



Report to the Prime Minister

THE SECTARIAN RISK

2004

Interministerial Mission of Vigilance and Combat
against Sectarian Aberrations

- MIVILUDES -

La Documentation Française

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INTRODUCTION

In our 2003 report, MIVILUDES undertook to define the concept of a “sectarian aberration”.

This year the Mission has decided to use the notion of “risk”, which is just as problematic, but essential, to present the most recent developments of the phenomenon which it is charged with analyzing and combating.

By giving priority to the aspect of prevention, MIVILUDES respects its obligations:

- *to inform the public about the risks, and in some cases the dangers, to which it is exposed by sectarian aberrations;*
- *to promote, while respecting the right of freedom of opinion, the coordination of preventive and repressive action by the authorities to deal with such behavior.*

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The first part of the report, entitled “Activities”, presents an assessment of the past year. First, it examines the legal reforms implemented. In this regard 2004 was an important year. The law on bioethics, and that dealing with psychotherapy, represent advances in the area we are concerned with: they should put a stop to propaganda in favor of reproductive cloning and provide a better legal framework for a profession that is exposed to certain aberrations. The activity of national bodies, and of MIVILUDES, is presented through the work of the Pilot Executive Committee and the Orientation Council, which met at the appointed times.

This first part also reports the activities, at the local level, of our regional correspondents and the prefectural cells of vigilance. It also summarizes the written questions (about fifty) of parliamentary deputies, to which the ministers addressed gave detailed answers.

Next, this report presents in detail the reports of the different government administrations represented on the Executive committee. Their contributions highlight the variety of their approaches, but also their

complementarity, which makes this government structure an important aspect of the global public strategy.

Next, for the first time, we report the activity of the main associations for aid to victims.

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The second part of this report, *Analyses*, begins with a study of the “sectarian risk”, its specific characteristics and its various dimensions.

This synthesis of the theories and studies developed for the notion of the psychological *hold* a sect can have on its followers, and the harm it can do them, is due to different specialists, including members of the MIVILUDES Orientation Council, psychiatrists, psychologists, lawyers and philosophers. It especially emphasizes how difficult it can be to realize the extent of the harm suffered by victims of such subjection.

Further directions are suggested for improving aid to victims, and more clearly identifying the person or persons responsible for the infraction, which is a necessary condition for equitable repair of the damage caused.

The next chapter summarizes the major legal decisions in both penal and civil cases. Our jurisprudence was enriched by a number of important decisions.

Adopting a direct operational approach, this second part next lists the main sectors under invasion at present, like markets to be exploited, by the organizations and groups susceptible to sectarian aberrations: professional training, health care, and education.

In a sensitive area, where the number of children in danger has not diminished, MIVILUDES has made the protection of minors one of its central aims.

In the chapter dedicated to this high-priority subject, we recall the consequences of the sectarian risk for children, especially for those who are brought up in closed communities and cut off from contact with the external world that might help their future development. The Mission has also tried to draw attention to the fragile population of adolescents who are engaged in building their personal identity, by indicating how certain sectarian organizations make use of seductive discourse, often via the anonymous or disguised contacts the Internet makes possible. The case of Satanism is developed as an example.

The last chapter deals with the Mission's international contacts and cites them to briefly sketch the strategies adopted by some of our partners. Sometimes a difference of perception can be seen. This motivates a defense and illustration of the French conception of secularity.

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First Part

ACTIVITIES

11 – Legislative activity

1 – Regulating the title of “psychotherapist”

For years the legislator has shown interest in providing better protection for those intending to resort to psychotherapy: there are 20,000 to 30,000 people in France who claim to be members of this “profession”, and they can be divided into four main categories:

- psychiatrists, who are medical specialists belonging to the order of physicians, and are authorized to prescribe drugs;
- psychologists, who can use this title only if they hold an advanced university diploma, and are bound to the Code of Ethics of the French Psychological Society;
- psychoanalysts, who may hold a university diploma, and are most often attached to a particular school of thought;
- psychotherapists who belong to none of the three previous groups.

In its report for the year 2000, the MILS had already emphasized the problem raised by the absence of a statute regulating this profession, which anyone at all can practice without violating the law, even though certain therapies presented as new offer possibilities for aberrations of the sectarian type.

On October 8, 2003, The French National Assembly unanimously adopted an amendment presented by deputy Bernard ACCOYER, aimed at regulating psychotherapy. This amendment reserves the practice of psychotherapy to psychiatrists, doctors and psychologists who have professional qualifications, as defined by decree. It also provides that those professionals who do not possess these qualifications but have been practicing for more than five years may continue their activity on the proviso that, within three years, they satisfy an evaluation, by a competent jury, of their knowledge and practices.

This amendment gave rise to much discussion, and that led to the adoption, on July 30, 2004, of a new text included in law n° 2004-806, of August 9, 2004 relating to public health policy. This text stipulates that henceforth the title of psychotherapist is reserved for professionals who are enrolled on a national register of psychotherapists (art. 52). This registration will be recorded in a list prepared by the government representative in each department and will mention the therapist’s professional training. Medical doctors, trained psychologists, and psychoanalysts regularly listed in the

annual registers of their associations are included in this list by right.

This mechanism allows identification of non-standard practitioners who claim to be “therapists”. However, it does not protect their clients from sectarian abuse.

2 – The criminalization of reproductive cloning and penal dispositions of the law on bioethics

On August 7, 2004, law n° 2004-800 dated August 6, 2004 was published in the official journal. Among its many provisions, this text specifies as crimes certain kinds of behavior involving eugenics and reproductive cloning, for which the punishment is thirty years imprisonment and a fine of 7,500,000 euros:

- engaging in eugenic practices aimed at organized selection of individuals (art. 214-1),
- any intervention aimed at bringing about the birth of a child genetically identical to another person, living or dead (art. 214-2).

This law also punishes, with life imprisonment and a fine of 7,500,000 euros, these same infractions when they are committed by an organized group (art. 214-3) as well as participation in a group or association created in view of the preparation, as established by one or more material proofs, of one of the crimes defined by articles 214-1 and 214-2 of the Penal Code. (Art. 214-4 of the Penal Code).

Lastly, a new article, 511-1-2, of the Penal Code punishes with three years imprisonment and a 45,000 euro fine all propaganda or advertising, in any form, in favor of eugenics or reproductive cloning.

When this law was promulgated, the Interministerial Mission questioned the Minister of Justice about the conditions under which articles 214-4 and 511-1-2 of the Penal Code were applicable to the activities of the Raelian movement and its leaders. This query was seconded and completed by the written question of deputy Georges FENECH addressed to the Minister of Justice on August 31, 2004 regarding what dispositions were planned for these new criminal offenses.

The Minister of Justice answered on October 5, 2004: *“First of all, It must be determined whether there are enterprises or laboratories linked to these movements and then whether such establishments are engaging in such activity or, at least, are attempting to do so, for example by trying to recruit donors of gametes. If this is found, then all the infractions stipulated in the new law could be applicable at all levels of involvement. Likewise, if the sectarian movement has its headquarters abroad, its director, legal or real, the physical person, is liable to punishment, if he is of French nationality. Extraterritorial application is envisaged under the same conditions to punish*

the crime commonly called “client-cloning”, which is to participate in obtaining cells or gametes with the aim of reproductive cloning. Health professionals who engage in concrete acts aimed at carrying out reproductive cloning or eugenic acts are subject to prosecution as perpetrators of the crimes and offenses constituted by each act. Lastly, article 511-1-2 of the Penal Code punishes propaganda or advertising, in any form, in favor of eugenics or reproductive cloning. ... If evidence can be obtained showing that the leader or members of a sectarian movement are acting in violation of this new law, the Minister of Justice assures you that the Chancellery will not fail to insure strict application of the penal code”.

It would seem that the message sent by the legislators was quickly grasped by the *Raelian Movement of France*, which, on August 28, 2004, published a press communiqué to announce that, respectful of the law, it would henceforth abstain from the promotion of cloning.

12 – Interministerial Activity

The MIVILUDES Orientation Council

“The mission chairman will periodically convene an Orientation Council composed of persons named, by order of the Prime Minister, for their competence or experience, with an agenda he has established. With its activity, this Council will help to nourish the thinking of the public authorities about sectarian aberrations, to suggest orientations and possible actions for the Mission, and to favor evaluation of this action”¹.

The Orientation Council met four times during 2004, twice with the Executive Committee (January 15, and June 30).

- The January 15 meeting was devoted to a joint rereading of the 2003 report by the members of the Orientation Council and the Executive Committee. This report, entitled *“Sectarian Aberrations”*, was submitted a few days later to the Prime Minister by Chairman LANGLAIS, and presented to the press on January 26.

- At the April 28th meeting, the Council heard M. Rémy SCHWARTZ, Secretary General of the Commission for reflection on the application of the principle of secularity in France. He indicated that the sectarian phenomenon was too broad and too complex to be treated by the Commission. It did, however, hear the chairman of MIVILUDES.

M. SCHWARTZ essentially recalled the historical foundations of the principle of secularity, in particular the separation, in 1905, of church and state and the neutrality this implies for the French Republic. He also spoke of the reason why the Commission was in favor of a law on the wearing of signs or clothing that openly manifest religious affiliation in the public schools.

His presentation was followed by a discussion with the members of the Orientation Council. The report of the Council of State, entitled *“A century of secularity”*, was discussed. Other themes were treated, such as days of leave, respect of the principle of secularity in the hospital, the problems raised by immigration, etc.

- At the June 30th meeting, the chairman of MIVILUDES presented an evaluation of the *“Sects and secularity”* seminar, praising this initiative, which was sponsored jointly with the Ministry of Research and the Ecole Pratique des Hautes Etudes. Suggested subjects for further reflection should,

¹ Decree of November 28, 2002 (See Appendix 1)

in particular, support public policies aimed at the prevention of sectarian risks.

Mention was also made of the colloquium "*The lawyer and sectarian aberrations*", which was a response to one of the ten propositions of the 2003 report: "Improving awareness of the sectarian problem in the legal professions". The theme of civil redress for damage caused to victims seems to be of major interest. M^e CAZELLE mentioned the principle of improving help to victims of sectarian aberrations in questions of civil liability.

The representative of the National Council of the Order of Physicians confirmed that the medical profession would welcome information about the handling of victims.

The chairman of MIVILUDES suggested setting up a work group to study the possibilities for extending the reparations for harm caused to victims of sectarian movements.

An update was presented concerning the implementation of the ten propositions for 2004. In the case of the legal propositions, proposition 2: "*Facilitate reporting of individuals in a state of weakness*" was the object of much discussion, by the representatives of the Chancellery, the National Council of the Order of Physicians and the Council of State. The discussion concerned allowing those who have an obligation of professional secrecy (the medical and legal professions, in particular lawyers and notaries) to report to the legal authorities cases of fraudulent abuse of weakness that come to their attention.

To conclude this meeting, the chairman of MIVILUDES proposed and summarized some orientations for future Mission activities:

- upstream work on the definition of sectarian risk;
- study of the possibilities for civil reparation of damages caused to victims;
- joint reflection with national education authorities about the message to be aimed at adolescents;
- pursuit of the work on Satanism;
- work on communication with the media;
- thinking about the possible relevance of creating a "resource center" within MIVILUDES.

- The last meeting of the Orientation Council took place at the sub-prefecture of Reims, on October 15, 2004. Two important subjects were presented and opened to discussion: the project of a "*Guide for the public agent confronted with sectarian aberrations*" and a question concerning "Sectarianism, integrism, fanaticism, and communitarianism".

As for the Guide, the members of the Council saw this document for general information and the training of government agents as a useful initiative. The practical and pedagogical aspect of the document was stressed. The representative of the Order of Physicians urged that the Guide

should be widely circulated to those working in the public hospitals. The representative of the Ministry of Defense hoped that all gendarme brigades would receive the guide. Many speakers expressed approval of the information concerning the notion of a menace to public order. Observations were made about the situation in the overseas departments and territories (DOM-TOM), whose special characteristics should be taken into account. Lastly, a postface is to be added which takes into account the ethical obligations of government service and the values of the French Republic.

The preliminary presentation of a member of MIVILUDES focused on defining the notions of sectarianism, integrism, fanaticism and communitarianism. A searching discussion concerned possible aberrations within the established religions and the place of Islam.

Lastly, the Orientation Council was consulted on January 13, 2005, about the draft of the 2004 activity report. There was a very constructive exchange between the members present, which is reflected in the definitive version.

The Executive committee

“The chairman of MIVILUDES shall preside over a Pilot Executive Committee composed of representatives of the ministry departments concerned. This Executive Committee will meet at least six times a year on convocation by the Mission chairman, who will establish the agenda.”²

During 2004, the Pilot Executive Committee (CEPO) met on six occasions, of which two were joint sessions with the Orientation Council (on January 15 and June 30).

At an early meeting, on March 3, the exchanges mainly concerned the reactions received, after publication of the 2003 activity report, from the administrations, the public, and foreign countries. The representative of the Ministry of Foreign Affairs emphasized the positive feedback to the notion of sectarian aberration. Press articles were reviewed, whose overall tone was positive.

Discussion about the implementation of the ten propositions gave rise to fruitful exchanges, especially with respect to revising the rules for proscription, improving social investigations in legal proceedings, verification of educational offers, and aid to victims.

The chairman of MIVILUDES expressed the hope that this implementation would be a major focus for the year 2004.

² See Appendix 1

Some dispositions were taken concerning the transmission of administrative documents requested by certain associations from the Commission for Access to Administrative Documents (CADA).

The opening of the Internet site was discussed, and the site architecture and its subject matter were presented.

At the May 6 meeting, the main topic was concrete actions by the administrations. Among the subjects discussed were illegal practices involving undeclared work, theories of *Indigo children*, and the practices of closed communities.

Even this partial survey allowed those present to appreciate the efforts of the administrations, at both the local and national levels.

An update was presented concerning the training of public agents: the training of “sect correspondents” in the education system; an interschool session at the higher school of national education at Poitiers; training of personnel at the Paris mayor’s office, etc.

With regard to the training of public agents, it was decided that MIVILUDES would assume responsibility for the training of supervisory staff, while each ministry would handle other categories of personnel.

The chairman reported on his mission to Austria. Information is regularly supplied to members of the CEPO concerning foreign missions (Austria, Italy, Romania, Russia, Spain).

In autumn, on September 29, the project for a “*Guide for the public agent confronted with sectarian aberrations*” was presented; the quality of the discussion helped improve this tool for informing and educating government employees. The members of the CEPO played an active role, contributing to preparation of the texts and distribution of the Guide.

At the same period, the chairman of MIVILUDES presented the orientations of the 2004 activity report, whose main theme is to be “Sectarian risk”. He asked the CEPO for a contribution to the report, for the section on “Activities” at the ministry and local levels.

The representative of the Ministry of the Interior proposed, on the occasion of the commemoration of the law for the separation of church and state, to give more prominence to the principle of secularity.

The representatives of the Ministry of Justice and of National Education requested that the question of parental authority be treated, since the Lyons Court of Appeals had been presented with a case of parents who wanted to withdraw their children from the school system for religious reasons.

Finally, the CEPO was regularly informed of parliamentary questions and the answers given.

13 – Parliamentary activity– written questions

Between January 1 and November 30, 2004, **50 written questions** (compared to 33 in 2003) were submitted by deputies.

The Ministers of Justice, Social affairs, and Health got questioned the most often, followed by the Minister of the Interior and the Prime Minister, and, less often, the ministers of National Education and Economy, Finance, and Industry.

The main subjects were: *Scientology* (14 questions), *Jehovah's Witnesses* (3), *Kryeon* and *Indigo children*, *Tabitha's Place* and, in last place, the *Church of Euthanasia*.

The ABOUT-PICARD law alone prompted 7 queries. The dispositions concerning *reproductive cloning* contained in the law on bioethics and problems of *medical secrecy and the legal protection of doctors* were also treated, as well as the regulation of the professions of *psychotherapist and sophrologist* (4) and *proselytizing* in the hospital setting or at catastrophe sites (3).

Certain responses which shed new light or add precision to the positions of the public authorities will be cited below.

EDUCATION / CHILDREN

- Minors receiving home schooling/ sectarian influence

“In application of the law of December 18, 1998, instruction given to home-schooled minors is regularly checked by national education inspectors. For the school year 2002-2003, 1156 children were home-schooled. It is very difficult to single out those who are home-schooled for “pseudo-religious” reasons, since the parents are not required to give a precise reason. The many inspections carried out (677) for that school year seem, however, to indicate that a significant proportion of these pupils (10 to 20 %), correspond to the group indicated by your question³. When parents fail to respect the obligation to have their home-schooling evaluated, the school authorities automatically inform the public prosecutor. As a result a number of legal procedures are underway. Some procedures have already led to the separation of children from their families”⁴.

³ The question concerned children “*who can be thought to receive sectarian instruction*”

⁴ Answer of the Minister of Youth, National Education and Research, to question n°30854 from M. Philippe VUILQUE, deputy of the Ardennes.

- Inspection of vacation and recreational facilities

“The law of July 17, 2001, with various dispositions of a social, educational and cultural nature, increased the obligations of those who wish to open daytime holiday and recreational facilities. It introduced the notion of an educational project to be filed by the directors of such a center with the administrative authorities. Since this law has been on the books, there has been no opposition to the opening of a facility because of the sectarian character of the educational project. Furthermore, during the inspections carried out in the summer seasons of 2002 and 2003, no violation of the different obligations of directors of vacation and recreational facilities was observed”⁵.

- Information on the sectarian phenomenon in school programs

“... Along with the provisions for combating sects that have been introduced in national education (circular n° 2002-120 MEN-DAJ), an approach based on reasoned arguments, supported with frequent reminders and a clear statement of the basic values at the heart of schooling, is needed to enlighten pupils about the alienation and dangers resulting from membership in sectarian groups. The school programs for civic education – which are obligatory from primary school to high school – are designed to help each child to a personal appropriation of the knowledge, values, and principles that are the foundations of citizenship. Building on themes such as “freedom”, “rights”, “duties”, “justice”, and “security”, the indispensable reflection on sectarian phenomena can be stimulated in ways appropriate for each age and level”⁶.

HEALTH

- The protection of minors / reporting by doctors of violence

*“The protection of doctors who report acts of **mistreatment** of children was modified by articles 11 (paragraph 2) and 12 of law n°2004-1 of January 2, 2004 relating to the treatment and protection of children. This text modifies article 226-14 paragraph 2 of the Penal Code and deletes the next-to-last paragraph of article L. 4124-6 of the Code of public health. The result of these changes is that the obligation to maintain professional secrecy and the liability to sanctions for its violation that are stipulated by article 226-13 paragraph 2 of the Penal Code, are eliminated for ‘the doctor who, with the consent of the victim, brings to the attention of the public*

⁵ Idem; Answer to question n°30853.

⁶ Idem; Answer to question n°30855.

prosecutor the mistreatment or privations which he has observed, either physical or mental, in the exercise of his profession, and which allow him to presume that **physical, sexual or psychological violence of some sort** has been committed. When the victim is minor, consent is not necessary'. Furthermore, the suppression of the next to last paragraph of article L.4124-6 of the Public Health Code, which deals with the disciplinary procedures which the doctor might be exposed to and the sanctions he might incur nullifies these provisos"⁷.

- Proselytizing in the hospital...

"... The Minister states that a decree is forthcoming to determine the conditions for approval and withdrawal of approval for associations representing the users of hospital or public health facilities. He indicates that his services are especially aware of the risk of sectarian aberrations, and that, in these conditions, the criteria - defined in this decree - which allow approval will be examined with care ..."⁸.

