



# Report to the Prime Minister

2007



## **Interministerial Mission of Vigilance and Combat against Sectarian Aberrations - MIVILUDES -**

**This document is a translation of the French version. Only the  
original French version is legally binding.**

# Contents

Foreword by the Chairman.....	5
Introduction.....	7

## 1<sup>st</sup> section

<b>Prevention and assessment of risk</b> .....	10
Sectarian Aberrations: analysis of legal provisions.....	10
Mental hold examined in legal decisions.....	24
Psychotherapeutic aberrations: induced false memories.....	42

## 2<sup>nd</sup> Section

<b>Childhood and education</b> .....	57
Follow-up to the Parliamentary investigatory commission on "Stolen childhood" .....	57

## 3rd section

<b>The detection of risk in the economic domain</b> .....	79
The inherent risks of multi-level marketing networks .....	79
The risks linked to certain business coaching techniques .....	92

## 4<sup>th</sup> Section

<b>Various studies</b> .....	105
Stupefacients and sectarian aberrations.....	105
Satanism: an ever-present risk of aberration .....	115
Influential strategies used by sectarian movements on an international scale: the OSCE case.....	119
Sectarian risk: legal and administrative provisions in Central Europe .....	146
Observations of a psychologist concerning aberrations relating to the practice of induced false memories.....	177

## 5th section

<b>Administrative activities in 2007</b> .....	190
MIVILUDES .....	190
Ministries .....	199
Conclusion.....	240

## **Appendices**

Testimonies .....	242
Parliamentary activities: written questions .....	246
Addresses and useful links.....	260

# Foreword by the Chairman

A long time ago, some 25 years, the State did not preoccupy itself with movements which were, without further consideration, given the name of sects. Some would smirk, but others wished to awaken public opinion on the matter.

A Prime Minister entrusted the mission of producing a report on the subject to a member of parliament. Roger Ikor drew the attention of the President of the Republic, families organised themselves into associations in defence of the victims, the Parliament created an Investigatory Commission, the Government set up an Observatory, a new minister created a Commission to combat sects, another transformed this into the Inter-ministerial Mission of Vigilance and Combat against Sectarian Aberrations, and media sources almost unanimously denounced the plague of the methods of manipulation used by these groups. In short, the growing awareness of this phenomenon was very real and an almost unanimous consent formed that this problem could be not resolved via private initiatives.

Far and beyond the intricacies linked to the political sensitivities of the various parties, beyond the language subtleties, it was in fact an entire policy of prevention, of information, of assistance to the victims and their families, and of combat against all forms of sectarian aberrations which took shape, step by step, in the light of past experience, with the largest political consensus which any sociological subject has ever been able to command in our country.

The sectarian movement, whether it manifests itself in spiritual, philosophical, esoteric or occultist domains, which have suffered a very noticeable decline since the beginning of the century, or whether it is found in its more modern forms, which are better adapted to the expectations of our fellow citizens, via the fields of health, education, personal development, coaching or personal guidance, etc...could not remain idle in the face of such policy. There is no denying that the movement rapidly organised itself to strike back on both national and international fronts.

Its discourse is now very much in focus:

Any State action in this field encroaches on the exercise of public liberties, particularly on the freedom of belief, although the notion of belief cannot actually be demonstrated in most cases. Any warning from State authorities is discriminatory, and any accusation defamatory.

There are no victims, only apostates, whose testimonies are more than questionable. There are no established facts, only rumours.

Legal decisions are occasionally made, however they are inevitably unjust and this jurisprudence bears little impact in comparison to decisions made by European or national jurisdictions, whose judgements and orders are interpreted and compared by the movements concerned, whose talents for instrumentalism must be admired.

To summarise, there are neither victims nor public disorder and there are more serious and pressing matters on which the State should focus its energy. There are only a handful of people - who are always the same - who are wasting public funds in this futile, out-dated witch hunt.

Well, for 3 years, I met with those victims one would have you believe invisible on a daily basis, I listened to their families, and I was witness to the damage and irreparable harm caused by all those gurus and witch doctors in the sectarian movement.

I noted the expectations of all those who had suffered and suffered still as a result of actions void of any respect for human dignity.

