement about the main criteria of danger.

In the presence of the legal experts of each ministry, it considered the question of requests to departments for administrative documents.

The matters of legal protection of minors and assistance to victims were the object of work sessions between Justice, Education, and the police and gendarmerie. In the same spirit, the department of Education had an opportunity to explain how the formal recognition of associations is organized for the school sector.

Artistic and athletic activities, professional training in the sectors of perinatal care, psychiatry, and palliative care in hospitals, are particularly targets of sectarian practices. The problems and their responses are generally common to these different departments, so the exchange of information is quite useful.

Bilateral contacts between MIVILUDES and the different ministries are situated at different levels: the minister, the cabinet, functionaries.

Thus, the chairman was invited to meet the Minister of Health, Mr. Jean-François MATTEI, and the Secretary of State for Handicapped Persons, Madame Marie-Thérèse BOISSEAU. This was also the case with the cabinet directors or technical advisors of the ministries represented in the CEPO.

Regularly, the counselors and mission heads of MIVILUDES convoke or meet with correspondents in the different administrations.

MIVILUDES in turn contributes to the activities of those organizations who request it. Thus, the chairman was heard by the Commission for Reflection on Secularity entrusted to Mr. Bernard STASI.

### **A body for reflection: the Orientation Council**

Alongside the permanent mission and the Executive Committee, the Orientation Council is the third component of the MIVILUDES structure: *“It contributes, by its work, to government thinking about sectarian aberrations, to new orientations and perspectives for mission actions, and favors the evaluation of such actions.”*

The Orientation Council is composed of about thirty qualified people, named by the Prime Minister. They come from parliament, the upper echelons of public administration, associations, universities, the medical field and the economic and social

sectors. Its members have all, because of their responsibilities or their experience, shown an interest in the problem of sectarian aberrations<sup>15</sup>.

In 2003, the Orientation Council met in full session once each quarter. It discussed the notion of sectarian aberration and the question of the analysis of movements on the basis of the notion of the harm they do. In addition, some of its members participated in smaller work groups, led by members of MIVILUDES, on the year's themes: the protection of minors, the seminar "Sects and Secularity", international action, and the orientation of MIVILUDES, among others.

Finally, the Executive Committee and the Orientation Council, as the decree provided, were consulted for preparation of the present report. On two occasions they had the opportunity to analyze and criticize the elements prepared by the general secretariat. Their observations, presented in meetings or in written form, were extensively taken into account in the definitive report.

With this tripartite organization, the permanent team, the Executive Committee, and the Orientation Council, MIVILUDES is a structure well equipped to carry out the tasks of vigilance and combat against sectarian aberrations. The Prime Minister's cabinet, and regular meetings with the cabinets of the ministers concerned guide its main orientations.

Thus, when the Orientation Council was installed, the director of the Prime Minister's cabinet stressed "finding the right balance between the indispensable respect owed to others' beliefs and convictions, and the necessary vigilance with respect to aberrations which can prove dangerous for the individual and for society".

In addition, this administrative coordination is extended to the level of each regional department, where the prefects are invited to periodically convoke the major relevant governmental services in "cells of vigilance".

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<sup>15</sup> See the decree dated March 3, 2003 concerning the composition of the Orientation Council in APPENDIX 3.

## II – Departmental cells of vigilance

In 1997, by a circular of the Minister of the Interior, the prefects were asked to “favor the exchange of information between the decentralized services of public administrations, in order to combat sectarian aberrations that are contrary to law”. In 1999, a second circular created “cells of combat against the reprehensible actions of sectarian movements”. These later became “ cells of vigilance”.

### A MIVILUDES inquiry addressed to prefectures

After about five years of operation, it seemed useful to prepare an evaluation of the action of these cells of vigilance. MIVILUDES thus launched, in 2003, an inquiry addressed to all prefectures.

The results of this inquiry provided up-to-date data on the organization of the mechanism and the workings of these cells. In addition, reports of the meetings held in 2003 provide useful data on the functioning and activity of the services.

### Organization of the structure

| Year | Number of cells of vigilance created | Departement identification number  |
|------|--------------------------------------|--|
| 1996 | 1                                    | 67   |
| 1997 | 1                                    | 25   |
| 1998 | 5                                    | 02, 14, 22, 30, 77   |
| 1999 | 4                                    | 11, 44, 64, 87   |
| 2000 | 23                                   | 01, 03, 06, 15, 16, 31, 38, 45, 46, 52, 61, 62, 63, 66, 75, 79, 81, 82, 83, 84, 85, 88, 92 |
| 2001 | 10                                   | 24, 27, 32, 35, 50, 57, 68, 78, 89, ?  |
| 2002 | 2                                    | 17, 54   |
| 2003 | 10                                   | 05, 09, 26, 28, 33, 43, 53, 67, 94, 95   |

In all, since their creation, fifty-six departments have installed cells of vigilance. The majority were created after 2000. In 2003, ten departments held a first time meeting of their cell of vigilance.

Forty-one metropolitan departments have never had a cell meeting. The reasons given vary. They relate to the “apparent” low level of activity of sectarian movements locally, or to the fact that problems can be handled independently, by an ad hoc work group.

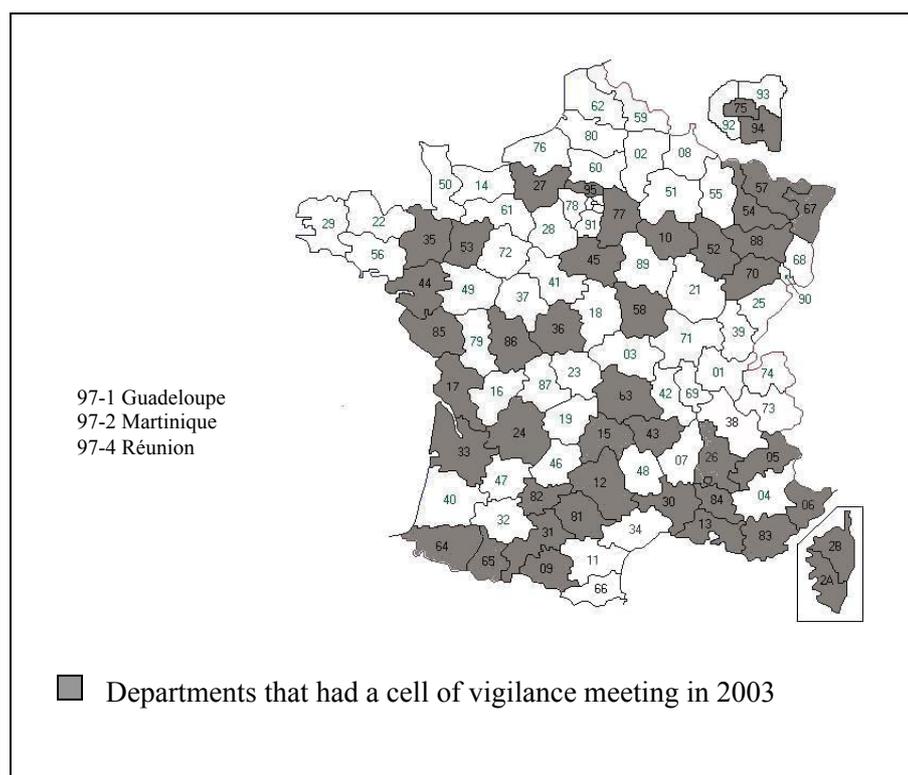
## Expectations expressed by the departments

The survey gave the departments the opportunity to express their expectations and needs. These include:

- Diffusion of information on the evolution of movements
- A guide to the legal arsenal available and to jurisprudence
- Help in setting up training programs for administrative personnel
- A mechanism for the exchange of practices and information
- Communication of legal decisions
- A typology of reprehensible behaviors
- Documents for the general public about risks

## The functioning of the cells of vigilance in 2003

In 2003, 45 departments, including three outside of metropolitan France (see map) had at least one meeting of their cells of vigilance, and three departments had two meetings. On 25 occasions members of MIVILUDES were called upon to participate in their work.



A few remarks may be useful on this geographical distribution. Sectarian movements, albeit some of them not very widespread, are more prevalent in the south of France. However, as can be seen, certain southern departments like Hérault, Pyrénées-Orientales, Aude, Ardèche, and Lozère do not have active cells of vigilance.

As for the north and east, with sensitive border regions, where reports of activity are numerous, only the departments of Moselle, Meurthe-et-Moselle, Bas-Rhin, Vosges, Haute-Marne and Aube have periodic cell meetings.

As for the rural departments of the center of France, where some potentially dangerous sectarian microgroups have developed, there are no cells of vigilance except in the departments of Puy-de-Dôme, Haute-Loire, Indre, and Dordogne. The same is more or less true for Brittany and Normandy.

Finally, there were cell meetings in 2003 in three overseas departments, Réunion, Martinique, and Guadeloupe. On this occasion a MIVILUDES representative was invited to the Caribbean departments. This mission resulted in an evaluation of the local situation and a more general analysis.

Numerous groups, both international and endogenous, are implanted in Martinique and Guadeloupe. The expansion of the Pentecostal movement is noteworthy. However, these movements, although more numerous than in Metropolitan France, have less of a hold on their followers. The way members do not hesitate to switch from one movement to another relativizes the risk of subjection. However in Martinique the condemnation of members of the *Movement of Twelve* to prison sentences for “extreme violence” and legal actions involving the heads of a pseudo-evangelical movement illustrate the risk of deviant behavior.

A study of the minutes of cell meetings allows us to evaluate the cells’ activities and extract some guidelines for future action.

The Intelligence Services (Renseignements Generaux) and Gendarmerie contribute their knowledge of movements and possible aberrations.

The legal institution participates in meetings, where it is most often represented by a public prosecutor. The presence of Children’s court judges and deputy prosecutors for offenses involving minors would also be desirable.

As for the national educational authorities, it is usually the academy inspector or his representative who attends. The emphasis is on the requirement of obligatory schooling and application of the law of December 18, 1998.

There is also a need to develop and encourage educational programs in the departments and academies for school heads, and for future teachers in university teacher training institutes, as well as for high school students.

In the area of youth and athletics programs, vigilance essentially involves checking accreditation for associations, verifying vacation center activities, and alerting personnel charged with the supervision of athletic, leisure and educational activities.

The professional training sector is a source of concern. Representatives of regional departments of employment and professional education who attended meetings of the cells of vigilance mentioned cases of infiltration by sectarian movements. These departments are endeavoring to evaluate the quality of services and the relevance of their actions.

The fiscal services attend meetings regularly. They are able, when the need arises, to carry out inspections of associations, but, of course, they deal with financial and fiscal aspects in the light of legal requirements. Their vigilance must be solicited for the particular nature of certain movements.

The departmental bureaus of sanitary and social affairs are well represented in these cells. The DDASS are aware of the existence of sectarian phenomena in the area of health, especially in hospitals. Actions to curb non-conventional health care and to sanction practices violating medical ethics must be developed.

The presence of associations at cell meetings is very useful, whether these are departmental associations for the defense of the family and the individual (ADFI), family-oriented associations like the departmental union of family associations (UDAF) or the center for documentation, education and action against mental manipulations (CCMM) These associations contribute very concrete knowledge of conditions in the field. Their action is crucial for assisting victims. The participation of these associations in the work of the cells thus deserves to be appreciated and strengthened, except when particular circumstances relating to the confidentiality of a discussion favor a restricted session.

The cells of vigilance all mentioned the need to give assistance to victims and take preventive actions. In this area, the support of associations is particularly welcome, but some prefects envisage setting up a lightweight, multidisciplinary structure comprising social workers, psychologists, and jurists who can, where needed, give complementary help and accompaniment.

Finally, local elected officials are sparsely represented in cell meetings, even though exchanges are particularly fruitful when representatives of the general council or the departmental association of mayors participate. This allows discussion of the role of social workers, the commitment of the services charged with social assistance to children or maternal and child protection. In this respect, the exemplary involvement of a department such as the Loiret should be noted. It is important that identical initiatives be taken in other departments.

In conclusion, the importance and necessity of the exchanges of information that take place at these meetings cannot be stressed enough. It would be useful, in fact, to set up plenary sessions and thematic working groups at a higher level as a complement to them. Generally speaking, the activities of the cells of vigilance deserve to be made more dynamic.

## **PART TWO**

## **ORIENTATIONS**

## ACTIVITIES AND PROJECTS

The combat against sectarian aberrations requires informed mobilization by the greatest possible number of actors and resources. National and regional elected officials, public agents, and members of associations are all called upon to use, each in their own area of competence, the law, regulations, and organized action, to prevent or oppose practices that harm individuals and society.

The present report cannot pretend to cover the whole field. But it can attempt to classify under a few headings the major orientations that emerge from the observations and work of the Mission.

First of all, there are **parliamentary efforts**. In 2001 France adopted legislation that was the occasion of broad debate. Two years later, passions having cooled, we can give a more measured reading of this law. In any event, this is the objective of the first chapter.

More recently, the deputies were called to examine two other texts with certain dispositions that are not unrelated to sectarian aberrations; one aims at outlawing cloning, the other at regulating the profession of psychotherapist.

Numerous written questions were submitted throughout the sessions by deputies transmitting the interrogations of our citizens. The responses of the Prime Minister or ministers concerned give a good update of the policies being applied or envisaged by the ministry departments involved.

**Ministerial activity** is precisely the second subject to be treated. The ministers represented on the Executive Committee of MIVILUDES were invited to briefly present their action. For each of them, it is clear that vigilance and combat against sectarian aberrations are not the primary concern. It is all the more satisfying to observe that administrative control procedures are being applied - according to the rule of common law – but with great attention. This should contribute to calming fears of laxity as well as of arbitrariness.

Of course, the attitude of “executive” ministers cannot be judged by the same criteria as that of “social” ministers. As for the minister of Foreign Affairs, his position is special, since he must take into account the judgments of foreign countries, which are not all favorable to the French approach.

Lastly, **hindrances to the public services** must be reported. Whether these are judicial committees constituting a sort of private justice administration, or hospital liaison committees that interfere in the treatment of patients, there is hindrance to the functioning of public services. This hindrance can even take the form of organized harassment, as when a group demands systematic communication of all administrative documents that might conceivably concern it.

These aberrations, which concern the organization of power, are not the least threatening of all those reported in the present document.

**The world of associations** is the third important actor. Historically, it was in fact the first to appear on the scene, since it was private initiatives that led to today's institutionalized structures.

Associations working in the field that are committed to defending the family and the individual or in fighting mental manipulation, and those which generally aid victims, form an essential network in France. It is these organizations which directly receive most of the complaints, and which provide to the victims' families and intimates and to former followers the most time-tested advice and support. Since 2001, some are allowed to participate as associates in trials involving movements suspected of sectarian aberrations.

Among the various vulnerable populations, minors demand special attention. Separated by their parents from other children, they are in danger of having to face life with a real handicap. And what about their freedom of choice? The law provides for the **protection of minors** in danger with various measures of educational assistance. This action, which may involve the social services working under judicial control, should inspire the handling of observed mistreatment.

As for schooling, the attention of academic authorities is more easily drawn to non-contractual establishments than to teaching by correspondence. A case study dealing with a community-type school, will show the nature of verification procedures and their limits.

**Aid to victims** is one of the main working orientations of MIVILUDES. A study group on this topic met repeatedly in 2003, and will continue to do so in 2004, with the aim of finding ways to improve psychological, legal, and social aid to former sect members and their families.

The observations of the different parties solicited, magistrates, doctors, social workers, association members, bring out strongly the difficulties faced by any sect member trying to break with the group and rebuild a normal life. Legal or administrative dispositions can be imagined that would help the individual. However, they would not eliminate the need for specific attention, especially from an experienced listener.

The last chapter presents **ten proposals** aimed at improving the French structure.

# 1 - APPLICATION OF THE LAW OF JUNE 12, 2001

## The ABOUT-PICARD law, a balanced legal structure

In 2001 France adopted legislation which inspired much commentary. The law of June 12, 2001, known as the ABOUT-PICARD law, was born of the legislator's desire to strengthen preventive and repressive measures against practices harmful to human rights and basic freedoms.

Two years after its adoption, in response to a request of the Orientation Council, we can make a preliminary assessment of its application so far.

### I – An orientation in conformity with the principal of separation of church and state, respectful of basic freedoms and rights

Assigning a specific legal status to a new social phenomenon can only be justified by the need for a particular kind of protection, or repression. With respect to sectarian aberrations, no one has attempted to assign a specific status.