... and at catastrophe sites

"Early in 2004, the Ministry of Health, the Family and the Handicapped published and circulated a booklet of 49 pages entitled: "Collective accidents, terrorist attacks, and natural catastrophes: behavior guidelines for health professionals". This brochure contains one section (pp. 44 and 45) dedicated expressly to the theme: "The risk of sectarian aberrations: the intervention of sects at catastrophe sites". This section explains how sectarian movements try to gain a hold over the victims of catastrophes, and calls for the vigilance of professionals in light of the increasing presence of these movements at such sites."⁹

ASSOCIATIONS

- 1901 law associations and sectarian movements

"There is no specific regulation for so-called sectarian movements. Common law is applicable to them, including in the matter of creating an association. It is true that many movements of a sectarian character are constituted as associations under the law of July 1, 1901 relating to

⁷ Answer of the Minister of Health, the Family, and the Handicapped to question n°34574 from M. Michel ZUMKELLER, deputy of the Territoire of Belfort.

⁸ Answer of the Minister of Health, the Family, and the Handicapped to question n°32026 from M. Philippe VUILQUE, deputy of the Ardennes.

⁹ Answer of the Minister of Health, the Family and the Handicapped to question n°32755 from M. Philippe VUILQUE, deputy of the Ardennes.

contracts of association. The administration cannot refuse this status, if the appropriate formalities have been carried out: it has in this matter a dependent competence, which requires it to deliver the document. There is no prior checking which would allow it to rule out movements of a sectarian character. However, as with any declared association, the sectarian movement, according to article 3 of the law of 1901, must not have an illicit goal, in violation of the law, of morality, or harmful to the integrity of the territory and the republican form of government. If warranted, the public Ministry can decide to start a procedure of dissolution, in conformity with article 7 of the law of 1901 ...”¹⁰.

- Provision of space/ Demand for the communication of the accounts of an association of worship

“... The providing of space or material support cannot be assimilated to a subsidy in a case where it concerns associations or organizations that cannot legally be subsidized, such as an association of worship, or a trade union organization working for a goal broader than the local interest of the commune. In this case, communication of the annual accounts of the association cannot be demanded by the commune”¹¹.

- Jehovah’s Witnesses / Status as a group of worship

“The decisions of the highest legal instances have not taken the refusal of blood transfusion by Jehovah’s witnesses to be a menace to public order. However, if such practices are considered, by the medical personnel involved, as pressures violating individual freedom, they can denounce this behavior to the competent legal instances with the aim of bringing about, if this pressure is held to constitute violence, threat, blackmail, or extortion, the dissolution of the association responsible”¹².

- Jehovah’s Witnesses / affiliation with CAVIMAC (old-age, disability, and health insurance organization for religious groups)

“... Enrollment in the religious group health plan of ministers of Jehovah’s Witnesses was carried out in conformity with the legal and regulatory dispositions applying to the enrollment of ministers and members of religious congregations and groups, as provided in articles L. 721-1 and R. 721-1 to R. 721-12 of the social security code. Since its origin, the

¹⁰ Answer of the Minister of Health, the Family and the Handicapped to question n°36358 from M. Gérard WEBER, deputy of the Ardèche.

¹¹ Answer of the Minister of the Interior, Internal Security, and Local Liberties to question n°39335 from M. Jean-Marie AUBRON, deputy of the Moselle.

¹² Answer of the Minister of the Interior, Internal Security, and Local Liberties to question n°33176 from M. Philippe VUILQUE, deputy of the Ardennes.

*existence of this health plan has not been taken to be in contradiction with the principle of secularity, and to this day no reason has been put forth to believe that it is ...*¹³.

- Taxation/ registration of manual gifts

*“Article 15 of the law of finances for 1992, codified in the second paragraph of article 757 of the General Tax Code, introduced an obligation to declare or register manual gifts revealed to the tax administration and subjected these gifts to free mutation rights under the same conditions as other donations. In the absence of an act reporting them, such donations revealed to the tax administration by the donor must be declared, within one month of their revelation, using a form (n° 2735) furnished by the administration. These dispositions are applicable to manual gifts made to associations. ...”*¹⁴.

- Illegal work / inspections

*“... As for fraudulent behavior by groups of a sectarian character, the services for labor inspection have already had to deal with such groups. For instance, in the Eure, in 1996 and 1998, they charged the Association of Jehovah's Witnesses with a series of infractions to the Work Code. Lastly, the DILTI (Interministerial Delegation for Combating Illegal Work) is a member of the task force created at the Ministry of Employment, Labor, and Social Cohesion which collaborates with the instances of the Interministerial Mission of Vigilance and Combat against Sectarian Aberrations, created in November 2002 and reporting to the Prime Minister”*¹⁵.

ASSESSMENT OF THE APPLICATION OF THE ABOUT-PICARD LAW

“With respect to the offense of fraudulent abuse of ignorance or weakness specified and sanctioned by article 223-15-2 of the Penal Code, as of October 1, 2003, we counted three preliminary investigations and five legal proceedings. Of the three preliminary investigations, two opened under the sole heading of fraudulent abuse of ignorance or weakness, were dropped, and the third, under this heading and that of clandestine work was also dropped. As for the five legal proceedings opened under the heading of

¹³ Idem; Answer to question n°32762.

¹⁴ Answer of the minister of Economy, Finances, and Industry to question n°6769 from M. Franck GILARD, deputy of Eure.

¹⁵ Answer of the minister delegate for labor relations to question n°46788 from M. Philippe VUILQUE, deputy of the Ardennes.

abuse of weakness and fraud, one was a nonsuit, and the four others are still pending”¹⁶.

“The Minister of Justice informs the honorable deputy that the proviso for dissolution of a movement of sectarian character condemned for any of the infractions stipulated in article 1 of the law of June 12, 2001, has not been realized to date, due to the absence of the definitive condemnations required by this law. This disposition requires that two definitive condemnations must have been pronounced against the legal entity or the director, in law or in fact, of this legal entity, for any of the listed infractions”¹⁷.

JUSTICE

- Mechanism for the development and application of government policy

“To combat the sectarian phenomenon, the legal institution has developed three approaches: designation of a correspondent for sectarian matters in the attorney general’s office, exchange of information between magistrates of the court and associations for combating the sectarian phenomenon, and institutionalization of meetings for concerted action. The procedures are thus coordinated at the regional level by a magistrate of the attorney general’s office. At present, it does not seem appropriate, in addition to this magistrate, to create a specialized instance to deal with legal matters in which sectarian groups are implicated. This is because the harm to persons and property committed in these cases involve different offenses, which are either a matter of general penal law, or special penal law. Furthermore, it is essential that all magistrates should be well informed about these questions. For this purpose, the National School for Magistrates organizes training sessions each year which help magistrates to improve their knowledge in this domain”¹⁸.

INTERNATIONAL RELATIONS

- Report of the U.S. State Department

“The American State Department publishes each year a report on freedom of religion, covering all countries. Until 2001, this report was

¹⁶ Answer by the Minister of Justice to question n°30695 from M. Manuel VALLS, deputy of Essonne.

¹⁷ Answer by the Minister of Justice to question n°30758 from M. Philippe VUILQUE, deputy of the Ardennes.

¹⁸ Answer by the Minister of Justice to question n°21690 of Mme Bérengère POLETTI, deputy of the Ardennes.

critical of France, citing the French policy directed at “sects”, commonly called in the U.S. and in many multilateral settings “new religious movements”. The elimination of the Interministerial Mission of Combat against Sects (MILS) and its replacement by the Interministerial Mission of Vigilance and Combat against Sectarian Aberrations (MIVILUDES) have contributed to renewal of a serener dialogue on this question. Thus, the 2003 report of the American State Department on freedom of religion around the world no longer criticizes French policy in this area. ... The effort of explanation undertaken has thus begun to bear fruit. It should be pursued.”¹⁹.

¹⁹ Answer by the Minister of Foreign Affairs to question n°31919 from M. Philippe VUILQUE, deputy of the Ardennes.

14 – ACTIVITY OF THE MINISTRIES

Justice
Foreign Affairs
Interior, Internal Security, and Local Liberties
Defense
Economy, Finance, and Industry
National Education, Higher Education and Research
Youth, Sports, and Associative Life
Solidarities, Health, and the Family
Employment, Labor, and Social Cohesion

MINISTRY OF JUSTICE

**Division of criminal affairs and pardons
Division of civil affairs and chancellery**

ACTIVITY OF THE MISSION ON SECTS

Follow-up on cases of public action

To this effect, the Mission on sects is in regular contact with the magistrates designated as correspondents within each Court of Appeals.

In addition, the mission head maintains regular relations with his counterparts in the other ministry departments, in particular with the general department of taxation and the general service for customs and indirect rights, when necessary with the help of the two specialized cadres in the service of criminal affairs and pardons.

Training

In the matter of training about the sectarian phenomenon, for the seventh consecutive year the National School for Magistrates (ENM) organized a one-week session on sects, conducted by the head of the mission on sects of the department of criminal affairs and pardons, aimed at magistrates and personnel of the administrations in contact with this phenomenon.

It is worth noting that the commission for access to administrative documents (CADA), on February 2, 2004, issued a negative ruling with respect to requests for communication of the names and titles of the speakers and participants in training sessions from 1990 to 2003 and of the correspondence addressed to them.

Activity of the mission on sects

The work of the mission on sects, for the year 2004, essentially involved following the cases of children in sectarian movements, and especially the moving around of children born of parents who are themselves members.

In addition, as MIVILUDES observes, small groups were detected, when engaging in activities harmful to individual freedom.

Furthermore, the activities of certain associations, directed at prisoners and magistrates charged with the surveillance of psychiatric hospitals, motivated a circular by the service of criminal affairs and pardons addressed to magistrates.

Lastly, it is necessary to provide support for victims of sects in cases going to trial, since it has been observed that the sect's continuing hold over them can result in the complainant's retracting his previous statements or minimizing their import, through fear of reprisal.

It should also be noted that there still exists, in spite of improved awareness by the public authorities of the sectarian phenomenon, some reticence by legal authorities to take seriously the statements of these followers, the victims, when they do not have sufficiently detailed testimony to back up their complaints.

The main jurisprudence acquired during the year 2004 will be the object of a separate analysis in part 2 of this report.

Here we will simply cite a decision of the Court of Appeals (September 28, 2004) which observes that the statutes of the UNADFI do not give it the mission to directly undertake civil actions.

By its statutes, the UNADFI (National Union of Associations for the Defense of families and the individual), founded on March 18, 1982, has as its sole object that of linking, supporting, and coordinating the various local Associations for the Defense of Families and the Individual (ADFI) and all regularly declared associations. The object of the latter is to alert and defend families and the individual against the practices of groups, movements or organizations of a sectarian character. Nevertheless, unlike the National Union, these local associations are not recognized as of public utility. Therefore they cannot become plaintiffs.

This decision of the Court of Appeals provisionally makes it impossible for the UNADFI to join as a plaintiff in the sense of article 2-17 of the Code of penal procedure. This situation can only be resolved by a legal reform or a modification of its statutes, which is what the association is currently engaged in.

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Department of Legal Protection of Youth

Joint action within the Ministry of Justice concerning questions on sects

In 2004 the Department of Legal Protection of Youth (DPJJ) continued its joint partnership with the mission on sects of the Department of Criminal Affairs and Pardons.

In this framework, it has been regularly tracking certain dossiers involving educational assistance for minors who are being followed by juvenile court judges, and for whom there is a direct link to a sectarian problem. A dozen active dossiers, concerning about a hundred minors, were tracked in 2004.

Each dossier was brought up to date, with updating of the records of each minor involved, and a more general reflection about approaches likely to be pursued in 2005. Among these, the assignment of a PJJ correspondent for sects in each of the regional departments for the legal protection of youth, to work with the correspondent of the appeals courts, seems to be favored.

Questionnaire for jurisdictions

On April 15, 2003, a questionnaire was sent by the Department of Legal Protection of Youth to all children's court judges, whose aim was to support analysis of effective ways of delineating the sectarian phenomenon, to better target the difficulties that arise in dealing with these procedures, and to detect possible needs for further training.

This questionnaire was analyzed, and its results, with the subjects' names removed, were presented during the second semester of 2004 in a report entitled "*Sectarian Problems*".

The responses indicate that a small proportion of the dossiers assigned to child court judges have a sectarian problem as a main element (1.4 out of 1000).

It must be pointed out, however, that qualitatively such dossiers can involve a heavier workload for magistrates and the educational services.

The report, transmitted to the services concerned, may be useful for training purposes.

A case of jurisprudence in the domain of educational assistance

A judgment of the Court of Appeals of Lyons, dated September 7, 2004, revised a decision of the children's judge of Villefranche-sur-Saône dated December 11, 2003, which found that there was no need for legal educational intervention regarding three minor children of the same family.

The public prosecutor had appealed this decision, considering that it was indispensable to apply a measure of educational assistance given the convictions of the parents, who were members of a movement whose doctrine constitutes a danger for the children.

Both parents in this case were members of the movement *Sahaja Yoga*, whose doctrine advocates that children are to be taken in charge by structures linked to the movement. The oldest of the children had spent several periods of several months, first in Italy, then in India, and the youngest was to follow the same program, a project which had been blocked by the measure of educational assistance.

The parents stated that they no longer envisaged sending their children abroad, and believed that the conditions of article 375 of the Civil Code were no longer satisfied.

However the conclusions of the expert's report were that the children were in psychological danger, "given the very strong hold on their parents due to their adhesion to the theses of the *Sahaja Yoga* movement".

The Court concluded that the conditions for the education of these minors were thus seriously compromised, and it ordered a measure of educational assistance in an open setting for the three children, for a period of one year, mentioning that the experts did not exclude the possibility of a separation to protect the children if "the alliance" with the parents was not successful.

This decision is of interest in that it establishes a direct link between the doctrine of a movement and the notion of danger in the sense of article 375 of the Civil Code.

MINISTRY OF FOREIGN AFFAIRS

Foreign attitudes

In other countries, there is no foreseeable change in the approach to the problem of sectarian aberrations. Although the sectarian phenomenon persists, nothing indicates that it is getting worse, and no major drama has recently drawn public attention. Unless there is some unpredictable change, which is always possible if an event occurs of the kind that arouses deep feelings, the situation should remain the same. Some of our partners, such as the United States, are mainly sensitive to the risks that specific regulation might have for freedom, in particular religious freedom. Our European neighbors, more conscious of the need to remain watchful, have adopted a relatively discrete approach, and nothing suggests that it is going to be reinforced. All rely on prevention, education, the promotion of human rights, and individual freedom, rather than on specific legislation and structures. As for the few countries in the world which favor an attitude of firmness with respect to sects, it may be feared that they will use the arsenal they envisage creating for political ends. We observe, nevertheless, that the French exception, while it is no more imitated than before, is better understood and regarded with interest. The reports of the U.S. State department on religious freedom in the world describe our approach without criticizing it. Criticisms directed against France in such international bodies as the OSCE have, for the most part, ceased. Some of our European partners have shown their interest in exchanges of useful practices.

In Belgium, the mechanism involves an independent body created in 1998 by the Ministry of Justice, the Center for information and advice on harmful sectarian organizations (CIAOSN). Its composition and functioning were defined in 2004 by law. Its missions concern the study of the sectarian phenomenon in the country, as well as its connections abroad. It receives and informs the public, and makes documentation available. It assists any person who asks with information on how to exercise his or her rights. It cannot by itself lodge a complaint, but it encourages the victims of sectarian practices to do so. It issues opinions and recommendations about harmful sectarian organizations, and, in particular, on the strategy to adopt in dealing with them.

The CIAOSN is composed of eight full members and eight deputy members, half of them named by the House of Representatives, half by the Council of Ministers. It publishes a report every two years. Its opinions are respected and its positions always interest public opinion. In 2004, it was

opposed to the Church of Scientology. The *Raelians* and some evangelical groups are also among the organizations cited in its communications.

Overall, our European partners adopt a very liberal approach to the sectarian phenomenon. In countries of Anglo-Saxon tradition, which have long been accustomed to the flowering, and reflowering, of religious movements, this is a deliberate attitude. In Great Britain anyone can create a “church” and there are no constraints on its functioning. However some control is exercised by the *Charity Commission*, an independent government-funded organization which tracks the activities of religious associations and can grant or refuse them the status of a “charity”, which corresponds to the notion of an organization of public utility in France. Alongside the public authorities, there are associations that have been created for counseling or defending victims of sects. In the Netherlands there are no specific regulations applying to sects. There is no official document providing statistics on religious movements. Only public order and health protection can motivate restrictions on religious freedom. In certain Scandinavian countries, however, the existence of the “status” of a religion, accompanied by identificatory criteria, allows some control (thus the *Church of Scientology* was not able to obtain this status in Denmark).

In the Mediterranean countries (Italy, Spain, Greece), the concern for individual freedom is not as predominant, but the existence of a very dominant religion produces the same result, so strong is the conviction that the new religious movements constitute a marginal and negligible phenomenon. In Italy, a bill aimed at adding the offense of mental manipulation to the Penal Code is still under examination. In Greece there is no mechanism for surveillance, nor, *a fortiori*, any specific structure. The only associations that can be called to account are those which have committed infractions to the Penal Code. In Spain, the appearance of sects in the sixties led only to very prudent steps on the road of prevention and repression (commissions to study the sectarian phenomenon, specialized police action targeting “destructive” sects); the recommendations of a joint Justice / Interior commission of 1999 were not translated into law. But while it is true that in these countries the preponderant role of the traditional churches has been a brake on the sectarian phenomenon, it has nonetheless been developing. Greece is said to have several hundred movements which might be called “sectarian”. In Spain, sects seem to be in a phase of consolidation and the rapid development of the Internet has facilitated sectarian propaganda. The shock caused by the recent islamist attacks should lead to greater vigilance towards the behavior of certain groups, including religious ones.

The situation of the countries of Central Europe is a little different, since they have a tradition of both religious pluralism and state intervention.

In Germany, where sectarian movements have shown some growth, in particular in the new *Länder* of the east, a policy of prevention and assistance to former disciples is applied at the local level. In each *Land*, a position has been created for the head of a mission on sects. At the central level, criteria have been defined that must be met to obtain the status of an established church. There are meetings between Federal officials and representatives of the *Länder* to exchange information and experience. In spite of all this, interest in the problem remains limited, with civil society very structured and the state religions still strong. So far, no sect has been outlawed. In addition, the possibilities of action by public authorities are restricted, since the Federal constitutional tribunal strictly enforces the principles of state neutrality and religious freedom.

By adopting specific structures, Austria has gone further: at the federal level, a mission for sectarian questions has been established, whose role is to inform the public through brochures or studies. A law on religious communities allows new religious movements to acquire the status of legal entities, with the concomitant advantages (in particular fiscal), after a period of probation, and this is both an encouragement and a means of control. The ministries of the Interior and of Education play a preventive role. Several *Länder* have set up structures to inform the public of sectarian risks. In Switzerland, the absence of policies and structures at the Federal level is accompanied by some awareness at the canton level, and the establishment of mechanisms independent of the public authorities.

In this context, our approach to the sectarian phenomenon sometimes surprises others, while also interesting them. There are many indications that the French system inspires curiosity and that exchanges with France on approaches that seem to work are desired, even by countries whose conception is very far from our own (such as Great Britain). The missions of MIVILUDES representatives abroad are greeted with great interest. It is important to respond to these expectations, not in order to spread our institutional system and practices (which might be taken to an illegitimate extreme in other contexts) but to correct clichés, and, abstracting away from legitimate differences in conception, to benefit from the advantages of a comparative approach.