I took note of the cynicism and arrogance of certain heads of these sectarian movements. I am to this day astounded by the composure and the bad faith displayed by their leaders and defenders.

It is for this reason that I wish to pay homage to the actions of all those who tirelessly devote themselves to ensure that our fellow citizens do not succumb to the appeal of these movements and that those who have seriously harmed other men, women and children, and those who have exploited the weaknesses, credulity or despair of their fellow human beings be obliged to answer to the course of law.

I offer my sincere thanks to all, to the elected politicians of the Nation, the leaders of associations, health, education and legal

professionals, qualified individuals, officials of centralised, decentralised and regional administrations, for their selfless and deeply humane actions.

The all-encompassing behaviour of sectarian movements is leading them to trample the Republican motto: what value do the words “Freedom, Equality, Fraternity” still hold in a world where human dignity no longer applies?

Let us make sure we know who the victims are and let us continue to answer the cries of those who legitimately call out to the State for help.

## Introduction

The founding decree of the Inter-ministerial Mission of Vigilance and Combat against Sectarian Aberrations requires that its Chairman present an annual report to the Prime Minister.

Given that the Mission was created in December 2002, this document is the fifth report.

The first two reports, in chronological order, had successively placed an emphasis on sectarian risk and then on sectarian aberrations, with a clear definition of the scope of activities and with specification of the nature of the risks and the means of apprehending the reality in strict compliance with law, intended for the attention of the Parliament, which closely monitors its action, and of its citizens, who expect the State to protect them against a danger which is considered as particularly intolerable.

In its third report, the Mission highlighted and presented examples of four sectors which required acute vigilance and the provision of exhaustive information to political and administrative leaders, in view of the position of the potential victims: approaches targeting minors, sectarian aberrations in the field of health in the wider sense of the term, the risk of penetration of economic systems and the infiltration of a leading sector in terms of image, i.e. humanitarian assistance.

Last year, the decision was made to address new issues, matching

developments in the sectarian environment, together with the capacity of the organisations in question and of their leaders to adapt on a daily basis. For MIVILUDES, it was not a matter of stigmatizing any particular individual in principle, but of adequately fulfilling its role as a regulator, by proceeding with an upstream analysis of risks, and an objective investigation of changes to dangers. Indeed, each time that the State has taken measures against a particular type of risk, the sectarian movement has quickly adapted by working around the texts, by developing new methods of approach, or by integrating new sectors.

It is this very same notion of the role and responsibilities of MIVILUDES, which took the forefront in the development and finalization of this present report. The latter have been carried out under the supervision and complete endorsement of the Orientation council.

The strengths of the works resumed in these pages lie in the fact that they represent an essential reminder of the judicial laws in force, not only with respect to the categorization of the actions of public players, which can only be carried out in accordance with constitutional principles and laws, but moreover with full transparency with respect to the citizens' expectations of the public judicial system, which is responsible for defending the rights and liberties of all parties.

It was impossible for MIVILUDES to ignore the work of the Parliamentary Investigatory Commission on "Sects and Minors: stolen childhood", which, under the presidency of Mr. Georges Fenech, presented its report in December, 2006. It then commenced the monitoring of the fifty recommendations proposed by the aforementioned Commission and presently accounts for the measures already adopted, those still in their developmental stages, and the reasons for the abandonment of any proposals if applicable.

Matters relating to health have been highlighted, as it is palpable that this is one of the three fields, together with education and the economy, out of which stem the most numerable new doctrines, new schools of thought often perceived by target audiences as a general source of risk and the risk of sectarian aberrations in particular. MIVILUDES is naturally only and exclusively interested in this latter aspect of the sectarian movement.

In order to determine sectarian risk and measure the amplitude of the

harm inflicted on the economic environment, a study was conducted on the means of gaining hold and on the current situation for two practices: “systemic constellations” and “multi-level sales” methods, which have been the subject of many questions over the last year. We examined how the use of certain practices by often self proclaimed pseudo-specialists was likely to have serious effects on the inner harmony of individuals and their environment.