In 1995, the commission of inquiry of the National Assembly had emphasized the inappropriateness of developing a specific juridical regime for sects: "Such an undertaking would face first of all a problem of definition.... Secondly, such a regime appears to be incompatible with certain of our republican principles. Thus, it would amount to the failure to give identical treatment to all spiritual movements, which would counter, not only the principle of equality, but also that of the neutrality of the State with respect to religion.... Furthermore, since it would have as its main aim the prevention of sectarian "aberrations", it would probably require much closer surveillance and control of the activities of sects, difficult to carry out without impinging on freedom of religion, assembly, and association...".

In addition, the idea of creating a specific juridical regime for sects was, in the main, rejected by the public authorities and by specialists.

Thus, the National Consultative Commission for Human Rights (CNCDH) declared, in its opinion of December 10, 1993, that it “estimated that the freedom of conscience guaranteed by the Declaration of rights of man and citizen (1789), by the Universal Declaration of Human Rights, by the European Convention on Human Rights (article 9) makes it inappropriate to adopt legislation specific to the so-called phenomenon of ‘sects’, which would risk harming this basic freedom”.

In the opinion it rendered on September 21, 2000, the CNCDH states it is reassured to observe that “mere membership in a group pursuing activities whose goal or effect is the creation or exploitation of psychological and physical dependence of individuals participating in these activities is not punished by [the clauses in this law], thus respecting basic freedom of thought, conscience, and religion”.

It is clear that the law of June 12, 2001 is a balanced text, respectful of basic freedoms, in that it aims to prevent and repress reprehensible behavior by any physical or moral person, and hence avoids the danger of specific targeting.

Thus, in spite of its heading, the June 12 law is formulated so as to apply far more broadly than to sectarian movements. While chapter IV is indeed dedicated to “dispositions limiting the publicity of sectarian movements” the other chapters target “certain moral entities” or concern existing infractions that are spelled out for specific cases. In reality, only three articles out of twenty-four could be considered as specific to sects. All the others were integrated into codes, mostly the Penal Code (articles 4 to 15, 17, 18, 20, 21) but also the Consumer, Public Health, and Penal Procedures codes, with no specific targeting of “sects”, since the changes introduced apply quite generally and are not limited to action against sectarian aberrations.

It is appropriate here to recall that, in connection with the ABOUT-PICARD law, the *Christian Federation of Jehovah’s Witnesses* lodged a request before the European Court of Human Rights (ECHR) which the court declared inadmissible on November 6, 2001.

The Court stated that this law “is intended, as its heading indicates, to strengthen prevention and repression of sectarian movements that are harmful to human rights and basic freedoms...” The Court indeed notes that, insofar as the law targets sects, of which it gives no definition, it provides for their dissolution, but this measure can only be pronounced by judiciary decision, under certain conditions, in particular when sects or their leaders have been the object of definitive penal condemnations for specifically enumerated infractions, which the plaintiff normally should have no cause to fear. A complaint based on the supposed intentions of the legislator, whose concern was to deal with a pressing social problem, is not a demonstration of the probability of a risk for the plaintiff. Furthermore, the plaintiff cannot, without contradiction, both affirm that it is not a movement harmful to freedoms, and claim that it might, at least potentially, be a victim of an application of this law.

It follows that the plaintiff cannot claim to be a victim in the sense of article 34 of the Convention and the entire complaint must be declared to be inadmissible, in application of article 35, §1,3, and 4 of the Convention”.

The Commission for legal questions and human rights of the parliamentary assembly of the Council of Europe designated an expert to assist it in the preparation of a report on freedom of religion and religious minorities in France. He was charged with examining the compatibility of the ABOUT-PICARD law with the values of the Council of Europe.

The report of this expert, former director of the Swiss Federal Bureau of Justice, was made public on December 18, 2001. It concludes that the law of June 12, 2001 is not incompatible with the cited values: the objective of the law is “legitimate and covered by the dispositions of articles 9 to 11, paragraph 2, of the European Convention on Human Rights”, and, moreover, given the risks to victims of sects “the need to act is imperious” and the sanctions proposed are “in proportion to the targeted acts”.

“The assembly can only conclude from its examination of the French law that, as a final recourse, if necessary, it will be the responsibility of the European Court of Human Rights, and it alone, to decide whether or not the French law is compatible with the European Convention on Human Rights (ECHR).”

The same conclusion was reached in the expert report prepared by Joseph VOYAME, Honorary Professor of the University of Lausanne, former director of the Swiss Federal Bureau of Justice.

## II – Assessment of application of the June 12, 2001 law

More than two years after the June 12, 2001 law was adopted, the Orientation Council of MIVILUDES asked for an assessment of its application.

The modifications resulting from the June 12, 2001 law are the following :

**1 - Two offenses clearly aimed at sectarian aberrations were instituted:** one is a specifically created offense that aims at **limiting the promotion of sectarian movements to the young (Law 2001, art. 19)**; the other is an adaptation of a common law offense, which **extends the scope of fraudulent abuse of a state of ignorance or weakness (Penal Code 223-15-2 to 223-15-4)**. So far, no prosecution has been launched aimed at limiting the promotion of sectarian movements to the young. As for fraudulent abuse of a state of ignorance or weakness, so far five official inquiries and three preliminary inquiries have been noted.

. Five official inquiries:

One, concerning the abuse of weakness and fraud, resulted in a ruling for withdrawal of case. Four are still pending: one for abuse of weakness, forgery and clandestine work, the other three just for the abuse of weakness.

. Three preliminary inquiries:

One for abuse of weakness and clandestine work, the other two for abuse of weakness. All three were closed, because the elements constituting the offense were insufficiently established.

**2 - The scope of offenses leading to the penal responsibility of a legal person** has been broadened for better adaptation to the new realities of sectarianism (illegal exercise of medicine, dentistry or the profession of midwife; fraud, falsification and related infractions; murder, sexual aggression including rape and other sexual infractions with the exception of exhibitionism; deprivation of health care or nourishment by a parent, failure of a father or mother to fulfill a legal obligation, failure to enroll a child in a school; torture and barbaric acts; intentional violence; threat to commit a crime or offense against a person; blocking of measures of assistance and failure to help someone in danger; incitement to suicide; violation of respect owed to the dead; abandonment of family, etc.): the judiciary now disposes of a new body of law applicable to sectarian movements themselves as legal entities, distinct from the individuals who compose them.

On October 13, 2003, The Court of Appeals of Paris condemned the *Spiritual Association of the Church of Scientology* of Ile-de-France (ASESI) to a suspended fine of 5,000 euros, for violation of the law on computers and freedom; it acquitted it on the charge of blocking the investigatory functions of the agents of the National Commission for Computers and Freedom (CNIL). The court inflicted the same sentence on the head of the association, for the crimes of violation of the law on computers and freedom and blocking the work of CNIL agents. This decision has been appealed.

In short, to this day it appears that one legal entity has received a non-definitive penal sentence and one investigation is pending.

**3 – Measures of dissolution have been strengthened:** A procedure has been established for the dissolution of legal entities with dispositions to ensure the carrying out of judicial decisions against them when they have been sentenced to dissolution on the basis of Article 1 of the June 12, 2001 law (judicial dissolution by civil procedure) or Article 131-39 of the penal code (optional additional penalty).

To date, no judicial dissolution has been pronounced and no proceedings based on the new offense of participation in the maintenance or reconstitution of a sectarian movement have been started.

**4 - Article 2-17 of the Code of Penal Procedure has been modified to allow civil action by associations of defense that are recognized to be of public utility.**

To date, with respect to sectarian aberrations, it is relevant to note that three cases of civil party plaintiff have been based on article 2-17 of the Code of Penal Procedure: one was judged admissible, the other two were declared inadmissible. All these decisions have been appealed against.

The limited number of decisions so far issued does not allow emergence of any jurisprudence. But this assessment should not be interpreted as weakness: the dissuasive aspect of the repressive mechanism adopted should not be underestimated.

Neighboring countries like Belgium are seeking to develop similar legal instruments: a bill aimed at repressing fraudulent abuse of weakness of an individual in order to provoke them to an act or abstention harmful to them was accepted by the Belgian House of Representatives, on November 6, 2003.

## 2 – PARLIAMENTARY ACTIVITIES

The work of Parliament has substantially contributed to increasing public awareness of the problem of sects and mobilizing the authorities in this area. Thus the reports “*Sects in France*” (1995) and “*Sects and Money*” (1999) and the debate on the ABOUT-PICARD law had the merit of again drawing the attention of the media to the subject and reinforcing vigilance for potential abuses. Similarly, the European Parliament and the parliamentary assembly of the Council of Europe have not remained indifferent to the sect problem.

### I - Parliamentary efforts at the national level

#### The study group on sects at the National Assembly

On March 4, 2003, the chairman of MIVILUDES responded to an invitation by deputy Philippe VUILQUE, chair of the group for the study of sects at the National Assembly. This group of nearly sixty deputies of all political tendencies is one of the Assembly’s largest, indicating that the sectarian phenomenon is still a major object of concern for the nation’s representatives.

The chairman presented the new Mission, its organization, role, and priorities (protection of minors and help for victims) and its approach, both “*firm*” and “*equidistant from the witch hunt and complacency*”.

He saluted “*the importance in the anti-sect structure of parliamentary initiatives and discussion*”: including the reports from parliamentary inquiries: *Sects in France* (GEST-GUYARD Report, 1995), *Sects and Money* (GUYARD-BRARD Report, 1999) and the work of the legislature (the ABOUT-PICARD law, adopted on June 12, 2001, and the bill on bioethics).

He offered to make the mission’s expertise resources available to deputies.

On the international level, the chairman stated that the French exception in its approach to the sectarian problem deserved “*defense and illustration, in particular in relation to the conceptions of English-speaking countries, which consider that any intervention is prejudicial to freedom*”, and that, on the contrary, “*the intervention of the state [is] desirable to protect an individual’s freedom from domination or subjection that exploits weakness*”.

He answered the questions of deputies who were concerned that the new Mission should not lower its guard with respect to the sectarian problem.

The deputies repeatedly expressed their concern about the activities of *Jehovah's Witnesses* which are regularly reported to them by their constituents. The chairman confirmed that vigilance would be maintained.

## Follow-up to parliamentary activity

### *Reproductive cloning in the bill on bioethics*

This bill illustrates the will of the government and parliament to make a strong response to the sectarian aberrations of the *Raelian* movement, and the Clonaid company, who are promoting and organizing reproductive cloning.

Thus Jean-François MATTEI, the health minister, stated in the discussion before the first reading in the Senate: *"In the National Assembly, I wanted to define a new crime against humanity. Since then, the sect's announcements have led us to a strong response by creating a crime against the human species"*.

Reproductive cloning should henceforth be defined as a "crime against the human species", punished with a thirty year prison sentence and a 7,500,000 euro fine.

An amendment by senator ABOUT, originator of the June 12, 2001 law, and member of the MIVILUDES Orientation Council, completes and strengthens the structure proposed by the government by making it a crime to encourage reproductive cloning or advertise in favor of eugenics or reproductive cloning.

Physical persons, as well as moral entities are to be penally answerable for the cited infractions. These new penal offenses would be applicable to any French citizen wherever the infraction is committed.

A second amendment by senator ABOUT would modify the provisions of the law to include this new crime against the human species among those infractions which authorize a judge to pronounce the dissolution of a moral entity.

Finally, the deputies further developed this legal structure in a second reading at the National Assembly by adopting an amendment that opens to those associations whose social purpose allows this, the possibility of exercising the rights recognized for civil parties in cases of crimes against the human species.

### *Regulations of the profession of psychotherapist in the framework of the public health bill*

The field of psychotherapy is fertile ground for sectarian abuses. A law proposed by the deputy Bernard ACCOYER has taken the form of an amendment to the bill on public health policy concerning the regulation of psychotherapy.

The article, adopted on October 8 on first reading of the text at the National Assembly stipulates that the definition of different categories of psychotherapies – fixed by decree of the minister of health – *"can only be made by psychiatrists, doctors, or psychologists having the required professional qualifications as specified by this same decree. The national agency for accreditation and evaluation of health care shall cooperate in the elaboration of these conditions"*.

Whatever the fate of this text on the second reading, the Mission cannot but support the legislator's proposal.

## Parliamentary questions

Thirty-three written questions about sects or producing sect-related responses were asked or answered between January 1 and October 23, 2003. Deputies asked twenty-nine questions, and senators four. There were:

- 18 questions about health matters
- 9 questions about MIVILUDES, in particular about its resources and action,
- 2 concerning aberrations in the area of educational training
- 1 question about the ABOUT-PICARD law and its compatibility with the European Convention on Human Rights
- 3 questions on the tax status of donations to, respectively, *Jehovah's Witnesses*, education, and justice

We shall not present everything in the answers to these questions here, but a few extracts are worth citing or summarizing, since they shed light on the positions adopted by the authorities:

### • About MIVILUDES

The first questions concerned the maintenance of an interministerial mission, its role, and its resources: - *“our intention to revitalize interministerial coordination should make the mission's work more effective”* (Answer given by the Prime Minister to question n° 8130 from François CORNUT-GENTILLE, UMP deputy from Haute-Marne).

- *“the personnel of the permanent structure are to be maintained...”* (Answer by the Prime Minister to question n° 8068 from Jean-Jack QUEYRANNE, PS deputy from the Rhone department).

- *the work of Mils, keystone of the French structure, has sometimes been misunderstood. In this respect the French delegation to the OSCE conference on the human dimension (Warsaw, September, 2002) attempted to clarify misunderstandings about the French system.... It was in order to remove these misunderstandings that the government decided to replace Mils by a new structure, MIVILUDES.... This entity is to concentrate its action not on new religious movements as a whole, but only on 'sectarian aberrations'.... There is no question of abandoning our vigilance with respect to sectarian aberrations, the goal is to show that state action is concerned with the defense of public freedom, in a manner that is clear and visible to public opinion, both in France and abroad.”* (Answer by the Minister of Foreign Affairs to question n° 8069 from Jean-Jack QUEYRANNE, PS deputy from the Rhone department).

- *“the action of the authorities is not directed at the existence itself of sects, but at the reprehensible activities of some of them”* (Answer by the Interior Minister to question n° 16978 from Jean-Claude GUIBAL, UMP deputy from Alpes-Maritimes).

- *The name of the interministerial mission stresses the notion of sectarian aberrations, to indicate that, independently of what the doctrines of a sect are, it is the sect's behavior that is the target of vigilance and action by the authorities. In the absence of a legal definition of a sect, any behavior that is prejudicial to human rights or basic*

*liberties, or that constitutes a breach of public order, or is in conflict with laws and regulations, can, under the authority of a judge, be the object of alerts and prosecution. All state services, whether central or regional, must contribute to this vigilance.”* (Answer by the Prime Minister to question n° 21711 from Jean-Pierre NICOLAS, UMP deputy from Eure).

- The answers to questions on sectarian aberrations in the area of educational training led the Minister of Social Affairs, Labor and Solidarity to report that *“the sub-section of national supervision of professional training works in close collaboration with MIVILUDES and is part of the Executive Committee of operational management set up by this interministerial structure directly attached to the Prime Minister”* (Answer to question n° 12557 from Pierre LANG, UMP deputy from Moselle).

- The interior minister answered that the principle of secularity justifies the existence of an interministerial mission: *“The emergence of new religious movements, including Islam, has resulted in the placing of equal importance on the two terms of the principle of secularity [articles 1 and 2 of the law of 1905 previously cited in the full answer] as well as in the attentive following of sectarian aberrations, by the creation, in succession, of the Interministerial Observatory of Sects, the Interministerial Mission of Combat against Sects, and then the Interministerial Mission of Vigilance and Combat against Sectarian Aberrations”* answer to question n° 21934 from Francis SAINT-LEGER, UMP deputy from Lozère).

- The assessment of the action of MIVILUDES with respect to protecting minors, improving aid to victims, and training of public and private agents was the subject of a question from Bruno BOURG-BROC, UMP deputy from Marne (question n° 23990) to which the Prime Minister replied: *“Actions of assistance [to victims] will be optimized by the diffusion of proper methods for handling such cases, the development of appropriate training for more efficient identification of victims by the professionals concerned, and the organization of the practitioners into networks. As vulnerable targets, victims who are minors deserve specific protection from all abusive domination. On this particular matter, a working group has brought together representatives of the Ministries of Justice, Defense, Youth, National Education and Research, and Health and Sports.... Finally, a particular effort has also been made in the matter of the initial and ongoing training of public agents. Actions to improve awareness, inform, and train are aimed at the supervisory personnel of various ministries....”*.