MINISTRY OF DEFENSE

The mission of vigilance

Particular attention is paid to the protection of minors and to communities that have adopted an autarchical life style.

This preventive mechanism relies on correspondents, at the regional and departmental level, created in 2004 and charged, for example, with representing the gendarmerie in the departmental cells of vigilance, coordinating the action of the units, and facilitating relations with all government and territorial services.

In the area of education, actions to promote awareness of the notion of sectarian aberration and the role of institutions are carried out with the military, both in the initial training stage and in later training.

The mission of combat

On the initiative of the legal authorities, or when a complaint is lodged, the units of the gendarmerie carry out investigations relating to violations of the law and regulations, or disturbances to public order.

1 –Observed aberrations and potential risks

The affairs reported to units of the gendarmerie in 2004 essentially concern harm to property (fraud) and persons (breach of trust, fraudulent abuse of a state of weakness).

As in 2003, the creation of a large number of associations was noted, whose declared purpose was personal development, the pursuit of well-being, harmony with the elements, relaxation, and which propose non-conventional or unproven practices. Certain signs (the professional references listed by the directors, financial demands that are often exorbitant) are reasons for continued vigilance.

The activities of movements exhibiting sectarian aberrations are still essentially in the area of pseudo-therapies, most often targeting fragile individuals, ill or in distress, or health professionals.

In the domain of health

In the area of alternative medicine, while the line between tolerable or inoffensive methods and harmful practices is difficult to define, certain practices draw attention. A few situations are worth mentioning.

- In Val d'Oise, a pseudo-religious movement claims that "evil, hence sickness, is only an illusion", that "sickness and death could not have been created by God, thus they do not exist". "One must flee doctors with horror". A refusal to be hospitalized was reported, motivated by respect for the teachings of this movement.

- Certain associations targeting drug and alcohol dependent persons and proposing treatments based on hallucinogenic plants require attention, especially those who claim, for example, to cure dependence on heroin in a single night.

- Other movements continue to claim that the Aids virus is still not determined and because of this reject existing therapies, instead offering patients treatments that are not in conformity with the scientific data.

- Certain associations whose therapists are forbidden to practice and to conduct training sessions, continue their proselytizing on the Internet and now exercise their activities in Switzerland, Belgium, and overseas.

- Lastly, parents have denounced certain methods and pseudo-therapies targeting gifted or handicapped children.

In the area of child education

Certain units had their attention drawn to the situation of children receiving schooling in a community, and where the educational conditions may be compromised due to the engagement of the parents.

In two communities it was reported that minors had run away, or young people having reached the majority had left, because they would no longer accept harsh or intolerant schooling.

In the area of individual or professional education

Numerous centers, located especially in southern France, proposing courses of personal development or resourcing, or "qualifying" training in general psychology or assistance, have drawn questions both from elected officials and the rest of the population.

Consultation of the Internet sites of these associations reveals that they target fragile individuals above all ("those who are suffering or who have undergone psychotherapy are welcome") or health professionals, and although they claim to be non-profit associations, the financial demands are often exorbitant.

Other areas

Lastly, movements proselytizing on the Internet and trying to become implanted in France, such as an association which advocates the progressive elimination of the human race and bases its action on four principles — “suicide, abortion, cannibalism, and sodomy”, or a racist movement whose goals are to “redress the thinking of the brothers and sisters of race and build as quickly as possible a whiter and brighter world”, are a good indication of the diversity of the aberrations which public authorities may have to deal with.

2 – The main legal matters handled by gendarmerie units

The main investigations, undertaken on the initiative of the legal authority, or because of a complaint, concerned the infractions of:

- abuse of weakness, abuse of confidence;
- fraud, clandestine employment;
- illegal practice of pharmacy, or medicine, usurpation of title;
- habitual violence on a minor of or under 15 years of age by a person in authority (educational system based on corporal punishment and isolation in total darkness);
- homicide;
- death threats;
- profanation and degradation of religious sites.

The investigations carried out by gendarmerie units for acts of profanation or degradation of religious sites have led to the arrest of about fifty individuals.

3 – The situation overseas

In French Polynesia, disciples of a community of the apocalyptic type, of whom some were forced to leave their family and job, give their possessions to the movement, sell their land, contract bank loans, or turn over their bank cards or family allocations and work exclusively for the community, reported their precarious situation and the fraud perpetrated on them to the authorities.

In Martinique, the head and founder of a pseudo-evangelical movement was indicted for the rape of minors and fraud.

In Guyana, an adolescent died as the result of corporal violence inflicted during sessions of exorcism.

MINISTRY OF THE INTERIOR, INTERNAL SECURITY AND LOCAL LIBERTIES

The Ministry of the Interior, Internal Security, and Local Liberties is engaged in a task of analysis and combat against sectarian aberrations which takes into account:

- the evolution of the sectarian phenomenon, both with respect to the of social and economic sectors involved, and the ways the movements are structured and operate;
- the difficulty of gathering the evidence that would prove the existence of a sectarian aberration;
- the disparity in the size and the activity of sectarian movements according to the regions involved.

While the attention of public opinion is drawn to the action of certain movements which the media regularly characterize as sects and which interest them because of the large number of disciples or the membership of celebrities, attempts at proselytizing and abuse of credulity are also, and in fact mainly, the work of small structures acting in a more diffuse way, and thus less visible. This is especially the case in the area of professional training where pseudo-courses in personal development are organized.

The central service of the Renseignements Généraux (DCRG) exercises particular vigilance towards actions that target minors or fragile adults.

The development of the phenomenon of *“indigo children”* illustrates the danger, persistent and multiform, posed for minors by sectarian aberrations. *“Indigo children”* and the method called *“facilitated communication”* head the list of the deviant therapies most often cited. Many self-proclaimed psychotherapists have exploited this lucrative lode of children who are hyperactive *“because they are of cosmic origin”*, or the above-mentioned method which is supposed to allow the handicapped to express themselves by striking a keyboard, even if they are illiterate. The exploitation of *“facilitated communication”* is welcomed by the *“New Age”* nebula.

The indictment should also be mentioned, for *“abuse of weakness on minors, denial of health care, moral violence and non-presentation of children”*, in April 2004, in the department of the Ardennes, of three Child Social Aid educators, disciples of a movement denounced for its sectarian aberrations.

Minors can also be used to ensnare parents who are seduced by offers to help children catch up in school, private lessons, etc.

In addition, certain therapeutic and psychotherapeutic methods can also be vectors of sectarian aberrations, by attracting many of the ill, the psychologically fragile, and health personnel. Thus, in July, the Court of Appeals of Chambéry sentenced a former doctor who was head of a movement offering non-tested methods for curing cancer to a three-year prison term for “*illegal practice of medicine*” and “*complicity of fraud*”.

The protection of children and surveillance of therapeutic and psychotherapeutic deviations are the two priorities defined by the DCRG for their work in 2005.

2005 will also be marked by a reorganization of the decentralized administrative mechanism set up in the departments of France for combating sectarian aberrations. At present this is based on “cells of vigilance”, created by a circular of the Ministry of the Interior dated December 20, 1999. These cells, headed by the department prefect, convene the relevant government services, with the object of developing the exchange of information and coordinating the actions of the state services for the prevention and combat against sectarian aberrations.

As part of the program of “simplification of decentralized administrative commissions”, the Minister of the Interior, Internal Security, and Local Liberties, proposes integration of “the cells of vigilance” with the “departmental council of prevention of delinquency, combat against drugs, and aid to victims”.

The composition, organization and functioning of this instance will be defined by a decree, currently under development, with the deadline for application fixed as June 30, 2005.

The local mechanism for prevention and combat against sectarian aberrations will thus be strengthened:

- its creation will be formalized by a regulatory text, and not just a circular;
- the composition of the Council, which will not be limited to national services but broadened to include members of territorial units and associations, will increase the exchange of information and facilitate detection of cases of sectarian aberration.

MINISTRY OF ECONOMY, FINANCE, AND INDUSTRY

General tax service (DGI)

Subjecting of manual gifts to free transfer rights Decision of the Court of Appeals of October 5, 2004

Gifts and bequests to a religious association are exonerated from free transfer duties when the prefectural authority has issued an authorization identifying it as a religious association entitled to receive such gifts (art. 795-10° of the CGI). Otherwise, manual gifts are taxed as free transfer rights when they have been declared or revealed by the donor to the tax administration (art. 757 of the CGI).

On the occasion of a tax inspection of an association which listed in its accounts as “gifts” the payments it had received from its disciples, the tax administration judged that this practice was to be analyzed as constituting the revelation of a manual gift, so that the payments were subjected to free transfer rights, since the association could not show the required administrative authorization.

In a judgment of February 28, 2002, the Court of Appeals of Versailles, confirming a judgment of the TGI of Nanterre dated July 4, 2000, validated the position of the tax administration.

In a judgment of October 5, 2004, the Higher Court of Appeals rejected the appeal formulated in June 2003 by this association against the decision of the Court of Appeals.

On the principal point of litigation, the Higher Court confirms by this decision that *“the presentation by the association of its accounts during a tax inspection regularly conducted by the tax administration, fulfilled the obligation to establish and present accounting documents, and constituted revelation in the sense of article 757 paragraph 2 of the CGI”*.

The Customs service and indirect duties

In the exercise of its traditional mission of inspecting imported goods, the customs service obtained information relevant to the areas of competence of MIVILUDES, and reported it, via the national directorate of customs information and investigations (DNRED).

In 2004 the DGDDI also carried out basic actions aimed at increasing the vigilance of its services.

In September 2004, a meeting with MIVILUDES led to the creation of a document file for the use of all customs services, to inform them about the missions of MIVILUDES, and the role the customs service can play in the combat against sectarian aberrations.

MINISTRY OF NATIONAL EDUCATION, HIGHER EDUCATION AND RESEARCH

Since 1996, the Ministry of National Education has had a specific instrument: the Cell for Prevention of Sectarian Phenomena (CPPS). This cell, headed by two inspectors general who are members of the executive committee of MIVILUDES, can count on a network of academic correspondents.

In 2004, the CPPS focused its work especially on the checking of children schooled at home or in private establishments without a public education contract. 677 checks were carried out by inspectors, in application of the law of December 18, 1998, *aimed at reinforcing checking of the schooling obligation*. In a few, very rare, cases, the families were induced to enroll the child in a public or contractual private establishment. It should be noted that there has been a considerable reduction in the number of home-schooled children in France (6000 in 1998 – barely more than 1000 in 2004).

In May 2004 the Cell for Prevention of Sectarian Phenomena organized a training program for two inspectors of each regional academy (one for primary schools, one for secondary schools) as well as for the academic correspondents of the CPPS, to better prepare them for of this type of verification. The services of the Department of Legal Affairs (DAJ) published an updated text on this occasion about verification of the schooling obligation.

In addition, the Ministry of National Education continued the work it has been doing for many years on the prevention of sectarian phenomena. The academic correspondents organized 23 training courses for supervisory and medical-social personnel, five training courses aimed at the students in university teacher-training institutes (IUFM) and awareness training for inspectors as part of their initial training in 2004.

This educational policy in effect for the past eight years seems to be showing results: reports of sectarian aberrations in the educational setting have been considerably fewer in the last few years.

In addition, the CPPS has been working with the department of legal affairs and the department of school instruction on modification of the decree of November 6, 1992, which defines the regulatory framework for relations between the public education service and associations operating in the school environment. The certification system may be modified. The goal

is to guarantee the quality of the association's contribution and prevent all sectarian proselytizing. This is a goal for the current school year. The effort accomplished in checking the condition of children outside the institutional school system will be continued, as will the awareness training sessions systematically offered to supervisors and inspectors.

MINISTRY OF YOUTH, SPORTS, AND THE ASSOCIATIVE LIFE

Sports

In the area of sports there can be attempts at thought-control aimed specifically at high-level athletes. Gymnastic clubs, health and fitness clubs, the personal development sector, psychological preparation, yoga, and other similar practices can offer favorable settings for this type of aberration.

One must also be aware of the existence of associations which propose experiences of adventure, dangerous treks, self-surpassing, which find a favorable response from some organizers.

Associations

Although this is not common, some sectarian organizations try to penetrate the extracurricular aspects of the educational system, hiding behind misleading names. Themes like justice, human rights, the combat against drugs or violence, or for peace, can serve as disguises for organizations whose real goal is the manipulation or recruitment of disciples.

Educational organizations

Proposed training courses targeting educators and labeled as “personal development” can be sites of intense recruitment efforts.

School Support

The field of tutoring and educational help is not free from certain forms of proselytizing, so vigilance is required on the part of those responsible for organizing such school-oriented activities. Verifiable written references are required from outside tutors. The school accompaniment charter represents a guarantee when signing local educational contracts, for example.

MINISTRY OF SOLIDARITIES, HEALTH, AND THE FAMILY

Directorate general of health
Department of hospitalization and organization of health care

MEDICAL PRACTICE

Legislation relating to the illegal practice of medicine

After various requests for information by decentralized services of the ministry, or by individuals, with respect to certain non-recognized medical practices (sophrology, phytology, etc.), or practices recognized but restricted to medical doctors (acupuncture, homeopathy, etc.), the ministry of health issued a systematic survey of the legislation concerning the illegal practice of medicine, and asked the departmental services of sanitary and social affairs (DDASS) to file complaints, when necessary, for the illegal practice of medicine.

Refusal of health care and blood transfusions

The Ministry of Solidarities, Health, and the Family has prepared a technical document on the refusal of health care and blood transfusion. This document recalls the law, the jurisprudence, and the duties of doctors, in particular the obligation to use all means to convince the patient to accept adequate health care, while respecting his right, by law, to refuse health care. The purpose was to inform doctors likely to be confronted with this situation about how to behave, and what precautions to take, in particular circumstances.

Commission of deontology for hospital professions

The commission of deontology for public hospital professionals, introduced following the law of January 29, 1993 concerning the prevention of corruption and the transparency of economic life and public procedures, mentioned, in its 2003 report, the decision of certain hospital personnel to reconvert to the use of non-recognized practices. The 2004 report will alert the regional and departmental services of sanitary and social affairs (DRASS and DDASS), the regional hospitalization agencies (ARH) and health establishments about the vigilance they should adopt.

MENTAL HEALTH

Use of the title of psychotherapist (law of August 9, 2004, article 52)

We recall that this point is treated in chapter 11.

Citizens Commission on Human Rights (CCHR-Church of Scientology)

The CCHR, an emanation of the Church of *Scientology*, has engaged in virulent opposition towards psychiatrists and psychiatry and denunciations of what it considers to be an “*abuse of forced psychiatric internments*” (CCHR report of January 2004).

The CCHR has the habit of requesting, from the health administration, reports of the departmental commissions of psychiatric hospitalizations, and reports of visits to psychiatric establishments, and when the request is not granted, this leads to numerous formal complaints, some of which were pending in 2004.

A note of information dated May 27, 1997, relative to the intervention of certain organizations in the domain of psychiatry, indicates how to react in such cases.

On January 13, 2004, the ministry put a file on its Intranet site concerning the rights of persons suffering from mental illness, which contains this note of information.

At the request of MIVILUDES, an email dated January 15, 2004, asked the DDASS to communicate this file to directors of health establishments and, in particular, to those who have mental patients hospitalized without their consent.

An email dated August 25, 2004, was sent to the DDASS, specifying that hospital visits by the prefect or his representative are organized in conformity with the existing legislation, and that it is the role of the Psychiatric Hospitalization Commission, and no other body, to check on psychiatric hospitalizations.

Doctors’ and citizens’ collective against the degrading treatments of psychiatry (Church of Scientology)

A “*Doctors’ and Citizens Collective against the Degrading treatments of psychiatry*” has appeared to denounce shock therapy. The Ministry of Health informed the DDASS of the links between this Collective and the *Church of Scientology*, and invited them to distribute a dossier on this subject to general physicians and health establishments, in particular those handling patients with mental disorders.

Aid to victims

The directorate general of health has been consulted about the coverage of individuals who have been victims of a psychological hold.

The problem of victims of a hold and the psychological consequences resulting from it, and the difficulties health professionals have in diagnosing and treating them, have been the subject of many work sessions.

It was found that what is specific to victims of sectarian aberrations is the situation: the phenomenon of a hold or psychological and/or physical mistreatment in the context of a sect. The clinical problems themselves are similar to those presented by other types of victims.

Thus, the psychiatric treatment of victims of sectarian aberrations involves techniques from the broader domain of clinical treatment of victims of psychological traumas.

CONTINUING EDUCATION OF HEALTH PROFESSIONALS

Vigilance in the purchase of training courses

The orientation circular of the Department of Hospitalization and Organization of Health Care (DHOS) relating to the main guidelines for health professional training in 2006 will emphasize heightened attention in health establishments of the precautions to be taken in choosing training courses.

The ministry is also in constant touch with the awareness cell of the National Association for the Continuing Education of Hospital Personnel.

PERINATAL PLAN

The 2005-2007 perinatal plan includes an experiment with birthing houses, linked to public or private technical installations, and functioning with independent or hospital-based midwives. The dossiers of those offering such services will be studied on the basis of pre-established criteria guaranteeing the safety of mother and child, even though medical equipment will be less present in these structures. For instance, they must be part of a perinatal network.

This plan also institutes an additional interview in the fourth month of pregnancy, aimed at detecting possible psychological vulnerabilities in the future mother.

Even if they do not directly address the problem of sectarian aberrations, these diverse measures should at least allow increased precision about what is meant by the physical and psychological security of the future mother and her child.

INFORMATION

The ministry of solidarities, health and the family distributed in 2004 a brochure entitled: “ *Collective accidents, attacks, natural catastrophes: how health professionals should behave*”. A chapter entitled: “*The risk of sectarian aberrations: the intervention of sects at catastrophe sites*”, exposes the intentions and actions of sectarian movements in this domain. It calls for vigilance in face of their increasing attention to victims at catastrophe sites.

MINISTRY OF EMPLOYMENT, LABOR, AND SOCIAL COHESION

Directorate general of social action

The Ministry of Employment, Labor, and Social Cohesion, and the Ministry of Solidarities, Health, and the Family, are confronted with situations that place them among the ministries most concerned with the treatment and prevention of sectarian aberrations. This concerns a great deal of social legislation (the Work Code, Social Security Code, Public Health Code, Code of the Family and Social A+id). The situation is even more troubling in that the action of sectarian groups mainly targets those who are fragile, in difficulty, marginalized, or in need of protection.

Increased awareness of this situation has led these two ministries to accentuate mobilization of the administration, and in particular of the inspection services. Lastly, professional, public, and associative “networks” linked to them have also been alerted.

In parallel, these two ministries wish to acquire a permanent tool for information on sectarian aberrations and how to deal with them which will be on the Intranet of these ministries. Links will be developed, in particular, with the site of MIVILUDES, the main ministry departments concerned and the specialized associations. This tool should be available in 2005.

Questions relating to children remain a subject of concern and require an increase in all forms of vigilance. These should be particularly active in favor of handicapped children.

During the last quarter of 2004 the Directorate General of Social Action (DGAS) examined the problems raised in its domain of competence by social assistance to former sect members (reinsertion, housing, resources, and follow-up). Early in 2005, concrete proposals will be made by the DGAS to relevant associations, in particular Associations for Defense of the Family and the Individual (ADFI). These will take the form of a program to inform and train volunteers working for these associations on questions of social assistance. In parallel, the Directorate General of Social Action has recognized the need to inform all social workers about the problem of sectarian aberrations. For this purpose, a meeting has been organized with leaders of associative networks representing training centers for social workers.