This report assesses the problems associated with the unabated fad favouring shamanist practices which call for the mostly uncontrolled use of hallucinogens. After the categorization of ayahuasca and iboga ensuing from the risk assessment highlighted in previous reports, in 2007 a chapter is devoted to the “Datura” phenomenon, the new medium for shamans. The potential for the aberrations which accompany this phenomenon is thereby analysed.

Several members of the MIVILUDES Orientation council, particularly those representing family or educational institutions, have expressed their wishes for the satanic phenomenon to be updated since last year’s report, to take its most recent developments in France into consideration.

In collaboration with our diplomatic correspondents, MIVILUDES compared the public policies implemented to handle the problem of sectarian aberrations in the main Western European and North American countries for the first time last year. This year, a chapter is devoted to the legislative, regulatory and administrative provisions which are implemented in Central and Eastern Europe, which were not addressed in 2006.

Finally, even more so than in previous years, 2007 was marked by the frantic lobbying efforts of sectarian movements and their satellite associations. A confirmed developing trend saw many companies incapacitate departments in charge of the vigilance and combat against sectarian aberrations and it became evident that the influence strategies used by the movements were extremely effective. Their aptitude for reversing the reality of situations resembled their shrewdness in recruiting followers. The example of their actions in the context of an OSCE project is the subject of one of the chapters of this report.

Finally, each administration on the Executive operational control committee of the Mission had the possibility of providing their own annual

activity report to optimise the information provided to readers on the work done by each individual ministerial department. These contributions provide actual demonstrations of the reality of the specific focus points of previous years and provide information on the developments announced in 2005 and 2006.

MIVILUDES itself reports on its activities in the fields of action defined in its founding texts: distribution of information, training seminars, departmental vigilance units, international approaches, liaising with family defence associations, meetings with heads of movements (at their request) wishing to establish contact with the public authority, etc.

2007 can be looked back on as a year of work and efforts so as to ensure that victims and their families are heard, respected and supported throughout the difficult times which they face.

The executives of MIVILUDES have also had to devote much time, as was the case for many other political and administrative leaders and leaders of associations, in confronting all sorts of attacks, primarily legal actions, aiming to intimidate individuals, to incapacitate their action and to discredit the former on national and international political scenes. However much of a nuisance such harassment has been, it has in no way impinged on the determination of all those selfless people, who have helped to fight for the acknowledgement of the harm sustained by the victims and their families.

May the latter be reassured that the active forces of the Nation, represented by the MIVILUDES Orientation council, whose action is controlled and supported by these forces, do not intend to let the Republic give up and renounce on ensuring the safety of the most vulnerable people, struggling against actions motivated solely by the lure of money or the quest for absolute control over individuals.

## 1ST SECTION

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# **Prevention and assessment of risk Sectarian Aberrations: analysis of legal provisions**

For nearly 25 years, the French State has strongly affirmed its desire to protect the victims of aberrant behaviour by sectarian movements.

The action of the State has developed step by step, as a result of parliamentary reports and the evolution of the forms of the combat organisations established by successive Prime Ministers.

Since 28 November 2003, the Inter-ministerial Mission of Vigilance and Combat against Sectarian Aberrations, as indicated by its name, fulfils both a mission of vigilance i.e. the prevention and detection of sectarian risk, and a mission of combat against recognised aberrations.

There exists no legal definition of what constitutes a sect in French law, no more so than a definition of religion. This is partially the result of the fact that, in virtue of its laic principles, France refuses to define or to limit religious and spiritual phenomenon, thereby avoiding the risk of infringing upon the absolute principle of freedom of belief.

The inter-ministerial Commission on sects agreed as early as 1997

that *“it would not be facilitating the government’s actions against aberrations of this nature if it attempted to define and finalise a notion, whose very definition is in a constant state of evolution and is largely uncontrollable, in a text which would necessarily be limited, disregarding the legal and constitutional obstacles which this task would face”*. It is fitting, ten years later, to acknowledge the accuracy of this statement: today, sectarian aberrations have a greater presence in the fields of health, alternative therapies and personal development than within spiritual and religious contexts, per se.

On the other hand, the lack of definition of sects in no way detracts from the reality of the existence of the victims of the aberrations of certain sectarian movements. The notion of sectarian aberrations is constantly evolving and the French approach is both pragmatic and textually supported.