- **Cells of vigilance**

- A question from Eric RAOULT, UMP deputy from Seine-Saint-Denis (question n° 23925) asking what initiatives are foreseen in the area of preventive actions, gave the Minister of the Interior an opportunity to recall the role of the cells of vigilance in the overall structure: *“These [cells], set up in the different departments since 1999, are under the chairmanship of the prefects, and group the different state services and those associations concerned by sectarian aberrations. On their initiative, various local actions to alert the population and educate functionaries about the dangers of these aberrations have been organized”*

- **Health**

- With respect to requests from the *Citizen’s Commission for Human Rights (CCDH)* soliciting documents from numerous psychiatric hospitals and departmental commissions for psychiatric hospitalization (for the former, these are requests for the prefectural decree authorizing them to accept mental patients hospitalized without their

consent, the internal regulations of the hospital, its budget, and administrative accounts; for the latter, these are requests for reports of activity and annual assessments), the Minister of Health gave the following reply: *“The association which denounces the increase in hospitalizations on request by a third party, in each department, and in particular in the Bas-Rhin department, is the Citizen’s Commission for Human Rights (CCDH), which is an offshoot of the Church of Scientology”* (Question n°20312 from André SCHNEIDER, UMP deputy from Bas-Rhin). *“It systematically interrogates deputies about the increase in what it calls ‘psychiatric internments’ in their department...”* (Question n° 07375 from Pierre MARTIN, senator from Somme).

- The ruling of the Administrative Tribunal of Lille, of August 25, 2002, enjoining the Hospital Center of Valenciennes from giving a transfusion to a patient against his will was the subject of a question from Serge LAGAUCHE, PS senator from Val-de-Marne (question n° 02840). The senator wondered whether *“the choice of the patient was really free and lucid, as is required by Law n° 2002-2003 relating to patient rights and the quality of the health care system – and not under the psychological influence of a sect...”*. The Minister of Health replied that *“it is not appropriate for the Minister of Health to comment on individual cases. He notes ... that Article 223-15-2 of the Penal Code condemns the use of such psychological pressure.”*

- Interrogated as to the position of the government on reproductive cloning, the ministry of health cited the terms of the bioethics bill (cf. I-2-a, on follow-ups to parliamentary activity), the ministry evokes the media agitation at the end of 2002: *“The announcement by the Raelian sect, in December, 2002, of the birth of a cloned child pointed up the universality of the moral indignation towards attempts at reproductive cloning. At the same time, it revealed the insufficiency, and even the absence, of legal instruments at the international level, which would alone be able to deal with the aberrations of some scientists”* (Reply to question n° 10281 from Edouard LEVEAU, UMP deputy from Seine-Maritime).

- On the question of non-conventional medical practices, the ministry of health expressed its preoccupation in the following terms: *“It is important to protect the ill from deviations that may exist in this area. Such practices should be regarded as constituting an illegal exercise of medicine...”* (Reply to question n° 13945 from Rudy SALLES, UMP deputy from Alpes-Maritimes).

### • Professional training

The questions asked express recurrent worries about the risks of sectarian aberrations in this domain.

The answers give updates about the measures taken: statements of activity from suppliers of services allowing better identification of the actors, alerting of the supervisory services by circulars and of the organizations who collect training funds, etc.

Certain types of instruction are targeted: *“their [the services’] attention was particularly drawn to themes relating to personal development or focusing on a sense of well-being or on therapy (in increasing numbers) often not directly linked to the acquisition of genuine professional skills or not giving access to a recognized qualification.”* (Reply to question n° 12557 from Pierre LANG, UMP deputy from Moselle and question n° 17745 from Bérengère POLETTI, UMP deputy from the Ardennes).

The answers also mention the mission’s collaboration with the services that supervise professional education (cf. the excerpt above concerning MIVILUDES)

- **The ABOUT-PICARD law**

The question asked after the voting, on November 18, 2002, by the parliamentary assembly of the Council of Europe of resolution 1309, entitled “*Freedom of religion and religious minorities in France*” and relating to law n° 2001-504 of June 12, 2001, the ABOUT-PICARD law, prompted the ministry of justice to answer that this law “*is compatible with the European Convention on Human Rights; therefore France is in accord with its international obligations. Nevertheless, if the application of this law should raise problems with respect to the European Court of Human Rights, it would first be the responsibility of the French courts to sanction the contested dispositions.*” (Reply to question n° 7289 from Edouard LEVEAU, UMP deputy from Seine-Maritime)

- **Fiscal matters**

The fiscal policy pursued with respect to donations to religious associations and churches, and the particular situation of *Jehovah's Witnesses* motivated question n° 06982 from Jean-Louis MASSON, UMP senator from Moselle. The Ministry of Economy, Finances, and Industry answered: “*Article 15 of the Finance Law of 1992, codified in paragraph two of article 757 of the General Tax Code, creates an obligation to declare or register manual donations declared to the fiscal administration, and subjects such donations to mutation duties under the same conditions as other donations. The Court of Appeals of Versailles, in a decision on February 28, 2002<sup>16</sup>, concerning an entity not representative of the association sector, stated that presentation of its accounts by a valid association constituted a declaration in the sense of article 757. Since this is a decision on a particular case, it would be risky to draw conclusions concerning the associations of general interest the questioner has in mind.*”

- **Education, Justice**

The questions, still pending, concern, in this order:

- Children not attending schools, who are home-educated by a family belonging to a movement of the sectarian type, and children whose schooling takes place in an establishment linked to such a movement (question n° 23825 from Bruno BOURG-BROC, UMP deputy from Marne)
- Examination of the possibility of assigning specialized magistrates to tribunals and courts of appeal (question n° 21690 from Bérengère POLETTI, UMP deputy from the Ardennes).

## **Bills for commissions of parliamentary inquiry before the National Assembly**

Three deputies – Jean-Pierre BRARD, Georges FENECH, and Philippe VUILQUE – each submitted bills aimed at creating commissions of inquiry on two

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<sup>16</sup> The decision has been appealed.

themes: the involvement of sectarian movements in the health and medical-social sector, and the professional training sector.

## II - Parliamentary activity at the European level

### At the European Parliament, a warning about the sectarian danger

At the request of its spokesman, a specific warning was included in the resolution on the “situation of basic rights in the European Union (2002)”, adopted on September 4, 2003. In the chapter on “Freedom of thought, conscience and religion” it is stated: *“the European Parliament once again alerts its member states to the dangerous activities of sectarian groups which threaten the physical and psychic integrity of individuals, and invites them to apply themselves, on the base of their ordinary penal and civil legislation, to combating illegal practices and abuses within these sectarian groups”*.

### Some statements at the Council of Europe

#### On the subject of hyperactive children

Replying, on March 27, 2003, to recommendation 1562 (2002) of the parliamentary assembly, entitled *“Controlling the diagnosis and treatment of hyperactive children in Europe”*, the Committee of Ministers indicated that: “certain points raised in the recommendation are not compatible with the opinion of the large majority of members of the scientific community, and are dangerously close to certain well-known theories that the Church of Scientology has been promoting for some time, and which do not resist serious scientific examination..., if these theories were applied, they would greatly endanger the health of the children concerned, by depriving them of appropriate treatment.”

#### On the theme of the treatment of drug addicts

At the initiative of Claude EVIN, a group of parliament members published, on April 2, 2003, a “counter-statement” about the treatment of young drug addicts: *“it is ... particularly worrisome that some members of Parliament have seen fit to give their support to the NARCONON method.... This method ... turns its users into easy targets, more susceptible to mental manipulation. In reality, for dependence on a drug this program substitutes a dependence on Scientology...”*

These controversies reveal the pressure exercised in these parliamentary settings by a certain number of groups which seek, at the European level, a recognition that has been refused to them at the national level.

The favored sectors for their action are human rights, religious freedom, and also health (the war on drugs, free choice for vaccination, psychiatry, etc.).

## 3 – THE ACTIVITY OF THE MINISTRIES

Interior  
Social Affairs  
Justice  
Foreign Affairs  
Youth, National Education, and Research  
Economy and Finances  
Health

## MINISTRY OF THE INTERIOR

The Ministry of the Interior, Internal Security, and Local Liberties concentrates its activity against sectarian aberrations in three main areas:

- Police surveillance whose aim is to detect and track movements being created or developed, whose social object has a spiritual or paramedical dimension, and which are seeking to influence vulnerable individuals, or engage in illegal lucrative activities. This surveillance is carried out with prevention or repression as its goal.
- A vigilant examination by prefectures, in particular with respect to the absence of risks to public order, with an eye on the basis for the State Council decision “Local association for *Jehovah’s Witnesses* of Riom”, dated June 23, 2000, of requests made by certain associations, especially those claiming the advantages accorded by the law to religious associations.
- Surveillance by prefectures, via the cells of vigilance, of local situations. Cells have been created in two-thirds of French departments. The attention of prefects was directed again this year to the importance of these structures for combating sectarian aberrations. In telegrams dated May 2 and October 27, 2003, they were asked to set up cells in all departments, and to have regular meetings, at least once a year. In 2003, the number of cell meetings was greater, which attests to the vigilance of prefects in this area.
  - Reports from the cells illustrate the difficulties involved, on the one hand, in identifying sectarian movements, in particular in the paramedical and professional training sectors, and, on the other hand, in gathering proof of illegal acts, especially because of the absence of complaints or legal actions by individuals.
  - In general, the cells give priority to the adoption of preventive measures, such as the creation of a network of correspondents in the different administrations, heightening awareness of the general public and concerned personnel, checking that educational obligations are respected, vigilance in licensing leisure and training establishments, etc. In the matter of repression, the cells also coordinate the action of the relevant services, in order to exploit all avenues that could lead to penal condemnation of movements guilty of sectarian aberrations, or could prevent their implantation: action against clandestine work, verification of bequests, bans on construction or occupation of sites because of harm to the environment or non-conformity with the rules for public access, etc.
  - Collaboration with MIVILUDES was furthered by participation of mission members in meetings of the cells of vigilance, and by a questionnaire on cell functioning sent to prefects in March, 2003.
- It should also be mentioned that the ministry is receiving a growing number of requests for access to information in files involving matters of state or public

security, emanating from members of movements. In this respect, it can be noted that, in its “Moon” decision of November 6, 2002, the Council of State judged that, in spite of the principle of the right of indirect access for such files affirmed in article 39 of the law of January 6, 1978 on computers, files, and freedom, the possibility of communicating information in a file could be opened, in certain cases, to the requester. This solution was confirmed by the Council of State in the “Raoust” decision, dated July 30, 2003. This legal development was encoded in article 22 of law n°2003-239 of March 18, 2003 for internal security, modifying article 39 of the law of January 6, 1978, which reaffirmed the principle of the right of indirect access while fixing precisely the conditions under which it is possible to communicate information to a requester. Access to such information can henceforth be given only in two cases:

- either the authority maintaining the file stated, in the regulatory act that created the file, that direct access to certain information was possible;
- or, seized by the CNIL, the authority gives its assent to the communication of information contained in its files.

## MINISTRY OF SOCIAL AFFAIRS

### The General Delegation for employment and professional training

The action undertaken by the General Delegation for employment and professional training has followed three main axes:

- 1 - Evolution of the legal framework with the introduction of a declaration of activity.
- 2 - The vigilance and training of agents and the principle actors involved.
- 3 - Participation in specialized structures.

#### **Evolution of the legal framework**

The professional training sector is an open market, but one in which service providers are subject to laws and regulations governing their activities.

In the framework of the Law of Social Modernization, the Declaration of Activity has replaced the Declaration of Existence. Providers must justify that the services that they intend to furnish do in fact fall within the scope of the legal and regulatory field of professional training. They must also justify the credentials and qualifications of the teaching and supervisory personnel they employ.

These new conditions for access to the professional training market have significantly reduced the number of organizations claiming to be providers of training services.

#### **Vigilance and training**

This vigilance is being progressively strengthened through improved circulation of information and tighter collaboration with the services of the Ministry of Health, including the Regional and Departmental Services of Sanitary and Social Affairs (DRASS and DDASS) and the other ministerial services concerned (Justice, Police and Gendarmerie, Fiscal, Competition and Repression of Fraud, National Education, etc.).

Vigilance has also been served by major involvement of the DGEFP in the area of awareness and training for sectarian risks:

- By the initial training of student supervisors and inspectors of labor, organized by the National Institute of Labor, Employment and Professional Training (INTEFP).
- By continuing training of ministry agents (including a specific program for agents assigned to overseas departments and territories).
- By participation in a seminar offered by the network of schools for public service, labeled "*Action of public authorities faced with the sectarian phenomenon*" which took place at the National School for Territorial Personnel (ENACT, in Angers).
- By participation in the program to heighten awareness aimed at magistrates, offered at the National Magistrates School (ENM).
- By alerting public and private clients of training programs, as well as public agents, and informing the public via press articles.

### **Participation in specialized instances**

The General Delegation for employment and professional training participates in a work group called "sectarian aberrations" led by the mission head of the General Delegation for Social Action (DGAS), as well as in the Pilot Executive Committee of MIVILUDES.

The most frequent comments are the following:

- The use of false or misleading advertising: their declaration of activity, which is simply a matter of registration, is falsely presented as "accreditation by the public authorities".
- Training objectives, programs, and content that are very imprecise or not adapted to their audience or their goal. Most often the actions are scheduled for a weekend and/or very short summer sessions, organized as seminars, conferences, salons, in hotels, for example. The length, number of participants (dozens, even as much as a hundred) are not appropriate to the complexity of the stated subjects or training objectives.

In other cases, on the contrary, some programs extend over very long periods (years).

- The long-term stays involve conditions of reception, accommodation, and meals that can influence participants' emotional status.
- The actions, presented as continuing training programs, are addressed to all comers without any real prerequisites. Most often they resemble:
  - an activity of personal development and/or comfort, well-being, or leisure, for participants,
  - a sort of companionship or personal counseling.

Finally, some sessions pursue therapeutic and/or spiritual goals.

These actions are aimed at responding to aspirations, real needs, stemming from certain problems of society (distress, physical or mental pain) or reflect difficulties in the organization of work, in accompaniment and care of the ill, of suffering in general (in the hospital sector), and are based on esoteric beliefs and teachings that are associated with other types of offerings (for example, the sale of plant elixirs).

The answers they offer are based on therapeutic practices and techniques (such as so-called “energetic” and/or parallel medicine) which pose the general problem:

- of the application of the Health Code (illegal exercise of medicine, or regulated professions such as physiotherapy, pharmacy, pharmacopoeia, etc.).
- of the absence of recognized professional qualifications and diplomas, in the case of psychotherapy;
- of the lack of any proof of the relevance of certain care techniques, of their efficacy, or reference to theories whose scientific basis and empirical validity are weak, or are misused by some practitioners (media coverage of these methods with no warnings to potential consumers can then be harmful).

Very often these actions are not directly related to the acquisition of genuine professional skills, and will not help clients to attain a higher level of recognized qualification, nor do they respond to the needs of companies, their personnel, and others to adapt to economic, technical, and social change.

## MINISTRY OF JUSTICE

The ministry of justice has undertaken various actions related to the combat against sectarian aberrations.

In this area, the service for the legal protection of minors follows legal proceedings involving sectarian movements that concern minors, either as victims or as the object of educational assistance procedures. When there is a family dispute, the department of civil affairs and chancellery also deals with these cases. Finally, the department of criminal affairs and pardons has created an internal mission with the following main tasks:

- Promoting synergy between legal authorities and administrative services
- Developing a synthesis of case files,
- Setting up coordination with administrative services and associations for the defense of victims,
- Representing the department of criminal affairs and pardons in the MIVILUDES Pilot Executive Committee.<sup>17</sup>

### **The domain of public action**

Between May 1, 2002 and October 1, 2003, twenty-one new penal procedures were recorded. This number does not include procedures for calumny and defamation, and twenty-seven other cases, stemming from private parties or various sources, which led to requests for information from public prosecutors that have not yet been satisfied.

In addition, sixty-three other penal procedures are pending, including fifty official inquiries and ten preliminary investigations.

As for application of the law of June 12, 2001, which strengthens the prevention and repression of sectarian movements harmful to human rights and fundamental freedoms, and, in particular, application of Article 223-15-2 of the Penal Code which condemns fraudulent abuse of a state of ignorance or weakness, eight penal procedures have been noted, including three preliminary inquiries and five official investigations.

Of the three preliminary inquiries, two files brought exclusively for this motive were closed, and the third brought on the two matters of abuse of weakness and clandestine work was also closed.

As for the five official inquiries, one, opened for abuse of weakness and fraud, received a judgment of nullification. The other four are still pending.

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<sup>17</sup> The civil affairs service and chancellery and the service of legal protection of minors are represented in the MIVILUDES Pilot Executive Committee.