The General Delegation for employment and professional training

The national interprofessional agreement (ANI) of December 5, 2003, adopted by the social partners, and law n°2004-391 of May 4, 2004 relating to life-long professional training and the social dialogue, have changed essential aspects of the system of professional training.

Other legislative changes have also taken place in this field, with the decentralization introduced by law n°2004-809 of August 13, 2004, relative to local liberties and responsibilities (Chapter III) which specifies the contributions and new competences transferred to territorial bodies, and in particular the regions (Regional Councils).

The goal of these structural transformations is increased responsibility of participants in educational training (professional branches, territorial entities, firms, employees, individuals) and improved recognition of human resources (the individual's right to educational training, development of skills, professionalization, access to a recognized professional qualification, validation of acquired competence and experience, etc.) and territorial resources.

In this highly evolving context, the missions of verification and regulation of the system of professional training are being adapted and modernized (cf. ordinance n°2004-602 on simplification of the law of June 24, 2004) moving from verification operation by operation (convention) to critical examination based on the specific circumstances of the service provider (activity); this should result in better knowledge of the activities involved in professional training.

Lastly, in addition to the extracts of administrative jurisprudence cited in the contribution to the "*Guide for the public agent confronted with sectarian aberrations*", a recent judgment of the Administrative Court of Appeal of Bordeaux, read in public audience on November 18, 2004, supports the positions adopted by the Ministry of Employment, Labor, and Social Cohesion. It states that "*the training courses entitled Avatar and Objective Goal propose to participants, respectively, "to discover their personal goal" and "to regain mastery of their life situation, both personal and professional" via "simple and concrete experiences and exercises" or by the development "of the faculty of intuition"; that such activities cannot be regarded as actions of acquisition, maintenance or improvement of knowledge covered by article L. 900-2 6° of the Work Code nor as actions giving rise to an evaluation of competence in the sense of this article... that, therefore, the prefect of the Aquitaine region was justified in refusing to admit the expenditures connected with this training and subjecting*

association X to the payment to the Public Treasury provided for by the aforementioned dispositions of article L. 920-10 of the Work Code”.

The risks of sectarian aberration observed in the field of professional training are most often cases of charlatan practices harmful to individuals. They come with deceptive or misleading advertising (organizations claiming to be approved by the state but which give no recognized diploma), they diversify their media supports (multiple Internet sites, book references, etc.) and increase the risk of involvement with sectarian phenomena for individuals, salaried or not, and companies.

Very often the actions proposed have no direct relation to the acquisition of real professional competence and/or access to, or maintenance of recognized professional qualification.

It is also worth noting the very imprecise and/or esoteric character of the goals, programs and contents of the training, addressed to all comers and often bearing little relation to the complexity of the subject matter or the training goals mentioned.

The regulatory services for professional training are increasingly confronted with microstructures or individual service providers, presenting themselves as independent educators. Some of these claim to be “certified practitioners” basing their activity on an attention-getting product; they may also propose access to certification.

Most often, these service providers are part of an organized network. Their mode of operation, the diversity of the services offered and the range of its forms (lectures, seminars, courses, books, aids to getting started and study materials) are likely to present risks of sectarian aberration.

These risks concern not only the receivers of such “training”, the individuals and companies, but also the purchasers and payers.

15 – Activity of the Prefectures

The departmental cells of vigilance

Goals

The mechanism of departmental cells of vigilance, introduced in 1999, is an essential one, since it helps:

- promote exchange of information between the decentralized services of state administrations;
- avoid risks of fragmentation of government action;
- inform and advise the central public authorities of the activities of sectarian movements in the departments and prevent risks;
- coordinate the actions of the government.

Meetings

During 2004, thirty-five departments, including one overseas (Guyana) had a meeting of their cell of vigilance. In fact Rhone and Paris had two. Of these thirty-five departments, thirteen created a cell for the first time: Ardèche, Aude, Corrèze, Côte d'Or, Hérault, Ille-and-Vilaine, Indre, Indre-and-Loire, Landes, Lozère, Marne, Meuse and Seine-Saint-Denis. As of December 31, 2004, eighty-eight departments had set up a cell of vigilance, starting in 1999.

We note, on the one hand, that during 2003, almost half of the departments had done this, and that, on the other hand, MIVILUDES, among its ten propositions for the year 2004 had called for invigoration of this mechanism, asking department prefects to convene their cell of vigilance at least once a year.

It must be recognized that in 2004, only 34% of the departments called such a meeting, and we may ask why this response was so weak, in spite of the desire of MIVILUDES and the Ministry of the Interior, Internal Security, and Local Liberties to encourage this mechanism.

Some prefects judge that their department has very little “sectarian activity” and that it is no doubt not necessary or useful to set up the structure and give it life. Others see the sectarian phenomenon as a matter of public safety and treat the problem in the framework of the departmental conference on security (this is the case of Savoie, for example).

Careful examination of the minutes of cell of vigilance meetings allows us to see activities at the department level. Thus we see a few strong points with respect to representativity, the sectarian landscape, the

implication of state services, and initiatives worthy of interest and encouragement.

The participants

Justice is generally represented by the public prosecutor or one of his substitutes. Sometimes it is the Attorney General for the Court of Appeals who attends, as in Côte d'Or. The police and the gendarmerie are particularly active, presenting sectarian activity in the department.

Practically all state services are present except for equipment, agriculture, and the veterinary services, less concerned by the subject.

We observe, following the recommendations of MIVILUDES in its activity report for 2003, that elected officials are more often represented by a delegate of the departmental association of mayors or an elected member of the General Council.

As for the General Council, the services charged with social questions or solidarity appear increasingly concerned about the protection of minors and fragile individuals (the handicapped, the elderly, those on RMI welfare) from sectarian aberrations. Thus representatives of the services for social aid to children or the protection of mothers and infants take part in meetings more and more frequently.

Lastly, associations such as the Departmental Union of Family Associations (UDAF), the Associations for Defense of Families and the Individual (ADFI), the Center Against Mental Manipulation (CCMM), take part fully and report about calls from families or victims. Certain departments keep statistics on telephone calls, sometimes anonymous, and meetings with families: this is the case, for example, in the departments of Ile-de-France.

The sectarian landscape

To carry out its mission of observation, MIVILUDES, in addition to the information it obtains from the central services of the police and gendarmerie and its own investigations, gives priority to the analyses of the departmental cells of vigilance. In these, we observe almost always the continued presence of movements already reported, but also the development of new and more diffuse structures. For instance, there are reports of the *New age* nebula, in particular the *Kryeon* movement, alternative therapies, personal development, and also infiltration attempts aimed at the fragile, the elderly, the handicapped, and job-seekers. The department of Meurthe-et-Moselle, for example, has reported the existence of aberrations in the area of insertion contracts for beneficiaries of the minimal insertion income (RMI).

Lastly, we observe new methods of disciple recruitment associated with cultural activities like theatre; we also see “gurus” who have transformed themselves into “modern therapists”.

A recurrent problem

A recurrent problem is that of the renting of municipal space to associations. In an ordinance of May 13, 2004, the administrative tribunal of Paris recalled the principles governing this question by “*upholding the request presented by the Religious Association of Jehovah’s Witnesses of France to whom the city of Paris had refused, on April 22, 2004, to lease Charléty stadium, where it wanted to organize a large gathering*”. The city of Paris maintained that it was justified in refusing to authorize the organization of such a meeting at Charléty stadium because of the proselytizing which the requesting association engaged in and because the projected event was likely to harm its image. The administrative judge recalled that a fundamental freedom such as the freedom of assembly could only be curtailed for reasons related to the maintenance of public order or requirements of the administration of communal properties.

Initiatives worth reproducing

Some departments want to network the decentralized services of the government (this is the case for Aude). The department of Rhone has created a bureau of the cell of vigilance which meets when needed as a sort of permanent office for the cell: the bureau organizes *ad hoc* work groups, develops forms for specific themes, and auditions people and associations.

Practically all the departments want to strengthen the links between the victims’ aid associations and the law, to facilitate the exchange of information. Thus a project for an “exchange form” has been started in Val-of-Marne, and “reporting forms” have been developed in Vendée.

In Hérault, the prefect proposes training sessions for the members of the cells of vigilance.

Lastly, in Rhone, the prefect would like to improve the verification of associations. He suggests refocusing the combat against sectarian aberrations in connection with the policy of social cohesion and integrating it with the missions of the “Commission for the promotion of equality of opportunity and citizenship” (formerly the CODAC, Departmental Commission for access to Citizenship).

Such initiatives are to be encouraged and developed.

Regional correspondents

Proposition 10 of the 2003 activity report envisaged *naming a MIVILUDES correspondent in each regional prefecture*.

The regional correspondents of MIVILUDES were installed on April 7, 2004. They were assigned the mission of guiding and coordinating regional activities, essentially in the domains of:

- information exchange between central and local echelons;
- training, by suggesting, or even organizing, actions aimed at public agents;
- leadership, especially by making sure the departmental cells of vigilance and thematic work groups hold meetings in the departments;
- awareness, by keeping public opinion informed of the risks and dangers linked to the sectarian phenomenon.

An initial evaluation of the work of the regional correspondents was realized at the December 8, 2004 meeting in Paris. With the help, in particular, of the thirteen activity reports addressed to the Mission, new orientations and activities can be viewed in perspective. This useful work made comparisons between the departments possible, and allowed checking of observations about the evolution of the sectarian landscape for coherence.

Some correspondents have questions about the mechanism of vigilance to be established at the regional level (this is so for the Limousin and Provence-Alpes-Côte d'Azur). Two thematic poles may be concerned "education and training" and "public health".

Several regions, such as Aquitaine and Nord-Pas-de-Calais, cite athletic activities as one of the "sectors at risk" insufficiently considered by the public authorities.

As for positive actions, the following are worth mentioning:

- Better coordination of decentralized state services at the regional level—for example the Ile-de-France and Lorraine regions convened a meeting of the cabinet directors of the department prefects and have undertaken to do this once a year; the regions of Limousin and Pays de la Loire had a meeting of representatives of the regional administrations, the Public Prosecutor's offices, representatives of elected officials and associations; the Rhône-Alpes region has developed activities of interaction between the regional services (rectorate, DRTEFP, DRASS, DRJS, DIRCOFI);
- Invigoration of the activity of the departmental cells of vigilance, which should, hopefully, bear fruit in 2005;
- Reflection on the "common culture of prevention and vigilance";
- Design, by the correspondent of the Nord-Pas-de-Calais region, of a pedagogical tool, in the form of a set of "*Power point*" slides, which can be used in support of training courses;
- Training actions aimed at public bodies, in Aquitaine, to increase awareness by the purchasers of training courses (DRH of local communities, hospital centers, Caisse des dépôts et consignation (state financial institution

for deposit and consignment), Caisse d'allocations familiales, Chamber of commerce and industry of Bordeaux);

- Closer collaboration (in Champagne-Ardenne) with the National Education department to alert teaching personnel to the sectarian phenomenon in cooperation with the University Institute of Teacher Training.

As for actions projected for 2005, we note in particular our intention to:

- encourage the local press in Bourgogne and Languedoc-Roussillon to better inform the population;
- train the members of the departmental cells of vigilance;
- use the multimedia (Internet site, e-mail address) in Bourgogne and Languedoc-Roussillon to establish direct links and a dialogue between the public and the prefectures.

16 – Associative activity

In 2004, the activity of the major associations for prevention of the sectarian phenomenon and the defense of victims, the National Union of Associations for Defense of Families and the Individual (UNADFI) and the Center for documentation, education, and action against Mental manipulations (CCMM), was marked by changes in their internal functioning and their partnerships. Two new chairpersons, Mme PICARD and M. GROSCOLAS, were elected to head them.

Actions undertaken in 2004

The UNADFI has begun work on a legal database on legal actions for the last five years. It set up a scientific committee on psychotherapy. The service of documentation participated in the preparation of press dossiers and background articles: on *indigo children*, false memories, the *Kabbalah* center, and infiltration of professional training.

For example, the quarterly bulletin *Bulles* supplied information about *Elan Vital*. UNADFI indicates that it has “massively participated in preventive operations concerning the problem of *indigo children* in relation with the press (*le Monde de l'éducation*, *le Canard enchaîné*, *the Dauphiné libéré*) and television stations *TF1* and *France 2*). The association also mentions studies launched during the year on the risks of aberrations in the domain of health in connection with *Facilitated communication* (*Bulles* n°84), the *Community of the Cenacle* (*Bulles* n°83), therapies inducing “false memories”, and recourse to “healing by prayer”.

According to the UNADFI, “we must recognize that, while the major sectarian organizations have continued their expansion, they have also managed to set up, via their members, less visible groups, infiltrating various sectors of social, medical, and economic activity. This more diffuse activity scattered across the country leads us to increase our vigilance”.

As for the CCMM, it undertakes a description of the evolution of the sectarian phenomenon in 2004. It notes two opposite trends at the level of the country:

- the “nationalization” of the major sectarian organizations, with certain sects being confined to different cities and regions. Many of these organizations have abandoned their clearly identified site to better melt into society; is this the reaction to the policy applied by the public authorities for the past ten

years, decisively strengthening the activities conducted for decades by the two main associations?

- the development of microstructures with fleeting names and regionally based organizations, such as *Vie universelle*.

Lastly, the CCMM observes the appearance of a new form of sectarianism, such as Islamic fundamentalist groups, and mentions a few organizations it is currently watching with vigilance, including *Youth in mission*, the *Children of Illythia*, the *Committee of the glorious cross* of Perpignan and the *Center for information and counsel on the new spiritualities*.

Its currently evolving network of members devotes much time and energy to listening to victims and individuals who are worried and self-questioning. This listening enables them, after methodical examination, to determine that a sizable proportion of this questioning does not involve sectarian threats. The answers generally bring information and relief.

Partnerships

The year 2004 allowed the UNADFI to “redefine its priorities for future projects with its different institutional partners following the signature of annual agreements”.

For many years, the UNADFI has been strongly involved in the defense of minors who are victims of sects. In order to better inform the ministries concerned about the specific character of this type of victim (the former Ministry of the Family and the secretariat for victims’ rights), it participates in various work groups concerning children.

In addition, with the Ministry of Social Affairs, it has been decided to make an inventory of the legal affairs concerning this segment of the population.

A “working group on health” will also be set up in 2005 dealing with scientifically untested medical practices.

After a year rich in various kinds of legal proceedings, the UNADFI judges it important to strengthen its communication lines with the Ministry of Justice.

The UNADFI also participated in the seminar on secularity organized by MIVILUDES and the colloquium the Mission organized jointly with the National Council of Lawyers.

Educational activities remain an important part of the work on prevention. The UNADFI responded to requests from territorial units,

national establishments, ministries, and several unions for continued training of their personnel and members.

The CCMM observes that, after being absent from major national debates for years, it is coming to play its part again. It made a contribution to the ministry of health before the debate on the ACCOYER amendment and participated in different national seminars, including those of MIVILUDES and the National School for Magistrates. It is expected to resume its publishing activity.

Lastly, it is worth mentioning the regular meetings between association officials and the chairman of the Interministerial Mission on the status of the cases reported to the public authorities.

Among others, the chairman of MIVILUDES broached the topics of communication and prevention. He expressed the wish that a joint action be undertaken at the level of the territorial units and their representative associations.

17 –Information and training activities

1 - The “Sects and secularity” seminar: *Publication of the acts*

This seminar met every two weeks, from October 2003 to June 2004 in association with the “Carré des sciences” program of the Ministry of Research, and the support of the Ecole Pratique des Hautes Etudes.

The speakers were 24 academics (historians, psychologists, sociologists, sociologists of religion, anthropologists, jurists, philosophers); three doctors, including two psychiatrists; four representatives of the major religious traditions; three foreign speakers (from Belgium, Germany, and the U.S.) and three high functionaries (from the ministries of Foreign Affairs, Interior and National Education) reporting on their resources for action; a State Counselor; two editors of journals (*Etudes* and *Les Cahiers de l'Orient*); three heads of associations for aid to victims of sects.

The attendance was always about forty per meeting. More than 250 people registered, but some came for only one of the subjects dealt with.

The goal of MIVILUDES was to hear both from those who see just “new religious movements” and those who, in the field, are working with the victims of sectarian aberrations. This type of dialogue, here taking the form of a seminar, had never before taken place.

The goal was to clarify the lines of force justifying government actions in the area of sectarian risk: from doctors to jurists, each illustrated the burden of the fraud, and the need for action by a government that is neutral, but not indifferent.

It was also necessary to situate recent developments within a broader framework: comparison with other countries, and some historical perspective, allowed this. The historians brought out the issues underlying of this “sectarian apparition”: a society in crisis, uncertain about its future, because political forms have become obsolete with the new geopolitical reality.

In this year of preparation for the hundredth anniversary of the law of 1905, the support of the secular sector had to be sought, not as a weapon against religion, but as a way of making it possible to “live together” in a multicultural society with multiple affiliations. The sociologists brought this notion up to date, and justified the role of the state in the matter of sectarian aberrations, as did many other speakers, in particular the jurists and deputies. As for the representatives of the major religions, they recognized their internal difficulties in confrontation with sectarian aberrations, and some called for help from MIVILUDES. The acts are published by the DOCUMENTATION FRANÇAISE.

In 2004, MIVILUDES pursued the goal assigned in its founding decree: to *develop the exchange of information and promote the thinking of those who participate in the action of vigilance and combat against Sectarian Aberrations (art. 1^{er})*.

2 - The Internet site

The major event is the opening of the Internet site to the public in late January 2004 (www.miviludes.gouv.fr). The site has nine sections: a presentation of MIVILUDES, the 2003 report, news, aid to individuals, documents and archives, history, international, laws and regulations, seminars and colloquiums organized by MIVILUDES. By the end of November 2004, the site had received more than 11,765 visits. It contains 81 articles. Those most often consulted are the sections on the seminar “Sects and Secularity” and the colloquium “Lawyers confronted with sectarian aberrations”, the 2003 report, aid to individuals, documents and archives, Mission news.

The Mission is particularly attentive to the information aimed at young people and will continue this policy in 2005. In this perspective, it included a study of Satanism on the site, and regularly adds elements needed to inform the public about topics in the news.

3 - The MIVILUDES newsletter

For those working in government institutions, the *Newsletter*, issued quarterly²⁰, is addressed mainly to prefectures, Courts of Appeal, District Courts, and parliamentary members of the national assembly study group on sects. It has many sections, including an agenda, a press review, a survey of parliamentary questions and government responses.

The section “Administrative and legal news” allows examples to be shared with administrative services around the country. On two occasions, the commission for access to administrative documents ruled against requests for the communication of such documents: “*the demand is declared abusive when it has a repetitive and systematic character that would hinder the proper functioning of the administration, or when it risks harm to public safety or that of persons*”. The section also provided up to date information on the conditions for exoneration from the dwelling tax in the case of use of a location for religious purposes, of the libel suit brought by certain movements of a sectarian character against former disciples, or of the need to preserve public order and the tranquility of a neighborhood.

²⁰ In 2004 numbers 3 through 6 were published.

4 - The Guide for the public agent confronted with sectarian aberrations

MIVILUDES has among its key missions, the *informing and training of public agents*. In its activity report for 2003, the Interministerial Mission proposed creation of a “*Guide for the public agent confronted with sectarian aberrations*”.

In the daily exercise of their missions, public agents may be confronted with problems due to aberrations of a sectarian nature. They need to be able to distinguish reprehensible actions, identify groups at risk, file reports when necessary, provide help to individuals, and set up preventive actions. Their actions should be guided by the need to preserve the individual from a dangerous physical or psychological hold, and to warn society of possible disturbances to public order.