The fact of the matter is, in the absence of a legal definition of what constitutes a sect, the law represses any actions which, in the specific context of mental hold, infringe upon human rights, fundamental freedoms or which represent a threat to public order.

In certain countries, activity in this field almost exclusively concerns the private sector. In France, there are numerous associations whose function is to aid the victims and their families, but all types of political, legislative and executive leaders, have judged that the Government cannot escape from its responsibilities and duties in regard to this matter.

It is for this reason, that the task of State institutions to combat sectarian aberrations in all their forms is effectuated at a variety of different levels.

The task of administrative executives is to implement adequate monitoring and prevention provisions.

The function of social workers is to identify dangers and to aid victims.

As for MIVILUDES, it coordinates all of the provisions implemented by the Government at departmental, regional and ministerial levels, provides information for the public and government officials and analyses the evolution of the phenomenon on behalf of the Prime Minister. The decree of 28 November 2002, entrusts the mission, as mentioned above, with

prevention, vigilance and combat against any aberrant behaviour by sectarian movements.

Lastly, the task of the judge, the guardian of freedoms, is to provide protection against all forms of physical or psychological subjection and continues in the tradition of respect for the law, from which no government, and no citizen must be exempt.

This concerted and pragmatic Government function, in the absence of any specific incrimination, exercises a dual protective role:

- ensuring the freedom of belief;
- ensuring individual freedoms, especially those of the weak (e.g. children and, since 2001, people in a state of subjugation).

In principle, no judgement is made as to the value or the sincerity of an ideological or spiritual commitment. This aside however, not everything is allowed in the name of freedom of belief or religion and it is the responsibility of the judge to provide reminders as to the lines which cannot be crossed, whether of an administrative or legal nature, and on a national or European scale.

## **1. Sectarian aberrations in the context of private law**

While sectarian aberrations are naturally viewed as violations of penal code texts, the judgements of civil jurisdictions, of which far more exist, must not be neglected.

### **The family**

In these, often low profile cases, it is also the conduct of individual members of sectarian movements, and this individual conduct alone, which can result in unfavourable judgements and not merely the fact that they belong to such a movement.

#### **1 – Family Law**

Belonging to a sectarian movement does not in itself constitute sufficient grounds for divorce (Dijon Court of Appeal, 23 September 1997).

It is only when the behaviour of one spouse deeply disturbs the life of the couple that the Family Tribunal judge can deem that behaviour a fault which renders the continuation of the relationship intolerable and award a divorce on these grounds (Nancy Court of Appeal, 23 February 1996; Montpellier Court of Appeal, 7 November 1994).

The overzealous implementation of the movement's doctrine, whether it is of a religious or other nature, proselytising, demonstration of a lack of interest in family and friends, violence and restrictions, are all gravely detrimental to family life, which is incompatible with the continued family ties (Court of Cassation, Civil Chamber, 8 July 1987; Agen Court of Appeal, 2005).

Similarly, if only one of the two parents belongs to a sectarian movement, this in itself does not constitute grounds for an unfavourable verdict for the sect member, with regards determination of custody, visiting and access rights.

It is the consequences of these choices and not the choices themselves which are subject to criticism when the child's stability is at risk.

In the event of separation, if the practices of a parent have a strong potential to physically or psychologically traumatise the children, the Family Tribunal judge can decide to award custody to the other parent and/or restrict visiting and access rights (Court of Cassation, 2nd Civil Chamber, 13 July 2000; Aix-en-Provence Court of Appeal, 2004).

The Grenoble Court of Appeal reconfirmed the principle of religious freedom for a father and his daughter, subject to an opening of access to and participation in social networks.

## ***2 – Childhood at risk.***

Juvenile court judges are called upon when the health, safety or the moral integrity of a minor is at risk, or when the conditions of his or her education, physical, emotional, intellectual or social development are greatly endangered.

In this context, the magistrate can decide to implement educational provisions such as the placement of the minor or educational monitoring within the family home.

According to articles 375 and subsequent of the Civil Code, in addition to the deprivation of care and food, and the cases of physical or sexual violence encountered in many groups, the parents' decision for their children to live in a "closed world", where they are neither properly educated nor given any serious teaching at all, equally provides immediate cause for the public prosecutor to be informed and for the said State representative to engage in legal proceedings.