Finally, two proceedings against legal entities were engaged by the tribunals; The first resulted in condemnation of the accused to a suspended fine, for violation of the CNIL law. This decision is now being appealed. The second is under investigation.

### **Analysis of the public action**

The number of procedures opened on grounds of Article 223-15-2 of the Penal Code (8 out of 21) is relatively high, but even so it is too early to deduce legal criteria for applying the dispositions of this article.

The coordination meetings held by the designated correspondents in each Public Prosecutor's Department always reveal the difficulties of handling these procedures mentioned by the circular of December 1, 1998.

They are due to the clandestine nature of the movements, difficulties of detection, the rarity or lack of precision of complaints and reports, the complexity of the procedures, and the multiplication of forms of legal recourse or other delaying tactics that can hinder application of the law.

Thus, the absence of complaints, or, when they exist, their lack of reliability, are obstacles to a satisfactory grasp of the phenomenon by the judicial authorities.

Another difficulty encountered by the magistrates is due to the very structure of a sectarian movement, which has a protean character, with autonomous legal entities that may have the form of an association, a commercial organization, etc.

### **The protection of minors receiving educational assistance**

According to Article 375 of the Civil Code, when the health, safety or morals of a minor are endangered, or when the conditions of his or her education are seriously compromised, the Children's Court judge can pronounce measures of educational assistance (specific educational action in an open setting, or placement).

The department for legal protection of minors follows those procedures of educational assistance in which a reported sectarian aberration affects the development of one or more minors.

It is not the membership itself of parents or child in a movement that constitutes the danger, but the objective consequences of this membership for the child's situation.

Children's judges try, therefore, to characterize the danger, on a case by case basis, applying only the criteria of Article 375 of the Civil Code.

The responses they make to these situations are based on common law. However, it should be mentioned that dealing with these cases is especially difficult for the court because of the specificity of the problems raised and the strategies used by the parents to block judicial action (avoidance, systematic opposition, etc.).

## **Training**

For the sixth straight year, the National School for Magistrates (ENM) organized a one-week session on sectarian aberrations, aimed at magistrates, members of the police and other administrations (national education, legal protection of minors, penitentiary, gendarmerie, general department of competition, consumption and repression of fraud, among others).

This session, in autumn, 2003, was marked by various actions of the *Church of Scientology*, which lodged appeals to block the symposium, which were rejected.

## **Reaction by sectarian movements**

As the example of the ENM training session illustrates, the reaction by sectarian movements has been amplified in recent months.

Movements do not hesitate to multiply such legal actions, but also to lodge complaints for religion-based discrimination, or abusively file petitions for bias.

Finally, litigation is pending before the Council of State to demand the abrogation of two circulars of the ministry of justice, dated 1996 and 1998.

These actions are systematically accompanied by demands for access to administrative documents.

## MINISTRY OF FOREIGN AFFAIRS

MIVILUDES found itself facing a situation where the dialogue had become much too strained. The question of freedom of religion had become a matter of discord between our country and some of its partners. Within the European Union, our approach, involving a “combat” against sects, aroused very different degrees of interest. The French position was not well understood, and it had introduced some unnecessary confusion into our policies for the defense and promotion of human rights.

With certain associations, in France itself, exchanges were extremely limited or non-existent, and, being unable to discuss enough at the level of the nation, these associations, logically, did not hesitate to carry their demands to multilateral bodies.

Acceptance of dialogue, the desire to open doors, readiness to listen to criticisms and take them into account when necessary, were some of the main reasons for the creation of MIVILUDES. As with many ministries, in the past year MIVILUDES has wanted to hear from a much broader spectrum of opinions, so as to gain a more complete vision of the problems.

Beyond changes of structure and the openness to dialogue, MIVILUDES has striven to remedy situations arising from poor use of existing work on the sectarian phenomenon.

In concert with the Ministry of Foreign Affairs, a circular telegram was addressed to all diplomatic and consular instances recalling that refusal of a visa could not be based on mere membership in a movement figuring on the parliamentary list.

In close coordination with the Ministry of Foreign Affairs, international action in the area of “sectarian aberrations” has been resolutely reformulated as aimed at the defense and promotion of human rights. In general, multilateral diplomacy (in particular instances charged with human rights) has been preferred to bilateral contacts, since the latter have, in the past, favored confusion: France may have sometimes given the impression of wanting to export a model of anti-sect combat at the risk of cautioning the least exemplary practices in the area of freedom of conscience and religion. It was clearly stated that France does not wish to expose itself to such criticisms.

In the framework of the OSCE, at the conference on the human dimension, held in Warsaw in September, 2002, the French delegation discussed the changes under study in our country and aimed to manifest the change in direction decided by the government.

At multilateral meetings, French delegations agreed to discussions with all associations or organizations of civil society that were present, without prejudice.

Bilaterally, French embassies and consulates abroad all had the option, if they deemed it necessary, to present to the authorities of the country the changes in the French position.

## **MINISTRY OF YOUTH, NATIONAL EDUCATION, AND RESEARCH**

### **Department of Legal Affairs**

*A cell charged with the prevention of sectarian phenomena in education*

The Ministry of National Education has installed a vigilance mechanism aimed at protecting students and assuring that teaching does not become a channel of proselytizing. Over the last school year, the ministry's action has had three main priorities:

- the training of supervisory personnel
- the verification of the teaching carried out by families and non-contractual private establishments,
- the verification of associations participating in school programs.

### **Training personnel in problems of sectarian aberrations**

Most often this training is part of a larger module, treating general matters of secularity, citizenship, etc. The goal is, clearly, to encourage vigilance without turning the process into an inquisition.

A distinction is thus necessary between sectarian aberrations, which must be denounced and combated, and the normal exercise of freedom of religion and conscience, which must be respected and protected.

For personnel, we recall the principle of freedom of belief for all, but also the prohibition against proselytizing. For children, we recall the terms of the international convention of children's rights and the Education Code which stipulates that no child may be deprived of the right to develop his or her own personality, raise his/her educational level, accede to professional and social life, and exercise the rights of citizenship. In the most recent school year, thirty-seven personnel training groups were organized, involving more than two thousand people.

### **Application of the law of December 18, 1998, and decree n° 99-224 concerning the teaching content requirements for home-educated children**

Clearly, it is the young outside of the school system who are the least well protected. The minister of national education has therefore charged all inspectors for the

regional academies, and the heads of educational services for each department to verify the nature of “home schooling”. This legal option of home schooling is at present used in France for almost a thousand children.

Testing procedures have been adopted, based on the national CE2 and 6<sup>th</sup> form evaluations-that is at the end of primary education and at the beginning of secondary -, and verifications are being carried out.

When parents do not fulfill this testing obligation, a report is sent to the Public Prosecutor. It should be mentioned that a suspected sectarian aberration has rarely turned up during these checks. Just one such “de facto school” still seems to exist, with 13 children from 5 families.

An inspection personnel training program, for this very particular type of verification, is envisaged for the near future.

### **Vigilance toward “external intervention” in the educational system**

A process of reflection has been launched at the National Council of educational associations complementing public schooling, in order to keep better watch on associations that operate in the school milieu (Decree n° 92-1200). Most of the academic councils of these complementary associations were “reactivated” during the last school year, after the academy rectors were informed of the problem.

Nevertheless, the academic correspondents of the cell charged with the prevention of sectarian phenomena in education, who meet once a year at the ministry, noted a considerable decrease in the number of cases of sectarian aberrations or requests for information. The only worrisome trend observed was the increase of reports about dangerous practices linked to satanic beliefs or certain aberrations of the gothic movement.

Today vigilance must be maintained especially in the area of school-external activities (leisure, support, correspondence courses, the Internet) which are all the more difficult to check since they rarely depend on our authority. The “market” for ongoing training of educational personnel should also be watched, especially for anything dealing with “emotional management” or the “search for well-being”.

## **Department of Youth, Popular Education, and Associative Life**

Actions taken at the Department level to prevent sectarian risks in services for youth and sports have led to permanent alertness of their personnel, the setting up of an educational watch, and partnerships developed from participation in the local cells of vigilance or relations with the Educational Inspection service.

### **A culture of prevention:**

A global approach to the sectarian phenomenon must be exercised through the regular missions of our administration concerning the protection of minors, and during vacation trips and in extracurricular recreation facilities. Emphasizing educational projects and unannounced checks is likely to better reveal this type of aberration.

The whole set of measures adopted by administrations in recent years in their respective areas of activity has favored a culture of vigilance, and enhanced the effectiveness of their verification procedures, with the help of educational projects, association management, work contracts. The designation of a resource person in each departmental service for youth and sports, and the distribution of preventive tools have contributed to developing a network of active vigilance.

### **Educational watchfulness:**

The supervisory staff, and technical and teaching personnel, exercise vigilance from different perspectives:

- awareness training of the staff charged with inspection visits to vacation facilities and daytime recreational centers
- informing the staff and supervisors of these facilities
- increasing awareness of elected officials and the directors of associations in the general framework of implementing territorial policies
- providing information to the volunteer directors who coordinate local educational contracts, in the training programs for volunteers organized in the Pilot Executive Committees
- vigilance with respect to approval requests by associations and the protection of minors.

### **Participation in cells of vigilance:**

This assessment clearly shows the utility of cells of vigilance in their role as liaison between services. The information collected by these cells allows detection of possible aberrations in educational projects and training courses, and in the statutes of associations.

### **Relations with academic inspection services**

In the area of sectarian aberrations in education, relations between youth and sports services and academic inspection services are almost non-existent.

Useful collaboration with academic inspection services might involve attention to local educational policies. There are different potential problem areas today: communitarianism, fundamentalism, the withdrawal behind group identity, and proposed alternative educational approaches even within normal educational structures, which can be all the more dangerous in that they are seductive and based on affect and a search for solutions, speak the language of non-violence, with communicative warmth.

## MINISTRY OF THE ECONOMY AND FINANCES

### The General Tax Service

Since they can be defined in terms of their harm to individuals, the aberrations of sectarian movements are mainly targeted by penal procedures and thus, by their nature, do not fall under the purview of the Tax Service (DGI). However, as parliamentary reports of 1995 and 1999 emphasized, financial aberrations are often associated with these personal dangers, and they can represent, independently of the psychological domination of followers, a source of enrichment of movement leaders, or a canal for financing transnational organizations.

While tax fraud is thus not an element specific to sectarian aberrations, the vigilance of the fiscal services is called for in sectors favorable to the appearance of such aberrations, especially since the fraud may also favor development of an underground economy.

Depending on the legal status of these entities, the nature of their activities, and the specifics of their organization, fiscal handling of omissions or problems in the tax declarations of these organizations can be dealt with in three ways, all fully congruent with the legally specified objectives of the fiscal authorities (budgetary, dissuasive, and repressive), and its strategic orientations (elimination of illegal labor, money laundering, tax evasion, etc.).

#### **Business tax liabilities of associations declared as non-profit making**

Its aim of clarifying the criteria for liability of non-profit organizations to commercial taxes (IS, VAT, TP) led the tax administration in 1998<sup>18</sup> to develop a methodological approach based on an analysis of the nature of the activities exercised and the way these entities are managed.

Since sectarian organizations do not constitute a legally defined class for fiscal purposes, the creation of these dispositions has not led the DGI to envisage specific handling of their fiscal situation.

Therefore, it is especially on the occasion of a tax audit of the commercial circuits organized around associative structures that the DGI may be led to reveal the

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<sup>18</sup> Administrative instruction published in the Official Tax Bulletin on September 15, 1998.

financially interested character of their management (remuneration, hidden benefits for the directors) or to notice the lucrative and competitive activities of these organizations, such as publications, educational training, merchandise, health and personal development services, programs, organized travel, lodging, etc.

### **When donations are subject to transfer duties**

Donations and bequests to religious associations are exonerated from transfer duties when the prefecture has authorized a religious association to receive such donations (Article 795-10 of the General Tax Code (CGI)). In other cases, such donations are subject to transfer duties when they are declared or revealed by the donee to the tax administration (Article 757 of the CGI).

On the occasion of a tax audit of an association which enters as donations the payments it received from its followers, the administration judged that this practice should be counted as a “revelation”<sup>19</sup> of donations, with, as consequence, the sums being subject to transfer duties, since the association had not obtained the administrative authorization mentioned above.

The Court of Appeals of Versailles (decision of February 28, 2002) confirming a judgment of the TGI of Nanterre dated July 4, 2000, upheld the position of the fiscal administration. The organization in question has appealed this decision.

### **Taxation as income tax of financial income of undetermined origin**

Personal enrichment gained through these organizations is determined by the DGI by means of a hearing procedure on the personal fiscal situation of their directors.

When the verifying service can establish a significant discrepancy between the revenues declared by taxpayers and their acquisitions of property or the financial flow recorded in their bank accounts, this procedure allows interrogation of the taxpayer as to the nature and origin of these movements, and in the lack of satisfactory justification, to tax these sums as income.

This type of procedure, which is most often accompanied by audit of the organizations directed by the taxpayer, is able to allow taxation of sums corresponding to hidden remuneration, to the acquisition of money without services rendered, and even to the improper appropriation of personal property.

Finally, in the course of exercising their mission of surveillance of movements of capital, the agents of the DGDDI may be led to discover physical transfers of funds to or from another country.

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<sup>19</sup> Article 2 of the law of August 1, 2003, relative to patronage, associations and foundations, completes Article 757 of the CGI by adding a paragraph stating that its “dispositions do not apply to donations made to the organizations of general interest mentioned in Article 200 of the CGI”. Organizations are of general interest if they meet the criteria of disinterested management and non-lucrative nature defined by the administrative instruction of 1998 and pursue certain goals (philanthropic, educational, scientific, social, familial, humanitarian, etc.) for the benefit of a broad public and not a restricted set of individuals.

These dispositions can allow the taxation as personal income of money received via the international transfers of funds resulting from undeclared lucrative activities, or from donations by followers of these movements.

## **The Customs Service**

The inspections conducted by customs officers can allow them to bring to light and apprehend sectarian abuses, when these involve infractions of the type customs officers are authorized to record.

In the economic area, along with its well-known role of checking merchandise, the customs service is authorized to look for and record infractions involving undeclared labor, clandestine immigration, or physical cross-border transfers of means of payment.

In connection with its missions of protection, the customs service acts, alone or in collaboration with other services, in matters as varied as the pursuit of counterfeit goods, protection of the cultural patrimony, defense of the environment, and control of the circulation of radioactive materials.

In addition to customs prosecutions, the facts uncovered in customs investigations that may constitute a common law offense are reported to the Public Prosecutor in application of Article 40 of the Penal Code.

## **MINISTRY OF HEALTH, THE FAMILY, AND THE HANDICAPPED**

### **The structure for handling sectarian aberrations**

All that is involved here is verification according to common law. An official from the General Department of Social Action (DGAS) is responsible for this administrative action for the Ministry of Health, the Family, and the Handicapped and the Ministry of Social Affairs, Labor, and Solidarity.

### **In the field of public health**

A circular dated February 7, 2003, reminded the DRASS and DDASS of the necessity to report to the central administration any information concerning reprehensible practices in the matter of public health by sectarian groups.

The following actions were undertaken:

- A reminder of existing legislation concerning obligatory vaccinations was sent out in June, 2003.
- The Councils of the Order of Physicians and of Pharmacists were invited to disseminate a reminder of the legislation to practitioners, subsequent to the prescription and sale of certain products such as “Bach Flowers”.
- A complaint is systematically lodged with the Public Prosecutor or Councils of the Order concerned whenever there is a verified report, from individuals or the DDASS, of practices contrary to the provisions of the legislation on public health or to the professional code of ethics.

### **In the matter of blood transfusion**

The matter of patient consent to medical acts has led to important recent decisions in jurisprudence, relating to blood transfusions performed on members of *Jehovah's Witnesses*. Thus, the Council of State ruled, in a decision of October 26, 2001, that the obligation to save the patient's life does not always override that of respecting the patient's wishes. The Council of State considered that the doctors had not committed a fault, and that, in the light of the critical condition of the patient, a transfusion appeared to be the only treatment able to save the

patient's life. This view was subsequently confirmed by the Council of State in an emergency ruling of August 16, 2002.<sup>20</sup>

These legal decisions provide the occasion for the ministry to envisage, with the National Council of the Order of Physicians, issuing a reminder of the legislation applicable in cases of transfusion, to help doctors faced with this type of situation.

### **In the area of perinatal care**

In 2003, MIVILUDES called the attention of the Ministry to the possible existence of sectarian aberrations in the area of perinatal care, and to the need for surveillance of content in prenatal preparation sessions and the practices of certain childbirth facilities.

