

INTER-MINISTERIAL ANTI-CULT MISSION

2001 REPORT

Resolution of the European Parliament on the state of fundamental human rights in the European Union
(5 July 2001)

The European Parliament recommends that Member States pay particular attention to the – at times illegal or criminal - activities of certain cults that jeopardise the physical or psychological integrity of individuals, in particular:

- *Initiating information and awareness campaigns by specialised, independent organisations involved in safeguarding human rights so that everyone may decide whether or not to join or leave a religious or spiritual movement,*
- *drafting adequate legal, fiscal and penal provisions to thwart illegal actions by certain cults.*

(point 49 of the Resolution)

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INTRODUCTION

2001 was the third year of action by the MILS. It was marked by a major legislative action - the passing of the About-Picard Law following a long period of consultation in both the National Assembly and the Senate. This report contains a brief analysis of the major provisions of this law, a particular feature of which is that it was passed by Parliament virtually unanimously. Far from being a "French exception", it is in line with similar initiatives taken elsewhere - for instance, the abolition of "religious privilege", which was often abused by cults in the past, in the Federal German Republic. This was passed in the Bundestag with support from German Catholics and Protestants alike.

As far as the law governing associations is concerned, the Mission's Policy Council regrets to note that the centenary of the law of 1901 was not marked by the introduction in this founding text of an obligation of democratic management (General Meeting and election of directors) on the part of associations with corporate body status. This would be in line with similar provisions already existing in the legislation of many European countries.

It would appear that cult proselytism remains at a low ebb in France, reflecting general public vigilance in relation to cults and the measures taken by the public authorities. Information from the surveillance committees set up pursuant to the Ministry of the Interior's Circulars of 1997 and 1999 appears to confirm this positive trend noted in the 2000 report.

Although this is gratifying, it requires corroboration in the years ahead. The fact that cults have many varied faces calls for utmost caution in respect of the forms in which it may appear or reappear at any time. In addition, it would appear that the tragic events in the United States in September will in the long run make the US more wary in respect of movements that have set up their headquarters in the country and justify carrying out their activities (which would be punishable by law in Europe) under cover of a particularly lax interpretation of the US constitution's first amendment.

Regarding the prevention of economic and financial criminality, a frequent occurrence among cults, the MILS is heartened by the forthcoming creation of new supplementary units in Lille and Fort-de-France (four are already operational - in Paris, Lyon, Marseille and Bastia).

It would now be opportune to consider implementing a legislative measure making it possible to handle these matters in collaboration with existing institutions already involved in combating financial criminality and terrorism.

The Mission is also gratified by the announcement by the Minister of Justice of the imminent creation of a public health unit in Paris. The employment of specialist magistrates constitutes a new step. It will no doubt be a decisive factor in reinforcing action by the judicial powers in these sensitive areas where charlatanism and Mafia-style practices co-exist and intermingle.

At the judicial level, the Mission notes with interest the first referral to the criminal courts of a movement reputed to be a cult (*Association spirituelle de l'Eglise de scientologie d'Ile-de-France – Spiritual Association of the Church of Scientology in the Ile-de-France*), pursuant to provisions which, under the new Penal Code, make it possible to charge both corporate bodies and private individuals.

As regards a new type of threat, the Mission addressed the use of "adwords", hidden words that refer users to a given Internet site. It has advised the competent Ministers of a cult window opened via sites containing electronic games for children, which are currently all the rage.

These methods of propaganda that target young people have already been used on other occasions, with particular reference to the word "drugs". We would like to see the bodies responsible for the protection of young people undertake an enquiry and if necessary examine the possibility of taking action against unacceptable practices.

Having received information on attempts by subsidiaries of several cult movements to penetrate government departments through the IT markets or sale of services, the Mission contacted the relevant government bodies so that the necessary precautionary measures may be taken, in line with those which other European states have adopted when confronted with the same issues.

Following the laws on decentralisation, local authorities have specific responsibilities in health and social services, in particular the General Councils in each département whose chairmen are, for example, responsible for the care of children removed from parental control by court order.

The Mission will of course pay close attention to the initiatives taken by local authorities in combating threats from cults. In 2001, it supported a global training and information programme for staff in the fields of health and social services in the Loiret region. This experiment was undertaken by a member of parliament who is also a member of the Mission's Policy Council. It also monitored the setting up of a general network for surveillance and information in Seine-et-Marne with the support of the General Council and the major towns in the region, on the initiative of the CCMM (*Centre de documentation, d'éducation et d'action contre les manipulations mentales – Centre for Documentation, Education and Action against psychological manipulation*).

It will also closely monitor the implementation of similar initiatives in other metropolitan areas, such as the Somme, and in certain overseas departments where general and regional councillors have opted to work with the support of the UNADFI (*Union nationale des associations de défense de la famille et de l'individu – National Union of Associations for protecting the family and the individual*) and the CCMM.

As in the past, the Mission had extensive, fruitful contact with the major associations involved in countering threats from cults during the year.

It holds regular meetings with the FECRIS (*Fédération européenne des centres de recherche et d'information sur le sectarisme – European Federation of Centres for Research and Information on Cults*) which now comprises 37 associations or delegations in Europe. The composition of the FECRIS committee reflects its growing audience: a Belgian Chairman, English and Catalan Vice-Chairmen, a French General Secretary and an Austrian Treasurer.

The two major national associations, the CCMM and the UNADFI, went through a difficult period in the year, when their Chairmen were replaced. Both reiterated their specific features: assistance and support for victims of cults on the one hand and research into the cult phenomenon and reaction from constitutional states on the other. Since this year they have national offices in accordance with the rapid growth in their activities. Several ministerial departments have granted them aid, mostly for joint projects. The MILS attended their congresses, general meetings and training sessions whenever it was invited to do so. On each overseas visit, it met local rapporteurs from the major national associations and shared its own ideas with them.

The MILS notes that these associations, and some others that are smaller or have more limited objectives, now carry out a real public service mission and comprise two associative pillars inextricably linked with the action of the authorities in their own field of competence.

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The Policy Council met five times in 2001, under the auspices of the Chairman; the Operations Group, generally convened by the Secretary General, met mostly in restricted session.

The logistics of the Report and the various phases of its production were discussed at several meetings of the Policy Council. The Operations Group handled the co-ordination of the various departments; this involved issues of general interest and topical matters.

There was a significant increase in the tasks of the Mission's permanent team, relating to internal requests (from ministries, government bodies, the economic sector, national local authorities, corporate bodies and individuals). At international level, the pioneering role played by France— along with some other European Union Member States – in this field resulted in increased requests for intervention by bodies outside the country (European Parliament, United Nations and UN bodies such as ECOSOC¹, OSCE², and international seminars). The first informal gathering of EU member state institutions responsible for cult-related issues was held in Paris in June. It was a great success and it is likely that similar initiatives will be taken by other member states in 2001.

Finally, in accordance with the recommendations of its Policy Council, the Mission stepped up its presence abroad, not only in the overseas departments but also for the first time in New Caledonia. A separate chapter in the 2001 report provides details of this.

As far as its resources are concerned, the Mission had to act this year with fewer resources than last year. This situation should be rectified as part of the budget for 2002. Regarding human resources, it had to function without a general secretariat for six months and the third typist included in the budget has still not been appointed. This situation cannot continue without becoming a serious handicap to the Mission's fourteen employees, who are taking on increasing responsibilities and whose dedication enables us to respond to the challenges posed by the wide range of cult actions.

¹ Economic and Social Council

² Organisation on Security and Cooperation in Europe

**SUMMARY OF THE FIRST THREE YEARS OF
ACTION BY THE INTER-MINISTERIAL ANTI-
CULT MISSION (MILS)**

Since it was set up three years ago, the Mission has acquired expertise founded on both extensive documentation, which has been checked and confirmed, and regular information resulting mainly from the work of departmental and regional surveillance committees. For their part, cult movements publish copious amounts of material. Even their foreign publications are increasingly well known in France. They issue their upper echelons with so-called confidential "instructions". In many cases, when members start to question the role they are being asked to play, they have no hesitation in divulging these instructions publicly, sending them anonymously by mail or placing them on Internet sites.

In the end victims of the siege mentality common to all totalitarian movements, be they political or pseudo-religious, cults unintentionally "discover" their allies. For instance, when we read in the latest report from the US Congress on Religious Freedom in the World how disgraceful it is that France has not granted religious minority status to Scientology, the Raelian movement, the Mandarom or the Order of the Temple of the Sun, it is probably fair to assume that the editors of this patchwork which calls itself a report include some followers that have infiltrated the system.

The same applies to some – no doubt unwitting – slips that are nevertheless revealing. One information article uses terms that are part of a cult's internal jargon³. It also - knowingly or otherwise - uses the wording of the editorials in the cult's publications and does not reveal the sources. This system of information is common to many cult movements: start with a real fact, embroider it to twist its meaning, taking care to use the conditional tense so as to avoid the risk of being sued for libel.

Cults that betray their nature and objectives in this way are obliged to seek out external support and take advantage of circumstances to break the circle of civil vigilance to which they have unwittingly contributed and by which they feel themselves to be unfortunately restricted.

Before giving further details of certain aspects of this, the Mission believes it is useful to examine the state of cult movements in France in the first year of the 21st century.

Statistically, it is becoming increasingly easy to identify cults – of course, estimating their number and the number of their followers only involves making a rough count. This is because the followers appear on many occasions and the demonstrations in which they take part make them visible. But it would be pointless to limit the quantitative assessment of followers only to active members. We need to take account of those they influence or those that are, or have been, their victims.

For instance, the *people involved* in the various cult movements number approximately 500,000 in France. This figure has not changed significantly in twenty years and so reflects an overall stagnation in proselytism, or even a slight fall. The higher number of cases involving cults currently before the Courts should not lead to an error in assessment. In reality, it is greater public vigilance and increased attention from the judicial authorities that explain why, over the same period, the number of cult offences brought to court has increased from a few dozen in the eighties to several hundred at the beginning of this century.

Among the people involved, we must of course make a distinction between victims, whether or not they are former followers, and *active converts*. There are some 400,000 active

³ Terms whose meanings are generally known but to which the cult assigns a different meaning altogether, in principle only known to members.

converts, the vast majority of whom are adults – but there are exceptions, in particular in movements that exploit parental authority to the detriment of children's rights. Cult membership is roughly balanced between men and women, although there are a higher number of women in pseudo-therapeutic cults and a higher number of men in movements involving pseudo-training.

The 400,000 followers cannot be listed without making some distinctions. In its first report in 1999, the MILS stipulated the scope of its brief by defining the meaning of the word "cult". It is useful to provide a reminder of this definition: *a group or association, with a totalitarian structure, which may or may not state religious objectives, **the behaviour of which undermines human rights and social equilibrium***. It is therefore very clearly the behaviour, not the doctrine, of any given movement which is subject to scrutiny. Of course, the Mission does consider the philosophical or religious stand taken by these movements⁴. It is not possible to understand the causes of a type of behaviour without knowing the teachings stemming directly from the ideas of the founding guru and his successors. By way of example, the writings of Ron Hubbard amply explain the methods used by the cult within companies and institutions and the pressure that it attempts to apply in order to silence all those who publicly reveal its social behaviour. Examples were found in the above-mentioned report.

The study of behaviour resulted in the Mission dividing the movements in question into three major categories. By way of a reminder, these are as follows:

- *absolute cults*, movements that aim to replace generally accepted values with counter-values which challenge the founding principles of any democracy and human rights enshrined in Declarations (the French Declaration of 1789 and the Universal and European Declarations) and Conventions (such as the International Convention on the Rights of the Child).

There are few absolute cults and they involve a small number of militants, contrary to what is claimed by their spokespersons. Their nuisance value lies much more in the methods they use - including unobtrusive penetration of the social fabric - than in their number of followers. Scientology unwittingly revealed this when it organised a demonstration in Paris in October 2000. This was intended to be a large-scale international affair. With barely 1500 people taking part, mainly from the United States, Canada, Denmark (the location of Scientology's European head office) and Sweden, the Scientology demonstration eventually only attracted 400 French people from all regions of France. Scientology claims to have 20,000 members in the Paris region alone (some newspapers naively repeat this "statistic" year after year).

Likewise, in November 2001, a demonstration of some 200 people protesting against Scientology took place in front of one of its buildings in the 17th arrondissement in Paris. The cult was able to quickly assemble only a few dozen followers to try to form a counter-demonstration.

- In the opinion of the MILS, a second category of cults includes groups with very diverse ideological bases (religious, philosophical, therapeutic or commercial), which cannot be included among absolute cults but *some of whose actions are unacceptable* insofar as they challenge fundamental human rights.

While there can be no dialogue with absolute cults, since it would simply imply acceptance by the authorities of all their counter-values, so dialogue with these

⁴ Contrary to erroneous allegations often made by religious sociologists.

movements as a whole seems acceptable. This involves distinguishing which aspects of their behaviour are questionable, making them aware of this and continuing to demand observance of the law. This is a difficult task that the Mission has never ceased to perform since its inception. For instance, it has been able to achieve some progress involving both compliance with law number 97-1019⁵ by Jehovah's Witnesses and the cessation of proselytism in educational institutions by an ambiguous movement of Asian origin, which is nonetheless still subject to other forms of vigilance.

This category includes *Jehovah's Witnesses, who alone make up almost two-thirds of identified cult followers in metropolitan France and the overseas départements* (some 250,000 followers, often recruited in socially deprived areas through a systematic policy of door-to-door calls).

The section on health matters includes information relating more specifically to the diverse instructions this movement issues to its followers in respect of blood transfusions. Likewise, the Mission continues to closely monitor breaches of the respect due to any person wishing to leave a specific movement⁶, who may not be considered as a renegade because of this or suffer various forms of harassment forbidden under criminal law.

- The third category also only covers a small number of converts yet represents *the majority of movements of very diverse origins and tendencies which the general public or some of the victims' organisations regard as cults, but which have not yet been subject to any academic study*, or for which studies have only been undertaken by followers or sympathisers of the movement itself.

As regards these movements, the Mission recommended, and still recommends, a cautious policy: *non-intervention without premature stigmatisation*. With the progress in research thanks to academic studies it is now possible to throw some light on a number of local, smaller movements and on more extensive groups. An example is the anthroposophic "galaxy", the subject of research recently undertaken by the anthropologist Paul Ariès⁷.

It is clear that in this final category, doing the groundwork will take longer. It would be appropriate for the studies currently under way on the problem of cults to give priority to this. Gradually building up extensive, multi-disciplinary documentation appears essential. Such research would certainly be of more use than some works of dubious scientific value or studies reflecting an extraordinary degree of complacency.

Unlike philosophical and religious movements which offer a view of the world or paths that are strictly speaking religious – linking humans *inter se* or linking people to the sacred – cults do not really trouble themselves with metaphysics. Religious self-proclamation, although often advocated by most absolute cults, does not lead to practising a religion. Of course, leaders of the movement do not hesitate to use titles borrowed from religious terminology, such as reverend or bishop. But ceremonies are rarely organised (except to serve the needs of the cause, when the cult needs to publish photographs of a service). When they are organised, access is strictly restricted.

⁵ Law No. 97-1019 of 28 October 1997 on the reform of national service.

⁶ In accordance with the right recognised under Article 9 of the European Human Rights Convention.

⁷ *Anthroposophie, enquête sur un pouvoir occulte*, (Anthroposophy, enquiry into an occult power) Golias, 2001

Among the movements whose behaviour resembles that of cults, there are buildings that are claimed to be church premises. They are sometimes finished in a matter of days, even before building permits are issued (as was the case for the Mandarom). But the "church activities" practised in these premises are only accessible on certain occasions (open days) or with close monitoring of visitors similar to what is seen in certain fundamentalist churches. And what are we to make of the rites of the Raelian religion, which is a manifestly atheist movement?

In actual fact, cult activity goes well beyond the convenient mask of religion. Analysis of the cases handled by the Mission confirms its initial impression. *80% of the activities of cult movements are conducted in two areas still inadequately covered by the law and regulations: continuous education and pseudo-therapies (including pseudo-psychotherapeutic activities).*

In the first case, the aim is the mass of loans, renewed each year by institutions and companies. There are also considerable trade-offs: knowledge of the company, its salaried employees (on whom completely illegal individual files are drawn up in secret), information gathered indirectly on the company's strategic plan, its customer network or the research in which it is involved.

Salaried employees and managers of human resources have on several occasions noted the bizarre, if not grotesque, character of some training programmes offered by training firms that can be considered as true subsidiaries⁸.

In addition, in certain cases abnormal training methods appear to be in line with a strategy of getting to know the company through the very reactions of those who experience them and protest against their use (ability to resist infiltration, the degree of solidarity among those protesting against them, lists of non-protestors, and ground given for disputing the methods used).

When, in addition to the training offered, the cult succeeds in infiltrating a company by other means, it benefits greatly. Several transnational cult movements have also established *IT companies* headed by competent cult leaders, without any direct link to the movement behind their activity. So efforts to gain a market begin. Insofar as the senior staff of the subsidiary obtain their personal resources from within the cult itself, it is not too difficult to submit applications which say as little as possible and eventually to be appointed. The penetration of the company is then complete. In some exceptional cases this leads to the downfall of the company and its liquidation. More generally it leads to the use of its skills and resources to eventually gain substantial advantages in terms of both influence and financial resources (when the cult has a registered office abroad, basic information on the company is sent there and stored with a view to later use).

Growing vigilance in respect of financial flows, the increasingly vigorous measures against money laundering and the gradual lifting of banking secrecy are all fortunate developments that are now prompting major cults to create their own networks. They do this by setting up new units that are part of non-suspect financial organisations. These new units are sometimes hidden behind humanitarian names or have new social responsibilities.

⁸ Usually set up without any legal link but led by committed followers of the cult.

The Mission believes these new actions to be especially insidious since they aim to use the respectability of people co-operating in good faith to mask questionable activities. How could anyone with a modest deposit suspect that their funds are contributing to the granting of loans to individuals who are borrowing for apparently innocuous purposes but are (also) members of highly active cult movements and, in this respect, are very likely to use all their resources for purposes other than those stipulated in the loan agreement?

The other sector of activity which is a focus for cult activism is the field of therapy, although this may not be the exclusive aim: Scientology offers personal development as well as techniques – not proven, of course – for combating drug abuse.

The term "therapy" is highly ambiguous. Strictly speaking, it means both care and medical treatment. Since use of the term is not subject to any legal or regulatory framework in France, it can be used at will. Just as doctors or psychologists can legitimately claim to be therapists or psychotherapists, so is it possible for any charlatan to give himself this title. In this way, the title loses all its value insofar as it covers both care resulting from real scientific skill and placebos, or harmful treatments involving either the refusal of treatment considered to be excessively conventional, or prescribing illusory, magical acts such as the "harmonisations" favoured by the Invitation to Life cult.

There has also been use of another source of resources and influence, no less lasting than that already mentioned but of a completely different kind: human suffering, including in its most acute form - that of a child or a person with a disease which is as yet incurable. Instinctotherapy, which recruits members in countries whose culture is more tinged with irrationalism than in France, claims to help people suffering from serious illnesses such as cancer. Many "customers" are terminally ill, which makes this type of fraud even more deplorable.

In addition to these two "priority areas for action", cults do not hesitate to take advantage of the world's misfortunes in an attempt to impose their miraculous solutions.

For many cults a country's economic problems, natural disasters, civil and foreign wars, and attacks represent opportunities for proselytising not to be missed. The victims involved are a concentrated group of potential targets. They attract immediate attention: followers are quickly mobilised and try to approach them, providing words of compassion and offering them ill-timed words of comfort which sometimes amount to "explanations" stemming from the dark ages, such as God wreaking revenge for the supposed evils of a disobedient society. Here it is worth mentioning the example of several American pseudo-evangelical movements. These groups were quick to see *"in the events of 11 September and what followed, the start of a process with only one possible outcome – the Apocalypse"*⁹.

In contrast to humanitarian organisations that immediately distribute the aid available, cults quickly restrict their material support. Suffering victims, who are potential converts, are encouraged to give rather than receive.

In addition, pseudo-humanitarian aid from cults is aimed at providing these dubious organisations with a veneer of respectability which they immediately try to capitalise on by appealing to public feelings of solidarity and the public's generosity.

The interest shown by cults for contemporary disasters is nothing new: the founder of the scientology cult, Ron Hubbard, expressed his point of view on the subject in a message dating from the sixties, taken up again by one of the cult's leaders following the events of 11 September (*Solutions for a dangerous environment*). In this text, he elaborates – inter alia – the theory of "merchants of chaos" which will give rise to a dangerous universe which of course only the specific methods of Scientology can counter.

On his Internet site¹⁰, Raël reacts by stressing the dangers of monotheism which, in his view, leads to fanaticism and of *"religious education, which turns (children) into the terrorists of the future"*. He has no hesitation in denouncing *"mystico-religious ragings which do not proffer the right not to respect the laws of democratic countries and human rights"*. This ardent defender of the *"atheistic religion"* suggests *"replacing monotheism with science, which should become (our) only religion"*.

Since the creation of the MILS, information has reached the Mission evidencing the very active presence of cult organisations in troublespots in areas including Africa and Kosova, and also in France (floods in the south of France in autumn 1999, damage in the Parisian region following the storm on 26 December 1999 and the explosion at the AZF factory in Toulouse in late September 2001¹¹).

Recent information from the United States after the terrorist attacks on the *World Trade Centre* confirms the theory of cult entryism on the ground.

⁹cf. AFP New York dispatch of 24 October 2001 : *"Apocalypse now?"*

¹⁰ www.rael.org/int/french

¹¹ cf. article in the *Dépêche du Midi* on 23 October 2001 relating in particular to Scientology.

Amongst other things, the US press reports that Scientology has used many resources since 11 September: an appeal for funds to print millions of copies of its publication "*The way to happiness*", made available to volunteers to assist fire-fighters and police at the site of the *World Trade Centre*, publicity for its "free" publications and workshops, and the setting up of a specific Internet site¹² by the *Citizens' Commission on Human Rights International* (CCHR), known in France under then name *Commission des citoyens pour les droits de l'homme* (CCDH), which is involved in combating the methods of psychiatry. It is worth noting that the *National Mental Health Association*, an association offering psychological assistance with a broad following in the United States, expressed indignation in the press after the Scientology movement itself set up a support agency called *National Mental Assistance*, thus causing confusion by using a name similar to that of a reputable organisation¹³.

The multinational cult also acted quickly in France after the explosion at the AZF factory in Toulouse. Tracts were distributed offering the services of a helpline to "*provide (you) with free, effective assistance in relieving the distress caused by these terrible disasters (New York and Toulouse)*".