In a verdict delivered on 22 February 2000, the Court of Cassation confirmed a previous judgement which had ordered a mother to keep her children away from any members of the Raëlian movement, with the exception of herself and her partner, and to refrain from leaving French soil without written consent from their father.

According to the Court of Cassation, the debated verdict did not directly infringe on any rights and freedoms, it merely subjected their exercise to certain conditions, for the well-being of the children alone.

The parliamentary investigatory report on "stolen childhood", closing the 2006 Parliamentary Commission, made 50 proposals for the protection of children, which are particularly vulnerable targets of sectarian aberrations. This report will report on the implementation of these parliamentary proposals in a later chapter.

## **Work**

In their 1999 report entitled "Sects and Money", parliamentary officials reiterated that as financial gain (together with power) was one of the main objectives of sectarian movements, the latter had endeavoured to infiltrate companies as they could obtain three benefits from this action:

- attract funds, particularly via vocational training, the financing of which is considerable and still poorly controlled
- gain a certain reputation
- develop their proselytising
- use their infiltration as a means to penetrate other structures.

Several axes of professional life can be involved:

### ***1 – Exploitation of followers.***

Strong submissiveness to and dependence on the leader or guru can push members of movements to work in conditions which are sanctioned by the law as illegal labour.

### ***2 – Vocational Training.***

It was equally decided that employees could legitimately refuse to participate in a training program imposed by their employer, if the methods employed in the course of this training in any way resembled those used by an organisation indicated as a sect (Versailles Court of Appeal, 22 March 2001).

### ***3 – Provision of services.***

By specifically targeting certain strategic services within a company (I.T., human resources), sectarian movements can obtain personal data on employees or critical information about the operations of the company.

Any reader who wishes to know more on this topic can refer to the guide published by MIVILUDES "L'entreprise face au risque sectaire" ("Companies and sectarian risk") which can be obtained from the Documentation française publishing house or on-line from the Mission website (in French only). ([www.miviludes.gouv.fr](http://www.miviludes.gouv.fr)).

## **Criminal offences**

The infraction of Common Law can only occur because the victim has already been psychologically broken down by the manipulation of a group or guru. Manipulation is the foreplay to criminal action. Common Law applies to a specific field characterised by restriction.

There is no 'anti-sectarian' legislation in France as such, however some legal texts can apply to sectarian aberrations.

### ***1 – The application of general incriminatory texts.***

Many acts committed by sectarian movements could be sanctioned under penal law and thus constitute aberrations.

In view of the organisation, financing and economic activities implemented by sects and the lifestyle to which they lay claim, some sectarian movements develop specific modes of delinquency.

It is absolutely essential to refer to the movement's doctrine and to integrate this into the investigation, as it will almost systematically contain the ideology which advocates or results in the violation of the law.

The following infractions are those which are most frequently observed. This list is not exhaustive as the imagination of gurus is endless:

- Self proclaimed therapeutic or healing groups expose themselves to breaching Public Health Codes, particularly by practising medicine or pharmacy illegally, which, in worst case scenarios, can lead to manslaughter:

- on 1 July 2004, the Chambéry Court of Appeal sentenced Ryke Hammer to 3 years of prison for fraud and complicity in the illegal practice of medicine.

- on 3 June 2005, the Quimper Court of Assizes, sentenced parents, followers of a sectarian movement and guilty of exercising an unregulated therapeutic practice (kinesiology), to 5 years imprisonment, with a suspended sentence of 52 months, and to 3 years probation for failure to render assistance to a person in danger.

- Cases of destruction of property, fraud, abuse of trust, deception with regards to substance or false advertising are regularly reported in relation to certain movements offering personal development services, or services to effectively and rapidly improve the potential of clients or members (Scientology case, Lyon Trial Court, 22 November 1996, and Court of Appeal, 28 July 1997).

It is important to understand that money is the motivating factor behind almost all sectarian movements. It is not rare to see the followers of a movement living in a state of utter destitution because they have donated all of their assets to the movement, with the inherent indirect consequences which this may have on the other non-sect members of the family. The same cannot be said of gurus, who generally lead a comfortable and extravagant lifestyle.