To respond to this problem, the Ministry, in 2003, requested the ANAES to formulate rules for correct clinical practice with respect to birth preparation. This request is at present (in 2004) the object of a feasibility study. Projected childbirth facilities will be submitted to an invitation to tender according to a precise schedule of conditions, including an evaluation procedure.

### **In the area of psychotherapy**

The absence of supervision of psychotherapeutical practice has enabled many individuals to set up as psychotherapists without having to justify any particular training, or valid results in the treatment or improvement of the mental state of their clients.

In this area, the Ministry has pursued the studies, begun in 2001 in association with INSERM and ANAES, on the typology and evaluation of psychotherapies.

A parliamentary amendment relating to the supervision of psychotherapy, associated with a bill dealing with public health policy, was adopted on first reading at the National Assembly early in October, 2003. This amendment proposes that psychotherapeutic practices be more rigorously supervised.

### **In the area of medical and psychological care of victims**

Victims of collective or individual trauma, intentional or accidental, are a very vulnerable group. For many of them, this is aggravated by a specific psycho-traumatic syndrome that requires medical and psychological care.

Clinical treatment and therapy for these troubles are not yet well codified, and this leaves the field open to undesirable practices, as was noted by the emergency cells

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<sup>20</sup> See the development in APPENDIX 7

for medical and psychological care, and the legal authorities, after such recent catastrophes as the toxic AZF incident in Toulouse, or flooding in 2002.

The creation of quite a few “centers of victimology” has also been reported, based on different concepts and models, and with equally diverse goals.

In this context, the Ministry has asked the French Federation of Psychiatry to organize a conference to work out a clinical consensus, following ANAES methodology.

### **In the area of training**

In 2002, the “Awareness Cell for professional training” of the ANFH, created two instruments:

- A training purchase check sheet facilitating the analysis of a proposed training program, the organization offering it, and the educator.
- A “Reflex Card” aimed at training personnel.

In addition, an action entitled “Sectarian aberrations and training” was offered to training supervisors at health organizations.

A procedure entitled “Reporting sectarian aberration” (now being evaluated by the national bodies of the ANFH) was also developed in 2003. It will concern any request for information about a training program that may constitute a sectarian risk.

### **Aid to victims**

In 2003 the possibility was studied of developing the aid offered to those who have freed themselves from the grip of a sectarian movement, by assigning a social worker.

In conclusion, the Ministry of Health, the Family, and the Handicapped, because of the large number of different activities it is involved in, appears to be a department particularly concerned with the effects of sectarian aberrations.

## 4 – HINDRANCES TO PUBLIC SERVICES

Public services encounter hindrances to their action due to certain movements.

Thus, *Jehovah's Witnesses* have prepared instructions for their members on how to act in certain situations, in the areas of justice and health.

And the *Church of Scientology*, through two associations, exercises the right recognized to all users of a public service to obtain administrative documents, in conditions that sometimes border on harassment.

This study does not pretend to be exhaustive, it is simply meant to illustrate certain practices.

### Judiciary committees

Even though the Penal Code makes it an obligation for anyone who is aware of cases of deprivation, mistreatment, or sexual abuse inflicted on minors aged fifteen or younger, or on a person unable to protect himself or herself, to inform the legal or administrative authorities, the law of silence is a classic mechanism in certain closed communities. It has a particular form with the *Jehovah's Witnesses* movement, where a judiciary committee can be created in the case of an "incident" or "serious "affair" which is likely to lead to voluntary withdrawal, exclusion, or "apostasy". Internal instructions govern the organization of this procedure.

It can also happen that especially serious incidents, such as violence towards minors, are "dealt with" internally, within the community, by the members of the council of elders or the judiciary committee, even though the obligation to inform the administrative and legal authorities binds all citizens when minors are in danger.

Our concern is simply to recall here that, by not reporting such cases to the proper authorities, the heads of the movement can deprive their children of the security which is their right, and accord blameworthy protection to the authors of such illegal acts.

### Hospital Liaison Committees

To guard against certain forbidden practices, and ensure that a hospitalized member will refuse transfusion, the *Jehovah's Witnesses* movement has created Hospital Liaison Committees. There are currently forty-three of these in France, whose

mission is to find medical teams ready to respect the convictions of members undergoing operations.

The procedure for approaching medical teams is codified in internal instructions that only the “elders” possess. These instructions, developed at their New York headquarters, and used identically all over the world, are entitled “Encounters with hospital personnel”, “How to deal with an emergency”, “Hospital delegation: function and mission”.<sup>21</sup>

## Requests for administrative documents

Access to administrative documents is governed by a set of texts, including the law of July 17, 1978, which institutes various measures to improve relations between the administration and the general public, modified by the law of April 12, 2000, concerning the rights of citizens in their contacts with administrative services.

The July 17, 1978 law created an independent authority, the Commission for access to administrative documents (CADA), which is only consultative, but to which any complaint about refusal to communicate a document can be submitted; it must be resorted to before any legal action before an administrative judge can be brought.

The CADA generally tries to interpret the law liberally, in order to facilitate exercise of the right of access to administrative documents.

Nevertheless, exercise of this right must not be abused to such an extent that it excessively complicates the action of the public services.

However, since the end of 2000, very numerous demands concerning the structures for vigilance and combat against sectarian aberrations have been addressed to the central administrations, their external services, and also to territorial administrations, public establishments, especially hospitals, and, of course, since its creation, to MIVILUDES.

The majority come from associations linked to Scientology, such as “*Ethics and Liberty*”, and the “*Citizen’s Commission for Human Rights*” (CCDH). It is frequently the case that administrations receiving requests for documents from the CCDH are totally unaware of its links with the Church of Scientology, which it generally does not mention.

In any case, these repeated requests for documents of all kinds raise numerous problems for the services targeted, which must engage in difficult interpretive work.

The amount of research which must be carried out, in very short time periods, to satisfy these requests, which sometimes concern all available documentation, is a great burden on the administration. Even in cases where communication of the documents is refused, presentation of a report to the administrative jurisdiction turns out to itself be a time-consuming exercise for the personnel, whose main attention should be on their mission of public service.

These requests, by their volume and repetitive nature, have also turned out to be a way to exert pressure on administrative authorities. The associations do not hesitate to

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<sup>21</sup> See APPENDIX 7 on the administrative jurisprudence on refusal of health care.

launch legal actions against public agents on flimsy pretexts, claiming to be victims of discrimination, calumny, or insults.

A note<sup>22</sup> will help in understanding the strategy underlying the numerous requests made, between March, 2001, and December, 2003, by two associations, “*Ethics and Liberty*”, and the “*Citizen’s Commission for Human Rights*” to services of the Ministry of Social Affairs, Labor, and Solidarity and the Ministry of Health, the Family, and the Handicapped. This note is not a full list of the requests made to this ministry. It is a summary, for the last three years, of requests to it which were appealed to the CADA. The other ministries are concerned in the same way.

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<sup>22</sup> See APPENDIX n°8

## 5 - THE PROTECTION OF MINORS

The creation of an Observatory of Child Abuse and the possibility for associations to join actions as private parties when a child is a victim of ill-treatment, measures adopted last December 18 as part of a bill concerning the care and protection of children, indicate a strong desire by the public authorities to deal with this problem. A series of measures have been adopted (minors abroad, a law strengthening verification of the obligatory schooling requirement of December 18, 1998 and decree n° 99.224, suspension of parental authority when there is a serious health problem).

At the meeting of the Executive Committee of MIVILUDES on March 5, 2003, the creation of a working group on the protection of minors was announced. This group, composed of the ministries of Justice (division of criminal affairs and pardons; legal protection of minors), Defense (general division of the National Gendarmerie), Youth, National Education, Research (CPPS and the division of Youth and Popular Education), Health (General Division of Social Action) and Sports (IGJS), held numerous meetings.

The situation of children whose parents belong to a sectarian movement raises specific problems, two aspects of which will be examined here: the health of the children, and the psychological and physical risks they are exposed to. In addition, a study of a community school will bring out the difficulty of applying existing protective measures.

### I – Children’s health

Sectarian movements are interested in children in different ways. Some focus on perinatal care, others on child care structures.

#### Initiatives in perinatal care

Various educators or training organizations<sup>23</sup> offer, to health professionals (doctors, midwives, paramedical personnel, etc.), courses in the handling of emotional states, including preparation for giving birth.

There exist perinatal training programs some of whose teachers are clearly vectors of ideologies that have a strong sectarian flavor. One case was reported of a freelance midwife who showed videos on fetal death during pre-birth preparatory sessions, and of another who, as part of her rejection of conventional practices, refused to give the usual pregnancy examinations.

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<sup>23</sup> The same organizations offer their know-how, and even their products, in “illness accompaniment”.

Such behavior is, no doubt, not common, but its persistence is nevertheless worrisome, and birth clinics or training organizations should be on the lookout for them.

MIVILUDES has suggested to the Ministry of Health that the contents of certain reimbursed services should be defined more precisely, or be subject to recommendations, so as to limit the diffusion of dubious products and services.

### Structures for young children and social aid services to children

Some sectarian movements seek to extend their influence to the very young.

Thus, the following behavior of the *Sukyo mahikari* movement was observed in 2003 in a social aid service for children to which a judge had confided children awaiting placement or for observation:

- educators and foster families weakening family ties or preventing their renewal, in order to maintain the children in the host families,
- parents discredited by serious accusations of mistreatment or the communication of false information to the children placed or under observation,
- access refused to psychotherapy in a medical-social setting, or other care (dermatology, eyeglasses, orthopedic shoes), interruptions in health care aid in order to isolate the child and/or the family.

Legal action was requested for practices affecting vulnerable adults and children. An administrative inspection was also ordered.

The *Shri Ram Chandra Mission*<sup>24</sup> targets children of followers in the guise of play and recreational activities: “*You will come to the ashram to see the Master and participate with your parents in a spiritual seminar*”.<sup>25</sup> The risk of conditioning is also clearly present.

## II – Threats to psychic and psychological balance

### The deification of “indigo children”

The *Kryeon* movement might have remained a psychologically-oriented UFO offshoot like so many others of similar origin. But it appropriated and developed the concept of “indigo children” imagined by Nancy TAPPE in her studies on the colors of life. On her view, the color of the aura varies according to the character or health of the individual. Indigo children are sometimes called “rainbow children”, because indigo is the highest color of the spectrum visible in a rainbow.

Lee CAROLL, inspired by occult beliefs, distinguishes “gifted” individuals who are said to be of “divine essence”.

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<sup>24</sup> This group exercises stringent control over its members through “preceptors” who run local “centers of spiritual training”. The head of the association, a guru living in India, has exorbitant powers. The lifestyle is not of the community type. Nevertheless, daily practice of morning meditation, and “cleaning” and “prayer meditation” in the evening, maintain the ascendancy. The obligation to keep a journal in which disciples must record their thoughts, feelings, and impressions further strengthens the isolation. Strict control of sexual activity, vegetarianism, abstention from alcohol, tobacco, drugs, and total submission to the will of the master are imposed.

<sup>25</sup> A document supplied by the UNADFI and CCMM documentary services.

The *Kryeon* movement has succeeded in spreading and popularizing this esoteric, UFO-inspired concept aimed at ill or simply maladapted children. By exploiting the concept *Kryeon* has managed to capture the interest of parents of “hyperactive” or autistic children, as well as of children analyzed as precocious who are, paradoxically, failing in school.

According to *Kryeon*, it is indispensable to give special treatment to these children, whose intelligence, maturity, and wisdom are incomprehensible if their divine nature is not recognized.

However, only a few specially trained adult adepts are able to detect them and to guide parents in educating them. In reality, indigo status is detected in a purely subjective manner, mainly by clairvoyance. Anyone can be identified as a parent of an indigo child, as long as the child has some problem.

Such children must be singled out from their earliest childhood. They are raised in the belief that they are superior and that they have a mission to accomplish. Their parents must modify their behavior towards them and their educational methods to give them a balanced life.

A strong feeling of guilt is maintained in the parents, who are insistently informed that if the family setting is unfavorable, the indigo child can develop suicidal tendencies. Consultation of a psychiatrist is to be avoided, for the remedy risks being worse than the disease. Conventional medicine is ruled out, since doctors are unable to see the colors of the aura.

According to Lee CAROLL, the number of “indigo” children is constantly growing, and thus the number of potential parents, clients, and disciples seeking information and products that they can find only among those offered by the master himself.

A break with normal practices, and isolation from the outside world are also favored, by requiring parents of an indigo child to find another indigo child with whom he can feel normal and not excluded.

Thus, the indigo child will generally end up asocial, kept apart from the normal school system and desperately lonely.

While it is difficult to estimate the number of children affected by this phenomenon, the ideas of Lee CAROLL are often echoed in the media. This kind of discourse can be very dangerous when it is aimed at parents who encounter difficulties they cannot handle in educating their children.

### Psychological confinement

The public is not very familiar with the risks that adult commitments can pose to the psychological and psychic equilibrium of children. In general, mental health professionals are not sufficiently aware of these risks.

The psychological isolation of children on whom adults have imposed a sectarian lifestyle is not adequately perceived or dealt with. While the notion of mental confinement seems evident enough in the case of closed communities, it should not be neglected in the case of other groups that are more open to the world around them. Educators and school psychologists are aware of the behavioral problems that can appear in such children, who are not always integrated into normal group activities.

Situations of distress that are latent from adolescence can become overt in the young adult who, having become of age, wants to leave the family. Young adults

leaving the group are sometimes rejected by the world in which they have been living, while the outside world is foreign to them.

To leave the group is to “*land in another culture, whose codes are unknown.*”<sup>26</sup> *Of course, I used to watch television, listen to the radio, go to school, but that was just a virtual world”.*

The naïvety which the closed group has encouraged makes it hard to evaluate the dangers of the outside world. “*I had some close calls when I left the group, because I didn’t see danger where I should have. It was hard for me to keep the right social distances.*”

Some speak of emotional blackmail, of an intentionally imposed sense of guilt. The certainty that they can no longer see family or close friends, and the prospect of having a “*reputation blackened by lies*” sharpens the pain.

### Self-destructive behavior

Self-destructive behavior in young people has various causes, often quite complex and difficult to assign to a single motive.

The Mission has observed self-destructive conduct in certain Satanic groups, such as lacerations, or progressive self-mutilation. The process develops in stages, starting with sessions of initiation to white magic on the Internet, followed by concerts, consumption of hallucinogens, strong alcohol, adoption of a dress code, all night sessions with Satanic cult practices. The goal is to learn how to commit violence on oneself, especially cuts on the arms, then pass to violence on others, either symbolically or for real.

## III – A case study: the Sus community

The Sus community brings together most of the difficulties and risks to which children can be exposed in certain sectarian movements.

It has, in fact, often been observed that young people in such an environment feel well neither in the family setting nor in educational and social settings. They are torn between the rules imposed by the group and the values offered by the outside world.

### The Community

The community, installed since 1983 in Château Laroque, in Sus (in the canton of Navarrenx, in the Pyrénées-Atlantiques) has been renamed “*Tabitha’s Place*”.<sup>27</sup> It was a 1901-law association from 1983 to 1997, but since 1997 it has functioned only as a corporation (SARL).

<sup>26</sup> As described in concordant testimony by several young women.

<sup>27</sup> According to a 1996 parliamentary report.

This very changeable community, composed of 150 people (including 50 children, some of them babies),<sup>28</sup> lives by its home-made manufacture of shoes, clothes, and furniture sold at markets and fairs.

This fundamentalist movement, which adheres to rules for living based on very literal interpretations of the Bible, has often drawn the attention of the legal and administrative authorities.

In 1982, the community of Sus was the object of frequent inspections relating to home schooling, since its members refused to send their children to public schools, which they already considered to be sites where children learn “*violence, lies, and lack of discipline*”.

The inspections conducted by the educational authorities, on February 1, 2000, in accordance with the law of December 18, 1998 and decree n° 99,224, concerning the knowledge content required for home-schooled children, revealed, for nineteen of the twenty-one children, a lack of mastery of the French language, both with respect to expression and analysis of its functioning, serious deficiencies in knowledge of the main elements of mathematics, as well as virtual absence of the rudiments of literary, scientific, and artistic knowledge, as these are presented in the decree.

The interviews conducted by school psychologists made it clear that confinement in the community was harmful to the personal development of the children, because of lack of any exposure to the broader culture, or social stimulation.

In conformity with the law, a second inspection was to be conducted three months later. The parents, contesting the nature of the tests given to their children, did not bring them to the test sessions scheduled for March 7, 2001, June 5, 2002, and June 11, 2003, except for two children who, at the most recent session, passed the tests.