Following the New York attacks, the US transcendental meditation movement launched an appeal for funds backed by extensive publicity in the press through its agency *The Endowment Fund for World Peace*¹⁴. They suggested various ways of contributing (direct donations or subscribing to group meditation sessions), the object being to involve thousands of meditators in order to counter all society's negative aspects. A publication by the *Natural Law Party*¹⁵ cult, known in France for putting up candidates in the general elections in 1993 and 1997 and the European elections in 1999 under the name *Parti de la loi naturelle*, also joined in this campaign.



It is now necessary to consider another aspect of cult activity – the fact that they aim to silence those who denounce their harmful nature. These movements, which are always ready to proclaim the principles of liberty, are also the first to disregard these as soon as their behaviour comes under the spotlight.

Cults also shamelessly use defamation, resort to intimidation, and take advantage of legal loopholes where these exist. Nor do they hesitate to try to influence the judicial authorities.

As far as defamation is concerned, this often targets people themselves. In line with the methods favoured by all totalitarian movements, debate - always called for but never undertaken - does not involve basic tenets but a technique of denigrating

¹² <http://psychassault.org>

¹³ cf. article in France Soir on 20 September 2001: "*L'église de scientologie recrute dans les décombres*" (Scientology church recruiting in the ruins).

¹⁴ <http://www.worldpeaceendowment.org>

¹⁵ www.natural-law.org

individuals themselves. For instance, the Chairman of the latest National Assembly commission of inquiry has been mentioned in several texts (including the 2000 US report) as having been convicted by the French courts, whereas his accusers had their claims dismissed when he gave notice of appeal.

Nor do cults hesitate to resort to pure slander: it was alleged that the National Assembly's report published in 1996 included "Mormons and Baptists, the religions of the President and Vice President of the United States" among the 173 cults in France. A mere glance at the report is enough to refute this false claim. But who reads parliamentary reports in all their detail? The press repeated these allegations in good faith, without verifying them.

As for intimidation, it takes very diverse forms. It almost always begins with anonymous telephone calls threatening the recipients. Frequently, the caller introduces himself as an investigative journalist. If the person receiving the call has the foresight to ask for the name of the newspaper so that they can call back, the caller immediately rings off. But if conversation is engaged, the harm is done ("there always remains a trace of calumny"). The same procedures are used in respect of those close to the person considered to be suppressive, meaning hostile to cults: spouses, children, friends, personal relations – all are targets of these anonymous destabilisation campaigns. Even some instructing magistrates have been victims of these campaigns. We can, by analogy, imagine what militants in organisations involved in combating cults have to contend with. The situation is no doubt even worse for victims who, once they have left the cult, have the courage to denounce its methods.

As well as individual attacks, the threats may in some cases target society itself. For instance, in February 2000, an international leader of the Scientology cult published a "call to arms" against France. In the wake of this call, an international protest was planned in Paris. The call to arms was circulated on one of the Internet sites of an association closely connected to Scientology, housed in commercial premises belonging to the cult. The mobilisation of protestors could not fail to be likened to the actions of the Sea Org¹⁶ whose troops wear nautical uniform, decorated with insignia resembling known national orders.

Even the judicial authorities are subject to acts of fraud likely to sow confusion in the minds of the public between cult initiatives and the duties performed by the judiciary authorities.

For instance, in autumn 2000 (at roughly the same time as the call to arms was issued), a "commission of inquiry" claimed to be bringing a case against various public figures who had been summoned to appear before a public "tribunal".

In both cases, the setting up of a false tribunal and the defamatory remarks which accompanied this prompted the Mission to inform the judicial authorities of this initiative, pursuant to Article 40 of the new code of penal procedure, Article 411.10 of the Penal Code, Article 27 of the Law of 29 July 1881 on the freedom of the press and Articles 433.12 and 433-13 of the same code.

¹⁶ US Scientology organisation presented as "an elite of the best Scientologists" by Professor Paul Ariès, *la Scientologie, laboratoire du futur ?* (Scientology, a breeding ground for the future?), Golias, 1999.

However, the matter did not come to trial on the grounds that the "Foundation for Religious Tolerance" had its head office in the United States. Yet this organisation exists in France under the name "*Fondation pour la tolérance religieuse*" (Foundation for Religious Tolerance) and has its head office in one of the Parisian premises used by the Scientology movement. The call to arms against France was distributed by the French branch of the "Foundation for Religious Tolerance". This therefore did involve an offence committed on French soil.

Cults or movements of a cult-like nature frequently attempt to bring pressure to bear on government employees and local authority leaders.

For instance, an advocate of the Jehovah's Witnesses requested the prime minister to withdraw a circular letter of 21 March 2001 sent by the Mission to prefects and relating to the participation of civil servants in meetings organised by the *Association médico-scientifique d'information et d'assistance aux malades*¹⁷ (*Medical and scientific association for information and assistance to the sick*). (The request for withdrawal was ignored).

Legitimate access by all citizens to most government documents is obviously of interest to cults.

For instance, the Scientology movement used the Law of 17 July 1978 containing various measures for improving contact between the government and citizens and the Law of 12 April 2000 – concerning the rights of citizens in their dealings with government bodies – to request that it be systematically provided with documents regarding the movement or specific sectors. The likely aim of this strategy, developed by Scientology and some similar organisations, is to destabilise government departments, local authorities and public bodies and to silence them.

It contacted:

- at least one general inspectorate (IGAS), requesting that it be provided with any document, or documentary material referred to in the law, related to Scientology;
- the Ministry of Foreign Affairs and several embassies, in order to obtain information on various working meetings held in France or abroad;
- the Ministry of the Economy and Finance, the Ministry of Justice, the Ministry of the Interior, the Ministry of Employment and Solidarity, and the Ministry of Foreign Affairs, to obtain access to government files that may have been sent to the National Assembly's parliamentary commission of inquiry in 1995;
- various *Préfectures*, to obtain documents concerning Scientology.

Departments and establishments responsible for mental health are also a favoured target of Scientology. For instance, in 2001 the Citizens' Commission on

¹⁷ This association, which is linked to the Jehovah's Witnesses, organised a symposium on blood tranfusion.

Human Rights¹⁸, an offshoot of the Scientology church, and the Scientology church of the Ile de France, sent the majority of the French departments and establishments responsible for mental health services registered letters containing requests for information. They requested that these establishments send the prefectural ruling authorising them to hold mentally ill patients hospitalised without their consent, and their internal regulations, budgets and administrative accounts. The departmental commissions of psychiatric hospitals were also asked to provide all their annual reports and financial statements dating from 1990.

In the case in point, the Citizens' Commission on Human Rights is presented as an international organisation monitoring violations of human rights in the field of mental health. Its publication entitled, "Psychiatry – a violation of human rights", is distributed extensively by mail. In this publication, psychiatry is presented as forming a major threat to society. As for the bibliographical sources, they merely reflect the works of the cult's founding guru.

Confronted with this strategy of making excessive demands, the MILS contacted the Commission for Access to Government Documents (CADA). This matter must be given further consideration and the bodies and departments concerned should emphasise the arguments for protecting people, including those who are vulnerable due to their age (children and the elderly), which might justify documents being withheld. Likewise, safeguarding the interests of children, set as an overriding consideration by the International Convention on the Rights of the Child, those in a position of weakness, the real threat to the security of people and property, and undermining public order may all be grounds for not providing information, so ensuring that privacy and individual freedom are duly protected.

Fraudulent demands, which are numerous and repeated, also amount to a strategy of harassing government departments, which are not obliged to respond to such demands (Article 7.3 of the Law of 12 April 2000). On the contrary, government bodies would grind to a halt or be subject to a form of control by cult-like bodies that have no authority to exercise such control, if they acted upon these demands by taking the required precautions.

Some government departments were quick to organise a response to the campaigns by Scientology.

The ministries involved and some *préfectures* have made the local authorities, the local government departments and public service associations aware of this strategy and have informed them of any requests for documents from the cult.

It is essential that employees in government departments, local authorities and public hospital departments have a sound knowledge not only of the cults' objectives but also of the methods they use. In this respect, a document issued by Ron Hubbard himself sheds light on this area:

¹⁸ This acronym is intended to cause confusion between the *Commission nationale consultative des droits de l'Homme* (CNCDH) (National Advisory Commission on Human Rights), an independent authority presided by a magistrate and the Citizens' Commission on Human Rights (CCDH) which stems from Scientology.

The *Manual of Justice*, an internal document published in 1959, provided in the appendix to this report¹⁹, thus contains the following recommendations:

"If you are being investigated or if the Central Organization is - sit tight, don't co-operate.

Start off by complying with the laws of the land. After that kick investigators or reporters downstairs.

Investigators distort the information they are given.

Whoever the investigator may be, your answer should be "This is an institution that has a high standing throughout the world. Why don't you see our lawyers?" This gets rid of press and cops alike.

So don't co-operate. If you are unafraid and do not cringe, the menace fades away."

Other techniques to contain "the menace" as much as possible are now increasingly gaining ground among cults. The most recent involves making it difficult to publish documents drawn up within the cult that could be considered as a threat to the cult. This technique is characterised by *the virtually indefinite extension of copyright*. Consequently, words, expressions and entire texts are protected by a legal provision initially intended for the economic and commercial field. These may not be reproduced without authorisation granted by the cult or group itself. How is it possible to express the reality of a type of behaviour if observers must omit from their analysis the key factors of teachings that may have led to criminal acts?

The question of copyright has been brought up in several countries, including Sweden. No one will be surprised that this was at the indirect request of Scientology. At the date on which the report was drafted, the Swedish government had not changed its position, although the US administration has stated that it would be prepared to *"remove the contradiction"* between making documents available and protecting copyright²⁰.

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An internal document of the kinesiology²¹ movement, entitled *La place du kinésologue en France, et face aux administrations, aux organismes officiels et au public*²² (The position of kinesiologists in France and with regard to government bodies, official organisations and the public) also illustrates the skill that cults may develop in appraising regulations and finding solutions that make it possible to circumvent the prevailing rules.

¹⁹ Original English language version available on: <http://www.innernet/joecisar/ars1007.htm> (July 2001)

²⁰ 2001 Report by the US Secretary of State (section on Sweden).

²¹ "Energetic therapy" movement started in the wake of the New Age.

²² This document cannot be reproduced since it is protected by copyright.

A training programme called "*Le kinésologue face à l'administration*" (Kinesiologists and government departments) is only open to people providing evidence of 273 hours' prior training. This training programme involves various role-playing activities, the aims of which are worth clarifying.

Kinesiologists fall outside the standard rules of practice in the healthcare professions. They also have to learn the appropriate way of reacting to any inquiries that may be made by the police, representatives of various government bodies, the inspector of taxes, the schools inspectorate and other parties: newspaper editors, inspectors from the Advertising Standards Authority or the Medical Council.

Kinesiology, which mainly recruits amongst health professionals, is present in the field of alternative medicine, educational support, services for the disabled, psychotherapy and stress management. Its members may be former hospital staff, osteopaths and self-employed health professionals. According to publications on kinesiology, it is also related to the practice of chiropractors, naturopaths, and masseurs. Physiotherapeutic masseurs are very much in demand and attracted much publicity from the kinesiology movement during the nineties. Among kinesiologists, physiotherapeutic masseurs do not appear to outnumber other health professionals.

Those who have paid for, and followed, the required number of training programmes in kinesiology may qualify for help in setting up a practice and finding customers. They are instructed to first work with children. They are told that they may start to work with adults once they have experience. The Mission has drawn the attention of the Child Protection Agency to these particularly disturbing initiatives.



Some movements behave like cults and seek by indirect means to obtain the status of church association, thus far denied to them. This would confer on them a level of respectability in line with that of religions that respect human rights and do not pose a threat to public order. For instance, two Jehovah's Witness associations have recently contacted the Religious Advisory Commission with a view to some of their followers subscribing to the *Caisse d'assurance vieillesse, invalidité et maladie des cultes* (CAMIVAC)²³ (Church Insurance Fund for old-age, incapacity and illness benefits).

Without amounting to recognition of the religious nature of the movement, membership of the CAVIMAC would nevertheless be a step in this direction and would have strong symbolic significance. The national association of Jehovah's Witnesses has applied for membership of this system for followers called "auxiliary pioneers" and "circuit overseers" respectively, i.e. full-time members of the movement.

²³ This is a non-statutory social security scheme, meaning that it only offers social security to people – ministers of religion and members of religious congregations and groups – not covered by any other statutory social security system.

As a reminder, this advisory committee which received an application for membership of the system for religious organisations from members of the Scientology church in Paris, denied the activities of this group the status of a religious movement (Meeting of 11 March 1985).

In order to avoid making any inappropriate response, in March 2000 the National Consistory of Jehovah's Witnesses sent an instruction²⁴ to these "*auxiliary pioneers*" and "*circuit overseers*", offering "*technical information*". This information, which governs contact between members and government bodies and social security organisations, refers to an "*exclusively pastoral [...], altruistic*" activity. The church's circuit elders are told to specify clearly:

- that they "*do not have a contract of employment with the national association of Jehovah's Witnesses*",
- that they "*visit local Witness churches on a voluntary basis*" ...
- that they are "*housed and fed free of charge by fellow members of the religion or loyal followers*" ...
- that their "*travel expenses are reimbursed by the national association, which pays them a small allowance to enable them to cover personal expenses incurred as part of their activity*"
- and that "*some of them also have personal savings as a result of their past professional activity, which makes it possible for them to undertake this unpaid professional activity*".

The meaning of this "instruction" becomes clear if we compare it with the documents relating to the working conditions of members of the movement. For instance, "auxiliary pioneers" make 140 hours' of door-to-door calls a month, for 1 280 F²⁵ a month, without social security cover. "Full-time pioneers" work 90 hours a month without pay and without social security cover; "part-time pioneers" work 60 hours a month without pay and without social security cover. As for "ministerial servants", ranked above "auxiliary pioneers" in the organisation, they seem to have privileges, the nature of which is unclear.

The Religious Advisory Commission issued an opinion in favour of membership, although it included reservations of no legal or practical consequence. According to five of the Commission's nine members, considering this application from a purely legal standpoint would make it impossible to distinguish between the recognised disturbance of public order and a potential risk to public health. For instance, if a group is generally recognised as displaying some characteristics of cult behaviour and is known to have the capacity to lobby public authorities, it could automatically begin to obtain a degree of recognition unless the competent ministry intervenes.

The purely legal arguments do not always make it possible for government departments to exercise the required vigilance and to counter cult advances by means of a preventative approach. A static notion of law seems inadequate to deal with the methods of cult organisations, which take advantage of inflexible strategies. Combating this risk calls for forward-looking strategic guidance. Is it necessary to translate the principle of precaution into legal terms and clarify it in law in order for public institutions and commissions responsible for guiding public decisions to become aware of its merits and its significance in safeguarding the general good?

²⁴ Document received by the MILS.

²⁵ Charges applicable in la Réunion in 2000.

A final important aspect of cult activity is the tendency to use justice as an instrument. The technique used is always the same. It is based on two simple observations: the law of democratic states has a system of various stages of appeal and it takes a long time for courts to make decisions.

On the basis of this, cults do not hesitate to bring before the courts any cases that they think relate to them, or to institute proceedings against their opponents, sometimes on the flimsiest pretexts. Their priority targets are the best known of their opponents. Filing a complaint often goes hand in hand with a flood of statements calculated to attract media attention, using the inexhaustible topic of infringement of human rights and supposed threats to a "religious minority".

Since magistrates are reluctant to consider complaints, which are manifestly fraudulent, cults and their advocates do not hesitate to use "direct summons" which, as the law stands at present, makes it necessary to take a decision.

The essential thing for the cult is to draw publicity and, at the same time, to use its notoriety or that of its opponents to raise its profile by creating controversy. So starts the manipulation of public opinion, a process quite apart from the court cases themselves, which are then of secondary interest.

In the event of failure in the lower courts, the cult generally launches an appeal for the same reasons. While waiting for the case to come up, the public slander campaign continues. And if the appeal ratifies the decision by the lower courts, there is still the high court. The origin of the case is generally forgotten when the case finally comes to its conclusion. In the meantime, the cult may have started other proceedings.

In addition, overly long proceedings, which can sometimes be dragged out over a decade, also work in favour of counter-attacks by the cults. They make it possible for the movements concerned not only to exhaust the means which are legally permitted by the Code of Criminal Procedure, but also to gradually destroy the evidence of certain victims whose major concern, especially after many years of suffering, is to forget what they have been through. Cults that have been subject to serious accusations have also tried to undermine the legal system by attempting to obtain the withdrawal of certain complaints or evidence, using means that are not known but which we can reasonably guess at.

As time goes on, this may work against the victims that have the courage to continue, despite the fact that their struggle involves not only their personal cases but also helps to prevent similar events recurring.

The possible costs of long proceedings do not hinder cults. Most of them know that they can call upon the financial resources of a transnational organisation. The free movement of capital, including in Europe, hampers action by government bodies once they suspect that funds transferred to a cult from one country to another come from a dubious source, unless they can prove that this involves dirty money, which is not easy due to the lack of jurisdiction

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The cult is thus sure of being able to defend its case without any particular worries, even if the magistrate dismissing it decides to apply the provisions of Article 700 of the Code of Civil Procedure.

These procedures, which distort the system of justice, merit consideration by the legislature in order to put a stop to this orchestration, which is prompted by the private interests of some firms of lawyers that appear to specialise in advising cult movements due to the considerable fees they receive in return.

The Mission can provide the legislator with many examples of this objectionable orchestration. It would gladly contribute to in-depth examination in this regard.



The aspects of cult proselytism described above – and this is not an exhaustive summary - should not however make us forget that France's power to resist in this area has been transformed in a few years, so that it is now capable of stemming the flow.

Apart from the links that might exist between cult-like associations and groups of followers of religious fundamentalism which verge on terrorism,²⁶ phenomena that it is still no doubt too early to clarify, the threat of cults appears to be less extensive than in the past.

International solidarity in this respect, particularly at the European level, suggests that the time of impunity has gone. The proof is sometimes provided by contrary examples of sporadic increases in activism and changes in strategy. To take the example of Scientology, it is experiencing an ongoing crisis in recruitment in Paris. It would appear that the cult is trying to mask its difficulties by focussing its activities on a specific arrondissement considered to be a base for recovery. The determined reaction by elected representatives and the public is no doubt the most effective response in order to alert public opinion and uncover dubious activities.

We cannot yet afford to drop our guard, whether in the local authority bodies, where cult pressure is less severe, or in the major cities. What is needed is rather to intensify the preventative measures by increasing information sessions at all levels and training programmes for those who may one day come up against cult infiltration in the course of their professional duties.

For its part, the Mission will continue to work actively, while remaining conscious that a recurrence of cult activity may occur at any time. The security of individuals and social equilibrium depends largely on promptness in combating this and immediately limiting its initial effects.

²⁶ In September, one person claimed to have decided to take refuge in Afghanistan after being persecuted for his beliefs in France.

RELATIONS WITH MINISTRIES

PRIME MINISTER'S OFFICE

The Mission is gratified by its excellent relationship with the Prime Minister's Office, to which it is directly accountable.

The ease and frequency of contact with the director of the Cabinet office and the specialist technical advisers boost the effectiveness of the Mission's work. For its part, the MILS has every intention of discharging all the duties incumbent upon it pursuant to the decree on the establishment of the Mission in November 1998. It calls upon the Prime Minister's Office for clarification of issues that are sometimes sensitive or complex and, when necessary, for approval of releases it deems appropriate before they are published.

However the Mission points out the rapid increase in the number of requests it receives from outside. It also emphasises that it often has to cope with unexpected initiatives or requests that disrupt its annual working schedule and result in additional expenses for which it is difficult to budget in advance.

The Policy Council has emphasised that it has become essential for the budget to take account of the specific nature of this particular Mission and the growing number of dossiers brought to its attention, including its essential presence among European institutions. Likewise, the Mission would like to see funds that have been allocated by Matignon released as soon as possible; replacements should be provided before some employees return to their original departments so that the continuity of the work is maintained.

MINISTRY OF FINANCE, ECONOMY AND INDUSTRY

From the very outset, contact between the MILS and the Ministry of Finance and Industry has been channelled through the Operations Group via the General Inspectorate of Taxes.

This long-standing relationship has helped in the investigation of dossiers relating to the tax situation of organisations of a cult-like nature.

The tax approach continues to be a decisive factor in many cases, for instance:

- the setting up of new legal structures dependent on known organisations;
- the appearance of business development plans based on setting up economic and commercial business;
- transferring activities from one country or jurisdiction to another in order to escape scrutiny by inspectorates.

Special contacts have been made with those Directorates whose purpose is to improve knowledge of the players in the economy. They call upon the Mission and request information from the Mission interactively.

The Mission is particularly satisfied with the development of contacts with Directorates that have a regional approach closer to economic reality and monitor everyday life. In this respect, the Mission appreciates their active participation in prefectural surveillance committees that are intended to become co-ordinating bodies in combating nefarious activities on the part of cult organisations.

Regular contact has been established with many Directorates with external departments, central government departments and specialist services that can be consulted on dossiers regarding organisations falling within the Mission's area of competence.

In this regard, it is worth noting a working relationship and dialogue with the Directorate-General of Competition, Consumer Affairs and Suppression of Fraud, the National Institute of Statistics and Economic Research and the Treasury.

Contact has been made with the Directorate-General of Customs and Excise, the Directorate-General of Industry, Technology and Information and the French Post Office and joint action with some of these bodies is under consideration.

In addition, 2001 provided evidence of the need to provide supervised organisations such as the Professional Guilds and Chambers of Commerce and Industry with information.

Since there is the prospect of many campaigns, it is essential to determine the most effective working methods in each situation encountered.

2001 illustrated the importance of closer co-operation with this Ministry.

MINISTRY OF EMPLOYMENT AND SOLIDARITY

The Ministry of Employment and Solidarity published Circular No. 503 regarding the threat from cults on 3 October 2000. This provides an initial impetus contributing to the introduction of a general policy of vigilance, at the same time providing the relevant professionals with a reminder of existing legislation and regulations.

In 2001, major efforts were made in respect of professional training, entailing close collaboration between the Mission and the General Delegation for Employment and Professional Training, a member of the MILS Operations Group. Please refer to the section on professional training for further details.

In 2001, the Mission expressed the wish that the Department of Health should be involved in the work of the Operations Group for matters which fall within its field of competence and authority. At the outset, fruitful dialogue with both the Directorate-General of Health and the department responsible for hospitals and healthcare made it possible to effectively major developments regarding the cults.