The monetary flows of the major transnational movements are very difficult to identify, particularly in fiscal terms and the true nature of their assets can be vague. The 1999 parliamentary report "Sects and Money" highlighted the difficulties faced in attempting to recover tax debts and elaborated on the insolvency systems of sectarian movements.

- Personal attacks, physical violence, sexual abuse, the non-rendering of assistance to persons in danger and deprivation of care or food with respect to minors are most often observed among communities which withdraw into themselves and are resolutely cut off from the outside world.

Within sectarian movements, matters of a sexual nature have a particularly important role and take on multiple forms which are not encountered in the rest of society. Sexuality can serve as a means of enslaving its followers. Certain gurus advocate the practice of chastity, sometimes going as far as castration. Some decide on the partners for their followers. Others use fully fledged inquisition techniques on their followers. Quite contrastingly, in other movements, complete sexual freedom is advocated, or multiple partners are recommended, if not imposed, or sexual relations with children are advocated in the same manner as relations with adults, although almost all groups fiercely deny this today. Sometimes sex is used as a means of recruiting new followers (flirty fishing – which can sometimes constitute a breach of sex procurement laws).

- Infractions concerning educational obligations require extra special attention. The Law of 18 December 1998, which reinforced the monitoring of compulsory education, resulted in the incrimination of parents and the directors of private institutions which had failed to fulfil their obligations regarding the children (articles 227-17-1 and 227-17-2 of the penal code). The Law of 5 March 2007, whose decrees have not yet been made public, reinforces this provision for the protection of children.

- The matter of failing to report crimes deserves particular attention as certain groups take this attitude with respect to the law and the justice system: by keeping quiet about any internal affairs which could have a negative impact on the group, the movements manipulate the system as often as possible to their own ends. The Court of Cassation, in its verdict on 13 September 2000, confirmed the verdict of the Court of Montpellier, by sentencing members of a movement for failing to report incidents of sexual violence against children. They had obtained knowledge of these incidents via an internal confession during a council of the elders.

Before 2001, incriminations based on breaches of penal law had proven sufficient to combat most aberrant actions performed by sectarian movements. Nevertheless, certain actions remained outside this field of

repression and, in 2001, Parliament officials voted in an amendment to the Law on the exploitation of a state of weakness, adding the state of subjection to the scope of this Law.

## ***2 – The specific case of the About-Picard Law of 12 June 2001.***

This law, aiming to prevent and suppress movements infringing on human rights and fundamental freedoms, is a general text which does not exclusively target sectarian movements. It applies to all legal and de facto legal persons. This text has created a new civil dissolution process for legal persons and extended the prior incrimination systems for the fraudulent exploitation of a state of weakness.

The new Article of the penal code, Article 223-15-2, sanctions the fraudulent abuse of ignorance or weakness in minors or particular vulnerable people (age, sickness or disability). It also now protects people subject to psychological or physical subjection, resulting from the strong or repeated application of pressure, or from the application of techniques aiming to alter judgement and lead people to commit acts or abstentions which could have serious negative consequences.

The case pertaining to the founder of the Nantes Neo-Phare movement led to the first final judgement based on this principle and several other proceedings are currently underway in the field of sectarian aberrations. The case concerned the specific behaviour of a guru who had incited one of his followers to commit suicide in a religious, apocalyptic, extra-terrestrial and spiritual context. The objective of the guru was to physically and psychologically isolate the members of the group and to destroy their frames of reference, ensuring that they followed his bidding alone.

The psychological expert for this case played a decisive role with respect to both the trial (submission of a 50 page report analysing recordings) and the hearing: the expert highlighted the very particular nature of the relationships between the members of the group by means of textual analysis (the movement's doctrine) and video footage depicting the groups' meetings (3 hours viewing time of a selection of scenes, filmed by the group itself, which clearly demonstrated mental manipulation).

## 2. Administrative legal provisions

While penal law cases regarding sectarian aberrations are more visible for the public, administrative case law also awards important decisions in this field. To give an example, in a non-exhaustive manner, administrative case law has passed judgements on:

### The refusal of treatment

The law of 4 March 2002 regarding the rights of sick people and the nature of the health system, awarded patients the right to refuse treatment.