This document, pedagogical in nature, has two parts: the first deals with general aspects (the contemporary history of the sectarian phenomenon, the mechanism of the sectarian hold, the approach to sectarian aberrations, the action of the public authorities, the legal apparatus, and aid to the individual). The second deals with aspects specific to the various administrations concerned by sectarian problems (Justice, Interior, Defense, Economy and Finances, National Education, Youth and Sports, Health and Social Protection, Work, Employment and Social Cohesion).

This guide, published with the help of DOCUMENTATION FRANÇAISE in an edition of 20,000 copies, was distributed to supervisory staff for the three public functions (State, territories, and hospitals). It is available on the MIVILUDES Internet site, and on the intranet sites of certain administrations (Justice, National Defense, National Education, Interior, Economy and Finances, etc.).

5 – Various training programs

A relatively large number of educational projects were carried out during 2004 by the members of the permanent team of MIVILUDES. Most were addressed to executives of the French administration. One took place abroad at the request of the Belgian authorities.

The presentations were adapted to the target audiences, but the goals and contents of the training were much the same, covering:

- the contemporary history of the sectarian phenomenon;
- the evolution of sectarian movements in France;
- the actions of the public authorities, and in particular the organization and action of MIVILUDES;
- the notion of a sectarian aberration and the legal aspects;
- the mechanisms of the sectarian hold;

- aid to victims of sectarian movements.

List of training programs and the organisms concerned:

- The National School of competition, consumption, and the repression of fraud, an approach to the underground economy;
- Joint session for schools of public service, at the higher school of national education at Poitiers;
- Paris city administration, training of supervisors and “correspondents for sects” of the 22 departments;
- Ministry of National Education, training for local academy correspondents of the Cell for Prevention of sectarian phenomenon;
- Rectorate of the academy of Rouen, continuing education of medical-social personnel;
- University of Paris XII, training for students in the DESS program “economic intelligence” and “security information”;
- Institute of Higher Studies for National Defense;
- General Council of Charente-Maritime, continuing education of administrative and medical-social personnel;
- National Center for Territorial Public Administration (CNFPT), Continuing education of regional delegates responsible for training;
- Ministry of Justice, talk of the Chairman of MIVILUDES at the annual training session of the National School for Magistrates;
- Ministry of Health, continuing education for directors of mental health hospitals;
- Ministry of Youth and Sports, training for supervisors of the Ile-de-France region;
- International School of the Sciences of Data Processing;
- Federation of the Paris School Parents’ Councils;
- AXA Insurance Juridica, training of jurists concerning the “sectarian risk”;
- Belgium: “Children under sectarian influence”, Action aimed at social workers and psychologists.

6 – Convention with the CNFPT

The National Center for Territorial Public Administration (CNFPT) is a unique public establishment, with balanced and decentralized representation, at the service of the local authorities and their agents. It is charged with the initial and continuing training of all personnel of the local administrations.

These regions can be a high-priority target for sectarian movements, since public policies with respect to the family, children, the elderly or the handicapped, urbanism, and public facilities, are handled by the regions themselves. They are also major purchasers of training courses. All these areas are particularly sensitive, and this is why the CNFPT and MIVILUDES signed a partnership convention on June 9, 2004 with as its main goals:

- the exchange and analysis of information on subjects of common interest;
- actions of information and training for personnel.

7 – The Media

The media have been particularly interested in celebrities who donate their image to various movements such as the *Kabbalah Center* or *Scientology*.

They have explored the personal and professional “*coaching*” sector in all its diversity, and particularly reported the substandard performance of a champion woman athlete at the Athens Olympic Games.

- Some reactions to a project of *Jehovah’s Witnesses*

Associations and elected officials had a particular occasion in December to mobilize about *Jehovah’s Witnesses*, when the inhabitants of the village of Deyvillers in the Vosges department organized a referendum and other media actions against a project to build a vast “Kingdom Hall”.

Second Part

ANALYSES

21 – The sectarian risk hold, damage, repair

The sectarian hold

One of the possible definitions of a group as a “sectarian organization”, whatever its size and object, focuses on its capacity to alter the personality of its disciples so as to favor unconditional allegiance to the group and its guru.

At first, the individual freely chooses to conform to the demands of his new group, in exchange for expected and promised rewards, or to satisfy unrequited aspirations of all sorts (a spiritual quest, desire for personal development, desire to change the world, to fill an emotional vacuum, etc.).

Progressively, the individual abandons all previous guidelines in favor of those imposed by his chosen tribe, and allows it to govern in his stead all aspects of his life, even the smallest, to dictate new rules of behavior, to impose on him new ways, a vocabulary, rituals, all of which tend towards the same goal: to shape him, on the imposed model, into the docile disciple, totally available, subjected to the law of the group.

The hold will then be clearly visible in the personality transformations observable both on the emotional level (as either exacerbated or anaesthetized feelings about others) and the behavioral level (abandonment of previous moral references, committing of unlawful acts dictated by the interests of the group, loss of the critical sense, adoption of practices that are irrational or even dangerous for oneself and for others).

But it is perhaps the figure of the guru as “transgressor”, as sketched by Anne FOURNIER and Michel MONROY in their joint work²¹, that is the most revealing about the process which makes of the sectarian hold an open door leading to behavior that is unlawful and/or damaging to human dignity: “*The transgressor takes on as his vocation the task of liberating others from taboos and the forbidden*”.

The embodiment of the group ideal and central figure of the clan, he is the sole arbiter of good and evil, to the detriment of the disciple, reduced to the status of an object, a simple instrument dedicated to the satisfaction of his desires: “*The disciple must forget all his previous moral references, his framework for making sense of the world, to conform to the reading of the guru*”.

²¹ *La dérive sectaire*, PUF, 1999

The damage

Where there is transgression, there is necessarily violation of shared laws, harm to oneself and/or to others. One of the characteristics of the sectarian hold is, without the slightest doubt, the difficulty we have evaluating the damage and establishing who is legally responsible.

Beyond the easily quantifiable material consequences (fraud, appropriation of income, etc.), which are just part of the story, the disciple who is a victim of a sectarian movement suffers another type of prejudice, much more difficult to evaluate: when he quits the movement, he sees his present and future compromised by serious psychological consequences. But because he also is, or was, in a way, a consenting participant in the damage he has undergone, and played an active role in it, the question of reparation – and thus of indemnity– remains crucial.

Thus, as with victims of sexual abuse, disciples who are still fragile after a sectarian experience, sometimes one that lasted years, often wait beyond the legal deadline before they dare file a formal complaint. It is then too late for a criminal charge. They discover this just when they have made their decision and are at last ready to fight for reparation of the damage they have suffered. Awareness of this reality, in fact, is what led MIVILUDES to formulate, in its propositions for 2003, the idea of revising the statute of limitation rules for victims of a sectarian hold.

As psychologist Anne-Lise DIET remarks on “*treating disciples*”²², the unresolved suffering, and hence the psychological damage, remain strong, many years after leaving the group, for disciples left by their sectarian experience with feelings of helplessness and guilt.

The sectarian hold, built up in a perverse manner, aggravated by the group effect, is observable in the victim as a traumatism that the psychologist describes with limpidity: “*suffering and anxiety have invaded the sphere of thought*”.

The definition of damage given in article 1382 of the Civil Code states as an immediate corollary the obligation of envisaging reparation of the prejudice by the author: “*Any act of a person, which causes damage to another, obliges him by whose fault the damage occurred to repair it*”.

But the question of penal and civil responsibility in sectarian affairs is particularly difficult to resolve.

Since, as we have seen, this hold can facilitate transgressive acts and illegal behavior, behavior which perhaps the disciple would not have engaged in if he had not been a victim of physical and/or psychological subjection, judgment about whether he is responsible for the damage caused

²² Acts of the seminar “*Sects and secularity*”, MIVILUDES/DOCUMENTATION FRANÇAISE, February 2005

is always very difficult. *“Intention to harm is often denied by the actors under domination; or else they are involved in a confused community of reciprocal influences”* as Michel MONROY stresses. *“Just being a victim is not enough to justify having no role in what happened. If we go too far in recognizing a sort of “temporary status as a minor” for those under psychological domination, we may end up invalidating their status as full persons. On the other hand, if we want the law to be the same for all, in different jurisdictions, we cannot remain in a legal vagueness which would open the way to purely subjective verdicts”*.

Reparations

The problem of reparation has been studied by practitioners of law such as M^e Guillaume CAZELLES, member of the Orientation Council of MIVILUDES. As he recalled in his presentation at the colloquium *“The lawyer confronted with sectarian aberrations”*, organized jointly with the National Council of Lawyers: *“For the prejudice to be repaired, we must identify the one responsible. There may be one or more persons whose individual or shared responsibility may be involved. But there may also be responsibility of the organization to which the authors of the damage belong, when they act as its representatives”*.

M^e CAZELLES thus suggests that an inventory should be made, with the help of the experts, the associations, and the victims themselves, of the different sorts of prejudice found in cases of sectarian aberration. *“No doubt”*, he points out, *“there will be cases of damage deserving compensation, due to a specific event, such as bodily damage from blows to the victim, or property misappropriated in fraudulent operations. But we will also find emotional and psychological traumas where no doubt the difficulty will be not just to identify them, but also to establish a connection between the damage done and the sectarian aberration. For example, will it not be necessary, in certain cases, to identify the existence of a sectarian aberration by establishing a deterioration between the victim’s state when he entered the group and his state when he left it?”*

Will it not be necessary for psychiatrists to describe the psychological damage suffered by victims, in order to measure the financial consequences (loss of salary and pension, inability to recover a professional situation comparable to that abandoned on entry into the group, difficulties with coping, etc.)? The suffering of those close to the victim must also be evaluated, just as in the case of the death of a father, mother or child in a traffic accident....

In the case of sectarian aberrations, and in spite of the important advance represented by the ABOUT-PICARD law, the repressive arsenal is not easy to use, given that penal law is restrictive in interpretation. On the

other hand, the Civil Code, in articles 1382 and the following, creates a general rule of responsibility which requires the authors of a prejudice to repair it, whether or not this prejudice is related to a penal infraction. The tribunal will appreciate on the basis of the arguments of the two parties and the expert's report the reality and importance of the prejudice, its link with the sectarian aberration which the victim claims to have been damaged by, and the imputability of the improper behavior constituting the sectarian aberration to some member of the group.

The victim can directly file an action for reparation of the prejudice before the district court, on his own initiative. This will be what orients the action.

The judge can order the group and the authors of the prejudice together to compensate the damage. He will have to distinguish between what is reparable and what is not. It is conceivable that he will have less trouble fixing indemnity for identified and quantified prejudices, in particular those which have already been established in other disputes on responsibility”.

The idea of legal action in the civil courts thus opens up new perspectives of compensation for the plaintiff.

Along with the situations in which sectarian aberrations can be sanctioned penally, the civil court can offer new hope for victims.

The present report thus invites the victim to consider the possibilities offered not only by penal responsibility but also by civil liability, in attempting to find an effective mode of reparation.

22 – Jurisdictional decisions

Important jurisdictional decisions were made this year, in areas as diverse as those of the fiscal status of associations and the notion of public order applied to religious associations.

But 2004 was also the year of the first jurisprudence in application of the dispositions of the law of June 12, 2001 which concern the abuse of weakness. The judgment in question, dated November 25, 2004, by the correctional tribunal of Nantes, testifies to the particular danger of certain groupuscules. The account below is intended to shed light on the factors in a sectarian aberration of the communitarian type.

1. The decision of the Higher Court of Appeals concerning the association Jehovah's Witnesses, October 5, 2004

On October 5, 2004, the Higher Court of Appeals rejected the appeal filed by the association *Jehovah's Witnesses* against the decision dated February 28, 2002 of the first chamber of the Court of Appeals of Versailles which had validated the judgment of the District Court of Nanterre dated July 4, 2000, and threw out all complaints of the association against the director of fiscal services of the Hauts-de-Seine.

After a tax investigation carried out between November 1995 and January 1999, the *Jehovah's Witnesses* association was advised of a procedure of imposed taxation and a bill for back taxes for the years 1996 and 1997, for a total of 22,920,382 euros plus 22,418,464 euros in penalties and interest.

The operations in question covered sums received by the association from its members as offerings. The Court of Appeals had judged:

- that the sums entered in the association's accounts were manual gifts subject to transfer duties;
- that the presentation of its accounts to the tax administration, on the occasion of a tax verification, counted as revelation in the sense of article 757, paragraph 2, of the General Tax Code and required the association to declare the gifts in the period provided by law or else be subject to a procedure of imposed taxation;
- that it did not matter whether the revelation was spontaneous, accidental, or provoked.

What follows from this decision is that status as a religious association is under the control of the administrative judge competent for the tax in question. The appealing association, “*Jehovah’s Witnesses*”, which was not able to show possession, on the day of the generating act, of a prefectural authorization of exoneration from taxation for gifts and bequests, could not usefully claim to be covered by authorizations granted to other local associations of *Jehovah’s Witnesses* which, since 1993, have obtained from prefectural authorities, acting under the control of administrative jurisdictions, the benefit of certain fiscal dispositions.

2. The decision of April 28, 2004 of the Council of State concerning the association named The triumphant Vajra: improved application of the notion of a menace to public order in the case of religious associations dedicated to the same religion

On June 26, 1997, the chairman of the association *The triumphant Vajra* had asked the prefect of the Alpes-de-Haute-Provence department for authorization to receive gifts and bequests. The administrative authority had not approved this request. After being rejected both by the administrative tribunal and the Administrative Court of Appeal of Marseilles, the association asked the Council of State to declare that it was entitled to benefit from the status of a religious association.

After stating that the religious association *The triumphant Vajra* had as its statutory object the public exercise of the cult of *Aumism*, the Council of State recalled that at the date when the prefect of the Alpes-de-Haute-Provence was solicited, several penal procedures had been engaged against the founder of this cult for acts which were not independent of its religious activities. It added that the association exercised its activities in close liaison with two other associations which had been condemned repeatedly for serious and deliberate infractions to the legislation on urbanism. According to the Council of State, there exists a “community of interest” between these associations, which share the same statutory references and have common leaders, which indicates that they are indissociably dedicated to the same religion.

The high jurisdiction drew the conclusion that the prefect could, without committing a legal error, appeal to the troubles to public order resulting from the actions of these two associations in refusing to the third the benefits of the status of a religious association.

3. The September 28, 2004 decision of the Supreme Court of Appeals criminal chamber concerning the Spiritual Association of the Church of Scientology of Ile-de-France (ASESIF): the first case in jurisprudence of definitive penal condemnation of a legal entity linked to a sectarian movement

In a judgment issued on October 1, 2004, the Supreme Court of Appeals confirmed the condemnations to a suspended fine of 5,000 euros pronounced by the Paris Court of Appeals against the *Spiritual Association of the Church of Scientology of Ile-de-France* (ASESIF) and its chairman for violation of the law on “computers and freedom”. The specific case involved data processing of information specific to a named individual in spite of the legitimate opposition of the person concerned, in which it emerged that, in spite of the explicit demand expressed by this party to be removed from the files of the association, and in spite of the intervention of the CNIL and the response of the ASESIF stating that “*all necessary steps had been taken ... to satisfy the demand expressed*”, the situation had not changed. The chairman of the association was also found guilty of the offense of blocking the action of the CNIL. The legal investigation had revealed that “*all entities of Scientology used the same software for processing of member data... and the coordinates of a member of the ASESIF were automatically transmitted to the file of the International Association of Scientologists*”. This condemnation, pronounced in application of the law Computers and Freedom of January 6, 1978, and for acts committed prior to the date of application of the law of June 12, 2001, represents the first definitive penal condemnation, in France, of an association linked to the Church of Scientology, as a legal entity.

4. The first condemnation decision for fraudulent abuse of weakness of a person in a state of subjection: Néophare

The most important case relating to possible applications of the ABOUT-PICARD law is without doubt that of the *Néophare* movement. On November 25, 2004, the correctional tribunal of Nantes condemned the head of *Néophare* to a suspended sentence of three years imprisonment and five years probation. The magistrates found him guilty of abuse of the ignorance and weakness of four disciples in a state of psychological or physical subjection, due to heavy or iterated pressure or techniques altering their judgment leading them to acts or abstentions which were seriously harmful to them.

This condemnation, which is not definitive, since the condemned party has filed an appeal, is the first pronounced by a jurisdiction on the basis of the dispositions of article 223-15-2 of the Penal Code proceeding

from the dispositions of the law of June 12, 2001 *aimed at strengthening the prevention and repression of sectarian movements harmful to human rights and basic freedoms.*

The facts

In July 2002, an unemployed physical education teacher threw himself in front of a vehicle. He had already shown suicidal behavior a few weeks earlier, cutting his veins and jumping out of the car which was taking him to the hospital. Shortly after, two other individuals attempted suicide. The first, an educational counselor on leave from her job, was found unclothed, about to jump from the roof of the hospital establishment where she had been confined. She explained that she was looking for the “prince” who was to accompany her to another planet. The next day, her husband attempted to jump out of a window of the same building. All three were members of the same group: *Néophare*.

The Néophare group

Néophare has never had more than about twenty members, inspired by the writings and thought of an esoteric Breton author who died in 1997. His doctrine borrowed from quite diverse sources, esoteric, Christian, spiritual, and apocalyptic. The doctrines and beliefs do not suffice to explain the aberrations of this group. Recent history, however, indicates that the most dramatic events of recent years have occurred in closed communities organized around a “divine”, all-powerful guru announcing the imminent end of the world. The very great influence of this leader over his disciples was especially evident when the legal investigation revealed that couples were recomposed according to his criteria and for his benefit. Some members also described the humiliating and degrading purification meetings to which he subjected them.

The manipulation of his disciples is even more evident in the orchestration of meetings for communication with spirits, prepared with an accomplice. In this respect, these acts recall certain activities of the *Order of the Solar Temple* where the apparitions of ancestral masters were simulated, with the same goal of reinforcing the beliefs and fidelity of members.

Lastly, the legal investigation showed that, in this group, the disciples, perceived as the chosen ones, were, supposed, ideally, to reject the external world, considered as evil and pernicious, and adopt an autarkic life style. Some had renounced all professional commitments, all social connections, and had broken the links with their families. Thus one disciple, whose family had previously been his main preoccupation, had lost all interest in his children. Three of the main victims of the group were

unemployed or on leave from their jobs, benefiting from false medical certificates delivered by another disciple, a doctor. We thus see how, by this desire to be sealed off from the world around it, as well as by the personality of its leader, *Néophare* came to be a menace to public order, acting in a way harmful to basic freedoms, and contrary to laws and regulations.

The unceasing expectation of the imminent cataclysm, constantly announced and then put off, had brought the most fragile members to a state of exhaustion, which had led them to self-destructive behavior.

In condemning the leader of *Néophare*, the Nantes magistrates demonstrated that the law of June 12, 2001 was adapted to the prosecution and repression of the most harmful behavior of certain movements of a sectarian character. However, the judgment is not definitive, since the accused has filed an appeal.

23 – Evolution

While the 2003 report of MIVILUDES indicated that the sectarian phenomenon seemed to be stabilized in France (this situation can be explained mainly by the administrative control mechanism created), one may ask if it has not grown in diversity and complexity.

The development of microstructures and networks

The past year saw the trial of the director of the group *Néophare* composed of about ten members. Another leader has been indicted for concealing weapons in a château where he lived in isolation with a few people. The correctional tribunal of Millau has condemned the two leaders of an autarkical community. In each case there are very small structures, and it can be wondered whether they are groups whose growth has been arrested or examples of a more general phenomenon.