MINISTRY OF JUSTICE

The MILS is in regular contact with the Ministry of Justice. The Minister of Justice granted interviews to the Chairman of the Mission. There was regular contact throughout the year both with the Minister's private office and Chancellery staff. In particular, this contact made it possible to provide the essential link between the Ministry of Justice, parliamentary rapporteurs handling the Law of 12 June 2001 and the Mission, and to take into account the advice provided by the National Advisory Commission on Human Rights at the request of the Minister of Justice.

The Mission is pleased to note that the judicial authorities regularly attend meetings of the departmental or regional surveillance committees and provide useful input at these meetings.

As in previous years, the Mission contributed to the seminar organised at the *Ecole nationale de la magistrature* (National Magistrates' College) for judges and members of the public prosecutor's department.

It informed the Chancellery that its expertise can be used for matters relating to cults and that its specialist employees may be called upon by the judicial authorities if necessary.

MINISTRY OF THE INTERIOR

The MILS continues to have fruitful contact with the various departments of the Ministry of the Interior and this relationship is being extended. The Ministry of the Interior is the Mission's most important partner in the campaign against cults.

The various investigative departments of this Ministry are becoming increasingly involved in countering the threats from cults, thus contributing to the growing number of court cases being brought against followers and leaders of various movements.

This significant increase in the number of reported offences is due less to what might erroneously be construed as an upsurge in cult activity than to increased surveillance thanks to the implementation of the training programme for staff within the Ministry. The MILS is involved in these training programmes.

Another possible reason for this increase is improved co-ordination among the departments involved in handling the cult phenomenon. The value of this is evident at meetings of the regional surveillance committees, which the MILS attends on a regular basis.

The monthly meeting of all prefects, under the auspices of the Minister of the Interior, in July last year provided the Chairman of the MILS with an opportunity to remind government representatives of the preventive role played by these surveillance committees, in accordance with the Circulars of 7 November 1997 and 20 December 1999.

The Mission is also gratified by the quality of its relationship with the Parisian police headquarters. On many occasions, the rapid response by its employees has made it possible to successfully monitor the activities of cults of which there are a large number in Paris.

Regarding the Electoral Law, the Mission continues to receive enquiries on the funding of a party with direct links to a cult (second portion of public funds earmarked for facilitating the running of political organisations).

The Mission is concerned about the compatibility between this provision and paragraph 1 of Article 27 of the Constitution, which deems any mandatory instructions null and void.

Finally, in the last quarter, the Mission gave a presentation on its methods and objectives to students at the *Institut des hautes études de sécurité intérieure* (IHESI) (Institute of Advanced Studies in National Security).

MINISTRY OF EDUCATION

The MILS attaches particular importance to the action of the Ministry of Education in the struggle against cults, not only because the duty of training pupils and students falls within the brief of the Ministry of Education, but also because of the Ministry's importance in moral, demographic and budgetary terms. In this regard, the existence of a network of senior educational professionals responsible for monitoring cults is part of an approach that is not isolated but extends across various departments (in constant liaison with the networks of other Ministries, including the prefectural surveillance committees). Although the first employees in the committee responsible for preventing cult phenomena (CPPS) were appointed in 1997, the latest appointments were only made in December 2000. Those involved were not able to take advantage of training on these highly sensitive issues.

In addition, the Ministry of Education can rely on the civic vigilance of more than one million teachers and executives who are concerned about cult proselytism and wish to assist in preparing people to deal with any threat. They regularly call upon the Mission to obtain reliable information and practical assistance in public and private educational establishments.

As regards human rights education, the Ministry of Education remains in the forefront through civic education programmes and courses given by the entire educational community. In December 2001, the Ministry of Education decided that the Universal Declaration of Human Rights should be displayed in all educational establishments. The Mission approves this decision, which is far more than a symbolic act. The importance of this action has been highlighted by the major associations involved in safeguarding human and civil rights. In our view, the International Convention on the Rights of the Child should also be displayed as a matter of course.

In order to boost the effect of extra-curricular or after-school activities, the Ministry has for many years supported a number of associations, thereby enabling parents to distinguish between the various educational options open to their children.

Among victim support organisations and those which assist them in organising the prevention of cult threats, the Ministry of Education recognises the two major national organisations with a presence in both metropolitan France and the overseas departments. It assists their actions by means of subsidies earmarked for specific purposes.

Finally, the regular education fairs, where the MILS has a stand and in which it takes an active part, are a positive initiative which has enjoyed considerable success. This also affords large national associations the opportunity of spreading their message to the public, and results in fruitful dialogue with many foreign visitors, parents and professionals in the field of education interested in the form and content of French national education.

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The Mission's Policy Council has repeatedly expressed the need to make future teachers aware of the dangers posed by cults. It insists that the Ministry of Education should set up a system to this effect, along with the MILS and, if appropriate, specialist associations.

Likewise, the Policy Council has expressed the wish for in-depth consideration of the case of those teachers (fortunately few in number) who do not proselytise in lesson time but make a public display of their militant membership of dangerous cults outside school. The Policy Council has been requesting this for the past two years. Legislation should be drawn up to guarantee the protection of children in respect of the provisions of the 1989 International Convention on the Rights of the Child, ratified by France.

Finally, the Policy Committee believes that the role of the Committee responsible for preventing cult action in national education should be better known and reactivated.

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Over the past year, the Mission's attention has been drawn to some problems relating to the recurrence of cult action in higher education.

For instance, it had to react – at the request of lecturers who made direct contact with the Mission – against conferences held at universities by a movement with obvious cult characteristics. Contact has been set up with the staff of this particular university's hall of residence in order to prevent a recurrence of this intrusion. The Mission was pleased to note the speed with which the authorities reacted and the vigilance they have shown.

On a more serious matter, the Mission has on several occasions been informed of so-called research work undertaken in a context that is hardly compatible with academic standards. It drew attention to the risks which the branding of some questionable publications would entail for the reputation of excellence of French universities and research. This phenomenon has already drawn much protest from the university community.

On the other hand, the Mission would like to emphasise the excellence of several pieces of research involving the analysis of international cult movements such as Scientology, or works that provide an essential, unequivocal insight into many types of organisation based on the same ideology, such as the anthroposophic galaxy.

For the first time, the MILS was invited to give an address at the centre of interdisciplinary religious studies at the *Ecole des hautes études en sciences sociales* (College for Advanced Studies in Social Science) and wishes to pursue a dialogue that is becoming increasingly necessary in view of the fact that to date divergent points of view have been expressed.

Finally, the University of Paris 1 organised a one-day conference in order to make students aware of the need for prevention. This type of action is very welcome and this example could perhaps be followed in most French universities.

MINISTRY OF FOREIGN AFFAIRS

The Ministry's headquarters, along with our diplomatic and consular missions and our representatives at international organisations and conferences, continued to monitor cults throughout the world in 2001.

As a result, they were involved in bilateral and multilateral exchange of information, points of view and analyses with a growing number of partners abroad. These partners were clearly troubled by cult behaviour and attempts by the latter to gain influence at an international level. If governments fail to act upon this, the cults could cause disruption in the future.

France sent the United Nations special rapporteur on freedom of faith and belief information on Law No. 2001-504 of 12 June 2001, known as the "About-Picard Law". The aim was to draw attention to erroneous or malicious interpretations propagated by those lobbying on behalf of several transnational cults (see page 54).

The excellent co-operation between the Ministry of Foreign Affairs and the MILS continued, both in France and abroad, where our diplomatic missions provide the Mission with all the assistance it could hope for.

The Mission is especially gratified by the assistance provided by the Ministry of Foreign Affairs in organising and running its international conference in June, which dealt with the activities of cults in Europe. Twenty-two countries attended the conference.

MINISTRY OF DEFENCE

Since the outset, the Ministry of Defence has been represented in the MILS Operations Group by the *Direction générale de la Gendarmerie nationale* (Directorate-General of the National Police Force) (DGGN).

Contact with this Directorate chiefly involves exchanging information, especially at head office level.

However, as the Mission strengthened its ties with the préfetures and public prosecutor's department, work meetings made it possible to handle on a joint basis specific cases with several national police divisions.

In addition, the Mission received visits from investigators requesting its analysis of the cases on which they were working.

This strengthening of contact with various levels of the DGGN should improve the co-ordination between departments and in-depth treatment of complex, sensitive cases.

Apart from its original contacts, the MILS has instigated training programmes at the request of senior Ministry staff and has responded to numerous requests for information on actual cases encountered by executives and departments.

Finally, we should mention the development of contact with staff and senior officers as part of the work completed for the *Institut des Hautes Etudes de Défense nationale (Premier ministre)* (Institute of Advanced Defence Studies (Prime Minister)).

MINISTRY OF AGRICULTURE AND FORESTRY

This year saw the start of contact between the MILS and the Ministry of Agriculture and Forestry, at the request of senior civil servants in a Directorate and the general inspectorate. They expressed three major concerns. The Mission was first requested to provide an opinion and also to undertake an analysis of any cult threats that may have a negative impact on government actions within the Department.

Following this initial contact, the Mission has established contact with other Directorates.

In response to requests, three courses of action were defined in order to establish an ongoing working relationship with the Ministry:

- training civil servants and making them aware of the threats posed by cults (action within a specialist Directorate);
- assisting in detecting and analysing threats, particularly in the fields of research, product branding and safeguarding economic interests;
- assessing threats from cults arising as a result of the diversification of methods of production and marketing.

Finally, senior staff in the Department of Education and Research have joined the Mission's Operations Group.

MINISTRY OF YOUTH AND SPORT

This Ministry has already long been actively involved in combating cults for some time. It has now completed the training programmes for senior civil servants in the Department of Youth and Education and senior regional and departmental staff directly responsible for these matters and "cult specialists" (in principle, one person in each department). In addition, many executives were able to follow voluntary training provided by the Ministry – the Mission was involved in this training on a regular basis.

The Ministry of Youth and Sport called upon sociologists, philosophers and legal experts in order to extend the knowledge of its senior staff. This year, their contributions were published in a work of which 15,000 copies were published.

The Ministry's legal department, in conjunction with the government and parliamentary groups, tightened up the conditions for approval by the Ministry of Youth and Sport. Holiday centres – in the context of the decree of 2 October 1943 - are now subject to closer scrutiny.

However, there is still the question of holidays abroad organised by private organisations, including those for the purpose of learning a language. The Mission would like host families abroad – particularly in the United States – to be clearly informed of the principles of secularism. They should also be asked to respect the philosophical or religious beliefs of French children and should not expose them to any proselytism whatsoever.

Although we can only be heartened by the excellent work done by the youth sector over four years, there is still a major threat of infiltration in the field of sport, judging by the efforts of some cults (such as Scientology) to recruit in this area. The increasing trend towards "coaching" for top athletes only increases the threat of coming under the power of cults, since cults sometimes offer their services by claiming to help in combating drug abuse. In this way, they substitute one form of alienation with another.

The Mission recommends that the Ministry of Youth and Sport set up an extended task force on this matter in order to define a course of action. The MILS is prepared to assist in such an initiative if required.

FUNCTIONING OF THE SURVEILLANCE
COMMITTEES

On the basis of recommendations made in a report by the National Assembly on "Cults in France" (22 December 1995), the government decided to set up an interministerial Observatory. On 7 November 1997, the Ministry of the Interior sent a circular to prefects reminding them of the enshrinement in law of freedom of thought, belief and association and requesting them to exercise vigilance, taking into account two major considerations:

- combating the nefarious, illicit activities of cults involves a major public awareness campaign;
- the first step in relevant departments.

This circular acknowledges the complexity of the problem. It notes that it is only possible to *"claim to get to grips with a phenomenon as complex as this by first analysing it and undertaking suitable research to ascertain its major features."* It notes that *"for this very purpose, an inter-ministerial Observatory has been set up under the auspices of the Prime Minister's Office. This centre is responsible for analysing all matters relating to cults, informing the Office of its findings and submitting recommendations for improving the means used in combating cult behaviour that constitutes a criminal offence."*

At that time, the government was aware that it was essential to establish and develop relations between the newly established inter-ministerial body and decentralised government departments.

A second circular, dated 20 December 1999, stipulated that prefects should co-ordinate the actions of the decentralised government departments in their region or department that should be aware of matters relating to cult activity and should set up "committees" responsible for countering the nefarious activities of cults. The judicial authorities were invited to take part in these committees.

In order to complete this structure and further develop the focus of the work, the Ministry of the Interior requested that the committee should be convened as often as necessary. It also stated that the MILS should be involved in the committee meetings and that local surveillance associations – where relevant - should be invited to attend.

For two years the Mission has advocated setting up surveillance committees in the regions and departments where these did not yet exist. The Mission has also supported government action with all the resources at its disposal and has frequently taken part in meetings convened by prefects.

The passing of Law No. 2001-504 of 12 June 2001, aimed at reinforcing the prevention and suppression of cults that undermine basic human rights and freedoms gives a new dimension to the contact between the Mission and local government co-ordination committees; it also increases their level of responsibility.

I – ESTABLISHMENT OF SURVEILLANCE COMMITTEES: A CONTRASTING PICTURE

The first surveillance committees were set up soon after the Ministry of the Interior published its circular.

It is now important to assess progress and, where applicable, shortcomings in the action undertaken by local authority departments. This is particularly important in view of the fact that the law implies more extensive involvement by government departments, especially the Mission.

An analysis of the running of the surveillance committees gives a very varied picture. This can be shown by considering the following factors:

- frequency of meetings;
- number of organisations monitored;
- methods used for monitoring cult activity at a local (departmental and regional) level;
- the extent to which monitoring and investigative departments are involved;
- the level and nature of contact between the prefectural authorities and the judicial authorities.

We have three comments regarding the establishment of committees:

- 1 – in most cases, committees have been set up and meet quarterly, half-yearly or annually depending on requirements;
- 2 – committees have been set up. Contact has been established between government departments and the judicial authorities. The committees are operational. Plenary sessions have not yet been systematically organised;
- 3 – some committees were yet to be set up three years after publication of the 1997 circular. The Mission has had to intervene to remind those concerned of the need to set up a committee.

This summary requires elucidation. It should be noted that there is a fairly high degree of homogeneity in terms of the authorities' policy in all the major regions. Analysis of the co-ordination of government departments at regional and departmental level reveals that in instances where the prefect is heavily involved, the other departments in the same administrative region tend to follow suit.

Abroad, the surveillance committees in the overseas départements were set up two years ago. They are operational and, in some cases, actively perform their duties, reflecting their specific situation (in shipping areas). A committee was only established in New Caledonia in 2001, but it is nevertheless playing a very active role.

Contact between departmental and regional committees on the one hand and the Mission's departments on the other hand is generally excellent. There is ongoing exchange of information and the reports provided are increasingly substantial.

As a result, the Mission has access to a wealth of information to support its assessments. This clearly facilitates the implementation of its programme with the

prefectural authorities, against the backdrop of essential co-ordination between government bodies both nationally (central government departments) and locally (decentralised departments).

II – OBSERVATION PROCEDURE AND INVOLVEMENT OF GOVERNMENT DEPARTMENTS IN DETECTING AND INVESTIGATING NEFARIOUS ACTIVITIES

There are many differences between departments both in respect of volume and of classification of local groups or those active in each département.

As far as compiling a register of groups is concerned, in view of the very extensive range of situations encountered, analysing and assessing the risks of nefarious activities is increasingly carried out jointly by local bodies, although contact with central government departments is still essential.

Likewise, procedures for gathering information and observation and research methods require co-operation between local departments. The MILS acts in an advisory capacity or provides documentation, including cult publications in France and several countries in Europe and further afield.

In addition, the varied approaches encountered may make it essential to undertake an analysis comparing the same cult activity in several neighbouring départements or départements in the same geographical area.

Bearing in mind the rapid development in cult activity as a whole, the many changes in terms of legal structure, name, strategy for development involving the creation of companies providing goods or services, and the diversification of resources and investments undertaken by cult movements and their de facto subsidiaries, an attempt to harmonise the techniques and means of analysis used by the prefectural surveillance committees is now a matter of urgency.

The following examples indicate some of the changes among cults at the national and local level:

- changing an organisation's name; this may or may not involve keeping the original directors and managers;
- changing the legal status of one part of a cult organisation;
- transferring or relocating offices or centres of activity by selling and buying property;
- setting up new units, without any legal link with the cult itself, in order to develop other forms of recruitment, organising educational programmes and providing economic, commercial, therapeutic, religious or other services;
- changing bank accounts or increasing the banking and financial instruments available to the organisation;
- attempts to form associations within reputable banking institutions;
- frequent changes in the attitudes of the leaders of cults as regards government bodies and elected representatives (applications for aid, applications for planning consent, requests backed up by certification or references, etc.).

III – A NEW CHALLENGE

Gathering and analysing information will increasingly involve a number of departments. Inter alia, this new feature is due to the fact that many government departments have gradually improved their awareness of the field of investigation by drawing up information and awareness programmes for their staff. The MILS takes part in a large number of training and information sessions for staff in the three major areas of public authority (the state, local authorities and the public hospital sector).

We should now consider setting up common training programmes to back up the multi-disciplinary programmes already undertaken, particularly those involving regional prefectures.

IV - FROM VIGILANCE TO CO-ORDINATION IN OPERATING TERMS

Two years of interministerial synergy at national, regional and departmental level have brought to light a number of difficulties that must be overcome in order to counter the threats posed by cults more effectively.

These difficulties reflect two major facts:

- deciding to study an organisation or group of bodies with the profile or characteristics of a cult may be challenged a priori due to the fact that some of the components have gained a degree of legitimacy or de facto recognition, from official institutions for instance. The smaller number of cases involving people or structures suspected of links with cult organisations lends weight to the obvious argument, whereby obtaining a degree of legitimacy and the absence of previous convictions mean it is unwarranted for a government department to be involved in surveillance, or monitoring or investigating corporate bodies likely to fall within the scope of investigation. This problem is very evident in the case of cult organisations attempting to set up as respectable French entities or organising a new banking arm in conjunction with financial institutions already incorporated abroad.
- moving from observing cult behaviour to various forms of government intervention increasingly requires co-operation between various departments. In the absence of a strong government authority, this essential co-ordination is impossible and it is difficult to muster the legal and human resources required.

While these remarks enable a better understanding of the complex nature of the task incumbent on the public authorities, they should also contribute to a step-up in the action to be taken within the surveillance committees and within the co-ordinating bodies involving representatives of the public authorities. They are also intended to serve as a reminder, if this is required, that the surveillance committees cannot be wound down at times when the cults do not represent a major threat. We cannot afford to be taken by surprise by an event of this kind. *It is only possible to mobilise the human resources required for combating these threats if the latter are*

involved in preventive action. The most important factor is that such action should be lasting and not dictated by events at any given time.

In addition, since it is often necessary for an investigation or inquiry to extend beyond the departmental or regional framework, it is essential for national and local bodies to work together. The MILS, which already encourages such inter-ministerial co-ordination, is determined to step up its action in this area.

MILS PUBLICATIONS

1 – GUIDE FOR TEACHERS

Following a request made within the Operations Group in February 2000, an agreement was concluded between the MILS and the Ministry of Education's Director of Legal Affairs, Ms Denis-Linton, for drafting an information booklet for teachers and senior staff in the Education Department. It will subsequently also be available to all those involved in education.

A task force was set up on 14 September 2000, involving staff of the Mission, Mr. Luc Soubré, General Inspector, member of the MILS Policy Council, representatives from the major teachers and head teachers unions and the two major parent associations.

The group met four times to monitor editing of the document. A document was sent to the Ministry at each stage.

After a final meeting in May, all the participants obtained the approval of their association or union.

The final document was sent to the Ministry of Education in May. In the meantime, the Mission has made hard copies of this publication of great interest to all those involved in education. This document can be accessed on various Web sites, including the University of Paris 1 site (<http://www.univ-paris1.fr>), the Ministry site (<http://www.famille-enfance.gouv.fr>) and the IUFM site (<http://www.lille.iufm.fr>).

2 – BIOTOP leaflet

At the request of the Biotop publishing house, a document of some 15 000 characters addressing basic questions on cults was drawn up in July. This is intended for the general public.

100 000 copies of this document will be published. Some of these will be distributed at events such as education fairs or training days and some in bookshops. It is now available.

3 - GUIDE FOR MAYORS

Due to their direct contact with the population, mayors are often called upon when the presence of a cult or premises used by a cult-like movement are noted in the area under their responsibility.

- The most frequently asked questions generally relate to three areas of concern:
- How should we approach this contemporary phenomenon?
 - How can we adequately respond to the many questions asked by citizens who are worried and ill informed?
 - Who can react to local questions effectively and in accordance with the requirements of the constitutional state?

Acting on this problem, the Mission and the *Association des Maires de France (AMF)* (*French Association of Mayors*) collaborated on drawing up a brief handbook.

It is intended to provide mayor's offices with information and make them aware that there should be no let-up in their efforts against this contemporary scourge, while at the same time safeguarding freedoms.

4 – DOCUMENTARY FILE CONCERNING TRAINING AND CULT RISKS

The *Association nationale pour la formation permanente du personnel hospitalier* (National association for continuous training of hospital staff) drew up this guide with support from the Mission. Intended for the hospital sector, this guide provides professionals in the field of training with a wealth of basic information on cults and the means developed to detect them.

The tools distributed to assist in decision-making will contribute to increasing vigilance and prevention in the health and social services sector, where the human factor is of over-riding importance and it is important to safeguard the rights of patients in a vulnerable position.

5 – OTHER ACTIVITIES

The MILS requested some of its staff to write the preface to some publications, respond to many requests from newspapers and organise conferences in France and abroad.

Action by the Mission in this regard included:

- A conference at the National Assembly on 10 January 2001 on contemporary cults.
- A booklet edited by the Ministry of Youth and Sport in October 2001 - *Penser les risques sectaires, sectarisme, fanatisme, intégrisme (Approaching the threat of cults, fanaticism and fundamentalism)*.
- “Revue Historiens-géographes”, May 2001, *Lutte contre les sectes, qu'est-ce que la MILS ? (Combating cults – what is the MILS?)*.
- Journal des professionnels de l'enfance (Journal for childcare professionals), December 2001, *Enfants en danger, (Children at Risk)* (60 pages).

THE EUROPEAN AND INTERNATIONAL
BACKGROUND

CULTS AND INTERNATIONAL RELATIONS

2001 saw the continued development of the Mission's contacts, in France and abroad. The Mission was not surprised to note that governments throughout the world are increasingly taking into consideration the fact that cults attempt to both target individuals and destabilise society.