Pursuant to article 1111-4 of the public health code (PHC) "[...] medical practitioners must respect the will of the patient after having provided information on the consequences of their decision".

On a number of occasions, the State Council has reached verdicts on the scope of the rights of adults to refuse treatment.

In an order on 26 October 2001, the State Council ruled that the obligation to save life does not prevail over the respect of the will of the patient. With reference to the basic nature of the case, the Supreme Court decided that *"given the extreme situation which the patient faced, the doctors who, in attempting simply to save his life, had chosen to pursue actions essential to his survival and relative to his state of illness, had done no wrong in engaging the liability of the welfare services"*.

The State Council confirmed this verdict in the form of a summary order on 16 August 2002, by affirming that, while it was indeed a fundamental freedom for an adult to consent or refuse medical treatment, the execution of a blood transfusion against the will of the patient, circumstantially, did not constitute a serious or obviously illegal infringement of this freedom.

With regard minors or adults under guardianship, their consent must be systematically obtained if they are able to express their will and participate in the decision. Should a parental figure or legal guardian decide to refuse treatment, and should this refusal imply potentially serious consequences for the health of the minor or the adult under guardianship, the medical practitioner will administer essential treatment (article L. 111-4 of

the PHC).

Moreover, in a verdict on 24 April 1992, the State Council ruled that prospective adoptive parents refusing blood transfusions “*did not offer sufficient guarantees as to the provision of suitable living conditions for the children*” and hence, that this attitude justified any negative ruling from the Chairman of the General Council.

## **Childminders**

In a verdict on 7 February 1997, the Versailles Administrative Tribunal confirmed the decision made by child-welfare social services to withdraw a childminder’s license and her right to mind children, due to the proselytising carried out by the childminder on behalf of her movement.

Similarly, the Lyon Administrative Tribunal, on 3 March 1998, ruled in favour of the withdrawal of the licence of a childminder, who minded children in her own home, in view of the fact that “*the person concerned refused to apply essential teaching practices with the children (Christmas celebrations, children’s’ birthdays), despite these festivities representing key family and social references for the children concerned*”.

The law of 27 June 2005 concerning the status of childminders, requires that licences may only be issued if the person can guarantee conditions which are appropriate for the physical, intellectual and emotional development of minors.

## **Disruption of public order**

In this matter, freedom is the rule, and restriction of this freedom is the exception to the rule. Article 10 of the Declaration of Human rights of 1789 states that “*Everyone is entitled to hold their own opinions, religious or otherwise, unless the expression of these opinions disrupts public order, as defined in law*”. The expression and exercise of religious, philosophical or moral convictions and their inherent policies relating to health, safety, peace, morality and the prevention of legally punishable acts, may consequently lead to abuse and the disruption of public order.

Disruption of public order must obviously be based on precise facts relating to actions or abstentions committed by the individuals or the

movements in question. The Benjamin case law (State Council, 19 May 1933) exemplifies the scope of judicial control over the respecting of civil liberties. The State Council reversed a mayor's decision to ban 2 meetings, allegedly plotting a counter-protest, deeming that freedom should prevail and that only a proven inability to deploy the necessary forces to protect this right could justify such a provision.

Traditionally, public order consists of 3 elements: the protection of public peace, health and safety. It is a matter of maintaining "material and public order", without integrating the consideration of ideas or behaviour.

Nevertheless, local circumstances allow the adapting of this notion. For example, "*the sale of a blasphemous publication in a city of pilgrimage or the showing of a film depicting a criminal case in the city in which the crime took place could represent a disruption to public order*".

### **3. Sectarian associations resorting to the European Court of Human Rights: current case Law**

The European convention on Human Rights, and French legislation, does not define the term sect.

- Article 9 states the right to freedom of thought, freedom of belief and religious freedom.

- Article 14 prohibits discrimination, particularly discrimination based on religious principle.

- Finally, Article 2 of the additional Protocol demands that member States respect the right of parents to provide education and schooling (for their children) according to their own religious and philosophical convictions. However, this article does not exempt them from enforcing the Convention on the Rights of the Child. The preamble of this convention, which has been ratified by France, highlights that "*the child must be fully prepared to live an individual life in society*" and states that children must be able to access information, regardless of its source (Article 13), their sources of information must be varied (Article 17), they must be able to access all forms of education and training (Article 28), and cultural and artistic material (Article

13) and the development of their skills must be encouraged (Article 29).