We can also observe something comparable to “hiving”, due to the long duration of the modern sectarian phenomenon. The first writings of L. Ron HUBBARD or of Reverend MOON date back half a century. Some disciples may be led to spread their teachings today under other forms and with other labels.

Another evolution is that of the network: often the group is only a network of isolated individuals linked by a therapeutic or psychotherapeutic “theory”. This is the case for the promoter of a “natural” hallucinogen, ayahuasca, or the partisans of the methods of Dr. HAMER, of the disciples of *Kryeon* who accompany *indigo children*, linked by a network of common training.

Obviously, the Internet favors this development. “Risky” sites are becoming more and more numerous and the use of hidden keywords can take the internaut to pages he or she never thought of visiting. This is particularly dangerous for children and adolescents. The Internet is also a good way to set up discrete meetings, or organize mass messaging, without the public authorities – or parents – being aware of anything. Given the impossibility of controlling the circulation of information, information about prevention aimed at the young has become essential.

The banalization of the esoteric and the occult

What is involved here is the theosophical tradition stemming from the writings of Madame BLAVATSKY²³ and Rudolf STEINER, known as *New Age*²⁴. Michel LACROIX describes its ideology as opposed to the world view deriving from the Greeks, the Romans and Christianity²⁵. Even the Vatican issued a report on this topic in 2003²⁶.

This conception of the world is esoteric, in that “true” knowledge is hidden, occult, transmitted by secret initiation, and gives “powers” which are inaccessible to ordinary mortals.

This banalization of the esoteric and occult can be seen in the current vocabulary, used in the mass media and various women’s publications, and the development of medical practices known as “soft”, “alternative” or “parallel”. There are best sellers that build on this basis. Study centers exploit kabalistic formulas²⁷.

The consequences of such a conception of the world are not innocuous. What is the value of this life, if you can have an infinite amount? How can illness be treated, or a handicap helped, if it is a karmic debt, i.e. due to our bad conduct in a previous life? What can you teach children, if they do not have the right karma, and their present life cannot be improved?

One of the other harmful consequences perceptible by MIVILUDES is confusion: it receives requests for information about evangelical or Pentecostal churches which are recognized by the Protestant federations, but which seem “odd”, hence dangerous; or about humanitarian associations, linked to the Catholic church; about centers of training for personal development, of therapists and all sorts of psychologists... Even business enterprises are affected by destabilizing false rumors²⁸.

²³ “The chronicals of Akkacha”

²⁴ Alice BAILEY spread the term *New Age* in theosophical circles at the beginning of the twentieth century. It refers to the (undatable) entry into the Age of Aquarius, leaving the age of Pisces, which had lasted for more than two thousand years. The Age of Aquarius will put an end to violence and allow man to use all his capacities.

²⁵ M. LACROIX, *L'idéologie du New Age*, Flammarion, Dominos, 1996, p. 101.

²⁶ Report of the Pontifical Council of Culture of Cardinal POUPARD, 2003. See also the work of Msgr. Jean VERNETTE: “*Jésus au péril des sectes*”, Desclée de Brouwer, 1994.

²⁷ The *Kabbalah Study Centres* were created by the American Philip BERG, a self-proclaimed rabbi.

²⁸ “*A permanent threat to businesses*”, article by J.-O. MARTIN in *Le Figaro* of December 1, 2004.

Intrusion into the business world

In 2004, many questions were received by the Mission about the methods or techniques used by certain service providers, the functioning of certain commercial groups, or certain types of training.

The commercial facade of their activities may suggest that certain deviant practices are simply cases of commercial fraud, or part of a swindle. But this may too quickly ignore the context, which sometimes involves inducing a state of subjection:

- obligatory participation in courses, seminars or other group activities;
- exorbitant costs of an educational program presented as a series of steps for strengthening self-knowledge, or stages in a move to higher levels of responsibility;
- an induced break with the previous environment, due either to growing participation in the activities of the movement or increasing “professional” implication in the commercial circuit;
- aspects of anti-social discourse that lead to a break with the functioning of the usual market economy;
- the creation of areas of undeclared work...

Several cases were brought to light in 2004, which were investigated both by the Mission and by associations. Let us note, for example, the judgment of the social chamber of the Court of Appeals of Reims in favor of an employee, a human resources consultant, fired in 2001 for having denounced the intervention of a business psychologist.

We note also the appearance of the notion of “legitimate disobedience” in a judgment of March 22, 2001, rendered by the 5th social chamber of Versailles after the *“refusal of employees to participate in a seminar without prior discussion about the philosophical orientations of the company”*. After the firm *Essor optique* filed an appeal of this decision, the social chamber of this Court rejected the appeal on December 17, 2003, justifying its decision in conformity with the dispositions of article 455 of the new Code of civil procedure, recalling that *“in light of the links between certain members of the firm and an association whose practices have been officially denounced as sectarian, the employees could have legitimate worries about the contents of this seminar”*.

What is true about “personal development”, is also true for “*coaching*”: problems relating to validation of the skills and methods used in seminars or meetings, to respect for the private life of the employee, to the teaching environment, ethics and deontology of “practitioners”.

Risks to health

After dealing with the sectors of perinatal care, accompaniment care and psychotherapy in its 2003 report, this year MIVILUDES wishes to draw attention to certain types of diet, the refusal of health care, and the treatment of handicaps.

Hygienist diets

These diets sometimes proposed in fasting centers call for no particular remarks when they are offered to adults. They are however worrisome when they are given to children. Thus, the death of an infant of 17 months may have been caused by an inadequate vegetarian diet.

A legal decision October 2004 condemned the directress of an association to three years in prison²⁹ for the illegal practice of medicine. It was established that this person had modified medical prescriptions, either by imposing larger doses, or by ordering her interlocutors not to take medication prescribed by their doctors... She indicated medical treatments and advised biological examinations.

The accused was also condemned for complicity in failure to provide health care and nourishment. She advised inadequate diets responsible for the deaths of three children. The judgment, which has been appealed, notes that children aged between 3 and 10 years were deprived of food or of health care to the extent that their health was compromised.

“The whole group had chosen a diet essentially based on four meals at fixed times, composed mainly of fruits, of petits suisses (fresh cow-milk cheese cylinders), sodium chloride, sometimes accompanied by a few vegetables, and, more rarely, of white meat”.

Medical examinations found initial signs of rickets in some of the nine children. With respect to the privation of health care and nourishment, it notes that *“the accused could not but know that such a diet was dangerous given the deaths which had already occurred and the hospitalizations already needed by certain children... This diet was knowingly maintained in disregard of the health of the children...”*.

On the complicity in failure to provide health care and nourishment, the judgment notes *“the guiding role of Mme X... in the life of the group and*

²⁹ Including a year's suspended sentence, combined with three years probation, for a repeated offense of illegal practice of medicine.

her desire to impose her point of view on women in familial and social difficulty". This person "already condemned, persists in her practices, carrying the weak along with her".

Refusal of health care

In October 2004, an adolescent of 14 died from a tumor for which treatment had been interrupted at the demand of his father, a disciple of the HAMER method.

Under the same conditions, a young man died at 18 of Hodgkin's disease.

A young woman afflicted with Aids, under the same influence, stopped her treatment by tritherapy.

These examples, unfortunately not exhaustive, illustrate the fact that, in the name of a "psychological" approach, patients have presumably been deprived of appropriate health care. Here once again, refusal of health care is particularly serious in the case of minors, who should be protected whatever the rights of the patient and his entourage recognized by the law of March 4, 2002.

The treatment of handicaps

Techniques for adaptation or rehabilitation are used to help autistic or trisomic children.

These techniques, which attempt to facilitate communication for those who have no access to language or writing or which offer moments of peace to psychologically damaged children are obviously not to be rejected. However attention should be drawn to the risks of charlatanism surrounding these techniques, and the theories which assimilate the handicap to payment of a karmic debt or which offer the hope of improving a state of health through approaches devoid of all scientific value.

Teaching “out of control”

An evolving context

According to the International Convention on the Rights of the Child, “*States Parties agree that the education of the child shall be directed to the development of the child’s personality, talents and mental and physical abilities to their fullest potential*” (art. 29). The child should be considered as a citizen under construction, a subject of law, and an actor of his future citizenship.

The Education Code specifies that the right to an education is “*guaranteed to everyone, to allow each to develop his personality, increase his level of initial and continuing education, to participate in social and professional life, to exercise his citizenship*”.

Some parents avoid public or certified private education in favor of non-certified private education or home instruction.

In addition, the demand for “support”, to prevent possible failure in school, is also developing, as are supplementary courses (plastic arts or pre-professional training). This niche is particularly attractive, since very many firms are developing this educational offer.

To be sure, the ministry of national education can appeal to the law of December 18, 1998 aimed at reinforcing verification of the schooling obligation and of decree n° 99-224 of March 23, 1999 on the contents of the knowledge required of children educated at home and in non-contractual private teaching establishments. But application of this law is difficult. This year, 677 children, home-schooled by their parents, with or without the support of long-distance teaching, were the object of verifications, which should continue. On the other hand, pupils of non-contractual teaching establishments escape all verification, even though this may well be instruction provided by closed or integrist communities. Similarly, the growth of the number of *indigo children* and the links observed in certain departments with alternative pedagogies deserve closer attention.

24 – The protection of minors

In a general context where the mistreatment of children and attempted suicides by adolescents are an increasing source of worry, it is appropriate to consider the dangers to children when their family belongs to a group of disciples, and the risks which some adolescents take under the influence of certain types of discourse.

The case of children

The children of disciples are sometimes unclear about what family they belong to, have difficulty recognizing who their parents really are: they are raised by the “group” or considered as the children of the guru. In certain extreme cases, the parents “give” them, even sexually, to the guru³⁰. Sometimes, indeed, “these children are mine, not yours”³¹. In less extreme cases, standards are still confused, and they have real difficulties finding their place in society.

Biological parents who become disciples lose their status as parents, since they have themselves become children, subject to the rules and laws of the guru and the group. They no longer know how to exercise parental authority.

In the particular case of apocalyptic groups, it is psychological maturation³² which is affected. The incapacity to project themselves into the future— since there is no future— prevents them from becoming fully adult. This is the worry one can have for the members of certain groups which regularly announce the end of time.

In other movements, the children are no longer “disturbed” or “hyperactive”, they are the messiahs of the Age of Aquarius. For their own good, and for the development of all their still unknown capacities, they must be brought up together, far from public schools, and supported by specialized psychotherapists.

³⁰ Guy-Claude BURGER, condemned by the Court of Assizes on July 4, 2003 to fifteen years imprisonment and five years of residential restriction for rape, aggravated rape, and corruption of minors, and Jean-Claude ROSTAING, condemned to five years for complicity in rape and five years restricted movement (appealed May 12, 2004). The criminal chamber of the Higher Court of Appeals rejected the appeals.

³¹ In *Revue Nirmala Yoga*, n°4, 1984

³² According to Professeur Philippe-Jean PARQUET, professeur of pedopsychiatry à the Université Lille III.

A legitimate source of concern about these children is their desocialization. Beyond that, the risk is great, for those who have become the center of the universe for their adults, if not objects of adulation, of a strong adverse reaction when they will have to deal with external reality.

In another approach, primacy is given to the “large” family. It is the only permanent one, not the “small” family which lasts only for one incarnation. The children have the good fortune to have a second father: the Master. They are partially taken in hand by the community to the detriment of the biological parents.

Children, according to Raël, should be initiated to sexual pleasure.

The children of scientology followers may be subjected, like their parents, to auditions.

In a certain religious group, a literal reading of the Bible has led them to reject all modern ways, and the children are socialized only in the group. The discrimination between girls and boys is complete. Little girls are veiled from the age of 3. Leaving the group is extremely difficult.

In another group, spiritism is practiced by the founders, who communicate with famous dead people. These are reincarnated in disciples’ children who, from birth, must carry the impossible burden of being Victor Hugo or Jean Vilar in the eyes of the group and their parents. The children, from a very early age, attend long ceremonies in particular places (Stonehenge, for example).

Some legal decisions

An investigation was begun in the spring of 2004 concerning a 4-year-old girl who had been sent to an ashram in the Czech Republic by her Swiss parents, residing in France.

Two children conveyed to a foreign country were returned to their father, residing in France, after the tribunal stated that “*the safety and development of the children*” had been compromised due to the sanitary conditions and lack of health care.

Three children – whose parents wanted to leave the group – were sent by the French director to their grandparents, members of the group, in Germany. Several proceedings are under way.

Decision of February 19, 2004 by the Court of Appeals of Aix-in-Provence

A father, having joint custody rights, imposes on his children an obligation of Bible study and dress constraints. The mother asks that the refusal of the children, who have reached the age of discernment, to participate in Jehovah's witness activities be respected. The Court decides in her favor: *"If the parents' responsibility for education implies that each has the right to share his personal convictions with his children, and in particular religious and philosophical ones, this appreciation should be in harmony with the principles established by article 14 of the International Convention on the Rights of the Child, which specify that the child disposes of freedom of thought, conscience and religion, and his parents are to guide him in a way corresponding to the development of his capacities.*

In this case, X... and Y... have witnessed the commitment of their father to the community of Jehovah's Witnesses, whose rites they have practiced, and whose members and places of worship they have frequented for many years. Aged 16 and 13, they possess enough discernment to refuse to share the religious practices of their father, although it is not possible to state that their choice will be irreversible³³.

Thus, the Court decides in function of what it believes to be the best interest of the child. In another affair, the same Court of Appeals, on May 19, 2003, concluded that, *"on the basis of the evidence produced by each of the parties, nothing supports the claim that the membership of the father in Jehovah's Witnesses has had harmful effects on the child"*.

The case of adolescents: conduct at risk

At the age when we become ourselves, first by opposition, the adolescent's quest for identity often involves the adoption of risky behavior, and the desire to explore his own limits in games that he knows to be dangerous. Pushed by a feeling of omnipotence fed by our youth and, in a sense, ready to believe in our own "immortality", we are sometimes quite far from sensing the reality of the danger we are running, when we begin to frequent the members of a group which we vaguely perceive as dubious, but in whose company we still find pleasure, as we let ourselves become intoxicated by alcohol, speed, or drugs.

³³ Extraits of the judgment

From seduction to aberration, risky behavior and the hold of the group

For David LE BRETON, sociologist at the university of Strasbourg II, the disparate practices covered by the term “risky conduct” can be defined from the point of view of the young as “*gambling oneself, where what is at stake is not dying, but the possibility of living more fully*”³⁴. Under the guise of proposals for self-realization corresponding to this often unconscious aspiration in the adolescent, certain groups, although they deny it, use real proselytizing techniques aimed at minors, a “clientele” that is captive with respect to their solicitations, and towards whom they multiply their operations of seduction with a double goal: to consciously exploit any factors of fragility encountered in the family setting, and to build up in the adolescent a “capital” of sympathy for future use.

Thus, one of the movements observed by MIVILUDES organizes numerous conferences or cultural events with a philosophical orientation, regularly distributes tracts outside high schools, and designs, in its own terms, “*expositions of pedagogical interest to awaken young people to the problems of our time*”. Another organization, known for its great involvement in the sector of extra-curricular activities, under different associative labels (study aid courses, or initiation to artistic activities such as drawing or the theatre), distributes its personality tests at the exits of metro stations near high schools and university campuses, tests with items clearly aimed at young people, such as: “*Do you have a favorable prejudice toward your own primary or secondary school, club or team?*”.

It may be hard to see how an adolescent inclined to revolt and contesting all forms of authority that come from parents could be insidiously seduced by proselytizing to the point of losing all autonomy of thinking. But the risk of subjection is quite real at this age.

As professor Philippe JEAMMET, specialist of the psychiatry of the child and adolescent, explains “*the young are particularly vulnerable prey for certain sects or ideologies of force and order. Their need for understanding and support, and what remains in them of the infantile, leads them to adhere to their models, leaders or ideologies, unreservedly and uncritically, as a child seeks refuge in the protecting arms of a parent*”³⁵.

The sectarian organizations that address them lead them to believe that the constraints imposed on them are matters of their own free choice, that they can assume the risk all the way to the end, a hard challenge they are

³⁴ In *Alternative health*, n°314, September, 2004

³⁵ In *Adolescence*, Coll. “*J’ai lu*”, 2004

ready to accept if, from their point of view, the prize is worth it. In a sense, this satisfies the two contradictory aspirations of any adolescent trying to find himself: to free himself from the family nest to fly on his own, and to solve the problem of the basic insecurity that is produced by this distancing. The insecurity will be compensated for by the adoption of new certainties and identity models that can reassure him. Boys, especially, more apt than girls to need the “dubbing” of their chosen “tribe”, seek a form of legitimacy in total adhesion to the group which will give them existence. They experience the initiation rites, more or less demanding, which may be required like simple challenges, without measuring their danger. These rites are sometimes for them only a condition imposed so that they can attain the status of a “man” in the eyes of their fellows.

The young, victims of the proselytizing of certain sectarian groups

To reach young people, certain groups have come to see the importance of addressing them in a language and manner that speak to them. Their approach relies on four vectors popular with the generation of 13 to 20 year-olds:

- the Internet, *the* place for virtual and anonymous contact. Thus, the *Raelians*, on their official site, present adherence to their theses as an opportunity “*to make friends in France*”;
- direct advertising (distribution of promotional tracts and comic books with coupons to send in, presentation stands, calls for signatures on petitions, services, free personality tests, etc.);
- trendy networks and interest groups, which foster contacts with young people through various disguises (conferences, thematic meetings, cultural or athletic programs, role games, charitable and humanitarian associations, etc.);
- exploitation of the positive aura of celebrities, athletes and performers who are admired by young people, and who, whether they know it or not, enhance the image of these groups.

The ABOUT-PICARD law sanctions by fines of 7,500 to 37,500 euros any advertising aimed at young people that emanates from an organization whose goal is to create, maintain, or exploit the psychological or physical subjection of its members, and which has been condemned as a legal entity, or via one of its *de jure* or *de facto* directors. But because of the polymorphic and changing nature of the sectarian landscape (the constant disappearance of old groups and emergence of new ones), the danger from propaganda aimed at adolescents remains quite real. For each organization whose clearly identified aberrations have already drawn legal sanctions, many others, new on the scene, or not yet sentenced by the courts in spite of the risk they represent, continue to distribute tracts and advertising brochures

outside high schools and even inside universities. The need for vigilance, and thus for public information, remains the only possible response available to limit the audience for these forms of proselytizing, ever more aggressively targeting the young.

Gothism and Satanism

In another direction, MIVILUDES has been led to investigate Gothism and Satanism. A preliminary synthesis of the information collected this year shows a measurable progression of Satanist aberrations in France, manifested as a certain number of profanations. This reality has led the Mission to offer recommendations for prudence on its web site, to alert the public to the potential dangers of a movement that is very present on the Internet, and which, to recruit new disciples, has taken advantage of the gothic fad, a very trendy aesthetic posture, especially popular with adolescents.

We also see the emergence of “hybrid” micro groups with multiple connections and unclear loyalties. Their disciples are mostly young people cut off from family, out of school, without a profession, often victims of a violent past marked by the absence of reliable, stabilizing family ties. Their selective ideology is a sort of syncretism between Satanism, nihilism and a neo-Nazi ideology chosen to justify their acts.

As in South America, where it is spreading in very disturbing fashion, Satanism seems to be gaining ground in Europe. In Italy, where, according to the public authorities, more than a thousand of these occult groups exist, a trial recently took place after several killings of disciples, including the murder of a young woman in a group of adolescents, during a ritual ceremony dedicated to Satan. Along with Scandinavia and Germany, Spain, Russia, Greece, and Poland have not been immune to this radical tendency. We note that in Russia a special department has been created in the ministry of the interior to combat the phenomenon.