Bilateral discussions and regional and world-wide exchanges showed a general increase in vigilance in respect of the action by cult forces, which are now extremely diverse. The use of the word "forces" is apt in view of the power (including financial clout) of the major cults whose means and resources outstrip those of a number of countries.

As the process of globalisation continues apace, it is easy, albeit worrying, to see how cults are attempting to gain influence or to achieve a position of dominance. This action takes every possible form, from what we could call "standard" lobbying to outright corruption. This ranges from straightforward tax evasion to illicit capital flows (money laundering and organised crime), from skilful use of the Internet to real attacks – which are often concerted attacks by several groups – in the form of defamation, harassment bordering on persecution, and systematic misinformation.

In order to be more successful in misleading the uninformed, cults throughout the world use titles containing words with positive humanitarian overtones, such as human rights, freedom, world peace, dialogue, the church and civilisation. Their vocabulary appears to be lofty, but is actually aimed at destabilisation. Consider for instance what the "atheist religion", that a certain cult claims to practise, might mean – other than that its final impact is to destroy the very meaning of the concept of religion.

In its contacts with the authorities from various geographical regions and with very diverse political systems, the MILS has come to the clear conclusion that many governments have become aware of this tactic on the part of cults. The aim is to destabilise society itself by weakening the religious, philosophical, moral and political bases so that they can benefit from the ensuing confusion. When cults succeed in concerted efforts to convince followers of the inadequacy of the institutions governing a society – and it must be admitted that they are skilled in these subversive tactics – this may lead to the belief that "new types" (no clearer description is given) of institution are preferable. These movements are then in a position to gain a total hold over disadvantaged people and orchestrate their behaviour to their own ends.

The MILS has come across this desire to break down the social and cultural fabric (on the pretext that all people can be reduced to uniform organisation and behaviour) in all parts of the world. This involves attempts to pressurise individuals outside of their habitual infrastructure so as to make them dangerously vulnerable and isolated in the face of the strong psychological tactics of enslavement used by cults.

In this respect, the MILS was pleased to note that throughout the world these attempts by cults to demolish the very foundations of society – culture, religion, way

of life, etc. – have eventually prompted the major churches²⁷ to take protective or at least precautionary measures. For some time these churches appeared to be disconcerted by the false message of absolute freedom of action used by cults which are in fact predatory by their very nature, as a mask to prepare their weapons of enslavement by using the concept of freedom for their own exclusive ends. The Mission has also noted that in many different countries the public authorities have been engaged in dialogue with churches that respect human rights on the threats posed to individuals and society by criminal actions on the part of cults claiming religious status.



In its last report, the Interministerial Anti-Cult Mission dealt with the subject of cult entryism into non-governmental organisations and, via NGOs, their role in the running of international organisations. Growing concern on the part of many members of the UN has had a positive impact on the running of the institution. With the backing of the UN General Secretariat, the NGO Committee has started to give general consideration to these matters and this has already borne fruit. For instance, applications for accreditation on the part of cults have been turned down. UN member states no longer consider the problem of the accreditation of cult NGOs by international organisations to be a marginal issue. In this respect, there have been some spectacular developments among the cults. They have – unwittingly, of course – contributed to the debate. The Moon cult, has announced the creation of "its" World Association of Non-Governmental Organisation (WANGO). It offered the services of this organisation to the United Nations, and its guru, with the backing of various diplomatic missions (including those of Iran, Indonesia, Uzbekistan and the Comores), organised several conferences and meetings under the umbrella of the UN itself.

²⁷ For instance, the Catholic church in France addressed – in an official document dated 15 January 2001 – the issue of abuse by cults in some church communities and suggested some criteria to identify these trends and distinguish between the groups involved. The Permanent Episcopal Council subsequently set up a "mediation service for religious and community life", responsible for assessing the situations that arise and, if appropriate, sending dossiers to the relevant internal bodies.

WORK GROUP ON THE ILLEGAL ACTIVITIES OF CULTS IN EUROPE (June 2001)

Since it was established in October 1998, the MILS has approached other European government bodies dealing with problems associated with cults. It has not encountered any difficulty in this respect, as European bodies with the same or similar responsibilities as the Mission clearly wished to exchange information and discuss their respective experiences. Contact was initially on a bilateral basis, but this soon developed into multilateral dialogue when it became clear to the European partners that they were faced not only with the same types of threats and problems from cults, but that this also involved the same international cult organisations.

This spontaneously gave rise to regular consultation between European Union member states within the framework of international organisations such as the UN, the OSCE and the Council of Europe. Countries that are candidates for membership of the EU soon joined in the initiative. Although there is no real intra-European co-ordination in action against cult threats, there has been a gradual convergence in actions taken by the partners.

In this respect, the MILS suggestion of organising a meeting in Paris in June 2001 to consider the illegal activities of cults in Europe was welcomed.

Over a two-day period, twenty-two countries were able to pool their ideas, experiences and questions regarding problems linked to cults, in the spirit of Recommendation 1412 on "The Illegal Activities of Cults", unanimously adopted by the Parliamentary Assembly of the Council of Europe on 22 June 1999.

Although the situation in various countries sometimes appears to be very different, the free, in-depth exchange of views made it possible for all the delegations to realise that cults have a damaging effect both on fundamental human rights and the general way in which society functions.

The fact that participants came from very diverse – and complementary – government departments and professions made them increasingly aware of the predatory attitude of cult movements on two fronts – targeting individuals and society itself.

The meeting revealed a very large number of ways in which cult organisations can gain a foothold. Although it is not possible to draw up an exhaustive list since the fields in which cults are active are becoming increasingly diverse and cults are taking advantage of new developments in all areas (including science), the debate showed that in addition to undermining human rights, cult involvement covers a very broad range of activities. The meeting considered fiscal matters and the use of sizeable amounts of money that amount in practice to some major cults having the status of "states without territory" with more powers than many actual states. The meeting noted that the use of these very large amounts of money gave rise to a whole range of legal and illegal activities, all aimed at having a lasting influence and achieving

positions of strength (it is not uncommon for them to succeed in this in countries with fragile structures).

There was discussion of the industrial and commercial investment policy of cult groups, their claims in respect of tax status, their financial policy (including stock-market attacks on their "targets"), offshore investments, money laundering and, in some cases, links with organised crime. Other matters discussed included corruption within the system, political funding, false development aid or development aid furnished in return for obtaining a position of influence, and some scientific research (cloning – involving cults such as the Raelian movement – and biological and chemical weapons – involving the Aum "Supreme Truth" cult). The meeting also highlighted the increasing trend towards a US-style litigation society, with a growing number of cases between citizens and public, administrative or parliamentary bodies. This at times threatens to obstruct the functioning of courts or mediators, as has been seen in some countries in the former USSR.

Cult entryism in NGOs and, through them, in international organisations gave rise to interesting discussion. It would appear that this not only involves penetration of global organisations such as the UN but also penetration (with varying degrees of success) of European organisations such as the Council of Europe, the OSCE and even the European Parliament.

There was much debate on use of the Internet to set up joint cult networks. Although in the past cults seemed to have made significant inroads on the Internet, particularly in the United States, where Scientology took over the Cult Awareness Network (CAN, which had until then been an anti-cult association), the appearance of many anti-cult sites and co-operation and links between the relevant associations appears to have prompted a balance.

The rapporteurs also considered professional training and regulation of psychotherapy, two fields especially favoured by cults. European legislation in these two fields varies greatly from one country to another.

A comparison was made of the various legal provisions governing associations and rapporteurs were able to exchange views on the possibility of European legislation covering future associations incorporated under European law.

Since, in respect of the problems posed by cults, the European partners are aware of the special nature of the American view and since European countries have a somewhat uneasy relationship with the United States, a number of those taking part in the meeting highlighted the need for more in-depth dialogue in Europe on this question.

Finally, various forms of possible government co-ordination and co-operation among partners were considered. It was decided that this merits further consideration.

At the end of this meeting – the first of its kind – participants issued a joint communiqué in which they stated how pleased they were to have had the opportunity to express the reality of their own situation and concerns within their respective countries – diverse without being divergent – regarding cults. The twenty-two

delegations agreed that the clear threats posed to individuals and society by these basically predatory movements in human and financial terms calls for ongoing dialogue. Several countries offered to host future meetings.

The MILS is very heartened by the European dynamic generated by this meeting. Several delegations have invited the Mission to take part in meetings involving public organisations and private initiatives. It has already accepted several invitations and will continue to work in this area.

For instance, in the fourth quarter of 2001, the MILS attended two meetings on cults in Bratislava at the invitation of the Slovakian Institute responsible for relations between the state and religious organisations.

THIRD REPORT BY THE STATE DEPARTMENT OF THE UNITED STATES OF AMERICA

The third report by the State Department of the United States of America on religious freedom in the world (outside the United States) was published in late October 2001.

Without wishing to become involved in controversy about the international legitimacy of a report of this kind in the view of the US authorities, the Mission nevertheless feels it is necessary to comment on certain points.

First and foremost, the report appears largely to reproduce statements from previous reports year after year. Although we can accept that to a certain extent the situation does not change radically from one year to the next, repetition of the same findings tends to give the impression that those responsible for drawing up the report worked on the basis of the findings mentioned in the two previous years rather than attempting to present anything new. In the case of France, this involved the use of vague, ambiguous terms, opinions from unspecified sources ("some observers"), a hotchpotch of erroneous statements, excessive generalisations and laboured responses. As a result, parts of the report seem repetitious.

In addition, the report's editors themselves state that investigators in their Offices of International Religious Freedom visited "more than a dozen countries" (only seven are cited), which is rather few considering the number of countries in the world. This means that the American embassies are responsible for drafting the report for most countries and they generally reproduce the same text, with minor changes, year after year.

In the Executive Summary, the report has a section under the same questionable title as last year – "Stigmatisation of some religions by wrongfully associating them with dangerous cults." In this section, it repeats its strange accusation (without offering any proof) against "The governments of a few countries that in an attempt to protect their citizens from dangerous or harmful groups, have adopted discriminating laws and policies". The report continues, "By blurring the distinctions between religions and violent or fraudulent groups, the governments of these countries have disadvantaged groups that may appear to be different or unusual, but are in fact peaceful and honest". As this Mission stated in its 2000 report, this allegation would suggest that the State Department has itself drawn up a list distinguishing between "peaceful and honest" religious groups and "dangerous or harmful" pseudo-religious groups. This assessment by the State Department of whether or not a group is religious would appear to constitute a blatant breach of the American Constitution which, in its famous First Amendment (much used in the US), forbids the State from discriminating on the grounds of religion. If the United States have indeed been obliged to draw up such lists, it would be useful if they were available for consultation.

Likewise, there is the legitimate question of which principle of US law the State Department has used as grounds for referring to "Scientologists, Raelians, the

Association of the Triumphant Vajra and followers of the Order of the Solar Temple" as "minority religious groups".

We also note that while calling on nations around the world to promote and protect religious freedom, the State Department calls upon countries such as France to relax legislative measures: *"In all of these countries, existing criminal law is adequate for the purpose of dealing with criminal behaviour by individuals or groups"*. There is then an unacceptable conclusion, totally malevolent and defamatory since it suggests – without any justification, however vague – that in countries such as Austria, France, Belgium and Germany *"new laws or policies that outlaw or stigmatise religious expression can put religious freedom at risk"*.

While the account given in the US report on the new French law (called the About-Picard Law) published in the Official Gazette on 13 June 2001 contains virtually no criticism and could pass for being fairly objective, at the end it refers to concerns on the part of French Catholics and Protestants but not on the part of the American observers. Since the Mission itself was cited by the editors of the US Report, we would remind them that the Chairman of the French Protestant Federation protested on 15 May 2001 (cf. AFP dispatch 151623) that *"the section on France in the Department of State Annual Report on International Religious Freedom for 2001 is very poor since it is based on information from biased observers"*.

Even worse, the US Report falsely alleges that the Council of Europe condemned the new About-Picard Law in a Statement issued on 26 April 2001. This claim is even more regrettable in view of the fact that it had already been refuted by the French government in April. On 26 April 2001, a group of parliamentary members of the Council of Europe did submit a proposal to the Parliamentary Assembly requesting the French parliament to postpone the vote on the About-Picard Law. This proposal was rejected. In addition, the President of the Council of Ministers of the Council of Europe wrote a letter on the same day, *"officially confirming that the Council of Europe had never criticised France over this matter"*. However, in July the US authorities were already referring to *"a Statement by the Council of Europe on 26 April 2001 expressing the opinion that the French Law could be regarded as discriminatory and constituting a violation of human rights."* Despite the fact that the French government reacted immediately to refute this claim, the Department of State report published in late October shamelessly reiterates the false allegations made in July word for word.

As in last year's report, there is a long section on Scientology. It appears that the number of proceedings instituted against Scientology is increasing, and public opinion in France seems to be set against the movement (the Panda Software case).

In addition, the report seems to find it regrettable that the Scientology movement has not been granted tax exemption on religious grounds in France, while it does include a reminder that only one country in Europe (Sweden) has granted the movement such status. And Sweden has just decided to close down an educational establishment run by Scientology, on the grounds that the teaching methods used do not comply with Swedish educational standards.

INFORMATION PROVIDED BY FRANCE TO THE UNITED NATIONS SPECIAL RAPPORTEUR

(relating to the About-Picard Law)

The Mission deemed it opportune to make public the information given to Mr. Abdelfattah Amor, the Special Rapporteur of the Commission on Human Rights, Freedom of Religion and Belief, following claims by "various religious, spiritual, philosophical and therapeutic associations in France" that they were subject to discrimination.

Cult lobbying constantly seeks to get round national legislation and attempts to spread false information among international institutions.

Despite the rather anonymous nature of this claim, the French government nevertheless replied in detail, through the Ministry of Foreign Affairs, to the legitimate demand for information from the United Nations Special Rapporteur. The text of its reply is given below.

"In a letter of 19 June 2001, the United Nations Special Rapporteur on Freedom of Religion and Belief forwarded to the Government of France a copy of an anonymous report sent to the Rapporteur by a "number of organisations" representing "various religious, spiritual, philosophical and therapeutic associations in France" claiming discrimination against minorities; the Rapporteur invited comments on this report.

The Government of France is pleased to advise the United Nations Special Rapporteur on Freedom of Religion and Belief as follows.

The aforementioned report claims a desire on the part of the French government to discriminate against cults, notably subsequent to the passing of the Law of 12 June 2001.

The French government will first state the position in respect of the law in France concerning the protection of religious freedom, and will then outline the background to the adoption of the Law and the provisions thereof.

I – INTERNAL LEGAL ISSUES: PROTECTION OF RELIGIOUS FREEDOM IN FRANCE

French law is based on a clear segregation of the state and the church and since French law does not allow for the concept of cults, it would be impossible to set up a specific legal system that would result in discrimination against those people who are members of such cults.

Freedom of conscience and opinion is enshrined in French law. This implies that every individual is free to hold the philosophical, moral, political or religious convictions of their choice.

This right is recognised, inter alia, by Article 10 of the Declaration of Human and Citizens' Rights of 26 August 1789, which stipulates that *"No person should be molested on account of his opinions, not even on account of his religious opinions, provided his avowal of them does not disturb the public order established by the law"*. As a result, all citizens are entitled to hold the intellectual opinions of their choice, in any field whatsoever, and to interpret and assess at will any subject or issue, either in private or in public.

It is worth reiterating that the Declaration of 1789 is included in the Preamble to the 1958 Constitution and that in this respect, the rights it mentions are enshrined constitutionally and the Constitutional Council is responsible for ensuring that they are protected from any risk of limitation. Regarding freedom of opinion in particular, in a resolution of 15 November 1976 the Constitutional Council stated that any reference to political, philosophical or religious convictions in the files of civil servants would be contrary to this principle of liberty.

In addition, freedom of conscience and opinion implies the right for all individuals to express or avow their beliefs, including religious beliefs, in order to live their lives in accordance with their convictions. Consequently, France guarantees all citizens freedom of religion. This right is also guaranteed by the Constitution since, in addition to Article 10 of the Declaration of 1789, Article 1 of the Constitution of 4 October 1958 declares that the Republic *"respects all beliefs"*.

The principle of neutrality of the State in respect of religion was adopted in order to ensure equal respect for all religious beliefs. In the early twentieth century, France therefore decided to dissolve all official links between the State and religion, whereas it had for centuries lived under a system whereby the two were inter-linked. In the Law of 9 December 1905 involving the segregation of the Church and the State, it adopted a strict system of secularism, under which the State was forbidden any involvement in religious matters.

This Law stipulated two fundamental principles: *"the Republic guarantees freedom of conscience"* (Article 1) and *"the Republic does not recognise, pay for or fund any religion"* (Article 2). Therefore, the principle prevailing in France is that of the neutrality of the State in respect of religious beliefs. The State does not favour any religion, since it does not support any religion. All religions are thus on an equal footing and no distinction between religions is permitted. All religious movements have an objectively identical status and religious discrimination is forbidden by law.

As construed in France, secularism is a principle of tolerance and respect. Not only is the State itself required to respect the freedom of religion, but it also undertakes to ensure that others respect this freedom, since according to Article 1 of the Constitution of 4 October 1958, the State *"guarantees equality before the law of all citizens, regardless of origin, race or religion"*.

The State is therefore obliged to prevent any breach of this freedom by anybody. In this respect, paragraph 5 of the Preamble to the 1946 Constitution prohibits any sanction by an executive body against those under its auspices on the

grounds of their personal beliefs, insofar as it states that *"No person shall suffer prejudice in their work or employment on account of their origin, opinion or beliefs"*.

Furthermore, breach of freedom of conscience is a criminal offence. Article 31 of the Law of 1905 instituted the offence of breach of freedom of conscience, punishing *"anyone who, through actions, violence or threats against an individual, either by making them fear losing their employment, or by exposing them to damage to their person, family or property, force someone to practise or refrain from practising a religion, to join or leave a religious group, or to contribute to or refrain from contributing to the funds of a religion"*.

In addition, the courts have stipulated what freedom of religion constitutes. For instance, the right to practice the religion of one's choice and keep this private (Council of State, 9.7.1943 Ferand) and the right not to suffer discrimination on the grounds of one's beliefs (Council of State 28.04.1938 Delle Weiss) have been enshrined in law.

As a result of the principle of neutrality of the State in respect of religions, there is no legal definition of religion in French legislation. The law is limited to regulating the legal structures and social practices of bodies supporting religions (religious associations, religious groups), but does not distinguish among the various religions. Consequently, there is no positive or negative discrimination among the various churches.

II – LAW OF 12 JUNE 2001

Background to adoption of the Law

Following several tragedies in various parts of the world in recent years, in which members of various cults died, members of parliament in France decided to undertake a more in-depth analysis of this phenomenon in order to assess the potential threat to individuals and society represented by some of these movements.

- a) On 29 June 1995, a parliamentary inquiry Commission thirty comprising members of the three major French political parties was set up *"to examine the phenomenon of cults and if necessary to recommend amendments to the existing texts"*.

In order to fulfil its brief, the Commission examined analyses and information from various government departments and people with extensive knowledge of the phenomenon of cults (senior civil servants, doctors, legal experts, clergymen, representatives of cult victims' support organisations, former followers and current leaders).

The report was examined by the Commission on 20 December 1995, unanimously approved and published. Entitled "Cults in France", it describes the work undertaken by the Commission and makes certain suggestions.

In this document, members of parliament wished first and foremost to reiterate that a distinction should be made between groups that are entirely respectable and those that are dangerous. *"The Commission therefore took care not to mix all existing religious or spiritual groups. It believed it should restrict itself to examining the damage caused by dangerous cults, in order to gauge the means of combating them"* (page 66 of the report).

The members of the Commission then drew up a list of dangerous cults and outlined the criminal offences committed by such movements in France.

The Commission concluded that the present legal system was adequate and that it was necessary that it should remain so. It believed that it *"did not seem appropriate (...) to recommend setting up specific legal procedures to deal with cults. Firstly, this would give rise to a problem of definition. We have seen how difficult it is to define the concept of cults and the limits of the various possible approaches to this. Setting up legal procedures specifically for cults would mean opting in favour of one of them, which would invite objections. (...) Secondly, such provisions are hardly compatible with our Republican principles. It would result in all spiritual movements not receiving identical treatment, which would risk undermining not only the principle of equality but also the principle of the neutrality of the State in respect of religions. On the other hand, insofar as one of its aims would be to prevent cult threats, it would probably result in a more restrictive framework for the activities of cults, which would be very difficult to address without affecting the freedom of religion, meeting or association"* (page 99).

Finally, the Commission considered that it was essential *"to make full use of the existing provisions; applying them systematically and rigorously should make it possible to effectively combat the threat from cults "* (page 126).

The findings of the Commission of inquiry into the danger posed by cult action in respect of individual freedoms and of society and the State prompted the French government to set up the Interministerial Observatory on Cults by a decree of 9 May 1996, on the recommendation of members of parliament. This body comes under the auspices of the Prime Minister's Office; it was responsible for analysing the phenomenon of cults and making proposals to the government to improve the methods used for combating cults.

On 7 October 1998, this body was replaced by the Interministerial Anti-cult Mission, which may inform public prosecutors of deeds committed by cult movements when such deeds are deemed criminal.

b) On 15 December 1998, in order to extend the work carried out in 1995, the National Assembly unanimously adopted a resolution to set up a commission of inquiry into "the financial and fiscal status of cults, their economic activities and their relationship with economic and financial operators".

This Commission unanimously approved the report on "Cults and Money", published on 17 June 1999. Among its conclusions, it stated that:

"(...) The right to be different is also safeguarded. But the exercise of this right cannot be allowed to jeopardise certain principles, particularly the right of the most vulnerable to protection. (...) Safeguarding freedom of conscience cannot be based on a disregard for basic individual freedoms: freedom of movement, owning and enjoying property, maintaining one's body and health, protection from abuse of power, and defending oneself against attacks on one's spiritual and material interests ..." (page 253 of the report).

The Appendix to the report included information on the organisation, financial resources and economic network of some thirty groups *"representative of cult movements"*, selected by the Commission on the grounds that they appeared *"to have significant economic and financial power"*, and on which the Commission could *"gather information that (it) considered useful to publicise"*.

c) In 1999, Mr. Nicolas About, a Senator, submitted a draft law aimed at reinforcing the legal provisions in respect of cult associations or groups which, through their criminal activities, pose a threat to public order or a grave danger to individuals or state security.

This draft was debated and adopted at its first reading in the Senate on 16 December 1999. Subsequently, in accordance with the prevailing rules, the draft was submitted to the National Assembly, where it was amended and adopted at a first reading on 22 June 2000.