A new visit took place on October 1, 2003. It seems that agreement is possible on three points:

- organization of a test which none of the families is allowed to refuse
- communication by the heads of the community of a list of all children of school age living in Château Laroque, with regular updates
- provision of appropriate teaching with a real dimension “of openness to the outside world”, and thus with questions about current events in future tests.

After many exchanges with the authorities, the heads of the community gave their consent to all these matters. A test taking into account the subjects of dispute triggered by the previous test is to be given in March, 2004, under the responsibility of the national educational authority’s local testing personnel. This test will take place at the Navarrenx junior high school.

It has been determined that, since the February, 2000 test, the teaching content, supporting materials, and material conditions have shown considerable improvement. It is thus quite conceivable that, with the necessary vigilance, acceptable educational conditions can be provided for these children.

In spite of regular inspections, the living conditions of the children in this community are poorly known. In spite of repeated requests, no health inspection has ever been carried out.

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<sup>28</sup> According to a count by the Gendarmerie, in early 2003.

In particular, the legal authorities have been alerted to various cases of non-vaccination. And some parents have not respected the legal obligation to submit their children to educational assessment.

Other obstacles have been placed in the way of legal authority. This is the case when there is a threat of action to separate a child from his family and the family leaves for another site of the community, or sends the child abroad.

This study has aimed to show how the educational and health conditions of young children can be seriously compromised because of the commitment of their parents. In the case of the community of Sus, the efforts and tenacity of the educational authorities have led the heads of the group to a formal commitment to respect legal requirements concerning knowledge content. However, the fact that some children who were, or were likely to be, targeted for educational assistance have been sent abroad is worrisome and raises questions about the sincerity of the commitments.

The public authorities must maintain constant vigilance, and work towards the strengthening of international judiciary cooperation.

## 6 - AID TO VICTIMS

The decree of November 28, 2002 added aid to victims to the concerns of the Mission. Innovations in associative practices, and a new examination of this matter in 2003, allowed certain principles to be defined concerning relations between the public authorities and associations.

In 2003, the Mission held a round table on aid to victims to identify the needs and improve understanding of the question. This round table made it possible to collect the contributions of those working in the field, along with associations and administrative bodies concerned. The Georges Devereux center, which the ministry of Social Affairs had charged with receiving those who break away from sectarian movements, was associated with these deliberations.

### Aid to associations

Help to victims of sectarian aberrations rests essentially on the activities of specialized associations (especially UNADFI, CCMM). These associations benefit from the participation of psychologists, generally volunteers, who listen to and provide support for the victims. Occasionally psychiatrists contribute to the work of these associations.

New structures have appeared in the past three or four years. These small associations, acting alone or in conjunction with the above-mentioned federations, have renewed the associative fabric. For instance, they maintain internet sites that are much consulted by the public. They have invented new kinds of solidarity, mutual help, and availability between their members.

MIVILUDES supports all these associations for the defense of victims. It ensures that there should be precise actions and programs to justify the allocation of public funds.

Among these actions can be mentioned:

- the collection of information and the creation of a data base of documents on the risks and dangers to individuals from sectarian aberrations,
- improvement of the reception, handling, and psychological support of families, and of help to former sect members,
- creation of a data base of jurisprudence,
- participation in shared communicative actions, such as guides for increasing public awareness, and audiovisual documents to accompany awareness and prevention activities.

## Legal aid to victims

### Enhancing awareness of social investigators and legal experts:

The attention of the Mission has repeatedly been drawn to the difficulties encountered by victims in the course of social investigations and judicial inquiries. They point out the lack of any knowledge of the harm sects can do, of the mechanisms of ascendancy, and of the mode of operation of sectarian movements.

Victims are fragile, durably traumatized by their experience, and often find it difficult to get the expert or social worker to understand what they are talking about. Their opponent, a member of the group, is better prepared for the confrontation, and he will sometimes be able to behave more convincingly at crucial moments during the legal procedure.

This may be the case, for instance, in matters of guardianship for children in divorce proceedings, or of educational assistance.

The Mission will do all it can to increase the awareness of legal experts and social investigators to these problems.

### Legal prescription of infractions committed against sect members

Laws of July 10, 1989, and June 17, 1998 extended the limits for prescription of criminal prosecution, to provide better protection for minors who are victims of sexual abuse. These laws take into account the nature of the relation of dependence between the minor and the person in authority who commits the infraction.

The victim of sectarian control is in a similar situation of dependence and subjection.

Associations often report the specific difficulties encountered by former members in lodging complaints about the acts they were victims of. Their feelings of shame and guilt, and the force of the hold exercised over them, are often such as to paralyze the victim in his effort to take legal recourse.

Many observers agree that the victims of such acts only appeal to the law after a long process of rebuilding their psychic resources, sometimes after the infraction is already prescribed. The complaint is then thrown out of court, and the victim feels this to be a denial of justice.

It is worth asking whether the law of prescription should not be rethought, to improve the situation of victims of sectarian domination.

A better adapted prescription mechanism could allow the judge to take into account the period during which the victim was in a state of psychological subjection. As with the procedure adopted for minors who have been victims of sexual abuse, the countdown for the prescription deadline would begin only from the day when the victim has recovered his capacity to affront those who maintained him in a state of subjection.

MIVILUDES is aware of the legal and technical difficulties that would face such a legislative reform. However it seems legitimate to mention this expectation often expressed by victims and by the associations that represent them.

## Improving procedures for reporting individuals in a state of weakness

Doctors, whether in private practice, in the public health sector, or responsible for public service missions, have informed the Mission of the difficulties they encounter when they want to report situations of adults in a state of weakness.

The reporting conditions for children have been specifically addressed by the public authorities, in the law of social modernization of January 17, 2001, incorporated in the bill on the protection of children adopted on a first reading by the Senate, on October 16, 2003.

But the same is not true for reporting about vulnerable adults. There is a need to improve the conditions and possibilities available to health professionals and social workers to facilitate reporting of sectarian behavior or domination.

The articulation between medical secrecy and the law of June 12, 2001 (or other legal dispositions) needs to be refined so that health professions, especially doctors, can report a situation in which an adult is being subjected to abnormal pressure that leads him or her to harmful acts or abstentions.

Even though the law of June 12, 2001 gives a victim the option of lodging a complaint, it is often hard for him to do so, and this explains the paucity of procedures to date. It would no doubt be easier for a doctor to report such cases.

The joint dispositions of article 226-14 of the Penal Code and Article 44 of the Code of Medical Ethics already authorize the practitioner to report ill-treatment or deprivation to the legal, medical, or administrative authorities. However, these measures apply to situations where people are physically restrained or suffer from malnutrition, and do not fit victims in a state of mental subjection.

One possible improvement would be to add provisions so that doctors, nurses, and social workers could report, to the public prosecutor, situations where adults are in a state of physical or psychological subjection and, because of this, are led to perform acts which are harmful to them.

## Psychological aid to victims

In 2003, many associations reactivated discussion groups. These groups, led or moderated by experienced volunteers, including relatives and friends of victims, or ex-disciples, were often present at the origin of the associations. Their beneficial effect has again been repeatedly demonstrated.

Requests to MIVILUDES on this matter, and the orientations that have emerged from a round table on aid to victims, lead us to propose the organization of these initiatives into a network.

The first stage will involve setting up a network combining human resources in this area. This network should be constituted of professionals and specialists in the matter of domination. Hospitals, private practitioners experienced in the treatment of victims, psychologists in organized medical-social structures, mental health networks linking city and hospital, all should be key elements of this network.

The second stage will carefully catalogue successful psychological aid measures for victims of sectarian aberrations. These guides will be further developed with the help of competent mental health professionals: psychiatrists, psychologists, and contributions from psychiatric and social workers who have dealt with the problem.

The third stage will involve training mental health professionals in specific aspects of the harm suffered, communicating the successful measures already catalogued, and progressively sharing the results obtained.

## 7 – PROPOSALS FOR ACTION

- 1 – Adapt the rules for prescription
- 2 – Facilitate the reporting of individuals in a state of weakness
- 3 – Improve awareness of the sectarian problem in the legal professions
- 4 - Improve social inquiries in legal proceedings
- 5 – Verify the content of educational offers
- 6 – Communicate successful health practices
- 7 – Draw attention to the causes of certain refusals of health care
- 8 - Aid victims and defense associations
- 9 – Invigorate departmental cells of vigilance
- 10 – Designate a MIVILUDES correspondent in each regional prefecture

## PROPOSITION 1

### ADAPT THE RULES FOR PRESCRIPTION

Numerous experts consider that certain victims of sectarian practices are unable to appeal to legal institutions until they have managed to rebuild themselves psychologically. This is the case, in particular, for people who have been forced into a state of psychological or physical subjection by serious and repeated pressure or techniques altering their judgment.

Often, they feel strong enough to act personally only long after the fact and beyond the date of prescription.

They then discover, as the sole explanation for the rejection of their complaint, the rules of prescription, which they experience as a real denial of justice.

*Inspired by the edicts already issued in favor of minors who are victims of sexual abuse, the Mission recommends the study of the conditions under which infractions committed by sectarian movements against victims in a state of psychological or physical subjection, could be subject to a specific regime for the prescription of legal action.*

*The countdown for legal action would begin on the day the victim is in condition to lodge a complaint.*

## PROPOSITION 2

### FACILITATE REPORTING OF INDIVIDUALS IN A STATE OF WEAKNESS

Doctors have informed the Mission of specific difficulties they face when they want to alert authorities to situations involving abuse of victims in a state of weakness, and psychological or physical subjection.

In such cases, those who by profession are given confidential information cannot reveal it without running the risk of prosecution for violating professional secrecy.<sup>29</sup>

Although, in certain cases, the law authorizes such persons to testify, in particular in the case of privation or cruel treatment of a minor or adult not able to protect himself or herself because of age or physical or psychological state, these measures do not seem to allow the reporting of fraudulent abuse of the state of weakness of a person in a situation of psychological or physical subjection.

*The Mission expresses its desire that the Chancellery verify that the measures of the new article 226-14 of the Penal Code, modified by the law of January 3, 2004, do indeed allow the situation of victims of the abuse of weakness and of psychological and physical subjection to be taken into account.*

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<sup>29</sup> Article 226-13 of the Penal Code: Disclosure of confidential information by a person who has received it either because of his status or profession, or because of a temporary function or mission, shall be punished by one year's imprisonment and a fine of 15 000 euros.

### PROPOSITION 3

#### IMPROVE AWARENESS OF THE SECTARIAN PROBLEM IN THE LEGAL PROFESSIONS

In a domain as complex and emotional as sectarian subjection, lawyers and legal experts should be able to enlighten magistrates about the mechanisms of mental manipulation, the functioning of sectarian movements, and specific aspects of their hold on followers and the harm caused to the victim.

Likewise, legal professionals such as notaries, bailiffs, etc. need to understand the personal situations of their clients. In this private sphere, it is essential for them to recognize the existence of a sectarian hold on someone, so as to prevent prejudicial operations involving property or other things (fraud, inheritance appropriation, etc.) and properly advise their clients, and favor, when necessary, the adoption of appropriate protective measures.

*In order to facilitate the development of actions to aid victims of sectarian abuse, MIVILUDES and the National Council of the Bar will organize in 2004 a conference aimed at alerting the legal professions to the specific characteristics of sectarian problems.*

## PROPOSITION 4

### IMPROVE SOCIAL INQUIRIES IN LEGAL PROCEEDINGS

The Mission's attention is frequently drawn to the difficulties encountered in social inquiries, particularly in situations of guardianship, divorce, and educational assistance.

Social investigators – psychologists, social workers, educators – working with tribunals need precise knowledge of the way sectarian movements function, of the damage they cause, of the mechanisms of control and mental manipulation.

Certain ways of life can have consequences on the health and education of children. Better information on this phenomenon would allow social investigators to better detect any risks that may be present.

*The Mission suggests that training modules be devoted to this subject in initial educational courses and in later training programs for the relevant professions.*

**PROPOSITION 5****VERIFY THE CONTENT OF EDUCATIONAL OFFERS**

Educational offers, both for initial and on-going training, should offer full guarantees with respect to aberrations and sectarian behavior. They should open real professional perspectives.

For the past few years the services charged with verifying professional education have been exercising increased vigilance with respect to educational offerings. In addition, the Social Modernization law of January 17, 2002 imposes stricter conditions for the registration of professional training organizations.

It is also necessary for consumers of training to exercise vigilance, to make sure that training courses:

- are related to the acquisition of professional skills;
- allow the participant to attain a higher level of recognized qualification;
- answer to the need for adaptation created by economic, technical, and social developments.

In all three state services, it is necessary to alert the responsible parties and propose adequate training programs.

*To further these goals, in 2004 MIVILUDES will prepare a "Guide to the training of public agents" and will propose a partnership convention to the National Center of Territorial State Service (CNFPT).*

## PROPOSITION 6

### COMMUNICATE SUCCESSFUL HEALTH PRACTICES

The health professions are regulated to protect patients from charlatans.<sup>30</sup> Nevertheless, deception of patients, esoteric or aberrant diagnoses, illusory practices, products or remedies claimed to be magical or secret are reported, often linked to sectarian actions.

The ban on advertising in the Public Health Code and the measures of the Consumer's Code do not seem to cover all existing situations.

With respect to acts, the requirement of quality in health care concerns all medical and paramedical services. The supervisory framework for health practices is embodied either in the regulatory texts, or the recommendations for clinical practice developed by the National Agency for Accreditation and Evaluation in Health Care (ANAES), as well as the recommendations of learned societies and the expertise of the National Institute of Health and Medical Research (INSERM). This supervisory structure provides protection against abuses at the intersection of charlatanism and sectarianism.

*The Mission recommends that the General Health Service and the professional orders (of doctors, pharmacists, dental surgeons and midwives) inform the general public of these recommendations.*

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<sup>30</sup> See in particular Article 39 of the Code of Medical Ethics.

**PROPOSITION 7****DRAW ATTENTION TO THE CAUSES OF CERTAIN REFUSALS OF HEALTH CARE (BLOOD TRANSFUSION, VACCINATION)**

Some sectarian groups refuse the preventive measure of vaccination. The national council of the Order of Physicians has observed an increase in the number of contra-indication certificates for all vaccinations.

In a note dated June 18, 2003 to the departmental services of sanitary and social affairs, the Health Ministry recalled the legislation concerning obligatory vaccinations: the applicable rules, temporary or definitive contra-indications.

It would be useful to develop precise information of a legal nature to clarify to hospitals and clinics the conditions for refusal of health care.

*MIVILUDES recommends that the legal and regulatory structure concerning obligatory vaccination be more broadly publicized, and that there be similar information concerning the refusal of blood transfusion.*

## PROPOSITION 8

### AID VICTIMS AND DEFENSE ASSOCIATIONS

For many years, specialized associations have given aid and support of different sorts: legal, social, psychological, etc., to the victims of sectarian movements. They are a valuable resource for the individuals and families affected by this phenomenon.

They perform actions in the general interest which justify the support they receive.

The Mission particularly encourages cooperation between the different types of associations, for instance associations of aid to victims, family, social-legal, and consumers' associations, etc.

It also favors local initiatives to help develop better adapted means of action for these associations.

*MIVILUDES will prepare and distribute a document stressing and publicizing the action of these associations, aimed at the general public and local governments.*

**PROPOSITION N° 9****INVIGORATE DEPARTEMENTAL CELLS OF VIGILANCE**

A study by MIVILUDES and the Ministry of the Interior, Internal Security, and Local Liberties indicates that not all departments have created cells of vigilance. A study by MIVILUDES and the Ministry of the Interior, Internal Security, and Local Liberties indicates that not all departments have created cells of vigilance. As for the internal organization of the cells, besides the presence of representatives from the local branches of government services, the Mission recommends inviting representatives of local organizations, and in particular of General Councils, the Order of Physicians, and associations.

It seems desirable to convene the cells of vigilance at least once a year, in addition to any meetings there may be of ad hoc working groups and more restricted thematic sessions.

*In 2004 there will be an effort to generalize this mechanism. MIVILUDES will contribute its expertise and collaborate in this move.*

**PROPOSITION N° 10**

**DESIGNATE A MIVILUDES CORRESPONDENT  
IN EACH REGIONAL PREFECTURE**

A government employee will be designated by the Prefect of each Region as the MIVILUDES correspondent.