In France, the suicide in 1995 of the two directors of the French branch of *WICCA international* has weakened the movement, to the extent that at present no “official” structures are active on French soil.

But this does not mean that the satanic movement has disappeared. It exists in more diffuse form, first of all on the Internet, via personal sites loyal to *WICCA*, commercial sites directly linked to the gothic mode, and production companies specializing in *black metal*, one of them with four thousand titles strongly impregnated by satanic beliefs.

In real life, it is embodied by a few individuals involved in informal groups, sometimes existing only for a single evening, but sharing a base of common values (such as anti-Christian and anti-republican references, the same taste in music, deviant sexual practices, a pronounced taste for magic and/or vampirism). With these young people, adhesion to Satanism is very often experienced as a stage of initiation, a desire to test themselves by transgressing social norms. Some cases of profanation of cemeteries may in fact be part of this logic, being seen as an indispensable step in the integration of the young disciple into the clan.

In the south of France, it has been observed that followers mainly use paper flyers and the Internet to announce meetings; they do not hesitate to take refuge in Spain when there are problems. Thus they very frequently cross the border to organize “*rave-parties*” or “*free-parties*” in Catalonia, where they can practice their rituals more freely.

In the east of France, connections have been reported with the neo-Nazi movement. Several problem groups also exist elsewhere, in particular in and around Paris.

Most of the time, these groups consist of ten to twenty people, often young adults aged 18 to 20, but sometimes also minors of 15 or older. These disciples meet under an older leader who most often gets his status from either past run-ins with the law or supposed links with the *International Satanist Federation*.

Satanism and criminality

For a criminal or illegal act, or a suicide, to be clearly identified as Satanist, it must have conclusive indications, borrowed from satanic imagery and rituals (anti-Christian inscriptions, inverted crosses, pentagrams, the number of the beast, etc.).

If these are taken as the identificatory criteria, we can reasonably speak of noteworthy progression of the phenomenon.

Thus, the police and gendarmerie have reported a significant increase in profanations of cemeteries that are clearly identifiable as satanic: there were 23 cases from January to August 2004 (eight months) as against 18 for all of 2003).

Violent deaths linked to the Satanist phenomenon are fortunately still rare. However in 2003 and 2004 there were two suicides and two murders perhaps connected to it.

25 –International comparisons

This past year, MIVILUDES missions to five neighboring countries helped us to keep our partners informed of French actions of vigilance and combat against sectarian aberrations, to learn about the problems they have in this domain, and what they are doing to deal with them. These contacts occurred with Switzerland and four European Union countries: Austria, Belgium, Spain and Italy.

MIVILUDES also participated in two international conferences. One was on “*Religious organizations and public order*”, in Bucharest (Rumania), the other on “*Totalitarian sects and the democratic state*”, in Novosibirsk (Russia).

Mission to Vienna (Austria), April 22 and 23, 2004

Austria is no doubt the country whose organization is most similar to France. An interministerial work group was set up in 1998, with about ten ministries represented. These include the ministries of Public Instruction and Cultural Affairs, Social Affairs and Generations, Foreign Affairs, Interior, and Finances. The Ministry of Social Affairs and Generations coordinates the activity of this work group.

In addition, there exists an autonomous body, “*die Bundesstelle für Sektenfragen*”, whose role is to observe the phenomenon of “sects” (*Psychogruppen*), and esoterism, to set up and develop a documentation resource, and inform and aid individuals and government administrations.

For a country of eight million inhabitants, this federal structure has considerable activity: half of the 5000 phone interrogations each year come from the administration, the other half from individuals. 600 of them result in the creation of an aid or counseling dossier.

The *Bundesstelle* produces an annual report for Parliament. This report is presented to the commission of social affairs of the Bundestag.

While France and Austria are often cited for their similarity of approach, there do exist basic differences in certain areas. One area is relations between the historical religions and the state: In Austria there exists a system for recognition of religions by the state. Most churches and “religious societies” recognized by the law today are covered at the federal level by the law of recognition of 1874. The growth of the Muslim population on Austrian soil led the state to recognize Islam in 1912. The Churches and religious societies most recently recognized were not recognized in virtue of the law of recognition until after the Second World War. At present twelve churches and religious societies are recognized by

the federal ministry of public instruction and cultural affairs, which is the competent authority (the *Mormons*, for example, have been a recognized religion since 1955).

The Jehovah's Witnesses have the status of a "confessional community" (law of 1998), which allows them, after a period of ten years, to join the category of recognized religions. According to our contacts in Vienna, it is "very probable" that *Jehovah's Witnesses* will be considered a recognized religion after this ten-year period (in 2008).

The *Bundesstelle* is functionally autonomous: its work and the positions it adopts are not binding on the Austrian government. Counseling and aid to victims are handled by this body; the Austrian authorities have opted for a professional approach, while leaving room for partnership between the *Bundesstelle* and associations for the defense of victims.

Mission to Rome, May 27-28, 2004

In Italy, where Catholicism conserves a special, preeminent place, the legitimacy of the other confessions is still recognized by the Constitution, which outlaws all discrimination. The Constitution reserves the title "Concordat" for the agreement with the Catholic church, an agreement in international law over which Italian tribunals have no jurisdiction.

Six religious communities have signed agreements with the state giving them the right to maintain chaplaincies, provide religious instruction for pupils in public schools, celebrate valid marriages and benefit from the same public financial support as the Catholic Church. *Jehovah's Witnesses* have signed an agreement with the state, but it has not yet been ratified by Parliament due to some opposition.

Other religious groups which have not signed agreements with the state can be recognized and acquire legal status, the only condition being that they must not advocate principles contrary to the public order and to morality. Once recognition is granted, they can claim the advantageous fiscal status of benevolent organizations and teaching establishments.

The practices of fascism had made suspect any surveillance of religious minorities. A decision of 1981 by the Constitutional Court declared contrary to the Constitution a law, which had in fact scarcely been applied, on *plagio* (or mental subjection), on the basis that this notion is imprecise and gives the judge the possibility of pronouncing on the ideas and behaviors of individuals. The unconstitutionality of the offense of *plagio*, however, created a legal gap which parliament has attempted to eliminate by creating a more precise offense, more clearly targeting movements of a sectarian character.

In its present version, the text punishes with two to six years imprisonment “anyone [who], with techniques of conditioning or subjection using material or psychological means, places an individual in a state of permanent subjection that excludes or significantly limits his freedom of self-determination”. As with the French law, the text provides for aggravation of the penalty if “ the deed is committed in a group which promotes or practices activities whose goal is to create or maintain psychological or physical dependence of those belonging to it, or if the accused acted with the intention of committing an offense”. But this text is still a bill, not a law.

As in France, the term “sect” is not legally defined. There is no database or list of movements whose illicit acts are the concern of common law or the repressive services of the state.

Surveillance of religious groups is carried out by what is called open information, in particular via the Internet, using information transmitted by the prefectures or on the occasion of particular requests or reports.

Moreover, Italy has worrisome manifestations of Satanism. According to the officials encountered, those involved to some extent in satanic groups are estimated at about a thousand. Two trials of disciples have been held in recent years. Cases of the profanation of cemeteries have been reported in the Puglia region.

*European meeting on “Religious organizations and public order”,
Bucharest, June 15-17, 2004*

The Bucharest conference, in which Belgium, Bulgaria, France, Hungary, Italy, Poland, Romania, Switzerland, the Czech Republic, and Turkey participated, allowed comparison of the state of the law regarding church/state relations, in the light of international law and the legal principles adopted by the Council of Europe and the European Union, i.e. the primacy of respect for human rights and basic freedoms, including freedom of conscience, religious freedom, and freedom of worship.

Beyond general agreement on the defense of liberties, the differences mainly concern how licit religious activities are declared, organized, checked, and publicly supported: concordat, recognized religions, authorization, inscription, or simple registration of religious associations, as in the French model of separation of church and state, stemming from the law of 1905, with all remaining freedoms being a matter of diverse dispositions concerning public order or “religious policing” (title V of the 1905 law).

But the notion of public order must be clarified to avoid a relativism that could threaten any religious minority or new movement, under the pretext that it is disturbing the established order and threatening acquired

interests. While countries marked by communist dictatorship have given priority to religious freedom, and have seen, with the return of democracy, the development of new religious movements, increased awareness can be noted of the risks of sectarian aberrations and the fraudulent, even dangerous, use of purportedly religious aims as a cover for illegal activities. The theme of public order produced interesting exchanges between the legal systems and practices of the participating countries. Some problems remain: do religious groups which ask for nothing and even refuse to declare themselves as such have the de facto status of associations? Or, when a religious group has been registered, what control can be exercised over it?

Numerous participants, mostly from Western Europe, insisted on new areas of sectarian aberration in the medical and psychological areas. The countries that are candidates for European Union membership seem less aware of this threat.

Turkey, with its department of religious affairs, was quite present at this meeting. The representative of the *Diyanet* (department of religions) insisted a great deal on the independence of this institution from the state and on its role as a guarantor of religious freedoms. Turkey announced its candidacy as organizer of the next meeting, in September 2005, proposing discussion of the topic of islamophobia. While it has affirmed itself as a defender of religious freedom and a spokesman for a tolerant and moderate Islam in opposition to sectarian aberrations, it has not developed a legal approach towards Islamic sects, preferring to oppose official to illegal Islam.

Missions to Switzerland and in Belgium, July and September 2004

The mission to Switzerland (July 2004) met with the members of the intercantonal Center for Information on Beliefs (CIC). Created by the cantons of Geneva, Vaud, Valais, and Tessin, the CIC has been operational since May 2002.

The analyses and dossiers of the CIC do not take a position on the degree of danger of a movement. Individual responsibility, and warning messages, are seen as protection against a reduced role for freedom of choice.

The mission to Belgium (September 2004) was dedicated to an exchange with the Center for Information and Advice on Harmful Sectarian Organizations (CIAOSN). The following questions were discussed: health and other risks for the vulnerable (women, children, adolescents), warning messages, ways to help victims.

Participation in the conference "Totalitarian sects and the democratic state", Novosibirsk, November 9-11, 2004

Inspired by a recommendation of June 1999 by the parliamentary assembly of the Council of Europe suggesting, among other things, the exchange of information, this meeting allowed the Interministerial Mission to discuss secularity and the law on religious practice, and the administrative mechanism created by the French public authorities to observe and combat sectarian aberrations. In a European religious landscape marked by major shared tendencies: the secularization of institutions and attitudes, reduction in the influence of the major religious institutions, proliferation of beliefs and small religious groups, it seemed useful to recall the relations a secular Republic such as the French Republic has with religions and how it deals with the dangers of sectarianism.

It was recalled that lawmakers and judges in France are concerned to maintain the necessary balance between respect of the major liberties and the requirements of public order. The basic principles guiding the action of the French authorities in this domain were also emphasized.

Organized by the local representatives of the Russian Orthodox Church, this conference brought together about six hundred people from government administration and civil society.

The Orthodox Church appeared very preoccupied by the massive arrival of new religious movements or minority beliefs of foreign origin, seeking to implant themselves in a society sensitive to certain occidental influences.

As elsewhere, the phenomenon is difficult to quantify. The diversity of the proposed estimates, ranging from a few hundred movements to as many as 4500, brings out the real difficulty there is in defining a sect or sectarian aberration.

Mission to Madrid, November 30 –December 2, 2004

Meetings were held at the Ministry of Justice, and Ministry of Education, with representatives of the Spanish Catholic Church, the nonciature, the Evangelical churches and a representative from the universities.

In Spain public opinion and the political classes seem relatively unaware of the sectarian phenomenon, except for a parliamentary mission which studied the question in 1989. There does not appear to be at present any member of parliament specializing in the sectarian problem. The police, highly mobilized by the combat against terrorism, are little involved in this domain.

On the legal side, the Spanish constitution of 1978 recognizes freedom of religion as a fundamental right of people, associations, groups, and religious organizations, with no other limitation than the respect of public order.

The 1980 organic law on religious freedom set up a special legal regime for religious groups and organizations, which depends on their being listed with the Ministry of Justice, in a “register of religious entities”. The registration request is submitted to a consultative commission, in which the major confessions are represented; this commission gives its opinion, which the Ministry of Justice accepts. There are 12,000 Catholic entities registered, 950 evangelical, 250 Moslem and various others. The *Jehovah's Witnesses* and the *Moon* sect are listed, and thus considered as religious entities. Scientology, which was refused, is said to be considering a new request in the near future.

As for financial advantages, being listed grants tax advantages to the three confessions termed “of known implantation” who have signed an agreement with the state (Evangelical, Jewish, and Moslem). The Catholic Church has a special status resulting from agreements signed with the Holy See in 1979, which allow it to obtain financing for its activities from the state.

For Islam, there exist two federations: the Spanish Federation of Islamic Religious Entities (FEERI) created by Spanish converts, and the Union of Islamic Communities of Spain (UCIDE) created by students from the Middle East. These two federations belong to the Islamic commission of Spain.

Lastly, the Evangelical Churches are represented by the Federation of Evangelical Religious Entities of Spain (FEDERE) created in 1986 at the request of the public authorities who wanted a single interlocutor. According to the Secretary General of this federation, there are 350,000 worshippers, along with 800,000 Protestants from other countries of the European Union who reside more than six months a year in Spain. The FEDERE established admission criteria that exclude movements advocating sectarian attitudes. This is why *Jehovah's Witnesses* were not accepted.

In sum, the influence of the Catholic Church no doubt explains why Spanish society is less worried than others by the sectarian phenomenon.

Nevertheless, in the matter of repression of “destructive sects”, the legislator has introduced, with the reform in 1995 of the Penal Code, a specific disposition. Article 515 paragraph 3 states: “illicit associations are punishable which, while they may have a licit goal as object, employ violent means or methods which produce alteration or control of personality to attain it” (punishment specified in article 517 including two to four years

imprisonment for the head of the association). But this text does not seem to have been applied.

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To sum up, by comparison with neighboring countries to which MIVILUDES sent missions in 2004, France appears to be the only State of the region whose mechanism of Vigilance and Combat against Sectarian Aberrations is based on the principle of secularity. The public authorities do not register religions, and thus do not establish gradations or preferences between them. The state is led to intervene only in cases where sectarian behaviors are likely to menace human rights or endanger public order.

26 – Evaluation of the propositions of the 2003 report

The activity report of MIVILUDES for 2003 concluded with ten proposals for action aimed at improving the mechanism of Vigilance and Combat against Sectarian Aberrations.

They were invitations to adapt existing laws or regulations, and to improve awareness by, or better inform, agents and services, and these recommendations have mainly been realized. This chapter is intended as a provisional evaluation of what has been done.

Proposition n° 1 Adapt the rules for prescription

The 2003 report noted the difficulties encountered and the time needed by certain victims of sectarian acts to rebuild themselves psychologically and be in a position to make use of the legal institution.

MIVILUDES asked the services of the Chancellery to study the conditions under which the rules of prescription for public action might be adapted, and proposed creation of a working group.

On March 4, 2004, a bill was deposited fixing ten years as the date of prescription for victims of fraudulent abuse of weakness resulting in a state of subjection.

The services of the Ministry of Justice have indicated that this matter will be considered in the framework of a global reflection on the statute of limitations.

Proposition n° 2 Facilitate reporting of individuals in a state of weakness

With this proposition, MIVILUDES aimed to protect doctors, and also those who, by state or profession, become the recipients of information coming from victims of the abuse of weakness, and who want to report this information without being subject to prosecution for violation of professional secrecy.

In a reply addressed to MIVILUDES on June 28, 2004, the Chancellery stated that articles 226-14-1° and 2° of the Penal Code, in the version issuing from the law of January 2, 2004, did not punish, with the penalties specified for the violation of professional secrecy:

- the person *“who informs legal or administrative authorities of privations or ill treatment, including cases of sexual molestation,*

of which he has gained knowledge and which have been inflicted on a minor under 15 years of age or a person who is not able to protect himself because of age or physical or mental state”;
- *“the doctor who, with the consent of the victim, brings to the attention of the public prosecutor, the ill treatment and privations he has detected, physical or mental, in the exercise of his profession, and which lead him to presume that physical, sexual or psychological violence of any nature has been committed. When the victim is a minor, his consent is not necessary”.*

Proposition n° 3

Improve awareness of the sectarian problem in the legal professions

On June 25, 2004, MIVILUDES organized, with the National Council of Lawyers, a colloquium on the theme: “*the lawyer confronted with sectarian aberrations*”. This colloquium, held at the Palais de Luxembourg in Paris, was intended to increase awareness by lawyers of the problem of sectarian aberrations. Under the aegis of the Minister of Justice, the session was opened by Mme Nicole GUEDJ, Secretary of State for Victims’ Rights.

The meeting allowed the sectarian phenomenon to be presented in its different aspects, and the viewpoints of law practitioners to be heard. The institutional and psychological approaches were developed, respectively, by Mme Nathalie LUCA, chargée de recherché at the CNRS, and by Dr. Michel MONROY, psychiatrist. The association approach was presented by Jean-Pierre JOUGLA and Daniel PICOTIN, representing, respectively, the UNADFI and the CCMM.

M. Georges FENECH, deputy of Rhone and former magistrate, presented the point of view of the legislator. Guillaume CAZELLE and Jean-Michel PESENTI, lawyers, told of their experience as practitioners of the law and presented new perspectives on defending the interests of victims of sectarian aberrations.

The acts of this colloquium are published on the MIVILUDES Internet site.

Proposition n° 4

Improve social inquiries in legal proceedings

The administrations concerned responded to the invitation of MIVILUDES to improve the quality of social investigations in legal proceedings, and to better educate the professionals involved about the sectarian phenomenon and its consequences.

The Department of Civil Affairs and the Chancellery of the Ministry of Justice invited the National School for Magistrates to inform judges for family matters, and judges for the protection of minors and the handicapped, about the problem of sectarian aberrations.

The representatives of the National Association of Social Investigators who were received at the Interministerial Mission expressed their intention to organize a day of training in Paris, in 2005. Aimed at their members, this day may also be open to family mediation counselors.

The initial and continued training of social workers will be the responsibility of the ministry of social affairs.

Proposition 5 *Verify the content of educational offers*

One way MIVILUDES responded to this proposal was to publish, with the DOCUMENTATION FRANÇAISE, a “*Guide for the public agent confronted with sectarian aberrations*”. This document, in a printing of 20,000 copies, is intended for personnel of the three public services. It is distributed by the ministries at national and local levels, and will be the basis for various training programs organized by the administrations.

Proposition n° 6 *Communicate successful health practices*

In 2004, various bodies developed or modernized their mechanisms for informing the public about good health care practices, especially in the treatment of cancer, and the use of psychotherapies.

Cancer treatments

The National Anti-cancer League makes information available on its Internet site³⁶, under the heading “*Living with cancer*”, relating to “parallel” medicine, diets, and controversial health care practices, along with precise and documented warnings, in particular on diet supplements.

³⁶ www.ligue-cancer.net

Psychotherapies

A collective expert survey of psychotherapies carried out by the National Institute of Health and Medical Research (INSERM) was made public in February 2004; it provides up-to-date information for patients about available treatments and their effectiveness.

Proceeding on the view that, if psychotherapy is health care, then it should be possible to evaluate it, the experts considered three approaches: the psychodynamic approach, i.e. psychoanalysis, the cognitive-behavioral approach, and the family or couple approach.

The survey considered certain troubles observed in adults (anxiety, schizophrenia, and troubles related to mood, personality, diet, alcoholism), as well as in the child and adolescent (autism, hyperactivity, diet, etc.). It compared the effectiveness of the different approaches and recognized the need to conduct complementary studies on children and adolescents, and to continue evaluation in Europe and particularly in France.