This amended draft was then submitted for a second reading in the Senate, which in turn amended it and adopted it on 3 May 2001. It was then given a second and final reading in the National Assembly on 30 May, where it was adopted unanimously.

This law was ratified by the President of the Republic on 12 June 2001 and published in the French Official Gazette on 13 June 2001.

There is therefore no justification for claiming, as the aforementioned anonymous report does, that this law was *"pushed through" ... "by fewer than thirty members of parliament"*.

Objectives of the Law

By way of introduction, it is worth reiterating that the French parliament, which is acutely aware of various tragic events linked to cults that raised international public concern in the nineties, decided to play a leading role in combating the threat of cults. As was highlighted by the report by Ms Picard on behalf of the National Assembly Legal Commission published on 14 June 2000, French members of parliament claimed to have been *"among the first to take an interest in the phenomenon of cults"* and *"many members of both the ruling party and the opposition would like to see further action in prevention and suppressing (cult groups that represent a threat)."*

Members of parliament were very much aware of the difficulties that would inevitably arise from such action. *"This course of action will clearly be difficult. How can we effectively combat the threats posed by certain movements without impinging*

upon freedom of belief and association?" This crucial question was put by Mr. Nicolas About at the very beginning of his report. (...) There is an answer to this question. "All beliefs deserve to be respected, but it should be possible to take rapid action to dissolve groups which regularly contravene the laws of the Republic and sometimes commit very serious offences, if this is necessary in the interests of public order". In other words, Mr. Nicolas About refers to the law of France to distinguish between what is acceptable and what is unacceptable. The answer was already given in the Declaration of Human and Citizens' Rights of 1789: "Freedom consists in doing whatever does not harm others" (Article 4); "No man should be molested on account of his opinions, not even on account of his religious opinions, provided his avowal of them does not disturb the public order established by the law" (Article 10); "all citizens may speak, write and publish freely, except if this freedom is abused, in the cases stipulated by law" (Article 11)" (Report by Ms Picard on behalf of the Legal Commission, published on 14 June 2000).

Although members of parliament intended to reinforce legal measures in France in order to protect victims of cult abuse and to have the means required to more effectively combat the perpetrators of these acts, they did not wish to disrupt the general equilibrium established in 1789 in terms of civil liberty.

The method used for drawing up the Law could thus be presented as follows: *"Freedom of belief and freedom of association are two fundamental principles of the Republic. But they should not make it possible to consider oneself above the laws and regulations in force. The neutrality of the State in respect of all religious beliefs is also a fundamental principle (...) These principles were clearly stated and formed a basic guide in our work in order to achieve a balanced text."* (Mr. René André, in a address to the National Assembly on 30 May 2001). *"In drafting it, the Assembly and Senate constantly took care not to undermine freedom of association and conscience (...). The constant desire not to undermine freedoms led us to consider the implications of each provision, whether preventive or repressive, very carefully"* (report by Ms. Picard referred to above).

The manifest desire of those responsible for drafting the Law that human rights should be respected was shared by government representatives. During the open debates in parliament, Ms. Lebranchu, the Minister of Justice, stated that the question of the cult phenomenon was very "distressing and complex":

"Distressing, because the damage caused by cults, chiefly to vulnerable people and their families, is indisputable. Complex, because the legitimate fight against cult abuse must not undermine the freedom of individuals or groups guaranteed by democratic states wishing to respect human rights".

The Minister also called for the opinion of the National Advisory Commission on Human Rights and stated that she wished the League for Human Rights to be involved in the debate. The opinion issued by the National Advisory Commission on Human Rights, sent to parliament by the government, made it possible to consider the matter further and arrive at a solution that would **not create a new offence of psychological manipulation, but would introduce amendments to the offence of fraudulent abuse of a state of weakness, which already existed under French criminal law.**

It is therefore a mistake to claim, as the aforementioned anonymous document claims, that the Law *"is designed to punish thousands of innocent French citizens" and that "the intention of this Law to discriminate (...) is manifest in the title of the Law, which states that it aims "to reinforce the prevention and repression of cult movements"*.

There is no intention to discriminate against "new religions". And it may be worth noting that the title of the Law is not that cited in the above-mentioned anonymous report. Its exact title is that of a *"Law aimed at preventing and repressing cults that undermine human rights and fundamental freedoms"*. This Law does not therefore target any group that could be called a "religion", but all teachings if these undermine human rights and fundamental freedoms. The actual purpose of this Law is to safeguard public order against nefarious actions when these have been committed by groups that violate fundamental freedoms.

Action of this kind is thus entirely in line with the leeway granted to states under international conventions to enact measures aimed at restricting the freedom of action of groups or communities that threaten public order or undermine individual freedoms (see Article 19 of the International Covenant on Civil and Political Rights of 19 December 1966 – Article 9 § 2 of the European Human Rights Convention).

Content of the Law

This Law comprises six sections, including both criminal and civil provisions.

In terms of criminal law, the Law essentially provides for a specific offence, stipulates the rules in respect of criminal liability and increases victims' rights

* Parliament amended the offence of fraudulent abuse of a state of ignorance or weakness under Article 313.4 of the Code of criminal law regarding "either a minor, or a person whose particular vulnerability - due to age, illness, infirmity, physical or psychological disability or pregnancy – is apparent and known to the offending party".

The first paragraph of the new Article 223.15 of the Code of criminal law thus includes the part referring to abuse of a state of weakness, and also includes a new clause relating to *"anyone in a state of psychological or physical dependence resulting from the exertion of serious or repeated pressure or use of techniques liable to affect their judgement"*.

The definition of the offence centres on "exerting pressure" or use of techniques liable to affect judgement. By way of example, these could include tests, prolonged fasts, repeated initiation programmes, and rudimentary hygienic conditions or accommodation.

The offence implies showing the loss, or partial loss, of control, self-control or autonomy of thought and action on the part of the victim as a result of serious or repeated actions or use of techniques liable to affect judgement; this may if necessary be backed up by psychiatric assessment.

Fraudulent abuse of a state of ignorance or weakness of a person in a state of psychological or physical dependence resulting from serious or repeated pressure or use of techniques liable to affect their judgement "intended to lead such minor or

person to commit an act or rejection with serious prejudicial consequences for the person concerned" is punishable by a prison sentence of three years and a fine of 2,500,000 francs.

In addition, there is provision for aggravating circumstances when the offence is committed by the leader of a group whose objective is to create and maintain such dependence. In that event, the sentence is increased to five years imprisonment and a fine of 5,000,000 francs.

* The two Assemblies agreed on extending the criminal liability of corporate bodies to cover certain offences.

This applies to offences that are generally committed within cults: practising medicine illegally; the offences of fraud and falsification (Articles L 213.1 to L 213.4 of the Consumer Law); threats (for instance, threats made by leaders against members or, more frequently, against former members who have left the cult and wish to bring legal proceedings against the cult); offences involving breach of respect due to the dead (these may, for instance, be committed by so-called "satanic" cults); offences involving deliberate attempts to take life, such as murder and poisoning (which may occur among so-called "apocalyptic" cults); torture and acts of barbarism; rape and sexual assault; abandoning the family; impeding access to assistance and failure to offer assistance.

In addition, the Law restricts the possibility of disseminating information aimed at young people and promoting a corporate body involved in cult activity if the corporate body – or its legal or de facto leaders – has actually been convicted on criminal charges.

* Finally, victims' rights are reinforced since any recognised public-service association that has been practising on a regular basis for at least five years on the date of the offence and whose Memorandum and Articles of Association include protecting and assisting individuals or defending the rights and freedoms of individuals or groups may claim for damages in the event of certain offences in breach of human rights being committed.

In terms of civil law, the Law institutes a procedure for dissolution by the legal authorities of certain corporate bodies

The High Court "*may rule on*" the dissolution of any corporate body "*that exercises activities aimed at, or likely to create, maintain or exploit psychological or physical dependence on the part of people taking part in such activities*", under circumstances that guarantee both the rights of defence and freedom of association.

Dissolution by the legal authorities presupposes that the corporate body concerned, or its managers, have been convicted on several occasions for specific offences, including the offences of deliberate or involuntary attempts on the life or the physical or psychological integrity of people, endangering people, the illegal practice of medicine or pharmacy, false advertising, fraud or falsification, and fraudulent abuse of a state of ignorance or weakness.

The case for dissolution is brought before the High Court "at the request of the government department acting on its own initiative or at the request of any interested party". The application is drafted, considered and a ruling is delivered in accordance

with the prevailing procedure. The term for appeal is two weeks. The various corporate bodies involved in the case must be party to the proceedings.

An early hearing date is set. On the day in question, the case is handled in accordance with the provisions of Articles 760 to 762 of the new Code of Civil Procedure.

Members of parliament deemed **dissolution by the legal authorities** to be preferable to administrative dissolution (as initially proposed) because it allows for both sides to put their arguments and so does not in any way breach human rights.

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It is therefore apparent that, contrary to what is stated in the aforementioned anonymous report, the Law of 12 June 2001 does not "only target religious minorities likely to be exposed to public hostility from a dominant religious community". Religious minorities cannot be subject to the penal provisions of this Law simply on the grounds of their existence as corporate bodies. The option of dissolution and restrictions on publicity do not relate to the simple existence of a corporate body but to several criminal convictions against the corporate body.

In other words, the possible dissolution by the legal authorities of a cult-like association is not brought about by the existence of this entity which may be called a "cult" but rather by the perpetration of offences that have been reported to the judicial authorities and for which there have been convictions. In addition, a court can only call for dissolution after proceedings in which both sides put their arguments.

The option finally adopted by parliament – to supplement the offence of fraudulent abuse of a state of ignorance or weakness, which to date only related to minors and those especially vulnerable due to physical or psychological disability – makes it possible to "*avoid creating an offence only applicable to cults*" while combating certain dangerous groups is part of "*a legal framework already familiar to the judges in the criminal courts*"; this was mentioned by Mr. About, the rapporteur of the Legal Committee.

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At present, the legal measures applicable to religious movements and recognised religions are the same as those that have always governed their activities. In this case, French law has for almost a century guaranteed everyone equal freedom of religion, whatever that religion might be, without making any distinction. The most recent consideration by the country's elected representatives has confirmed the adequacy of this French view of secularism and they concluded that it is necessary to maintain the prevailing legal system precisely because it prohibits any discrimination. There is not therefore any legal status specifically for cults in French law.

The Law of 12 June 2001 merely supplements the existing legal framework for combating the illegal activities of certain cult movements that undermine human rights and individual dignity. It is an instrument with a restricted scope, aimed only at protecting society against offences committed by criminals, be they individuals or corporate bodies, belonging to or representing cults. As the Minister of Justice emphasised, this Law constitutes *"a text providing regulations of a social or ethical nature, which does not threaten freedom of conscience, freedom of religion, freedom of expression or freedom of association, but will protect people liable to become the victims of cult movements"*.

The French government can therefore only conclude that all the allegations made by those responsible for the report sent to the United Nations Special Rapporteur on the Freedom of Religion and Belief are groundless."

Finally, it is worth noting that the US report did not deem it necessary to mention the fact that a French member of parliament won his appeal against an action brought by cults. The previous Department of State report falsely stated that the member of parliament in question had been definitively convicted by the court of the first instance.

EUROPEAN PARLIAMENTARY ASSEMBLIES

European Parliamentary Assemblies have on several occasions dealt with cults.

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

Since **Recommendation 1412 on the illegal activities of cults** was passed in 1999, cults have continued to be on the agenda of the Parliamentary Assembly of the Council of Europe. In this respect, this Assembly has been one of the favoured targets of lobbyists working on behalf of major international cults which have constantly defamed France's policy in combating cults. They intensified their actions during the procedure for passing the About-Picard Law, attempting to have the final vote postponed or even dropped altogether.

"The Council of Europe has never condemned France"

One feature of the slander campaigns involved spreading a rumour that the Council of Europe has condemned France's policy for combating the scourge of cults. This false allegation, which was unfortunately published in an article in a major evening newspaper, which did not rectify it, did however provide a useful opportunity to establish the facts regarding the Council's attitude towards France in this area. After being warned by the Mission, Senator Nicolas About, delegate to the Parliamentary Assembly of the Council of Europe and at the time a member of the MILS Policy Council, called upon the Committee of Ministers, at question time on 26 April 2001, to "*publicly (...) confirm that the Council of Europe had never condemned France on this issue*". At question time on 26 April 2001, the Chairman of the Committee of Ministers, Mr. Indulis Berzins, replied that "*regarding France, the Committee of Ministers has never issued statements relating to matters concerning cults*". The same day, in a letter to Lord Russell-Johnston, President of the Parliamentary Assembly, he officially confirmed, "*to avoid any misunderstanding*", that this statement clearly implied that "*the Council of Europe had never condemned France on this issue*". The MILS, which had drawn the attention of the Deputy Secretary General of the Council of Europe and French members of the Parliamentary Assembly to this rumour, is gratified by this unequivocal reply, which puts an end to the matter.

A report being drafted: "Freedom of religion and religious minorities in France"

On 6 October 2000, along with 13 other members of the Parliamentary Assembly Legal Affairs and Human Rights Committee, Mr. McNamara, a Labour party representative from the United Kingdom, submitted a draft resolution entitled "Freedom of religion and religious minorities in France". Mr. Akçali, a Turkish member of parliament, was appointed as rapporteur in 2001. This text contained bitter criticism of the About-Picard Law, which was still being discussed at that time. It included a large number of untruths – arguments generally used by cults and those that more or less openly support them. At his request, Mr. Akçali visited the Mission to gather information on France's policy with regard to cults and to obtain the

Mission's opinion on the About-Picard Law. He said he was satisfied with his interview with the MILS Chairman. In order to obtain a better insight into the new French Law, he requested that a legal expert be appointed, one of the purposes being to examine the Law from the point of view of international law.

Mr. Akçali is due to issue his report in 2002. The Mission is closely monitoring progress in this work. It remains at the disposal of the rapporteur and members of the Legal Affairs and Human Rights Commission.

The Mission notes the peculiar situation in which the Parliamentary Assembly of the Council of Europe is undertaking its work.

On 26 April 2001, when the About-Picard Law was still being debated in the French Parliament, a group of members of parliament²⁸ in this Assembly lodged a written statement requesting the French Senate to wait for Mr. Akçali, the rapporteur, to submit his report to the Parliamentary Assembly of the Council of Europe before continuing its consideration of the (About-Picard) Law and voting on it "so that it could use the report as a basis for drafting a text that would not be discriminatory or contrary to international standards in the field of human rights". The basis of this request was very surprising – requesting the House of a national parliament to suspend its work to fall in line with the pace of work at a European assembly. It provoked an indignant response from Senator About: "The text that has been submitted to us is now used by the most dangerous cults in the world in an attempt to make people believe that the Council of Europe has condemned one of its members for undermining religious freedom".

In addition, the Mission notes that Mr. McNamara, whose resolution was the subject of Mr. Akçali's report, had previously lodged two draft proposals directly or indirectly relating to cults. The first (Doc.8646 of 7 February 2000) was a draft resolution entitled "Elimination of religious discrimination against Jehovah's Witnesses" and the second was a proposal for a directive, entitled "Psychiatry and human rights" (Doc 8995 of 9 March 2000); the tenor of the latter was close to the arguments regularly used by international Scientology against psychiatric medicine.

Follow-up on the report on the "illegal activities of cults": decision of the Committee of Ministers

It took more than two years for any further action by the Committee of Ministers on **Recommendation 1412 on the illegal activities of cults**. At the time, this text triggered an active campaign; from the outset there was opposition to it even being debated. We can only wonder about the reasons for the Committee of Ministers taking so long to reach a decision, which was finally issued on 19 September 2001.

Inter alia, the members unconditionally supported "the Assembly when it states that it is necessary to monitor whether the activities of these groups (cults) – be they religious, esoteric or spiritual – comply with our democratic principles". By highlighting the need for nations to comply with the provisions of the European Human Rights Convention, the Committee of Ministers applauded the appeal made to Member States to ensure that the legal measures target "illegal actions undertaken by or in the name of these groups".

²⁸ None of them French.

Regarding the point in the recommendation relating to the creation of "*a European observatory for religious, esoteric or spiritual groups, the purpose of which would be to facilitate dialogue between national monitoring centres*", the Committee was of the opinion that it could not accept this recommendation due to lack of resources. But it "*did not rule out the possibility that the Council of Europe – subject to having adequate budgetary resources at its disposal – might facilitate and promote linking up the existing national information centres and the exchange of information among these centres*".

This reply requires elucidation as to the form such aid might take. At the time, the Mission emphasised the need for European countries to jointly seek ways and means of arming themselves against cult hegemony. The observatory could be an instrument for dialogue to assist in achieving this objective. The Mission hopes that the members of the Parliamentary Assembly of the Council of Europe will make every effort to support this project. For its part, the Mission will assist efforts by elected representatives and groups working towards this end.

EUROPEAN PARLIAMENT

Recommendation regarding cults

A resolution on the state of fundamental rights in the European Union (2000) was passed by a plenary session of the European Parliament on 5 July 2001. At the time, the Mission met Thierry Cornillet, the French rapporteur of this text. Point 49 of the resolution, entitled "freedom of thought, conscience and religion" refers more specifically to the problem of cults and constitutes major progress in the European Parliament's thoughts on this matter.

A first resolution passed by the Committee of Civil Liberties and Internal Affairs in December 1998 prompted theoretical consideration but produced very few concrete results. Previous reports - the Cotrell and Hunt reports – were marked by confusion between cults and religions, and were not followed up. Regarding this new text, the Mission is pleased to note that the European Parliament implicitly defines the concept of a cult from the point of view of nefarious activities, including harm to the individual.

(...)

49. recommends that Member States pay particular attention to the – at times illegal or criminal – activities of some cults that jeopardise the physical or psychological integrity of individuals, in particular:

- *initiating information and awareness campaigns by specialised, independent organisations involved in safeguarding human rights so that everyone may decide whether or not to join or leave a religious or spiritual movement,*
- *drafting adequate legal, fiscal and penal provisions to thwart illegal actions by some cults;*

This balanced text is in line with the Nastase Recommendation approved by the Parliamentary Assembly of the Council of Europe in 1999; it takes the expression

"illegal activities of cults" from this recommendation, and adds the adjective "criminal".

The Mission would like this to provide the basis of a genuine debate within the European Parliament. This could open the way to joint regulations, either by means of a text subject to approval by a plenary session or by means of action by the European Commission or the Office of the President.

**HUMAN RIGHTS AND THE RIGHTS OF
THE CHILD**

The MILS twice addressed the National Advisory Commission on Human Rights (CNCHD), the official body established pursuant to decree No. 84-72 of 30 January 1984, as amended.

The purpose of the first address, in 2000, was to introduce the Mission's activities, its working methods and rules for vigilance in respect of the principles of human rights and the standards of constitutional states with regard to individual freedoms and the protection of individuals.

The second address involved examining all draft laws proposed by the National Assembly and Senate that resulted in ratification of the Law of 12 June 2001 (the About-Picard Law). During the first reading in the National Assembly, the Minister of Justice wished to obtain the opinion of the CNCDH on factors such as the possible definition of a new offence referred to as "psychological manipulation".

The MILS was responsible for preparing a summary of these draft laws along with the Chancellery. It was critical of this approach, both in terms of the basic concept and its appropriateness, thus agreeing with the opinion of the CNCDH. The CNCDH deemed it preferable to recommend that an article already in the Code of criminal law – Article 313.4, sanctioning the abuse of a state of weakness – be rewritten. Like the Mission, the CNCDH also suggested transferring this article (as rewritten) from Section III (attack on property) to Section II (harm to the individual).

The MILS agreed with the CNCDH. However, it specified that this should apply to two Articles - Article 313.4, relating to natural persons, and Article 313.9, relating to corporate bodies. In addition, the Mission observed that, contrary to widespread belief, most people joining a cult are not in a state of weakness. Their membership is based on a form of contract, the fraudulent nature of which only becomes apparent once they are members. This may take several years, and during that time they may have been subject to severe moral constraints and constant requests for funds. In the view of the MILS, the legislator should fine-tune the wording of the new article to include all victims of cults, regardless of whether or not they have been subject to abuse of a state of weakness. This was eventually accepted by Parliament (Article 20 of the About-Picard Law).

The MILS is pleased to note the excellent contact established with the CNCDH, which has provided invaluable input.

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Regarding the major associations involved in safeguarding human rights, the Mission established contact with the League for Human Rights (LHR) on the occasion of the examination of the About-Picard Law. Two working meetings were held in the presence of the President of the LHR and the General Secretary of the MILS. The LHR also registered a public complaint about the risk of public confusion between its own stance and that of a subsidiary of the Scientology cult, which – perhaps intentionally – has an acronym almost identical to the LHR.

The Mission also requested contact with the International Federation of Human Rights Leagues (*Fédération internationale des ligues des Droits de l'Homme - FIDH*), due to the many international forums open to NGOs. The Mission believed the voice of reason should be heard at such forums in response to constant intervention by international cults.

The Mission met with the Vice-Chairman of the Movement against Racism and for Peace (MRAP), who is responsible for matters relating to cults. It was agreed that meetings should be held as and when necessary. The Mission requested the same type of contact with the International League against Racism and anti-Semitism (LICRA).

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The Mission has started to work with departments of the Child Protection Agency. Dialogue has taken place to improve the handling of specific dossiers, mainly regarding custody of children in the context of divorce proceedings, and to find solutions reflecting the over-riding interest of the children involved.

Generally speaking, the Mission and the Child Protection Agency share common concerns and ideas, particularly in the area of perinatal victim support (see Section on cult threats in the fields of health care and medical and social services).

**OVERSEAS
TERRITORIES (DEPARTEMENTS AND
LOCAL AUTHORITIES)**

OVERSEAS DÉPARTEMENTS

In accordance with the wishes of the Policy Council, the MILS made further visits to Guadeloupe and Martinique (in April) and La Réunion (in September). The Mission visited Saint-Martin for the first time, at the request of the prefect, due to the specific situation in this divided island.

In its previous reports, the MILS had highlighted the specific situation regarding cults in the overseas départements, where cult activity appears to be increasing, a trend contrary to that seen in metropolitan France. It should be remembered that it took some time to start monitoring the phenomenon due to the fact that various parliamentary inquiries were short-lived (1993-95 and 1999) and so could not examine the situation overseas. In addition, the overseas departments are fertile ground for cult activity for various religious reasons and their particular geographical location (as referred to in previous reports).