The mission of this human resource will include ensuring the diffusion of information, the preparation of training programs and the handling of situations involving other regions.

| *These regional correspondents should be operational in 2004.*

## APPENDICES

- 1 - The November 28, 2002 decree creating MIVILUDES
- 2 - The order concerning the composition of the Pilot Executive Committee
- 3 - The order concerning the composition of the Orientation Council
- 4 - The MIVILUDES brochure
- 5 - Media comments
- 6 - Program of the university seminar “Sects and Secularity”
- 7 - Administrative jurisprudence concerning the refusal of health care
- 8 - Requests for the communication of administrative documents

## APPENDIX 1

## OFFICIAL JOURNAL OF THE FRENCH REPUBLIC

Decrees, ordinances, circulars

GENERAL TEXTS

PRIME MINISTER

**Decree n° 2002-1392 of November 28, 2002 creating  
an inter-ministerial mission of vigilance and combat against sectarian aberrations**

The President of the Republic,

On the report of the Prime Minister,  
Having heard from The Council of Ministers,

Decrees

**Article 1**

There is hereby created, reporting to the Prime Minister, an inter-ministerial mission of vigilance and combat against sectarian aberrations which is charged with:

- 1° Observing and analyzing the phenomenon of sectarian movements whose activities are harmful to human rights and to the basic freedoms, or constitute a menace to public order, or are contrary to our laws and regulations;
- 2° Promoting, in the respect of public freedom, the coordination of the preventive and repressive actions of the public authorities with respect to these activities;
- 3° Developing the exchange of information between public services concerning administrative practices in the area of combat against sectarian aberrations;
- 4° Contributing to the informing and training of public agents in this area;
- 5° Informing the public of the risks and, if necessary, the dangers, of sectarian aberrations, and facilitating actions to help victims of these abuses;
- 6° Participating in those activities concerning its mission that are conducted abroad by the ministry of foreign affairs.

**Article 2**

The mission is to receive, from the various administrative services concerned, all the information they have on the sectarian movements designated in Article 1, except when communication of such information is liable to affect a secret protected by law.

It can also make requests for assistance from the ministries' central services relevant to studies or research in the area of the combat against sectarian aberrations.

It will regularly communicate to these services a resume of its general analyses on this subject.

It will inform them of behavior reported to it that in its judgment may require action on their part. If this behavior is likely to be subject to penal action, it will report it to the Public Prosecutor and advise the Justice Minister, Guardian of Seals, of this report.

**Article 3**

The Mission chairman is named by decree for a three-year term.

He is assisted by a secretary general named by order of the Prime Minister.  
The agents placed under the authority of the Mission Secretary General are also named by order of the Prime Minister.

**Article 4**

The Mission chairman shall preside over a Pilot Executive Committee composed of representatives of the ministry departments concerned.  
This Executive Committee will meet at least six times a year, convened by the Mission chairman, who will establish the agenda.

**Article 5**

The Mission chairman will periodically convene, with an agenda he has determined, an Orientation Council composed of persons named by order of the Prime Minister for their competence or experience.

With its activity, this Council will help nourish the thinking of the public authorities about sectarian aberrations, and to suggest orientations and possible actions for the Mission, and also to favor evaluation of this action.

The Orientation Council will hear any persons it judges to be useful for carrying out its work. The members of the Executive Committee can, on decision of the Mission chairman, attend the Council meetings.

**Article 6**

The Mission chairman shall determine each year, after consultation with the Executive Committee and the Orientation Council, the mission's program of action. It shall establish, in similar fashion, an annual Report of Activity, which shall be submitted to the Prime Minister and made public.

**Article 7**

Decree n° 98-890 of October 7, 1998 creating an Interministerial Mission of Combat against Sects is hereby abrogated.

**Article 8**

The Prime Minister is responsible for the application of the present decree, which will be published in the *Official Journal* of the French Republic.

Jacques CHIRAC

By the President of the Republic:

*Prime Minister,*  
Jean-Pierre RAFFARIN

## APPENDIX 2

Decrees, ordinances, circulars  
**Nominations**

|                       |
|-----------------------|
| <b>Prime Minister</b> |
|-----------------------|

**Order of March 3, 2003<sup>31</sup>**  
**concerning the membership of the Pilot Executive Committee of**  
**the inter-ministerial mission of vigilance and combat against sectarian aberrations**

*By order of the Prime Minister, dated March 3, 2003, the Pilot Executive Committee of the inter-ministerial mission of vigilance and combat against sectarian aberrations is composed of representatives of the ministry departments concerned, whose names follow:*

*M. Yannick Blanc*, sub-director of political affairs and associative life in the department of territorial administration and political affairs of the Ministry of the Interior, Internal Security, and Local Liberties

*M. Michel Bonneau*, sub-director of public freedoms and the administrative police in the departments of public freedoms and legal affairs of the Ministry of the Interior, Internal Security, and Local Liberties

*M. Jean-Robert Louis*, head of the national group of verification and professional training of the general delegation for employment and professional training of the Ministry of Social Affairs, Labor, and Solidarity

*M. Jean-Michel Crandal*, office head at the sub-department of employees' rights of the department of labor relations of the Ministry of Social Affairs, Labor, and Solidarity

*Mme Marie-José Aubé-Lotte*, mission head at the department of criminal affairs and pardons of the Ministry of Justice

*Mme Françoise Dubreuil*, sub-director of educational action and judicial affairs of the department of legal protection of youth of the Ministry of Justice

*Mme Marie-Noëlle Teiller*, sub-director of civil law of the department of criminal affairs and the seal of the Ministry of Justice

*M. Philippe Meunier*, sub-director of security of the department of strategic affairs, security, and disarmament of the Ministry of Foreign Affairs

*M. René Roudaut*, counselor for religious affairs at the Ministry of Foreign Affairs

*General Denis Vaultier*, sub-director of operations of the department of operations and employment of the General Department of the National Gendarmerie of the Ministry of Defense

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<sup>31</sup> J.O n° 53, March 4, 2003, page 3803.

*M. Thierry-Xavier Girardot*, director of legal affairs of the Ministry of Youth, National Education, and Research

*M. Joël Goyheneix*, Inspector General of National Education, responsible for the cell of prevention of sectarian phenomena for the department of legal affairs of the Ministry of Youth, National Education, and Research

*M. François Vareille*, Assistant Director for Youth and Popular Education at the Ministry of Youth, National Education, and Research

*M. Pierre Fond*, sub-director for legal affairs at the General Department of Customs and Indirect Duties of the Ministry of Economy, Finance, and Industry

*M. André-Paul Bonal*, office head of the sub-department of fiscal control of the General Tax Department of the Ministry of Economy, Finance, and Industry

*M. Emmanuel Jancovici*, charged with a mission at the sub-department of family and child social development at the General Department of Social Action of the Ministry of Health, the Family and the Handicapped

*Mme Marie-Claude Marel*, assistant to the sub-director of quality and functioning of health establishments of the department of hospitalization and care organization of the Ministry of Health, the Family and the Handicapped

*M. Joël Balavoine*, General Inspector of Youth and Sports of the Ministry of Sports

## APPENDIX 3

**Decrees, ordinances, circulars  
Nominations**

|                       |
|-----------------------|
| <b>Prime minister</b> |
|-----------------------|

**Order of March 4, 2003 <sup>32</sup>  
Concerning nominations to the Orientation Council  
Of the inter-ministerial mission of vigilance and combat against sectarian  
aberrations**

*By order of the Prime Minister dated March 3, 2003, the following are named as members of the Orientation Council of the inter-ministerial mission of vigilance and combat against sectarian aberrations:*

M. Nicolas About  
M. Jean-Jacques Andrieux  
Mme Claude Azema  
M. Michel Bart  
M. Dominique Borne  
M. Jean-Pierre Brard  
M. Guillaume Cazelles  
Mme Martine David  
M. Eric Dolige  
M. Michel Establier  
M. Georges Fenech  
M. Alain Gest  
M. Serge Girouy  
M. Daniel Groscolas  
M. Daniel Grunwald  
M. Jean-Jacques Hyst  
Mme Isabelle Jalabert  
M. Christian Janet  
M. Serge Lagauche  
M. Dominique Latournerie  
Mme Chantal Lebatard  
M. Bernard Le Heritte  
Mme Nathalie Luca  
M. Michel Meslin  
M. Michel Monroy  
M. Jean-Pierre Morin  
M. Tobie Nathan  
M. Philippe-Jean Parquet  
M. Eric Raffin

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<sup>32</sup> J.O n° 53, March 4, 2003, page 3804.

Mme Dominique Terre





## APPENDIX 5

**Media echoes****MIVILUDES**

MIVILUDES has been solicited by the media on a number of occasions:

- ***When it was set up:***

- - “*The mission for combat against sects changes its name and organization*”, AFP (Agence France Press), November 26, 2002
- “*The fight against sects changes direction/ Renewed mission for the fight against sects*”, in newspaper LA CROIX, November 27, 2002
- “*A new anti-sect tool*”, in the newsmagazine L’EXPRESS, November 28, 2002
- “*From anti-sect combat to vigilance against sectarian aberrations*” in the newspaper LIBERATION, November 28, 2002
- “*New inter-ministerial mission*”, in the newspaper LE FIGARO, November 28, 2002
- “*Decree creating MIVILUDES appears in JOURNAL OFFICIEL*” AFP, November 29, 2002
- “*Nomination of Jean-Louis LANGLAIS, in the column “Rising”, in magazine NOUVEL OBSERVATEUR, December 19, 2002*”
- “*Protection of minors a priority of MIVILUDES*”, AFP, January 13, 2003
- “*New weapons against sects*”, interview with the chairman, in magazine LA VIE, January 30, 2003
- “*MILS is dead, long live MIVILUDES*”, in newsletter LA SEMAINE JURIDIQUE ADMINISTRATIONS ET COLLECTIVITES TERRITORIALES, February 3, 2003

- ***When the first Orientation Council was installed***

- “*New mission against sects is being organized*”, LA CROIX, April 4, 2003
- “*No truce in the combat against sects*”, LE FIGARO, April 4, 2003

- ***For assessment***

- MIVILUDES chairman guest on radio program “*The Phone’s Ringing*”, FRANCE INTER, September 25, 2003
- With Professor PARQUET, on the TV program “*It’s in the Air*”, FRANCE 5, September 25, 2003, in connection with the appeal hearing of Michel TABACHNIK, Order of the Solar Temple
- “*The mission against sects wants to have impact on minds*”, LA CROIX, September 25, 2003
- “*A renovated mission for combat against sects*”, LA CROIX, November 27, 2003
- “*Secrets in the news*”, TV program, M6, November 14, 2003 (report entitled: “*Scientology, the mystery of the disappearing dossiers*”)

- ***When the chairman participated in cells of vigilance meetings in different departments (Nimes, Clermont-Ferrand, Orleans):***

- “*The combat against sectarian aberrations in decentralized consultations*”, in the newspaper LA MARSEILLAISE, March 20, 2003

- “Sects: vigilance as a combat tactic”, in newspaper LA MONTAGNE, July 14, 2003
- “Le Loiret, an exemplary department in the combat against sects”, in the newspaper LA REPUBLIQUE DU CENTRE, November 3, 2003

### **Zooming in on aberrations in psychotherapy and professional training**

In 2003, the media as a whole were especially interested in aberrations in the areas of training and psychotherapy.

#### ***“Psychology” and psychotherapies***

Some examples :

- “Psychotherapy suffering from sectarian aberrations” LIBERATION, February 9, 2003
- “Sects and the medical-social: a new form of vigilance”, GERONTOSCOPIE, May, 2003
- “Therapists, a user’s guide”, L’EXPRESS, August 21, 2003
- Dossier: “A permit for psychotherapists”, LIBERATION, October 25, 2003, with an article entitled “*A ragbag of practices*”.
- Interview with Bernard ACCOYER, in LE MONDE, November 12, 2003
- “*Thanks for the info*”, TV broadcast devoted to therapists, on CANAL+, November 5, 2003

#### ***Educational training***

- “The abuse of coaching”, L’EXPRESS, April 3, 2003
- “False remedies for a true demand”, LIBERATION, April 14, 2003
- “Professional training, beware of imposters”, L’ENTREPRISE, May, 2003
- “Coaches try to bring ethics into their profession”, LA TRIBUNE, July 29, 2003
- “Sects use coaching”, LE POINT, September 12, 2003
- “My children have their own coach, too”, L’EXPANSION, October 29, 2003

## *Seminar “Sects and Secularity”: Calendar / Speakers*

*Ancienne Ecole Polytechnique – Carré des Sciences – Amphi Stourdzé – 1, rue Descartes – 75005 PARIS*

*FIRST CYCLE: PSYCHO-SOCIOLOGICAL AND HISTORICAL ASPECTS*

| <b>DATES</b>                                     | <b>THEMES</b>                               | <b>SPEAKERS</b>  |
|--|---|--|
| Wednesday October 8, 2003<br>from 5 pm to 7 pm   | <i>Inauguration</i>                         | <b>Marie-France COUREL</b> , president of the Ecole pratique des hautes études (EPHE)<br><b>Jean-Louis LANGLAIS</b> , chairman of MIVILUDES<br><b>Dominique BORNE</b> , Dean of General Inspection Office of National Education, historian   |
| Wednesday 15 October 2003<br>From 5 pm to 7 pm   | <i>Point of view of health workers</i>      | <b>Daniel GRUNWALD</b> , Secretary General Emeritus of the National Council of the Order of Physicians<br><b>Philippe-Jean PARQUET</b> , psychiatrist, Professor at the University of Lille<br><b>Anne-Lise DIET</b> , psychoanalyst   |
| Wednesday November 5, 2003<br>From 5 pm to 7 pm  | <i>Psychological visions</i>                | <b>Michel MONROY</b> , psychiatrist<br><b>Emmanuel DIET</b> , psychologist, group analyst, philosopher<br><b>Jean-Claude MAES</b> , psychologist, founder and head of SOS Sects (Brussels)   |
| Wednesday 19 November 2003<br>From 5 pm to 7 pm  | <i>Positions of historians (1)</i>          | <b>Philippe JOUTARD</b> , Professor at the Ecole des hautes études en sciences sociales (EHESS)<br><b>Paul ARIES</b> , political scientist (Lyon)  |
| Wednesday 3 December 2003<br>From 5 pm to 7 pm   | <i>Positions of historians (2)</i>          | <b>Paul AIRIEAU</b> , doctoral candidate in contemporary history, member of the Fondation Thiers de l'Institut<br><b>Michel SOT</b> , Professor at Paris IV<br><b>Michel MESLIN</b> , Professor at Paris IV  |
| Wednesday December 17, 2003<br>From 5 pm to 7 pm | <i>Approaches of sociology of religions</i> | <b>Danièle HERVIEU-LEGER</b> , director of studies at EHESS, director of the Centre d'études interdisciplinaires des faits religieux (EHESS/CNRS)<br><b>Claude LANGLOIS</b> , President of the Institut européen des sciences religieuses (EPHE)<br><b>Sébastien FATH</b> , researcher (CNRS – IRESCO), specialist in evangelical movements  |
| Wednesday January 7, 2004<br>From 5 pm to 7 pm   | <i>Specialists of secular affairs</i>       | <b>Jean BAUBEROT</b> , Professor in "History and sociology of secularity" (Sorbonne), former President of EPHE,<br><b>Charles COUTEL</b> , Professor of the philosophy of law<br><b>Henri PENA-RUIZ</b> , philosopher<br><b>François BAROIN</b> , deputy, author of a report on secularity   |
| Wednesday January 21, 2004<br>From 5 pm to 7 pm  | <i>Viewpoint of major religions</i>         | <b>Father Nicolas GUERIN</b> , archbishop of Paris, "New beliefs"<br><b>Rabbi Haïm KORSIA</b> , responsible for mission for the Head Rabbi of France<br><b>Mohamed ARKOUN</b> , Professor at Paris III, chairman of the Scientific Council of the Civic Center for the Study of the Religious (Montreuil)<br><b>Jean-Arnold de CLERMONT</b> , pastor, President of the Protestant Federation of France |
| Wednesday February 4, 2004<br>From 5 pm to 7 pm  | <i>Anthropology</i>                         | <b>Nathalie LUCA</b> , anthropologist, researcher at CNRS/IRESCO, specialist on Southeast Asia<br><b>Annie LOSONCZY-MENGET</b> , researcher at CNRS/IRESCO, specialist on South America<br><b>Jean-Pierre DOZON</b> , Professor at EHESS, specialist on Africa   |

## *Seminar “Sects and Secularity”: Calendar / Speakers*

*Ancienne Ecole Polytechnique – Carré des Sciences – Amphi Stourdzé – 1 , rue Descartes – 75005 PARIS*