Introduction of a treatment estimate or informative document in psychotherapy

The directorate General for Competition, Consumption, and the Repression of Frauds (DGCCRF) is to examine the question of providing information for prospective clients or patients about the details, including cost, of psychotherapy treatments or services available.

Proposition n° 7

Draw attention to the causes of certain refusals of health care

The Ministry of Solidarities, Health, and the Family has developed a technical document on the refusal of health care and blood transfusions. This document recalls the law, jurisprudence, and obligations of the doctor, in particular his obligation to do everything he can to convince the patient to accept adequate health care, while respecting the patient's right – encoded in the law – to refuse treatment. The aim is to inform doctors likely to be faced with this situation on the proper behavior and the precautions to take in particular circumstances.

Proposition n° 8

Aid victims and defense associations

With the help of the government's information service, MIVILUDES has published a brochure, in 40,000 copies, addressed to the

general public, with information about how to react to sectarian aberrations. This document also indicates who should be contacted in particular cases of difficulty: it lists public services, professional orders, and associations for the defense of victims. Throughout 2004, the brochure was furnished on demand, to prefects, public prosecutors, deputies, General Councils, and bodies whose domain of activity is particularly linked to health, youth, sports, etc. The document can be downloaded from the MIVILUDES Internet site.

Conventions have been signed with the major associations.

Proposition n°9
Invigorate departmental cells of vigilance

The chapter on the activity of services at the local level reports on the departmental cells of vigilance. It notes that thirteen additional departments installed such cells in 2004, bringing the total number of commissions created to eighty-eight. However, the frequency of meetings could still be improved.

Proposition n° 10
Designate a MIVILUDES correspondent in each regional prefecture

After a request by the chairman of MIVILUDES, on January 30, 2004, the regional prefects all designated a regional correspondent charged with “assuring the diffusion of information, the preparation of training plans and the handling of situations which extend beyond the limits of the department”.

The regional correspondents met twice in Paris: on April 7, when they were installed, and on December 8, to make an initial evaluation of the actions undertaken during these first months.

27 – Propositions for action in 2005

- 1 – Develop preventive action aimed at young people
- 2 – Improve aid to victims
- 3 – Verify home-care for the vulnerable
- 4 – Strengthen verification of the schooling obligation
- 5 – Increase awareness in the economic sphere
- 6 – Create a link between the administration and university research
- 7 – Undertake a comparative study of foreign approaches
- 8 – Develop a more precise characterization of the notion of a sectarian aberration
- 9 – Make the action of prefectural cells of vigilance permanent
- 10 – Establish a project for an interministerial circular

PROPOSITION N°1

DEVELOP PREVENTIVE ACTION AIMED AT YOUNG PEOPLE

In a collective work dedicated to the prevention of risky behavior³⁷, one of the authors stresses the need to fully inform the young of the dangers that can result from joining a group without thinking about the consequences. “To avoid being recruited by a sect during athletic training or initiation to an artistic activity, you have to be able to recognize the external signs, and rely on your own reasoning capacity to do the job of thinking critically at decisive moments”.

Basically, the problem is not different from the case of addiction to tobacco, alcohol, or drugs. But the psychological dimension of the sectarian hold deserves a specific approach, one that is especially difficult to apply.

MIVILUDES will make a special effort to diffuse adequate messages of prevention using both audiovisual channels and the Internet.

Interventions of qualified correspondents may also be scheduled in settings where adolescents are welcomed and listened to.

The help of the Ministry of National Education, Higher Education, and Research and of the Ministry of Youth, Sports, and the Associative Life will be solicited.

³⁷ “*Penser le risque sectaire*”, Ministry of Youth and Sports, October, 2001

PROPOSITION N°2

IMPROVE AID TO VICTIMS

The victims of the sectarian hold and sectarian subjection are not limited to former disciples who have experienced their membership in the group as a period of suffering they find it difficult to put behind them; they are also the families the members broke with completely when they joined the movement. It is true that these personal or family tragedies do not directly disturb public order, and do not automatically call for legal action. However, the public authorities cannot ignore them totally, and aid to victims is one of the missions assigned to MIVILUDES.

In this spirit the 2003 Mission report suggested lengthening the statute of limitations so as to allow enough time for former disciples to file complaints. This proposal has not yet been implemented.

We must also give these same individuals psychological assistance that can help them rebuild their lives as quickly and as fully as possible.

Families that have been disrupted, and sometimes torn apart, should be able to find counseling and help with the structures set up for this kind of aid.

MIVILUDES will promote, in partnership with associations, the creation of networks of specialists in handling victims of a sectarian hold.

PROPOSITION N°3

VERIFY HOME-CARE FOR THE VULNERABLE

The social aid services—for children, the elderly or the handicapped – deliver certification for care of the vulnerable.

In the case of infant care, the Ministry of Social Affairs produced a report in 1998 concerning the certification required for childcare. This document needs updating. Taking into account the most significant decisions of the administrative authorities would be useful for indicating to the General Councils, which are charged with handling requests for certification, how to proceed.

Foster care for the elderly or handicapped in private homes is a developing practice. A guide for how to proceed would be useful to General Councils in the processing of requests from candidates for certification.

MIVILUDES suggests that documents be updated or prepared that highlight the safeguards that must accompany foster care for children and vulnerable adults.

PROPOSITION N°4

STRENGTHEN VERIFICATION OF THE SCHOOLING OBLIGATION

The law of December 18, 1998, aimed at reinforcing verification of the schooling obligation, and the decree of March 23, 1999, concerning the knowledge content required of children who are home-schooled or enrolled in non-contractual private educational establishments, gave national education inspectors better means of verification. Because of this, the number of children schooled at home dropped from over 6,000 in 1998 to about one thousand in 2005.

In contrast, it would seem that the approximately 40,000 pupils in non-contractual private establishments and those who have chosen long-distance teaching, have not benefited from such verification. None of these forms of education are immune to pedagogical deviations which may sometimes be of a sectarian nature.

In addition, certain private higher education establishments deliver unrecognized diplomas in the areas of health and psychotherapy, domains that are vulnerable to sectarian risks.

A parliamentary mission was assigned to M. Jérôme CHARTIER, the deputy from Val d'Oise, and MIVILUDES told him of its concerns about these areas.

MIVILUDES recommends that instructions be given to the authorities responsible to reinforce application of the decree of March 23, 1999, and improve verification of medical and paramedical training.

PROPOSITION N°5

INCREASE AWARENESS IN THE ECONOMIC SPHERE

The inquiries and questions registered by MIVILUDES from the economic sector in 2004 were more frequent.

Heads of companies, including some major firms, spoke of being contacted by celebrities close to certain sectarian movements.

Participants in training programs, personnel reassignment firms, and purchasers of various kinds of services (computing, recruitment, coaching, internal change management) have expressed worries and asked the Mission for help.

In this context, a program of awareness will be developed and implemented in 2005 targeting two groups which are particularly sensitive to the question of sectarian risks in business:

- major business and management schools;*
- the permanent assembly of chambers of commerce and industry;*

This program will include:

- an analysis of the risks due to the outsourcing of such functions as recruitment, professional training, and coaching;*
- a presentation of concrete cases including cases of jurisprudence;*
- an examination of measures of protection that can be adopted within a company.*

PROPOSITION N°6

CREATE A LINK BETWEEN THE ADMINISTRATION AND UNIVERSITY RESEARCH

Since 1995, and the report of the parliamentary investigatory commission, no project of observation and analysis of comparable scope has been carried out in France.

But the situation in France has become much more diversified since then.

Charged with observing the phenomenon, MIVILUDES took the initiative of organizing a seminar in 2003-2004 on the theme “*Sects and secularity*”, where a major role was given to specialists of the human and social sciences. This seminar demonstrated that the distance is not as great as some believe between scientific and academic knowledge and the everyday handling of these problems.

It seems useful to make the presently existing documentation available to the public, as a first step towards the creation of a documentation center, all the more welcome in that it will be open to different points of view, to researchers from different disciplines, to government representatives and members of associations.

Closer collaboration can already be envisaged in one area: MILS, then MIVILUDES, regularly noted the speed with which new groups of a sectarian character were developing in the overseas departments and territories (DOM-TOM), then spreading to Metropolitan France.

In this matter, it appears desirable to collaborate with anthropologists who have long been studying these groups.

A seminar for continuing education open to teachers, administrators, and jurists could be created with the aid of anthropologists specializing in that region or in similar problems.

MIVILUDES, in liaison with the ministry for research, will work to set up a center for documentation accessible to academics, and will offer researchers the possibility of contributing to the effort of reflection on the DOM-TOM, in particular.

PROPOSITION N°7

UNDERTAKE A COMPARATIVE STUDY OF FOREIGN APPROACHES

The few missions abroad by the chairman or representatives of MIVILUDES bring out the originality of the French approach. This makes the attitudes of foreign countries all the more interesting to observe.

Thus, in Belgium, the role of the Center for information and advice on harmful sectarian organizations (CIAOSN) is not to organize action against the phenomenon, but rather to study and analyze it on its own grounds, to inform and give an opinion. Its mission is not to intervene in the domain of public order, although it can make recommendations to the public authorities.

In Austria, the “*Bundesstelle für Sektenfragen*”, an official entity of the Federal Republic, was given a mission of gathering information, promoting awareness, and providing advice about sects, psychogroups, and esoterism. For this, it observes the phenomenon, prepares documentation, and develops an activity of public reception, psychological assistance and counsel. It informs and explains the actions of the ministries, as well as the interministerial workgroup, created in 1998, on the subject.

In Great Britain, the association INFORM (Information Network Focus On Religious Movements), linked both to the state and the Anglican Church, and managed by academics, has the task of providing documentation intended to be objective.

In Spain or Italy, there seems to be no official structure outside the police services which is dedicated to observation of the phenomenon.

In the countries of Central and Eastern Europe, the attitude of the public authorities is dominated by the desire to leave the widest scope for their recently recovered individual freedoms, at the risk of leaving the field open to sectarian activities.

A “mission of exploration” will attempt to evaluate and compare the existing provisions, first of all in the 25-member European Union, in order to learn everything that can be learned, and support the French position in international settings such as the Council of Europe and the OSCE.

PROPOSITION N°8

DEVELOP A MORE PRECISE CHARACTERIZATION OF THE NOTION OF A SECTARIAN ABERRATION

In specifying its object as a combat not against sects but against sectarian aberrations, the decree of November 28, 2002 enlarged the scope of action of the Interministerial Mission but at the same time made it less precise.

We have been speaking so far of groups or movements of a sectarian character. To characterize these, the public authorities rely essentially on criteria of dangerousness, defined in part by the legal institution and the police. But the evolution of the sectarian phenomenon has produced new behavior that is harmful to individual and/or collective liberties, by individuals acting outside of any organized structure.

Moreover, the dividing line is sometimes unclear, or subtle, between what counts as a sectarian aberration and charlatanry or a swindle.

Lastly, given the evolution of society and sectarian practices, we may well ask what difference of nature or of degree separates sectarianism from communitarianism, fundamentalism, or fanaticism.

With the help of the Orientation Council, MIVILUDES will develop a program of action to be submitted for approval by the cabinet of the Prime Minister.

PROPOSITION N°9

MAKE THE ACTION OF PREFECTORAL CELLS OF VIGILANCE PERMANENT

Local administrative organization of the combat against sectarian aberrations is based on a commission called a “*cell of vigilance*,” which, under the prefect, groups magistrates, heads of the services concerned, educational authorities, representatives of associations for aid to victims, and sometimes elected officials of the General Council or of major municipalities.

This body has proven its utility by providing detailed knowledge of the group situation, and sharing that information with the different institutional actors. Starting this year its activity will be supplemented by that of the regional correspondents of MIVILUDES who, at the level of the regional prefecture, will be coordinating information-gathering and training.

A project is currently under study to group together the commissions presided over by the prefect, which would merge the cells of vigilance into a larger entity which may be called the “*Departmental Council of Prevention and Aid to Victims*”. Without criticizing the logic of such a grouping, which would hopefully lead to improved synergy, it is still important to warn against the risk of loss of identity, with, in a short time, dilution of the existing cells of vigilance.

We must be careful to preserve their visibility, maintain their specific program, and continue the production of periodic reports of their action.

MIVILUDES will do its best to obtain from each prefecture an annual activity report put together by the regional correspondents.

PROPOSITION N°10

ESTABLISH A PROJECT FOR AN INTERMINISTERIAL CIRCULAR

“The combat against reprehensible acts of sectarian movements”;
“the combat against harm to individuals and property committed in the framework of movements of a sectarian character”; *“the combat against sectarian aberrations”.*

These titles of three circulars issued by, respectively, the ministry of the interior, the Ministry of Justice, and the ministry of youth and sports, illustrate a diversity of approach, further complicated by the instructions issued by the departments of education, social affairs and economy and finance.

Since February 1996, the date of the first circular of the Minister of Justice, there have been no less than ten regulatory texts, most signed by the minister then in office, some by central administration directors. With the exception of a recent circular of the ministry of the interior dealing with religious surveillance and containing a reference to MIVILUDES, they all date from the period 1996-2002 and refer to the setting up of its predecessors, the Interministerial Mission of Combat against Sects, and even, for the oldest ones, to the Observatory of Sects.

While the basic analysis is still relevant, there is clearly a need for refurbishing of these texts, and an interministerial meeting of October 1, 2003 did indeed ask the different cabinets to attend to this. This work has yet to be carried out. To get the job done, one can either envisage corrections ministry by ministry, or else updating by a circular of the Prime Minister.

This latter step would have, among other advantages, that of eliminating the risk of divergent interpretations, of making more precise the line which the decree creating MIVILUDES was intended to define, and of providing, for all public actors, a common reference based on the concept of an “aberration”.

A project for an interministerial circular will be prepared in concertation with the Executive committee.

CONCLUSION

With the attention shown by the nation's elected representatives in parliament, the activity undertaken by associations in the field, the vigilance exercised by national and local public services, and the coordination supplied by the Interministerial Mission, the French system of combat against sectarian aberrations is no doubt without an equivalent.

This action, which is both preventive and repressive, is, as is natural in any State based on law, and even more so in the land of human rights, carried out under the permanent surveillance of a judge whose task is to safeguard freedom. Thus the Supreme Court of Appeals and the Council of State were called upon, in 2004, to pronounce judgment, and jurisprudence has begun to accumulate based on the law of June 12, 2001.

Whether it is a consequence of this institutional mechanism or due to independent social evolution, major manifestations of aberrations are less apparent than they were a while back. While not immune to an unpredictable surge of irrational behavior, our society seems better protected than some others from such excesses. In fact, several movements seem to have chosen to expatriate themselves to countries that are less vigilant than ours.

Nevertheless, the French example is not easily transposable. It is even regarded by some of our partners as singular. We again find here the difficulty we have in sharing with others our conception of secularity: a secularity which, while totally guaranteeing freedom of conviction and personal autonomy, is also concerned about respecting a social order built on shared values.

Our vigilance with respect to sectarian aberrations and our combat against them are aspects of this political attitude, which unites in a single combat the philosophy of the age of Enlightenment and Judeo-Christian thought. This is without a doubt why it enjoys such a broad consensus in French society.

The chairman of MIVILUDES
Jean-Louis LANGLAIS
Inspector General of the administration

March 2005

APPENDICES

- 1 - Decree of November 28, 2002 creating MIVILUDES
- 2 - Order concerning the membership of the Pilot Executive Committee
- 3 - Order concerning the membership of the Orientation Council

APPENDIX 1

Decree n° 2002-1392 of November 28, 2002 creating an Interministerial Mission of Vigilance and Combat against Sectarian Aberrations

The President of the Republic,

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

Article 1

There is hereby created, reporting to the Prime Minister, an Interministerial Mission of Vigilance and Combat against Sectarian Aberrations which is charged with:

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

Article 2

The mission is to receive, from the various administrative services concerned, all the information they possess on the sectarian movements

designated in Article 1, except when the communication of such information is liable to affect a secret protected by law. It can also make requests for assistance from the ministries relevant to studies or research in the area of the combat against sectarian aberrations.

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

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

Article 3

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

He is assisted by a Secretary General named by order of the Prime Minister.

The agents placed under the authority of the Mission Secretary General are also named by order of the Prime Minister.

Article 4

The Mission chairman shall preside over a Pilot Executive Committee composed of representatives of the ministry departments concerned.

This executive committee will meet at least six times by year, on convocation by the Mission chairman, who will establish the agenda.

Article 5

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

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

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

Article 6

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

Article 7

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

Article 8

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

Jacques CHIRAC

By the President of the Republic:

Prime Minister,
Jean-Pierre RAFFARIN

APPENDIX 2

Decrees, ordinances, circulars Nominations

Prime Minister

Order of March 3, 2003³⁸ concerning the membership of the Pilot Executive Committee of the Interministerial Mission of Vigilance and Combat against Sectarian Aberrations

By order of the Prime Minister, dated March 3, 2003, the Pilot Executive Committee of the Interministerial Mission of Vigilance and Combat against Sectarian Aberrations is composed of representatives of the ministry departments concerned, whose names follow:

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

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

M. Jean-Robert Louis, head of the national group for verification of professional training at the General Delegation for employment and professional training of the Ministry of Social Affairs, Labor, and Solidarity

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

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

Mme Françoise Dubreuil, sub-director of educational action and legal affairs of the Department of Legal Protection of Youth of the Ministry of Justice

Mme Marie-Noëlle Teiller, sub-director of civil law of the department of

³⁸ J.O n° 53 of the 4March 2003, page 3803

civil affairs and the chancellery of the Ministry of Justice

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

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

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

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

M. Joël Goyheneix, Inspector general of National Education, responsible for the Cell for Prevention of sectarian phenomena at the department of legal affairs of the Ministry of Youth, National Education, and Research

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

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

M. André-Paul Bonal, bureau head in the sub-department of Fiscal Control of the General Tax Service at the Ministry of Economy, Finance, and Industry

M. Emmanuel Jancovici, mission head in the sub-department of family and child social development at the General Directorate of Social Action of the Ministry of Health, the Family, and the Handicapped

Mme Marie-Claude Marel, assistant to the sub-director of quality and functioning of health establishments at the Department of Hospitalization and Health Care Organization of the Ministry of Health, the Family, and the Handicapped

M. Joël Balavoine, Inspector General of youth and sports at the Ministry of Sports.

APPENDIX 3

Decrees, ordinances, circulars Nominations

Prime Minister

**Order of March 3, 2003 ³⁹
concerning nominations to the Orientation Council
of the Interministerial Mission of Vigilance and Combat
against Sectarian Aberrations**

*By order of the Prime Minister dated March 3, 2003, the following are
named members of the Orientation Council of the Interministerial Mission of
Vigilance and Combat against Sectarian Aberrations:*

M. Jean-Jacques Andrieux	M. Daniel Grunwald
Mme Claude Azema	M. Jean-Jacques Hyst
M. Michel Bart	M. Dominique Latournerie
M. Dominique Borne	Mme Chantal Lebatard
M. Jean-Pierre Brard	M. Bernard Le Héritte
Me Guillaume Cazelles	Mme Nathalie Luca
Mme Martine David	M. Michel Meslin
M. Eric Doligé	M. Michel Monroy
M. Michel Establier	M. Jean-Pierre Morin
M. Georges Fenech	M. Tobie Nathan
M. Alain Gest	M. Philippe-Jean Parquet
M. Serge Girouy	M. Eric Raffin
M. Daniel Groscolas	Mme Dominique Terre

³⁹ J.O n° 53 March 4, 2003, page 3804