As in the metropolitan départements, the Mission took part in plenary sessions of the regional surveillance committees. The issue of attendance by elected members of departmental or regional authorities, which was not provided for in the Ministry of the Interior's 1997 circular, appears to have been resolved automatically since dialogue has since been established between local assemblies and the State representative. It is not unusual for Chairmen of local assemblies and mayoral associations – or their representatives – to take an active part in the work of the surveillance committees in parallel with any action they may take according to their specific areas of authority.

In Martinique and Guadeloupe, meetings are held at regular intervals and they have expressed the wish for the surveillance committee to act outside plenary sessions when this is required for a specific case. In La Réunion, the MILS is pleased to note that its visit made it possible to reactivate the surveillance committee, which had apparently been dormant since January 1999. The new prefect and all participants decided to maintain a regular dialogue in future, with closer co-operation between the relevant departments.

All three departments requested staff training. The MILS has promised the prefects support in organising any training programmes decided on.

This review of the current situation confirmed the existence – in the French départements in America (DFA) and La Réunion - of many movements of varying size with a presence in mainland France, along with some indigenous groups originating in neighbouring countries, America and the Indian Ocean. The number of groups does not appear to have increased, but the fact that groups constantly disappear and reappear calls for permanent vigilance.

Some areas drew particular attention: the increase in offers from the private sector for personal development programmes and a large number of capital flows, the source of which is not clear. Saint-Martin has seen the arrival of large numbers of pseudo-evangelical pastors. In all the overseas départements, many dwellings (and even one supermarket!) have been converted into religious premises, which has

caused concern among the elected representatives that the Mission met, due to the financial resources available to these movements. Furthermore, the origin of these resources is generally unclear, although it is known that they generally come from North America.

Finally, in view of the island's strategic location, the members of the surveillance committee in La Réunion said that it was necessary to work in conjunction with neighbouring countries. They suggested setting up a monitoring centre for cults in the Indian Ocean, including countries such as Madagascar, the Comoro Islands, the Seychelles and Mauritius. The MILS would be interested in a project of this kind. Although it is aware of the difficulty of setting up a structure of this type, it is prepared to provide support for any such initiative.

Meetings organised by the Office of the Rector in the three départements and the training session for students and teachers of the IUFM in La Réunion showed the extreme vigilance of those involved in education in the overseas departments. They are well aware of recurring problems in this field, such as the refusal to attend lessons on specific days of the week, refusal to take part in social events organised by educational establishments, and the existence of cult propaganda close to – or even within – schools.

These meetings were very successful. This should prompt the organisers – staff at the Office of the Rector or the IUFM – to repeat this type of action, which encourages dialogue.

The Mission systematically met senior staff from associations responsible for combating cults in the overseas departments. Those that have been long involved in the field – as is the case in the DFA – have an excellent reputation among the government and judicial authorities. Their presence on the surveillance committees is much appreciated. Considering the specific situation in Saint-Martin and the desire expressed by the prefectural authorities and elected representatives, the Mission suggested that the only association represented in Guadeloupe should appoint a delegate. In La Réunion, the CCMM and UNADFI are also well known to government departments, which often call upon their services.

Despite the fact that its visits were rather ill-timed – immediately after the municipal elections in the DFA and just before the expiry of the senatorial term in La Réunion – the MILS was able to exchange ideas with many local and regional representatives, either through the surveillance committees of which they were members, or through elected representatives' groups or individually, such as with the new mayor of Fort-de-France²⁹. The Mission advised them that it would like to see information programmes for staff in local government departments and preventative action similar to that taken in metropolitan departments by local groups of the Association of French Mayors or local and regional authorities.

²⁹ The town alone accounts for one third of the population of Martinique.

NEW CALEDONIA

The joint efforts by the High Commission in New Caledonia and the MILS have made it possible to set up a surveillance committee for combating cult abuse in Nouméa. Its inaugural meeting was held on 29 August 2001.

At the second meeting on 18 October, chaired by the Government representative, the high commissioner of the Republic, and in the presence of the MILS Chairman, three task forces recounted their initial work on the topics "cults and custom", "prevention and educational institutions" and "illegal employment and taxation".

This was a very fruitful meeting. It highlighted the broad area of involvement of the New Caledonian surveillance committee, which includes – in addition to the various government departments falling under the High Commission – the government of New Caledonia, the judicial authorities, the provincial assemblies, the traditional Senate, mayors' representatives and religious leaders.

Secondly, it appeared that although they believe cult threats to be relatively limited in New Caledonia, the members of the surveillance committee and the institutions they represent are fully aware of the threat posed by cults to individual freedom and fundamental rights, and the ability of cults to jeopardise the social order itself.

While the figures are not as high as in the overseas départements, the number of people involved with cults has increased. There are probably some 5,000 followers, to which we should also add the number of sympathisers, representing 5% of the total population. As in metropolitan France, Jehovah's Witnesses are by far the biggest group (accounting for 60% of all members of cults).

Apart from Caledonia's Melanesian communities, the problems posed by proselytism by Jehovah's Witnesses do not differ significantly from those in France itself, with one exception. Given that pensions are substantially higher in Caledonia than in continental France, retired adepts of the cult resident in France have recently been encouraged to settle there. This would enable the movement to obtain more substantial financial contributions from these followers. When this strange "instruction" became known, it prompted embarrassed explanations. However, this instruction appears to have had little impact to date.

In contrast, proselytism by Jehovah's Witnesses in the Melanesian community has recently provoked much reaction. The Mission was informed of this by members of the traditional Senate and the traditional bodies it met (chieftains and tribal chiefs) as well as several Melanesian members of government and local political bodies.

It appears that the Jehovah's Witnesses have challenged the traditional authorities, although these were recognised under the Matignon agreements, despite the fact that their relationship to national law was not clearly defined. Unaware (or not wishing to be aware) of the fact that Melanesian social structures are based on close links between the physical and metaphysical concept of the earth and the moral and

political authority of chieftains, the Jehovah's Witnesses' acted in such a way that some of their recent Kanake converts came to challenge the solidarity that links every Melanesian to a common network of rights and obligations. This attitude on the part of the Jehovah's Witnesses is hardly surprising, since they prefer to deal only with individuals and often dispute certain social norms that they deem profane or even satanic, both in France and abroad.

A serious conflict occurred on the island of Lifou in October 1998. Melanesians who had been converted by Jehovah's Witnesses apparently refused to contribute to certain solidarity funds. They were subjected to corporal punishment on the orders of a local chief; such punishment is incompatible with punishment provided for under the Code of criminal law. A complaint was lodged and the traditional chief was found guilty in the lower courts. Upon appeal, the sentence was increased and the appeal to the *Cour de Cassation* was turned down. The sentence imposed on this chief in Lifou was taken as an affront to the Melanesian community as a whole. Their bitterness is felt even among Kanake members of the Catholic and Protestant clergy.

The Mission believed it was necessary to make the following observations and proposals to avoid conflicts of this kind leading to future disputes that are disproportionate to their initial cause and compromise the stability essential for peace in a group of islands that can only build its future on harmony among its communities.

1°) Dialogue appears essential to clarify the coexistence of unwritten traditional law and general law.

2°) Sentences imposed by the traditional authorities, which are generally subject to consensus within the Melanesian community involved, should be examined to take account of the abolition of corporal punishment by constitutional states, in accordance with the principles of Human Rights as set out in several declarations that have been ratified, be they national, international or universal³⁰.

3°) Regarding Jehovah's Witnesses, rather than diabolising this cult movement through sweeping moral condemnation, it would be better for the Caledonian communities to state, when an incident occurs, which aspects of the Jehovah's Witnesses' behaviour are contrary to public order, with particular reference to the rights of the child as enshrined in the International Convention on the Rights of the Child or the freedom to change religion, guaranteed under the European Human Rights Convention.

4°) The decrees of 16 January and 6 December 1939 (known as the "Mandel decrees") could simply be abolished or else subject to fundamental amendment (see below).

5°) To avoid a recurrence of serious incidents similar to those in Lifou, the Mission suggests setting up a system of "traditional criminal arbitration". This is possible under the current legal texts. Its essential role would be to avoid any infringement and to provide permanent contact with the judicial authorities. It would also be useful since it would provide for constructive co-operation, under the auspices

³⁰ However the Melanesian authorities insist that there is no "traditional legal framework" and since the punishments have been carried out, the offences are ipso facto "forgiven".

of the Director of public prosecutions, between the penal arbitrators appointed under traditional law and magistrates.

THE "MANDEL DECREES"

On the basis of a *senatus consultum* of 3 May 1854, a decree was published in the Official Gazette of 16 January 1939, signed by the then Colonial Minister, Georges Mandel. This decree set up "Boards of Directors of the Religious Missions" in the colonies. Its aim was to partially compensate for the fact that the Law of 9 December 1905 on the segregation of the Church and the State did not apply in these dependent territories.

It was supplemented by the Decree of 6 December 1939. Its intention was to grant the government, which was represented at that time by the Governor, the power to monitor religious missions through a "small remuneration" with tax benefits (exemption for property used for conducting religious service, for educational purposes or for medical or social assistance). The first Decree also introduced an annual tax on mortmain property to offset unpaid transfer tax.

These two Decrees remain in force in New Caledonia³¹ without any abridgement or amendment, while the Law of 1905 was extended to cover the West Indies and Réunion through the Decree of 6 February 1911. The system in Guyana is still basically determined by the Royal Ordinances of 27 August and 11 November 1828.

Dating from just before the Second World War, less in a spirit of recognition but rather to make up for a legal vacuum and to confirm the Governor's power to monitor religious missions of very varied origins, the Mandel decrees today attract much interest from cult movements.

Cults now take advantage of the Mandel decrees to obtain tax breaks and the veneer of respectability they confer. Apart from this, there is no doubt that cults also use this as an indirect means of obtaining the recognition as religious organisations overseas that is denied to them in France itself. In doing so, they seek to achieve a status equivalent to that of the major churches. This is not justified since, unlike cults, the major churches do not jeopardise the principles of human rights or public order³².

The power to recognise "religious missions" was first transferred, in 1990, to the three provinces of Caledonia, pursuant to the law arising from the referendum held in 1988 (in the same way as approved associations in accordance with the provisions of the Law of 1 July 1901 on the status of associations). Subsequently, a Council of State decree of 29 April 1994, ratified by a Constitutional Council decree of 9 April 1996, stated that as civil liberties are one of the fundamental principles of the Republic, introducing a law relating to practising a public freedom could not come under the authority of the overseas territories. Consequently, by analogy, powers

³¹ As well as Polynesia, Wallis-et-Futuna, Saint-Pierre-et-Miquelon and Mayotte.

³² Public order is defined as a collection of texts with legal or constitutional value: the 1789 Declaration of Human and Citizens' Rights, the preamble to the 1946 Constitution, the 1958 Constitution, statutory or non-statutory notices, and international agreements ratified by France and applicable under French law pursuant to Article 55 of the Constitution.

relating to "religious missions" were transferred back to the State on 1 September 2000 – the authority in respect of association had been transferred to the State in June 1994.

The government delegation currently manages nineteen files on religious missions. The most recent of these include five groups deemed to have cult characteristics by the National Assembly's Commission of Inquiry (1995 report).

However, the Mission believes that in view of the definition of the cult nature of an association based solely on consideration of its behaviour in terms of human rights and public order (report to the Prime Minister December 1999), neither the Seventh Day Adventist Church (recognised on 17 July 1997 by the southern province) nor the Church of Jesus Christ of Latter-day Saints (recognised by the Southern province on 14 August 1998) should be considered as cults.

On the other hand, the Mission is concerned about the High Commission's recognition of the Neo-apostolic Church of New Caledonia (14 September 1984), recognition of the reorganised Church of Jesus Christ of Latter-day Saints, known as Eglise Sanito³³, by the Southern province on 28 December 1999 and the Congregation of Jehovah's Witnesses, recognised by the southern provisions on 2 May 2000.

Considering that they have been recognised as "religious missions" by only one province between 1990 and 2000, neither the Eglise Sanito nor the Jehovah's Witnesses can lay claim to any recognition whatsoever in the other two provinces (where the majority of the population is Melanesian). The disparity in the situation in the three provinces gives cause for concern. The Mission would like to see the government's representative – the High Commissioner of the Republic – reconsider the case of Eglise Sanito and the Congregation of Jehovah's Witnesses, taking into account respect for human rights and all provisions relating to safeguarding public order. The Mission notes that this matter has been raised in parliament (written question number 48742 of 10 July 2000).

Apart from its observations as a result of the present state of recognition of religious missions, the Mission questions whether the 1939 decrees still reflect the legislator's initial intentions.

Since the Law of 1901 on the status of associations applies in New Caledonia, it is already possible for some religious institutions to apply for religious status, granted by the Council of State. Extending the Law of 1905 to New Caledonia, at least with regard to religious associations, would enable the government representative, under the authority of the administrative court, to grant such status, together with the attendant tax benefits, after an in-depth inquiry on the basis of the opinion issued by the Council of State on 1 February 1985. This opinion stipulates the fundamental criteria applying to religious associations: only being involved in religious activities and complying with the rules safeguarding public order.

³³ Not mentioned in the 1995 parliamentary report.

POLYNESIA AND OTHER OVERSEAS TERRITORIES

I – POLYNESIA

The MILS made its first observation visit to Polynesia in 2001. It was able to observe that the importance of traditional religions – Protestantism brought in by the London Missionary Society in the 1800s, and Catholicism (the Society of Mary) – put a brake on interference by cults in Polynesia. But cults do appear to represent a significant factor in this area.

This situation is due to a number of factors that are easily identifiable. Polynesian communities are very open to all matters sacred, external influences (particularly that of North America), immigration and population movements. The population is widely dispersed geographically, in isolated communities which are havens of tranquillity for cults. The social and cultural tissue has been changed by contemporary society and mysticism was present long before the advent of Christianity – in fact, some commentators say that in Polynesia "you would be more likely to belong to two churches than one".

The past thirty years have seen the emergence of very many authentic religious movements but also the establishment of cult groups, often of North American origin (such as Scientology and the Children of God). Gurus emerge in large numbers and hold many conferences and seminars, aiming in particular to exploit Polynesian people's interest in all pseudo-alternative medicines, astrology and reincarnation.

Several cults have thus achieved virtually official social status as a result of a strategy of moderation. This has prompted some bodies belonging to religions that respect human rights and public order to believe that they "do not act like cults" like their counterparts in metropolitan France.

Nevertheless, vigilance is still required in view of some recent events, such as the pyres of Faaite in 1987, where six people were burnt at the stake as part of an exorcism. Events such as this serve as a reminder that Polynesia is no more immune to cult threats than anywhere else in the world.

The setting up of a surveillance committee would be opportune. Of course, its effectiveness would depend on the extent to which government authorities, state representatives and the Polynesian government are involved with the moral and spiritual powers in these islands, whose belief in universal principles of freedom and human values cannot be disputed.

II – OTHER OVERSEAS FRENCH TERRITORIES

The Mission has not yet been able to visit Wallis-et-Futuna, Mayotte and Saint-Pierre-et-Miquelon.

However, with the support of government representatives, the Mission has gathered some documentation, on the basis of which it could – at some time in the future - draft a summary of the very varied situations.

In Wallis-et-Futuna, the political and administrative structure is based largely on the kings and the influence of Catholicism. This appears to allow cults very little scope for action, although the Jehovah's Witnesses do seem to be undertaking some proselytism.

In Mayotte, the vast majority of the population is Muslim, recognising the religious authority of a Grand Cadi. Republican law and the local Islamic law (as regards the family) exist side by side. On a high-profile visit by the Secretary of State for Overseas Departments in late October, a Mayotte Imam acting as the official spokesman of the Muslim community, said that "pre-empting and investigating the emergence" of cult or fundamentalist movements is recommended. At the same time, he said that he firmly believes there are at present no grounds to fear an upsurge of such political and religious extremism.

Saint-Pierre-et-Miquelon only has a small population, almost exclusively of French origin. Only one attempt at penetration by cults has come to light in the past (in the guise of helping smokers give up their habit), with no apparent consequences. However, vigilance is still required in view of the proximity to North America.

THE ABOUT-PICARD LAW

The Mission is pleased by the adoption of the About-Picard law "aimed at reinforcing the prevention and suppression of cults that undermine basic human rights and freedoms" on 30 May 2001. The law was passed by parliament almost unanimously and was published on 12 June 2001.

The text of the law is balanced. It aims at preventing and suppressing nefarious activities by any individuals or corporate bodies, without falling into the trap of being too specific.

It allows for the irrevocable dissolution of corporate bodies convicted of a limited number of serious offences, which are stipulated. The Mission is in favour of dissolution by the legal authorities, since this offers more respect for human rights than the system of administrative dissolution authorised by the decree-law of 1936. It allows both parties to argue their case and maintains the right of defence. Members of parliament eventually opted for this solution on the same grounds, although they had initially favoured administrative dissolution.

The law increases the sentence imposed on individuals and corporate bodies while extending the penalty to cover certain types of offence (illegal practice of medicine, fraud or falsification, threats, breach of the respect due to the dead, torture and acts of barbarism, rape and sexual assault, abandoning the family, preventing assistance and failure to provide assistance).

The law extends the offence of abuse of persons in a state of ignorance or weakness provided for under Articles 313.4 and 313.9 of the Code of criminal law to any person "in a state of psychological or physical dependence resulting from the exertion of serious or repeated pressure or use of techniques liable to affect their judgement in order to lead such minor or person to commit or refrain from committing an action with serious prejudicial consequences for the person concerned", taking account of the fact that the follower is not necessarily "in a state of weakness" when they join but become so as a result of pressure from the cult environment. Finally, the law transfers this Article from Section II (damage to property) to Section III (harm to the individual) of the Code of criminal law.

Victims' rights are increased since any recognised public-service association that has been practising on a regular basis for at least five years may claim for damages.

Provisions restrict the possibility of distributing messages aimed at young people promoting a corporate body of a cult nature if the said corporate body has been convicted.

However, it is regrettable – as stated by the Minister of Justice in a reply to a member of parliament in question time on 16 October 2001 – that the Article aimed at limiting the establishment of, or advertising by, cult groups already convicted was not adopted in the final event. This was due to the fact that it would be difficult to apply since there is the question as to whether the mayor or the prefect would be better placed to identify such groups. This matter merits further consideration. It could result

in a new text, which would be welcomed by many local representatives who have contacted the Mission in this respect.

The law supplements an existing legal measure. It is the outcome of in depth study and consultation by members of both Assemblies – of all political persuasions – along with the MILS and the Chancellery. All agreed with the opinion of the CNCDH, while also taking into account the observations of representatives of the major religions and the League for Human Rights and other bodies whose work involves moral or civic issues.

The pro-cult lobby resorted to its usual tactic of harassing members of parliament. This led one member to state, at the second reading in the Senate, "If I had had any doubts about which way I would vote, the pressure to which we have been subjected using methods that are effective when directed at vulnerable individuals – including letters, telephone calls and saturation of Internet sites – would have persuaded me to vote in favour of this draft law".

The Christian Federation of Jehovah's Witnesses attempted to raise a legal objection to the About-Picard Law when it filed a petition with the European Court of Human Rights. This ploy did not work. On 6 November 2001, the European Court rejected this petition. Of the grounds given for this rejection, it is worth quoting the following:

"...this law provides for the dissolution (of cult movements), but this measure can only be taken by legal means and subject to certain conditions, in particular when cults or their leaders have been given criminal sentences for a limited number of specific offences which (the Christian Federation of Jehovah's Witnesses) has no reason to fear. The assumption of the legislator's hostile intention, while the latter is in fact attempting to find a solution to a serious problem for society, does not demonstrate the probability of a risk run by the applicant. In addition, the applicant shows its own inconsistency by claiming that it is not a movement that might prove harmful to liberties and at the same time stating that it would (potentially) be a victim of this law.

Consequently, the applicant could not claim to be a victim in the sense of Article 34 of the Convention, and its petition is rejected pursuant to Article 35 §§ 1,3 and 4 of the Convention."

For its part, the Legal Affairs and Human Rights Committee of the Parliamentary Assembly of the Council of Europe decided, on 27 June 2001, to appoint an expert responsible for assisting it in drafting a report on freedom of religion and religious minorities in France. This expert's brief is to consider whether the About-Picard law is consistent with the values of the Council of Europe.

The expert appointed was the former head of the Swiss Federal Justice Bureau. His report was published on 18 December 2001. He came to the conclusion that the law of 12 June 2001 is not incompatible with the aforementioned values.

According to this expert, the objective of the law is *"legitimate and covered by the provisions of Articles 9 to 11, paragraph 2, of the European Human Rights Convention"*. In addition, taking into account the risks to which victims of cults are exposed, *"action is essential"* and the penalties provided for are *"commensurate with the objective"*.

The judicial authorities are therefore now able to punish cult abuse while strictly respecting basic freedoms.

At the international level, many countries have followed the drafting of the law with great interest, paying close attention to the arguments raised. Some countries intend clarifying the status of cult organisations skilfully sheltering behind religious self-proclamation.

This is true of the Federal German Republic. The German law (art.1, § 1) on associations provides for the dissolution of associations that abuse the freedom guaranteed by Article 9 of the Basic Law (the German constitution). The Ministers of the Interior in the *Länder* are already empowered to place a ban on an association that is guilty of a breach of the law, the constitutional order or ratified international conventions. However, Article 2 of the law on associations (§2) stipulates that "*religious communities are not associations in the sense of this law*".

As early as 1998, a commission of inquiry into "*so genannten Psychogruppen*" (cults) suggested abolishing this religious privilege. The idea was taken up again in May 2001 by the Federal Ministry of the Interior, on the grounds that such a measure should make it possible to put an end to pseudo-religious or fundamentalist groups that pose a threat to peace and the integrity of individuals.

In a television address on a channel in the *Land* of Westphalia on 19 September, the spokesperson of the Evangelical Church of Germany emphasised that his church understood the government's concern, explaining that "religious privilege" was not appropriate in the present situation and that the state must be allowed to punish offences committed under cover of the law on associations. This is basically the same position as that taken by the Catholic church in 1986: "*Sometimes we have to recognise, and even encourage, radical measures taken by the state acting in its own sphere.*" (*The cult phenomenon, a challenge for the clergy*, 1986, Direct from the Vatican).

PROFESSIONAL TRAINING

I. – PROGRESS TO DATE AND PLANNED FUTURE ACTION

The continuous professional training sector is an open market in that the only requirement is simple advance notice of incorporation as an educational organisation lodged with the competent government departments. However, training providers with a registration number corresponding to this notice of intent are subject to the laws and regulations governing their activity (Section IX of the labour laws). Such organisations are subject to administrative and financial control by the state; this is generally carried out a posteriori by inspectors responsible for the control of professional training.