### *SECOND CYCLE: POLITICAL-LEGAL ASPECTS*

| <b>DATES</b>                                  | <b>THEMES</b>                           | <b>SPEAKERS</b>   |
|---|---|---|
| Wednesday March 10, 2004<br>from 5 pm to 7 pm | <i><b>Institutional Actions</b></i>     | <p><b>Adelbert DENAUX</b>, president of Center for information and counsel on harmful sectarian organizations (CIAOSN) - Belgium</p> <p><b>Ursula CABERTA</b>, SPD deputy - Hamburg/Germany</p> <p><b>Jeremy GUNN</b>, Emory university – Atlanta / USA</p> <p><b>Vianney SEVAISTRE</b>, Ministry of Interior, head of office of religions</p> <p><b>Joël GOYHEINEX</b>, Inspector General, charged with cell for prevention of sectarian phenomenon at Ministry of National Education</p> <p><b>René ROUDAUT</b>, Ministry of Foreign Affairs, counselor for religious affairs</p> |
| Wednesday March 24, 2004<br>from 5 pm to 7 pm | <i><b>Legal Statements</b></i>          | <p><b>Jacques MICHEL</b>, Professor at Institut d'études politiques (IEP) – Lyon II</p> <p><b>Dominique LATOURNERIE</b>, Counselor of State</p> <p><b>Jean-Pierre DUBOIS</b>, Professor of Public Law at Paris XI, Vice –president of the League of Human Rights (LDH) and the International Federation of Human Rights (FIDH)</p> <p><b>Patrice ROLLAND</b>, Professor at the University of Paris XII and at EPHE</p>  |
| Wednesday May 5, 2004<br>from 5 pm to 7 pm    | <i><b>Political Debates</b></i>         | <p><b>Antoine SFEIR</b>, Director of the review “Les Cahiers d’orient”</p> <p><b>Michel MAFFESOLI</b>, Professor of Sociology at Paris V</p> <p><b>Henri MADELIN</b>, Director of the review “Etudes”</p>   |
| Wednesday May 19, 2004<br>from 5 pm to 7 pm   | <i><b>Political Decisions (1)</b></i>   | <p><b>Alain GEST</b>, Deputy, Chairman of the Commission of parliamentary inquiry “The sects in France” (1995)</p> <p><b>Jean-Pierre BRARD</b>, Deputy, reporter of the Commission of parliamentary inquiry “Sects and Money” (1999)</p>  |
| Wednesday June 2, 2004<br>from 5 pm to 7 pm   | <i><b>Political Decisions (2)</b></i>   | <p><b>Nicolas ABOUT</b>, Senator, reporter for the About-Picard law</p> <p><b>Philippe VUILQUE</b>, Deputy, chairman of the study group on sects at the National Assembly</p> <p><b>Georges FENECH</b>, Deputy, former magistrate (investigation and preparation of the 1997 Scientology trial)</p>   |
| Wednesday June 16, 2004<br>from 5 pm to 7 pm  | <i><b>Practice in the field</b></i>     | <p><b>Daniel GROSCOLAS</b>, President of the Center against mental manipulation (CCMM)</p> <p><b>Jean-Pierre JOUGLA</b>, Bureau member of the National Union for the defense of families and the individual (UNADFI), attorney-at-law, specialist in victimology, and secretary of FECRIS</p> <p><b>Didier PACHOUD</b>, Responsible for the Group for study of movements of thought for protection of the individual (GEMPPPI)</p>  |
| Wednesday June 23, 2004<br>de 4 pm to 8 pm    | <i><b>Philosophical Conclusions</b></i> | <p><b>Dominique TERRE</b>, Professor of philosophy of law, CNRS</p> <p><b>Jean-Philippe CATONNE</b>, philosopher and psychiatrist, head of “Present Reason”</p> <p><b>Régis DEBRAY</b>, European Institute of Religion Sciences / EPHE</p>  |



## APPENDIX 7

### **Administrative jurisprudence on refusal of health care**

Refusal of blood transfusions has remained an essential doctrine of Jehovah's Witnesses: "*it would be against the law of God to accept whole blood or any of its major components*".<sup>33</sup> Those who accept treatment with blood transfusion are liable to exclusion from the movement. The law and jurisprudence of the Council of State have attempted to reconcile the patient's right to refuse treatment and the doctor's obligation to give assistance to those in danger.

The law of March 4, 2002 in effect authorizes the hospital team to administer indispensable care to a child, in spite of parental refusal.

As for adults, the law of March 4, 2002, Article L.1111-4 of the Code of Public Health, provides that the patient or his entourage can refuse any medical act or treatment.

Administrative judges have issued judgments concerning the refusal of transfusions in emergency situations.

In one case, on August 25, 2002, the administrative tribunal of Lille issued a ruling favorable to non-transfusion. The emergency resuscitation service of a public hospital had treated a young woman sent there by a private clinic. The treatment of hemorrhaging had saved the woman. Nevertheless, the patient's entourage lodged a complaint against the hospital, enjoining it to not administer a transfusion to this patient against her will, or without her knowledge. The hospital had neglected to cite an immediate danger to the patient's life at the time the transfusion was given.

However, two decisions of the Council of State provide specific jurisprudence for this matter.

#### **- Judgment of October 26, 2001**

Mme N., who had received transfusions after losing a third of her blood mass during surgery, sued the Public Assistance Hospitals of Paris demanding 100,000 francs damages for the prejudice caused by the decision to give a transfusion against her will.

In their decision of October 26, 2001, the Council of State judged that the doctors had committed no fault, and that the public hospital had given the only treatment capable of saving the patient's life.

#### **- Judgment of August 16, 2002**

The Council of State heard an appeal of an interim ruling made on August 9, 2002, by the administrative tribunal of Lyons. In a case of intensive post-operative care, the Lyons tribunal had enjoined the university hospital center of Saint Etienne:

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<sup>33</sup> Red blood cells, white blood cells, platelets, plasma.

- . not to give a transfusion to the patient, while indicating that this order would not apply if the patient “*came to be in an extreme life-threatening situation*”.
- . not to give a transfusion to the patient “against his wishes and without his knowledge”.

According to the Council of State, the doctor should persuade the patient to accept indispensable treatment, and make sure that the transfusion is “*an appropriate act and indispensable to the patient’s survival*”.

A life-threatening prognosis, the obligation to help someone in danger, a balance between the patient’s chances of survival and respect of the patient’s wishes, are the criteria which the doctor must consider in determining therapeutic strategy.

## APPENDIX 8

### Ministry of Social Affairs, Labor, and Solidarity

#### Requests for documents involving an appeal to the CADA

2001

| Date of session   | Name of association                                     | Object of request  | Department concerned | CADA decision<br>Observations   |
|-------------------|---|--|----------------------|---|
| 3/22/01<br>(1568) | M. GROSSMANN<br>(Citizens' Commission for human rights) | <p>1) List of individuals and groups the French government consulted concerning the book prepared by the bioethics guiding committee of the Council of Europe on the protection of human rights and the dignity of individuals suffering from mental problems, in particular those placed against their will in a psychiatric establishment.</p> <p>2) Contents of these consultations</p> <p>3) Synthetic report addressed to the Council of Europe</p> <p>4) Synthetic reports of departmental commissions on psychiatric hospitalizations for the years 1998-1999-2000.</p> | D.G.S                | <p>Opinion of 4/17/01<br/><b>No object</b> (does not exist)</p> <p><b>Unfavorable</b><br/>(preparatory document)</p> <p><b>No object (does not exist)</b></p> <hr/> <p><b>Communicable</b></p>  |
| 4/5/01<br>(1570)  | Mme GOUNORD<br>(Ethics and Freedom)                     | <p>1) Copies of budgets, accounts, and financial reports for the years 1995-2000 on subsidies granted by the M.E.S. to UNADFI and its Parisian branch ADFI Paris.</p> <p>2) Copies of budgets, accounts and financial reports for the years 1995-2000 of subsidies granted by the M.E.S. to the C.C.M.M.</p>   | D.G.A.<br>S          | <p>The DGS followed the recommendation of the CADA</p> <p>Opinion of 4/30/01<br/><b>Communicable</b></p> <hr/> <p>Documents transmitted, except for documents concerning ADFI Paris which had not signed a convention with the ministry</p> |



## Requests for documents involving an appeal to the CADA,

2001

| Date of session    | Name of association                                     | Object of request   | Department Concerned | CADA decision Observations   |
|--------------------|---|---|----------------------|--|
| 4/5/01<br>(1575)   | Mme GOUNORD<br>(Ethics and Freedom)                     | Copies of sect-related reports made from 1992 to 2000 by a study mission charged with following sects, among other matters.   | D.G.A.S              | Request imprecise<br><b>Unacceptable</b><br>Opinion of 4/16/01   |
| 10/25/01<br>(1648) | M. GROSSMANN<br>(Citizens' Commission for human rights) | Synthesis of the opinions of various organizations consulted for the white paper on the protection of human rights and the dignity of people affected by mental disorders, in particular those placed against their will in a psychiatric hospital. | D.G.S                | The administration did not present its observations in time: the CADA emitted the opinion <b>communicable</b> "in principal"<br>This recommendation was followed by the DGS  |
| 12/6/01<br>(1659)  | M. GROSSMANN<br>(Citizens' Commission for human rights) | Copies of annual activity reports of departmental commissions for psychiatric hospitalization in 89 departments from their creation in 1990 to 2000.<br>(list attached)   | 89<br>DDASS          | Opinion of 12/20/01<br><b>Communicable</b><br>With the reservation that all information is to be obliterated that would be an invasion of privacy<br><br>A letter was sent to all heads of a CDHP and prefects transmitting the opinion and asking them to communicate the requested documents<br>Appeal Courts contacted<br>- Nièvre<br>- Finistère<br>- Hauts-de-Seine<br>- Moselle<br>- Côte d'Or<br>- Essonne<br>- Cayenne<br>- Doubs<br>- Savoie<br>- Meurthe-et-Moselle<br>- Creuse<br>- Indre<br><br><b>No object</b> (after the request was granted or |

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|  |  |  |  | cancelled) |
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## Requests for documents involving an appeal to the CADA,

2002

| Date of session                 | Name of association                                      | Object of request  | Department concerned                      | CADA decision Observations  |
|---------------------------------|--|--|---|---|
| 6/27/02<br>(n° 1749)            | Ethics and Freedom                                       | Complete file including credits granted from 1990 to 2002 by the ministry to the association for defense of the family and the individual (ADFI) including requests for subsidies, attached documents, and accounting documents furnished by this association as well as the decision to accept or refuse the subsidy. | D.G.A.<br>S                               | Opinion of 8/19/02<br><b>Imprecise request</b><br>Appealed<br>Rejected 3/14/03<br><b>No object</b>                                  |
| 8/22/02<br>(1778)               | Ethics and Freedom                                       | Copy of video entitled “sects, traps” produced by the association “Je – Tu – Il” along with notes, instructions, reports, etc. related to its creation and distribution.<br><br>Subsidies granted to two associations “Je – Tu – Il” and “A.R.I.E.S.”  | D.G.A.<br>S                               | Opinion of 9/9/02<br><b>Communicable</b><br>The ministry transmitted the requested document   |
| 11/21/02<br>(1814)              | Ethics and Freedom                                       | Copies of annual reports of CDHP from 1990 to 2001   |   | Opinion of 1/10/03<br><b>Communicable</b><br>To be consulted on site<br>Appealed:<br><b>Rejected on 6/30/03</b><br><b>No object</b> |
| 5.12.02<br>(1818–<br>1819-1820) | M. GROSSMANN<br>Citizens’ Commission<br>for human rights |  | DDASS<br>51<br>DDASS<br>13<br>DDASS<br>94 | Opinion of 1/7/03<br><b>Favorable</b><br>Consultation on site proposed  |

## Requests for documents involving an appeal to the CADA

2003

| Date of session              | Name of association                                      | Object of request  | Department concerned | CADA decision<br>Observations  |
|------------------------------|--|--|----------------------|--|
| 1/9/03<br>(n° 1889)          | Ethics and Freedom                                       | Copy of decision refusing authorization to crèche of the association "Ecole de l'Eveil" dated end of December  | D.G.A.S              | CADA decision of 1/27/03<br><b>No object</b><br>Does not have it   |
| 1/9/03<br>(n° 1890)          | Ethics and Freedom                                       | - Copy of letter sent by UNADFI in July, 1997 concerning the magazine "Terra Incognito" and the response of the ministry<br><br>- Copy of note of permanent group for combat against illiteracy dated April, 1997 concerning distribution of the magazine "Ron the Educator »  | D.G.A.S              | CADA decision of 3/02/03<br><b>no object</b><br>cannot be found  |
| 9/11/03<br>(n° 2015)         | Ethics and Freedom                                       | - File concerning subsidy requests granted by the ministry to the Center against Mental Manipulations for fiscal 2001-2002 including budgets, accounting and financial accounts.<br><br>- Total of sums granted by the ministry for fiscal 2001 and 2002   | D.G.A.S              | CADA decision of 9/26/03<br><b>Communicable</b><br>Consultation on site 9/23/03                          |
| 23.10.03<br>(n° 2028)        | Ethics and Freedom                                       | - Copy of complete dossier filed by SOS Racisme concerning requests for subsidies for fiscal 2000/2001/2002 including budget, accounting, financial accounts and activity reports;<br>- Ministry directives concerning the attribution or refusal of these subsidies along with the total sums allotted for each fiscal year.  | DGAS<br>DPM          | CADA decision of 10.11/03<br><b>Communicable</b><br><br>follow-up: favorable                             |
| 11/6/03<br>(n° 2041 to 2060) | M. GROSSMANN<br>Citizens' Commission<br>for human rights | - Complete annual reports (statistics and comments) of the departmental commissions for psychiatric hospitalization of the following departments:<br>- Ain – Ardèche - Côte d'Or – Drôme – Eure-et-Loir – Ile et Vilaine – Loir et Chef – Haute Loire – Lot – Lot-et-Garonne – Maine-et-Loire – Manche – Marne – Mayenne – Meurthe-et-Moselle – Orne – Bas-Rhin – Sarthe – Tarn-et-Garonne – Territoire de Belfort | DDASS<br>CDHP        | CADA decision of 11/24/03<br><b>no object</b><br>the documents either do not exist or are in preparation |

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**Requests for documents involving an appeal to the CADA**

**2003**

| Date of session       | Name of association | Object of request   | Department concerned | Decision of CADA<br>Observations  |
|-----------------------|---------------------|---|----------------------|---|
| 12/18/03<br>(n° 2074) | Ethics and Freedom  | <p>File on sectarian phenomenon including:</p> <ul style="list-style-type: none"> <li>- Correspondence with different administrations between 1999 and 2003</li> <li>- Correspondence with the 32 heads of General Councils on June 23, 1998, and follow-up letters dated January 25, 1999 and the 18 answers received</li> <li>- Activity reports to MILS or their directors for the cited years</li> <li>- Correspondence with the permanent representative of the operations group, L. Emmanuel JANCOVICI, head of mission, or the director of social action and the heads of MILS, as well as correspondence received by the different members of MILS at the ministry between 1998 and 2002</li> <li>- Activity reports exchanged during this period</li> <li>- Dossier concerning the setting up of structure for sect-leavers and their families, including the use of funds and all activity reports for 1999 to 2003</li> <li>- Program of the technical day on protection of children from the sectarian phenomenon in late 1999 or early 2000, aimed at general council services (mother and child protection, and social assistance to children)</li> <li>- Actions undertaken by the National Center for Territorial Functions</li> <li>- Program of ENSP training activities aimed at agents of the DDASS</li> <li>- Correspondence with ENSP concerning setting up of such training</li> <li>- Training program of the national association for continuing education of hospital personnel organized for regional correspondents</li> <li>- Correspondence between the ministry and this association relating to the setting up of this training between 1999 and 2000</li> </ul> <p>Results and analyses of this training</p> | D.G.A.S              | <p>Opinion of January 12, 2004</p> <p>Unacceptable (imprecise)</p> <p>Favorable</p> <p>Unacceptable</p> <p>Unacceptable</p> <p>Unacceptable</p> <p>Favorable</p> <p>No object</p> <p>Unacceptable</p> <p>Unacceptable</p> <p>Unacceptable</p> <p>Unacceptable</p> |

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|  |  |  |  | Unacceptable |
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**Requests for documents involving an appeal to the CADA**

**2003**

| Date of session       | Name of association | Object of request   | Department concerned | Decision of CADA<br>Observations |
|-----------------------|---------------------|---|----------------------|----------------------------------|
| 12/18/03<br>(n° 2075) | Ethics and Freedom  | copy of documents relating to associations dealing with sects: <ul style="list-style-type: none"> <li>- Accounts</li> <li>- Reports</li> <li>- Total of subsidies</li> <li>- Request and approval sent by ministry to associations</li> </ul> | D.G.A.S              | Opinion of 1/19/04<br>no object  |

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