It became apparent that it was necessary to tighten up the conditions for access to the training market. This was due to the fact that an increasing number of organisations wishing to declare themselves training providers were not actually carrying out training activities (construed in the sense of Articles L. 900-2 and R. 950-4 of the labour laws). In addition, some of these organisations have committed various offences (tax fraud, embezzlement, financial malpractice, cult practices or links with cults).

The Circular of 25 May 2000 was a very effective means of increasing vigilance with regard to training organisations liable to infiltration by cults. Professional trainers, particularly social security bodies run jointly by employers and unions and training insurance funds have been made aware of this phenomenon when requests are made to undertake training programmes, whether this involves in-service training or individual study leave.

Legislative provisions under consideration suggest changing the notice of incorporation to a notice of activity in order to make the offer and quality of training more transparent. The underlying purpose is to make it easier for the supervisory bodies and financial organisations to identify the type of services offered and to ascertain whether the services actually provided comply with the legal requirements for professional training.

Organisations wishing to offer their services must be able to supply proof that their activity does comply with the legal and regulatory framework when an agreement or contract for training is signed. This notice of activity would also make it easier **to monitor the activity of organisations that conclude training agreements with individuals and to boost consumer protection.**

The control authorities will also be able to disqualify any action linked to a professional training agreement or contract if such action does not comply with the prevailing legal and regulatory requirements.

In addition, staff numbers in these departments have started to increase **and this trend should continue.** It goes hand in hand with optimisation of their initial and continuous training to contribute to boosting the **effectiveness** of their actions.

Vigilance must be maintained and stepped up, due to the increasing complexity of matters relating to professional training encountered by professional trainers: government departments, professional organisations and organisations run

jointly by employers and unions, companies, staff representatives, works councils and the associations involved.

This is why the *Centre national de la fonction publique territoriale* (CNFPT – National Public Service Centre) and MILS are considering the terms of a partnership agreement to share ideas and information and together draft methods of intervention aimed at combating the cult risk both within public establishments and among the people attending them.

Recognised fund-raising entities run jointly by employers and unions and training insurance funds have been made aware of the cult phenomenon when requests are made to undertake training programmes, whether this involves in-service training or individual study leave.

This action will continue in order to provide information on any threats that may arise, whether these simply involve action unrelated to professional training or reveal more serious offences (tax fraud, embezzlement, misappropriation of property, financial malpractice or psychological manipulation and cult practices). These factors increase the risk of cult involvement or threats. They often relate to an activity other than professional training or breaches of the regulations for professional training (advertising, canvassing, accounting transparency, information to trainees, etc.).

Training programmes have highlighted this aspect: the variety of training programmes offered and the teaching aids used have increased in line with developments in information and communication technologies. The major factors that have been brought to light are actions involving **personal development objectives and programmes (or support programmes) and therapeutic or spiritual objectives and programmes**. Often both of these are involved in the various courses offered or are inter-linked.

Courses are often held at the weekend or summer sessions are organised. They may also be for very short periods, involving courses in the form of seminars or conferences in hotels or long courses (between one year and four years). Long courses involve accommodation conditions and canteen facilities aimed at influencing emotional factors (how welcome participants are made to feel, vegetarian meals, religious retreats, quiet, isolated areas, or areas reputed to be of historic interest).

In view of the length of these programmes and courses, it is often possible to obtain a qualification or diploma. In most cases these are not recognised by French government or professional bodies. Finally, partnership contracts may be offered (assistance in setting up private surgeries, etc.). Proselytism and false advertising or advertising that does not comply with the prevailing legislation are also frequently used (reference works, books, following courses to become a practitioner, grants, etc.).

These actions offered as continuous training programmes are aimed at a broad range of people (professionals in the widest sense, students, individuals and company employees) without really making any distinctions or stipulating what is expected of trainees beforehand. Often they are not directly linked to acquiring professional skills or refreshing the knowledge associated with a recognised qualification; they

sometimes use tests or personal assessments that are not linked to the skills covered by the course module. Finally, offers for training programmes frequently use neologisms, a form of pseudo-scientific or pseudo-conceptual gobbledegook, one-sided thinking, abstruse or esoteric terminology or poor methods presented with great confidence.

As a result, the competent government and professional bodies have to improve their methodological tools to increase departments' effectiveness in the face of these situations, while avoiding the pitfall of a systematic confusion between recognised or approved professions, techniques acceptable in their own right and threats of a cult-like nature.

II.- INITIAL AND CONTINUOUS TRAINING IN THE FIELD OF HEALTH CARE AND THE MEDICAL AND SOCIAL SERVICE SECTOR: SOME CONCRETE EXAMPLES

We believe it is useful to describe practical details of some training offers likely to give rise to cult threats. Many training programmes are put forward as being for professionals in the health care sector, social workers, teachers and other education professionals. The professional qualifications and certificates offered – psycho-relaxologist, kinesiologist, sophrologist, faith healer - cause confusion since they are based on the register of health care professions and different kinds of care work.

Although there may certainly be considerable demand from candidates for professional training, a training programme governed by ethics does not fulfil this demand.

Initial training is not devoid of risk

As far as initial training is concerned, the content is based on the regulatory framework when the profession is regulated. It is up to government bodies and training schools to monitor both the content and the way in which the instructors work.

The MILS has drawn attention to the risk posed by some recommended reading lists provided to students in institutes for nursing training. We have identified the following difficulties. It may be that the type of care suggested in the course does not fulfil the principles of neutrality and secularism, the training may exploit the patients' position of weakness, or diagnoses learnt by student nurses may lead to the exacerbation of spiritual distress given the absence of any legitimate framework. Broadly speaking, the analysis of course content showed a lack of objective or scientific foundations.

Some examples of continuous training

Those offering synchotherapy, sometimes called "Hemisync" introduce it as a "*psychotherapeutic method, combining an altered state of consciousness of an*

individual with the application of various techniques such as transactional analysis, neurolinguistic programming, Ericksonian hypnosis and Jungian analysis...".

This practice, which uses various techniques, results in radical personality changes, young trainees giving up their studies, and a break with their habitual environment. There are other factors to take into account, including costly periods spent in North America referred to as training courses, since the movement's international network is made up of organisations set up in tax havens so as to ensure that financial flows cannot be easily traced.

Among **personal development programmes**, an organisation with units in Canada, Switzerland and France, calling itself a *"life school for wellbeing"* markets workshops, professional training and products to help people discover and achieve their full potential. A workshop entitled *"Conquering fear"* uses methods of stress and anxiety management. It is worth questioning the use of such methods with people suffering from agoraphobia or panic attacks. A workshop called *"Metaphysics of illness and disease"* uses a method involving diagnostic procedures. Some courses are only available on video. The range of products also includes children's books, diaries, card games showing *"obstacles to happiness"* and suggesting ways of *"getting back on the road to happiness"*. Reports and documents held by the MILS show that this training organisation appears to cut vulnerable people off from their family and social circles, and its aims include using their assets to its advantage.

Sophrology gives rise to many questions. We will restrict ourselves to saying that many offers of training create confusion but using titles such as *"clinical sophrologist"* and *"sophrologist in education and prevention"*. These are based on titles used by psychologists, the use of which is governed by law number 85-772 of 25 July 1985. The title "psychologist" may be accompanied by a qualifying term, most generally *"clinical psychologist"*, or terms relating to concepts of health education or prevention. The titles *"clinical sophrologist"* and *"sophrologist in education and prevention"* are neither approved nor recognised.

Along with sophrology's commercial outlets, we can also list professional training in health, sometimes involving training of teachers who then claim to be psychotherapists, preparation for childbirth involving a spiritual dimension and training programmes for companies.

Those in favour of spiritual free trade and the trans-national symbolic offer will no doubt object that the above gives a negative picture based on extreme examples that are not representative. The MILS will therefore restrict itself to some questions.

Does four or five days' training for managerial staff involving the services of a sophrologist justify the exorbitant cost (the content of the course is remarkable for its vacuity)? Although the fees charged show that this is a very lucrative field, what is the spiritual dimension – stated by an eminent religious sociologist – of yoga or sophrology in preparing for childbirth? Sophrology would sometimes be a relaxation technique used by midwives or nurses in relieving pain. Could we not ask that the treatment be carried out by skilled health care professionals as part of a care programme, and that patients or their kin be informed of the techniques used?

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The training programmes described above are often on the fringes of cult activity rather than actually part of cults. There are questions as to their quality and appropriateness. There may be problems with a training programme by dint of the content, methods or objectives, without it being possible to actually identify or establish links with a cult movement.

What these examples show is that as far as continuous training is concerned, it is up to those buying training to proceed with the required caution. After an analysis made in advance or assessments by trainees after a course, they may decide whether the offer of training is to be accepted, whether the conditions and scope of the training should be adjusted, or whether it should be refused.

STUDY

CULT ABUSE
IN THE FIELDS OF HEALTH CARE,
MEDICINE
AND SOCIAL SERVICES

HEALTH CARE AND THE MEDICAL AND SOCIAL SERVICES SECTOR

Health – or rather physical and mental suffering - has always been a field favoured by cults. This field represents a concentration of anguish among patients and their families. In this field, medical science – like any other area of science – confesses to its limitations, even if these limitations are only provisional. In addition, those close to patients find it difficult to summon the courage to challenge irrational pseudo-therapies in the event of patients suffering greatly or their disease being incurable.

This is where cults, which have the only ready answers in this and other fields, offer their services. When the legal or regulatory framework for health care is inadequate, suffering is just another source of resources and influence for movements possessing no respect or loyalty towards the individual.

Since it was set up in 1998, the Mission has been contacted about many cases bearing the mark of cult activity. This section includes some examples that provide an initial picture of misdeeds in health care and the over-riding influence of specific ideologies in this field. It also includes evidence of attempts made to assist those leaving cults, given the failure to systematise the prevention of the risks to which they were exposed.

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Provision of care is a grey area and it is important to highlight cult actions in this field when they exist. There is concern about different practices and disciplines, since they lead to refusing care (which can be dangerous) or recommending harmful alternative therapies. We will consider these risks on the basis of the information available to the Mission. This involves classifying the sectors targeted by cult propaganda in a convenient, albeit rather artificial, way.

INDEPENDENT HEALTH CARE PROFESSIONS

The teaching of certain cult doctrines gives rise to care practices which it is important to describe. When the principle of a doctrine is that illness stems from the past lives of the individuals concerned and that the purpose of suffering is to free the "karma" from the body, this sometimes leads to refusal to undergo treatment or take pain killers, while various worrying therapies are being developed.

By way of example, we would cite the practices of a general practitioner who prescribes a very strict diet to treat sinus or breast cancer. This practitioner believes fasting to be a natural way of healing all diseases and he makes naturopaths responsible for supervising the fasting cures. On the basis of a belief that it is necessary "*to allow the harmful cells to becoming concentrated in the tumours*", he

refuses surgery and chemotherapy as well as palliative care and pain relief. This doctor, who has been sued for failure to provide assistance to a person in danger and questioned following the death of two cancer patients treated by homoeopathy and fasting, has publicly stated that the aim of homoeopathic treatment is not to treat the cancer but to re-establish the functions of the human body, or to "*treat the whole body*".

Biological examinations prescribed by the same doctor prompt questions as to the nature of the analyses prescribed: flocculation tests used in "traditional" medicine to determine treatment of the correct area of the body (whereas homoeopathic remedies aim to "*support the kidneys and the liver*"), rather than undertaking biological tests. The samples are sent to post boxes, so it is impossible to verify how and whether the analyses are carried out, since the test laboratory or laboratories undertaking the tests cannot be identified and their costs cannot be checked (apparently the costs of these analyses are not reimbursed by the social security department so the patient has to pay for them – this can cost several thousand francs).

From this example, we may infer that vigilance is required regarding the chain of care "providers" (in this particular instance, doctor, naturopath, laboratory for tests and medical biology) and not only in respect of the actions and interventions of each of these separately. Is it necessary to reiterate the right of patients to be informed and the right to dispensation of treatment in line with medical science? Finally, there are grounds for criticising the fact the complaints lodged against a practitioner of this type take a very long time to be handled.

In the field of dental care, "energetic dentistry" may give rise to aberrant professional practices. A dead tooth would be an "*infected, poisonous thorn lodged in the body*". For instance, a dental surgeon, whose practice was experiencing economic difficulties, organised (with his wife) seminars aimed at relieving participants of all their physical and psychological ailments, thanks to reincarnations claimed by the two organisers. Those taking part in the "seminars" were taken to the dental surgery, where the practitioner undertook "energetic dentistry", giving priority to communication between the patient and the "astral sphere" through the dentist. Fillings containing mercury were removed without anaesthetic and replaced by costly materials that serve no purpose. The dentist involved who has been struck off by the Council of Dental Surgeons, was convicted of extortion in March 1999.

"Energetic" treatments also involve a chain of operators. One example is the case of a bio-energy practitioner who tests his patients with a copper pencil linked to a meter, prescribes nutriments and explains how to obtain them, and promotes an Internet site for tennis lovers that puts surfers in contact with a cult and the doctor who is its leader.

ACTIVITIES RELATING TO TREATMENT ARE NOT RISK-FREE

The sale and distribution of ideas, methods or products are characteristic in this respect.

For instance, a physiotherapist might organise information sessions relating to home remedies, "*products designed to support the five pillars of well-being*", listed as follows: physical, moral, familial, social and financial well-being.

The range sold includes sleeping articles, chairs, equipment said to be "anti-stress and anti-fatigue", soles, magnetic relaxation cushions, elastic bandages and supports, jewellery and belts, and sport and leisure articles. The range is completed by cosmetic products and food supplements and there are also products for pets.

The company's literature explains the "*pillar of financial well-being*". This can be achieved by buying products wholesale and selling them at the catalogue price, with a margin of around 25%. The system of payment includes personal rebates, leadership bonuses, and assistance in buying a new car or new house.

It is worth making two remarks here. Apart from the fact that this distribution company appears to be linked to a foreign cult, the commercial technique used is very similar to pyramid selling, which is forbidden under consumer law. Cults have already provided many examples of this method being used.

CULT RISKS IN THE HOSPITAL SECTOR

The MILS regularly receives alarming information. Some examples that came to light in 2001 reveal the extent of the problem:

A psychotherapist gained a hold over the head of a long-stay establishment. This situation results in wishing to build up the establishment on the basis of a total absence of method, i.e. by "*reading the cards*". This system appears to be in fashion in certain psychotherapy practices and could initially appear eccentric rather than dangerous. Nevertheless, esoteric approaches and quackery cannot be acceptable in organising the running of a health care establishment and planning its activities, regardless of the type of establishment;

Attempts – which fortunately failed – were made to introduce practices based on cult teachings and to train staff in an establishment offering follow-up care to patients suffering from heart conditions and diabetes;

A physiotherapist masseur tried to promote an unproven, unrecognised method³⁴ in an establishment treating patients with serious illnesses (cancer and neurological illnesses).

ONE PARTICULAR CASE OF REFUSAL OF CARE IN HOSPITAL: BLOOD TRANSFUSION AND THE JEHOVAH'S WITNESSES³⁵

³⁴ The German healer Ryke Geer Hamer who promotes this method, was recently convicted by the *tribunal correctionnel* in Chambéry.

³⁵ In addition to refusing blood transfusion, the Jehovah's Witness doctrine prohibits other medical treatment such as bone-marrow transplants.

Refusing blood transfusion is a basis precept for Jehovah's Witnesses. It is therefore necessary to examine the relevant laws, the state of jurisprudence and the practice of hospital liaison committees.

Article L.1111-2 of the Public Health Code³⁶ in its present form, stipulates that *"The patient may refuse any investigation or treatment"*. Current regulations make it possible to deal with cases where the act of transfusion takes place in a public hospital and involves a child; the Decree of 28 January 1974 makes it possible to circumvent or thwart refusal for a transfusion on the part of a parent.

Some extracts from internal documents³⁷ dated 15 June 2000 show the Watchtower Society's position – which is "ambivalent" to say the least: *"Jehovah's Witnesses hold that accepting whole blood or any of those four primary components [red cells, white cells, platelets or plasma] violates God's law"*. As concerns products derived from the major components, the instructions given to readers are very subtle: *"The Bible does not give details, so a Christian must make his own conscientious decision before God"*.

It therefore seems accepted that different points of view may emerge regarding specific products (factor VIII, gamma globulin, interferons and interleukins). *"Beyond that, when it comes to fractions of any of the primary components, each Christian, after careful and prayerful meditation, must conscientiously decide for himself"*. Autologous transfusion (transfusion using the patient's own blood drawn before a scheduled operation) also appears to be accepted.

This position should be compared with a statement of 16 June 2000³⁸, which goes with these instructions but does not agree with them entirely. This statement was for *"all Hospital Liaison Committees"*, and issued a blunt reminder that a Jehovah's Witness *"who accepts a blood transfusion voluntarily and with no regrets ... shows by his own actions that he no longer wishes to be a Jehovah's Witness"*. The faithful who accept treatment involving blood transfusion are therefore liable to be excluded from the movement.

Some religious sociologists who view cults as no more than "new religious movements", believe they can explain these contradictory instructions as *"internal contradictions in the Jehovah's Witness movement"*. At this point it is also important to give a brief description of the working methods and practices of the **Hospital Liaison Committees** and the information campaigns undertaken by the **Medical and social association for information and assistance to patients**, bodies under the direct auspices of the movement.

The **Hospital Liaison Committees** are comprised of a number of followers who are allocated an area of activity (seven areas and sixteen committee leaders are mentioned in an undated – but old – document). In addition, we know there is a directory of Jehovah's Witness doctors and that in some cases a doctor arrives and

³⁶ Arising from Law number 99-477 of 9 June 1999, being amended as part of the draft law on patients' rights.

³⁷ Watchtower, 15 June 2000, document reproduced as an appendix to this report.

³⁸ Statement of 16 June 2000 to all hospital liaison committees, reproduced as an appendix to this report.

requests, as a Jehovah's Witness practitioner, to "be present at" a surgical operation even though this doctor does not have any knowledge of the Jehovah's Witness who is the patient.

In any case, the **Liaison Committees** issue instructions to patients and their close relatives, draw their attention to the fact that they must be wary of the hospital services, and sometimes "recommend" expensive substitute products³⁹. This can result in situations which, independently of the pressure on patients and their relatives in a distressing situation, mean that the hospital liaison committees become illegal and illegitimate supervisory bodies. This action could compromise the running of health care establishments and jeopardise the public hospital service.

Faced with such interference, medical teams sometimes devise counter-measures requiring ad hoc organisation, thereby enabling vital treatment to be provided; it is preferable that these counter-measures are not disclosed in this report.

The **Medical and social association for information and assistance to patients** is made up of Jehovah's Witness doctors and legal experts. Amongst other things, it organises conferences to spread the doctrine concerning the refusal of blood transfusion and attempts to justify it in scientific and legal terms.

Refusal of blood transfusion sometimes gives rise to court proceedings, when hospital managers or doctors are accused of exposing their patients to moral harm while treating them. For instance, a case was brought to order the *Assistance Publique - Hôpitaux de Paris* to pay 100,000 francs to patients or their families to compensate the harm caused by the decision to give them blood transfusions against their will, since the hospital authorities had been made aware of the refusal by patients of any treatment involving "*use of blood in any form whatsoever*". The courts, and then the court of appeal in Paris⁴⁰ rejected these claims, on the grounds that the hospital workers had given priority to the medical obligation to safeguard health, i.e. the individual's life in the final reckoning.

In response to an action for annulment, the Council of State, in a ruling of 26 October 2001, amended the findings of the Paris court of appeal on the grounds that the obligation to save life does not take precedence over the obligation to respect the wishes of the patient, and so overruled the judgement. Settling the matter on its merits, the Council of State considered that the doctors had not committed any error and the public hospital service had undertaken the only treatment likely to save the patient's life.

The issue of the refusal of blood transfusion thus raises complex medical and ethical questions. The MILS limits itself to mentioning some of the various aspects: the responsibilities of health care establishments and hospital workers, the obligation to offer assistance to a person in danger, the right of the patient to refuse treatment, and the importance and legitimacy of assessing the patient's chances of survival depending on the illness in question.

³⁹ This would be the case for erythropoietin (EPO), used to boost red blood cells. Patients are charged for this product. The Jehovah's Witnesses have set up a contribution insurance scheme to cover this risk.

⁴⁰ Judgement by the administrative Court of Appeal in Paris on 9 June 1998.

Given the expertise of cults in using misinformation, and their skill in gaining a foothold in official bodies and publications⁴¹, there are grounds for fearing that some aspects of the public debate on patients' rights might be developed on the basis of incomplete information.

CO-OPERATION IN HEALTH CARE BETWEEN LOCAL PRACTITIONERS AND HOSPITALS MAY CONSTITUTE A POINT OF ENTRY FOR CULTS

Cults involved in healing often attempt to infiltrate public and private hospitals and try to gain a foothold in a segment that is of crucial importance, the field of co-operation in health care between local practitioners and hospitals. It should be emphasised that by virtue of the number of people involved, the care networks provide a doorway particularly favoured by some cults. They are especially interested in childbirth and patients approaching the end of their life.

Here is one example of the many methods used. An Internet site, discovered by chance while visiting a Chamber of Commerce and Industry site, shows the interest from a group which describes itself as an evangelical community for an association offering assistance to patients with chronic kidney disease and associations for parents who have lost children through cot death.

PALLIATIVE CARE

In the field of palliative care, followers of the Hamer method, used by the Invitation to Intense Life (IVI) cult founded by Ms Yvonne Trubert, were reported in the oncology and neurology departments (among patients with brain damage). This penetration by cults was detected and came to nothing. The MILS is aware of a custody decision by the courts taken in this respect in order to prevent the transfer of assets.

Although the Code of civil law⁴² prevents a dying person from making a gift to a doctor, chemist, health officer – i.e. a carer – or minister of religion, the same does not apply for associations, which may receive gifts.

Besides presumed, attempted and actual– rare, but genuine – cases of obtaining assets through abuse of the state of weakness, cult organisations are far more interested in the patient's or dying person's family and relatives. While in a state of grief, these people are seen as a captive audience for potential recruitment by cults. It is therefore important that the texts currently being considered or drafted⁴³ pay particular attention to the conditions for granting approval to associations carrying out their activities in the field of health care and treatment of the ill, particularly in respect of palliative care. Voluntary groups also require specific monitoring in this respect.

⁴¹ Please refer to the publication entitled "Enlightened consent and blood transfusion", published in 1996 by *les éditions de l'Ecole Nationale de la santé publique*, directed by Sophie Gromb and Alain Garay. Alain Garay, himself a Jehovah's Witness, is a solicitor for the Jehovah's Witnesses.

⁴² Article 909 of the Code of civil law.

⁴³ Draft law on patients' rights and the quality of the care system.

PERINATAL CARE

Pregnancy, childbirth and early childhood attract much attention from cults. Various perfectly respectable associations offer comprehensive, caring service to mothers-to-be during pregnancy and childbirth, and support families (childbirth, education and health), giving priority to listening to the mother-to-be and finally offering training for parents and professionals.

Everyone would support these intentions if the background to certain initiatives did not reveal the presence of some operators whose involvement appears to simply reflect loyalty and the principle of precaution: various naturopath groups, advocates of Qi Gong and followers of questionable diets. According to some information, the New Fraternal Economy, a financial establishment linked to anthroposophy, is prepared to sponsor such initiatives. A healing cult recommending "harmonisation" therapies is also interested in these initiatives.

The MILS brought this problem to the attention of the Ministry of Health in 2001. It should prompt caution among government agencies, hospital managers and professional health workers. In addition, there are an excessive number of offers of eccentric – if not cult-like - training programmes in the area of perinatal care. The training of the professionals involved, including midwives and paediatric nurses, cannot be allowed to take precedence over the right of those using the system to receive care from professionals whose initial and continuous training is determined by quality criteria.

CLONING

Human cloning also poses a major challenge. The Rael cult, which claims to be an "atheist religion", was founded by a Frenchman – Mr. Claude Vorilhon – who was formerly a journalist. The cult intends developing this technique, both as a therapeutic procedure and as a type of substitute immortality. Several biotechnology companies have been set up for this purpose. One of them is led by a French biochemist, who is also a Raelian "bishop". This company was located in the Bahamas and then in Nevada and has now been moved to an undisclosed country. Some observers identify it as being a mini-state in the Caribbean or Pacific without proper legislation.

The US authorities were concerned by the fact that the company was set up in America. Mr. Vorilhon addressed Congress, which shared the general concern. Since Congress and President Bush were opposed to the laboratory continuing its work, the cult adopted a low profile. The Mission will of course continue to monitor these extremely serious developments very closely. It would like to see legislation in respect of this sensitive matter drafted as soon as possible; such legislation should be recognised.

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Although the above observations provide cause for concern, they should not give the impression that there has been widespread infiltration of the health care and medical and social services sector.

Local hospital, medical or social service authorities are often able to neutralise the impact of cult activity. But this is more difficult when the cult bodies concerned have organised units to promote their ideology in this sensitive area.

On the other hand, self-employed practitioners appear to be more exposed due to the fact that they are dispersed and sometimes come under pressure from patients themselves. In such cases, the follower himself assumes the aggressive attitude of the guru. The problems are also due to the frequent overlapping between several cults. A committee set up to support a particular practitioner may involve followers of the Moon cult, Raelians and followers of the Order of the Grail, without direct involvement by the cults themselves. One health professional, a follower of kinesiology, initially came into contact with cult groups through the HUE cult, attends conferences organised by the New Acropolis, uses Bach flower remedies as a diagnostic tool and practices Qi Gong.

Cult strategies sometimes incorporate, always in the name of freedom, various factors that help counter their opponents, using a recruitment method that could justifiably be called endogamous.

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THE ACTIVITIES OF PSYCHOTHERAPISTS

Along with professional training, psychotherapies represent a field favoured by small cults. In this field, con men and gurus with the power to cause serious harm among vulnerable people hold sway.

Psychotherapy is often a multi-faceted activity. Training networks – buying and selling training – are a significant part of this activity. A psychotherapist in private practice is often also a trainer. He/she may be paid to supervise other psychotherapists.

On the basis of information it has received, the Mission has been able to note that the most dangerous therapists are sometimes driven more by a thirst for obtaining power and influence than by money.

IMPROVE TRAINING, RETHINK COURSES

The crux of the matter is qualification, training and the objective of those teaching or using a specific technique. Informed observers believe it is vital to entirely

reorganise university courses in psychology. In addition, training for the mental health professions⁴⁴ does not appear to be in line with social developments and practices.

Reorganising the relevant disciplines – psychiatry and psychology – on the basis of mental health requirements and needs in respect of professional training would make it easier to monitor, guarantee and improve skills in the expanding fields of psychotherapeutic practice and training.

CONSUMER PROTECTION

Although in broad terms the activity of psychotherapists involves taking care of mental health, it also constitutes an offer of service. In this respect, the regulations applicable to consumer protection could be voluntarily applied to the provision of services by people offering psychotherapy.

It would be possible to work on the basis of the regulations governing the health care sector, where provision of various services requires an estimate which is in fact a contractual document. Medical treatment and aesthetic surgery and other services for aesthetic purposes are subject to consumer protection regulations⁴⁵. Two groups of health care professionals – doctors and physiotherapist masseurs – have to provide consumers with a quote for certain services they offer and the scale of charges they apply.

Setting up provisions of this kind⁴⁶ would provide protection, particularly for vulnerable individuals, against various risks and potential abuses in the activity of psychotherapists. Requiring a quote mentioning the qualifications, period of training, even the practitioner's experience, the method(s) used and the length and frequency of sessions would represent significant progress.

Reports confirm that payment for treatment in private practice is often in the form of cash, which makes psychotherapists a sector of the black economy⁴⁷. There should also be specific reference to the fact that all means of payment as well as cash are also acceptable.

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The dispersion of the professions involved, the absence of any representative professional organisations and the lack of consensus on the very definition of psychotherapy make it even more difficult to tackle this subject. The Mission has noted significant progress: The National Institute of Health and Medical Research (INSERM) is responsible for undertaking a joint survey of the practices of psychotherapies. The *Agence nationale d'évaluation en santé (ANAES)* (National Health Assessment Agency) has been asked to assess the psychotherapeutic practices

⁴⁴ Please refer to the report by Dr Eric Piel and Dr Jean-Luc Roelandt - July 2001

⁴⁵ The draft law on patients' rights and quality of health care provides for tighter guarantees in this respect in future.

⁴⁶ This could be done by enforcing Article L.113-3 of the Consumer Code.

⁴⁷ The income declared by psychologists, psychotherapists and psychoanalysts provides a further indication (source – Ministry of Economy, Finance and Industry - DGI).

in order to draw up codes of good conduct. In addition, the suggested avenues to be explored should form the basis for establishing a consumer protection framework. Discussion should only involve relevant government departments if, as previous attempts have shown⁴⁸, consultation proves difficult in practice. The adoption of minimum regulatory measures could be a first step in regulation.

SOME EXAMPLES OF CULT RISKS IN PSYCHOTHERAPY

Caring for victims

Professional practices based on Scientology or with connections to this movement have been identified in the area of **post-traumatic psychological support** aimed, inter alia, at those who have suffered attacks in the course of their professional duties, disaster victims and victims of sexual violence. This risk is evident in hospital departments, local surgeries and in care offered by medical and social service units.

The greed of various cults and the influence or implication of neo-fascists in disciplines involving care for people in a state of weakness must of course worry observers. This involves not only self-proclaimed therapists or those that have followed questionable training, but also psychiatrists and psychologists. To say nothing of the fact that those promoting dubious practices actively seek public funding and offer training programmes for all types of victim support, including abused children.

These actions aimed at gaining a hold on a type of pathology could lead properly trained therapists to abuse their institutional authority. This authority enables them to organise training programmes and conferences with cryptic objectives with the support of people who are ill informed or unaware of their real intentions.

Transactional analysis

The MILS was able to examine⁴⁹ the organisation of a French group offering training in transactional analysis. This organisation reveals a system of pyramid selling. Every new "member" is authorised, or even obliged, to take on patients for transactional analysis while they are themselves still training as therapists. Treating patients provides them with the means of paying for their own training. Duties are payable to the organisation's master in psychotherapy at regional, national and international level.

The patients undergoing therapy form the base of the pyramid, followed by the "*contracts,[...] those being trained in the four fields*", i.e. guidance, education, organisation, and psychotherapy. The "contracts" may become "*qualified in the four fields*", "*trainee teachers*" or "*trainers*".

⁴⁸ Work undertaken by the AFNOR in 1999.

⁴⁹ This description is not a judgement on transactional analysis as a technique.

Applied to professional life, transactional analysis offers training programmes involving the use of "*psychological stamps*": humiliation, anger and anxiety, which followers "*stick in their book of psychological stamps*".

Apart from these examples, which would amount to "a compendium of blunders " if they were not provided by companies or employees justifiably disputing such teachings as part of professional training programmes paid for by mutual benefit insurance funds, the MILS has also been informed of practices that are contrary to individual dignity by psychotherapists or practitioners of transactional analysis.

There was clearly collusion and solidarity among dubious professional organisations and groups to the detriment of victims. Self-styled ethics committees or professional ethics commissions discredit the complaints, gather false witness statements and come out in favour of the psychotherapists concerned.

Neurolinguistic programming

Neurolinguistic programming, currently known as PNL, is an amalgam of various methods of communication (learning to put a message differently, decoding non-verbal signals and eye movements, etc.) based on equally disparate theoretical references. There are few scientific foundations and little empirical proof: theories relating to eye movements have been discounted.

However, the term "*neurolinguistic programming*" is appropriate in the context of commercial and communication techniques. In this respect, PNL is no different from other offers of psychological "products": training in human relationships, group leadership, personal development groups and transactional analysis.

It is easy to identify the components:

- a topic that is fascinating and answers a need – self-analysis and self improvement, analysis of others and human relationships;
- practical training courses and deep emotional experiences. Training courses often involve the emotions and feelings rather than the intellect. Social roles and reasoning are put aside in favour of direct expression of feelings;
- simple ideas that appear to be common sense, with a minimum of theoretical references, critical doubts or empirical validation;
- a diploma awarded after one or more training courses, which makes it possible for the trainee to become a trainer.

The practices in question are characterised by the absence of principles of professional ethics emphasising assistance and health, rather than exploitation and profit, the absence of knowledge of psychopathology and psychiatry making it possible to assist and guide disturbed people, and the absence of scientific training making it possible to put knowledge into perspective and not lay claim to the truth.

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FORMER MEMBERS OF CULTS

CARE FOR FORMER CULT MEMBERS AT THE GEORGES DEVEREUX CENTRE

- Progress report -

The Georges Devereux centre, an association incorporated under the law of 1901, is located within the psychology unit of the Arts Faculty of the University of Paris VIII. It was set up in 1993 and its main task is providing psychological assistance to immigrant families. Its activities have gradually been extended to cover assistance to people with AIDS and those suffering from obesity, bulimia, infertility, as well as transsexuals, rape victims, children of Jewish Holocaust survivors and victims of torture and war. Towns including Saint-Denis and Aubervilliers and other organisations subsidise its various activities. The regional executive body for health and social services in Seine Saint- Denis grants aid for the work with gypsies.

This university centre is not part of the sector organisation of psychiatric units established in France in the seventies (the public psychiatric service is organised by sectors, whereby the country is split into different geographical areas). The fact that the Georges Devereux centre is part of a university accounts for the fact that psychological assistance is free for users and that work is undertaken as part of research. The very claim to being a research centre gives the work an experimental dimension. Some of the work is carried out by researchers paid by the Ministry of Education and Research (including linguists, anthropologists and psychologists), students who have not yet completed their thesis and students undertaking a training course. The team of psychologists at the Georges Devereux centre is not authorised to treat psychopathological problems or to prescribe medicines for patients requiring treatment. In this case, patients are referred to the psychiatric services.

This research is a result of the in-depth consideration given to the phenomenon of cults since the early eighties. In this respect, the report submitted by a member of parliament to the Prime Minister in 1983 already suggested a mediation system in response to the need to provide overall support for the social and professional reinsertion of cult victims. The creation of regional mediation/public awareness groups and payment of a temporary allowance⁵⁰ were suggested.

⁵⁰The introduction of the basic guaranteed income and universal medical cover provided solutions in this respect.

In 1999, the Ministry of Employment and Solidarity implemented some of the recommendations made in the report and reached an agreement with the Georges Devereux centre in order to:

- *"set up and implement a system of psychological assistance for people leaving cults"*,
- *"help improve the professionalism of associations specifically involved in dealing with cult phenomena"*,
- undertake *"research likely to give rise to clinical reflection on the relationship between followers and cults"*.

This semi-public action was undertaken by the Georges Devereux centre jointly with the *Union nationale des associations de défense de la famille et de l'individu (National union of associations for protecting the family and individuals)*.

FOUNDATIONS OF CLINICAL ACTIVITIES

The Georges Devereux centre initially drew up the foundations of its clinical activity to meet the requirements of migrants in need. As part of its research, the centre emphasises the principle whereby systems are not set up in advance but in accordance with the actual requirements of the people they cater for. We should first describe the foundations and then the specific nature of the system for former members of cults.

Foundations and procedures for assistance

The working sessions take the form of ethnopsychiatric work: some ten people from different fields – psychologists, linguists and anthropologists – meet with a patient or a family. Sessions last about three hours and are held every three or four weeks. One of the people involved (social worker or psychologist) is the contact within the institution responsible for dealing with the matter; this person chairs the session. Another person has links with the cultural and linguistic environment of the victims. They are familiar with "the prevailing therapeutic practices in the family's usual environment". *In addition, "all members are made aware of the importance of local therapeutic practices and customs"*.

The diversity of those present at each session is intended to give rise to various interpretations of the patients' problems: patients are thus encouraged to take an active part in their therapy by themselves taking up one or more of the suggestions made. The purpose of the therapy is to find what factors in the patient's culture of origin are subjecting them to pressure. This means considering the language, areas and objects and also myths and the version of their story given by the patients themselves, the family or the mediators. In short, the priority is to obtain a picture of the person's environment in order to understand their suffering and also the way in which this would have been dealt with in this specific cultural environment. This highlights the emphasis on the anthropological dimension – the dialectic between the group and the individual – of the work undertaken with the patient. The patient is not left to deal by himself with a personal psychological problem. He develops within codes that have to be identified and deciphered, in a network whose meaning has to be determined,

which may then make it possible to dismantle this network or find new means of relating to the network.

Foundations specific to dealing with former members of cults

Regarding people who have left cults, associations involved in combating cults are used as a central reference point, since the stated purpose of these associations makes it possible for the person concerned to be considered as a "victim" of the cult. The specific assumption is that people who have left cults are victims of the way in which others have made them think and have influenced them.

The work undertaken by the Georges Devereux centre with former cult members is also based on involving a group of carers with the patient, thereby providing a multifaceted view contrary to the one-sided debate used in the cult. The work attempts to go back to the time prior to the patient's entry into the cult and retrace his past. Previous experience may have involved exorcists or healers, loss of employment, isolation and being made vulnerable. This process identifies the factors that led the patient to join the cult, depending on the intrinsic specific features of the cult or irrespectively of the latter. It involves breaking down the process that led them to become followers of a cult as well as dismantling the logic of the cult group. In many cases the conflict between the group and individual interests prompts someone to leave a cult. For instance, young Jehovah's Witnesses who do not accept having to choose a partner from within the group might leave the group for this reason. Interviews show that although the former followers may have left the cult, the cult "*remains in their head*". In many instances, people who have left the cult continue to search for the meaning they thought they had found within it. It is this search and disappointment that have to be dealt with.

The work also involves the financial and personal consequences caused by the patient leaving the cult, for example in terms of managing debt and re-establishing contact with the family.

People who have left cults are not the only ones to seek assistance at the centre. Families of members often feel at a loss and may use this system. But in this case the concerns are different. For instance, parents of followers of a cult movement (Moon) in France in the sixties are monitored by the centre. Their children are now married and have families within the cult group. They wonder about what would happen if their children or grandchildren were to leave the cult and had to integrate in ordinary society, since they are entirely ignorant of how ordinary society works. This scenario, which is not unrealistic, causes great concern.

LIMITS OF THE SYSTEM

Two reservations should be noted at this stage.

- 1. Associations involved in combating cults can fairly easily relate to the language used by people leaving cults, since they are quite familiar with the specific features of the language used by the group and its symbolic universe. They have information provided by former members. They can note the common points and differences between the account given by former members and the patient. The documentation available to them

reveals the group's implicit logic, but does not always reveal its structure. As a result, it is often difficult to reconstruct the "network" of influence in the cult groups.

It should also be noted that the term "former members of cults" explicitly rejects the group that the patient has left. But the work carried out with immigrant populations explicitly includes respect for their culture of origin.

- 2. There may sometimes be a Manichean view of the cult, thereby "diabolising" the latter and making it more difficult to deal with. This may be the case when a former member of the cult, who joined the group as a child and whose family is still involved in the group, takes a stand by rejecting what was forbidden in the group they have left. They may for instance smoke or drink or become "sexually liberated" compared with the standards of the cult movement. The volunteer who works with them will not necessarily be aware that this new behaviour is a form of rebellion against the group on the part of the former follower rather than detachment from the group. Such cases require psychological treatment that does not reject the group as a whole and is able to provide the support required for the individual to "reconstruct" himself.

The centre is therefore a useful means, along with other initiatives, of prompting the necessary in-depth consideration of this matter. It provides a response to the needs of families, associations and people directly or indirectly affected by the cult phenomenon. As well as treating patients, the research on matters relating to cults involves a monthly seminar at the ethnology department of the Institut Charles V (Paris VIII).

The fact that the system is very recent (it was set up less than three years ago), its experimental nature and the absence of specialisation in the matter of cults do not at present make it possible to use it as an exclusive reference for dealing with former followers (nor would the centre lay any claim to this).

The Georges Devereux centre has not yet issued any public findings, for reasons of discretion and in order to protect individuals. As a result, these trials have not been subject to technical debate essential to advancing ideas in the field.

In addition, the centre is not able to deal with all those concerned. Other bodies – psychiatric care units, public mental health networks and social reinsertion groups – also work with former cult members. Taking account of the existing resources and the essential freedom of choice of the people concerned, the most important thing is to have various centres for those who need them and to draw the attention of the public to their existence.

It would be helpful to base further consideration of methods and the experiences and reinsertion of former followers on the findings of a report by Ms. Marie-Noëlle Lienemann, then MEP (*Pour une nouvelle politique publique d'aide aux victimes, la Documentation française*, July 1999) whose recommendations could be used for victims of cult behaviour.

CHILD PROTECTION

Some recent legal decisions

Some recent legal decisions highlight the risks to which cults expose children

The interests of children might justify not putting them in contact with members of the Raelian movement

A ruling by the *Cour de Cassation* (*Court of Appeal*) on 22 February 2000 is significant in this respect. The appeal court had ordered a mother not to put her children in contact with members of the Raelian movement other than herself and her partner, and not to take the children out of France without written consent from their father.

The case filed with the *Cour de Cassation* invoked Articles 8.1 (interference in private life and family life is allowed insofar as the law provides for this and that there are legitimate grounds), 9 (freedom of thought, conscience and religion) and 10 (freedom of expression) of the European Human Rights Convention. The *Cour de Cassation* rejected the appeal as the judgement that was challenged did not directly breach the rights cited. It simply made their practice subject to conditions dictated by the sole interests of the children.

Coercive methods of education

A ruling by the *Cour de Cassation* on 13 July 2000 explicitly mentions the Jehovah's Witnesses' coercive education methods. The *Cour de Cassation* considered that the interests of two children, whose mother was a Jehovah's Witness, dictated that they should not be subjected to the strict, inflexible educational rules imposed upon children of the Jehovah's Witness followers, that the appeal judge had not breached the mother's freedom of conscience, and that the interests of the children dictated that they should reside with their father.

Refusal of treatment for children in medical and psychological systems

Information concerning families that are Jehovah's Witness members show the difficulty that staff in medical, psychological and pedagogical centres (CMPP) may encounter in providing medical, psychological and pedagogical services to children with behavioural problems that may or may not be linked to learning difficulties.

CMPP staff are not necessarily informed of the fact that parents belong to the Jehovah's Witness movement; this particular fact may be established and incorporated during the course of treatment. The following are two interesting cases in point.

Case 1. A primary school child is two years behind at the start of treatment. The family consults the CMPP at the request of the school. Successive therapies have no effect. It appears that the parents have contacted the CMPP simply because the school requested them to do so, but implicitly reject the treatment, fearing that their child or even the entire family unit might be considered delinquent or dysfunctional.

Case 2. A CMPP has for some time been treating a child who has for some time had learning difficulties. In December, the child's mother complains to the head about the "centre's pagan practices". The child psychologist is told that the Christmas tree in the entrance is a pagan practice. Despite the child's genuine problems, the family suspends treatment and refuses to heed the advice of the medical team asking them to continue the required treatment.

Some learning difficulties are probably partly the result of a specific reading method used by Jehovah's Witness families. This method, entitled "Apply yourself to reading and writing", is totally different - in terms of content and the underlying educational methods - to the books used in schools. Here are just a few examples of sentences or phrases used: "*The father's name is Jehovah*", "*See, the hand of Jehovah can save you*", "*A proclaimer receives love*", "*Love of Jehovah and people makes men preach*". This method could give rise to difficulties at school or be a factor in aggravating such difficulties.

In broad terms, educational psychologists note other problems among children from Jehovah's Witness families: depressed children and those who do not join in group activities. The Jehovah's Witnesses are still a social minority living according to their own distinctive rules, thereby isolating children and depriving them of a pluralist education.

The courts have adopted decisions in principle on this matter. For instance, a judgement by the Council of State on 24 April 1992 – General Council of Doubs v Mr. and Ms. F., stated that "the approval required to adopt children may be denied to a couple if the people concerned have unambiguously stated their opposition to blood transfusion and do not offer adequate guarantees of the quality of care at the family, educational and psychological level".

A judgement by the court of Lyon on 3 March 1998 justifies the withdrawal of a child minder's licence to receive children in her home on the grounds that the person concerned "refused to use essential pedagogic practices with the children" (celebrating Christmas and the children's birthdays) even though these festivities represent "essential family and social landmarks" for the children concerned.

APPENDICES

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- The Scientologist's *Manual of Justice*
 - Law number 2001-504 of 12 June 2001 "*aimed at reinforcing the prevention and suppression of cults that undermine basic human rights and freedoms*"
- Recommendation number 1412 of the Council of Europe: decision by Committee of Ministers
- European Parliament Resolution on the State of Fundamental Rights in the European Union (5 July 2001)
- *Watchtower*, 15 June 2000
- Instruction of 16 June 2000 to Jehovah's Witness Hospital Liaison Committees