Thus, religion appears 3 times in the Convention and its Protocols, whereas sectarian movements are never mentioned.

The European Court of Human Rights has a great responsibility to protect the freedoms of belief, and religion, as well as the religious pluralism based on the former. It therefore takes care not to differentiate between "sects" and so-called traditional "religions".

Never, the Court has never been required to judge grievances submitted by individuals claiming to be victims of acts by sects. The claimants judged were active followers of the movements who called for the respect of freedom of belief and of religion. It is possible that, in the future, victims of sectarian movements will, in turn, have their cases heard before the European Court of Human Rights (ECHR), and that the exploitation of the decisions of this Court by sectarian organisations will not be quite as easy to achieve.

The ECHR has issued many orders in this field in recent years.

- The first case brought before the Court was the Kokkinakis case. The claimant had been sentenced for having attempted to convert a person of orthodox denomination to his own faith (Jehovah's Witness).

The Court concluded that this interference was "not necessary in a democratic society" and that the Greek jurisdiction had not sufficiently specified in which sense the claimant "*had attempted to convince his fellow man by abusive means*". Consequently, the Court ruled a breach of Article 9 of the Convention.

- With the Manoussakis order, the Court once again entered the domain of religious freedom. In this case, people had been sentenced for having opened a house of prayer without the prior approval of the government-recognised ecclesiastic authority or the Minister of National education and religion in charge of this field. The Strasbourg Court, reiterating that true religious pluralism was inherent to the concept of democratic society, deemed that "*the disputed sentence is a blatant infringement of the religious freedom of the claimant, and cannot be regarded as appropriate in view of the legitimate intended outcome*" (in this instance, the protection of order). It ruled a breach of Article 9.

- The Court ruled on a claim brought against Greece by 3 officers of the Greek Air Force. The claimants had been sentenced by the Greek Jurisdiction for proselytizing to soldiers and civilians.

According to the Court, there was no violation of Article 9, with the exception of the action targeting civilians. Indeed, with regards the proselytizing of soldiers, the Court found the claimants guilty of exercising abusive pressure. On the other hand, the civilians, who, by definition, were not subject to military hierarchy, were only targets of attempts to convert rather than abusive proselytizing, as the pressure and duress applied to the soldiers were not present.

## Conclusion

According to Jean-Paul Costa, Chairman of the European Court of Human Rights, *"The Court must continue to effectively protect the freedom of belief and religious pluralism. While the Court will almost certainly need to consider abuse committed in the name of religion (in the most noble sense of the word), or those committed in the name of pseudo-religions who don the cappa magna solely to facilitate the achievement of their harmful nay abominable actions. Just as freedom of association must not serve to protect criminal organisations, religious freedom must not be used as a means for criminal action, committed in the name of such freedom, to escape punishment."*

## Mental hold examined in legal decisions

The 2006 MIVILUDES report noted that it was difficult for a judge to apprehend the notion of inducing a state of subjection.

The law of 12 June 2001 known as the "About Picard" law was drafted by legislators to reinforce the prevention and repression of actions breaching human rights and fundamental freedoms.

The two assemblies decided not to create a specific law for sectarian movements and the enforcement of Article 223-15-2 of the penal code has extensively exceeded the field of application of sectarian aberration in the

last 6 and more years.

This text was immediately highly criticised by sectarian movements as infringing on the freedom of belief. However, the action taken against this law, initiated by the Christian Federation of Jehovah's Witnesses, was deemed inadmissible by the European Court of Human Rights on 6 November 2001, on the grounds that *"a trial based on intent accusing a legislator aiming to settle one of society's pertinent problems, does not demonstrate a probable risk for the claimant. Furthermore, the movement cannot claim, without contradiction, that the law does not constitute an infringement of freedoms whilst at the same time claiming to be a potential victim of the enforcement of this law"*.

Similarly, an expert responsible for assisting the Committee of Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe with the drafting of a report on the freedom of religion and religious minorities in France, concluded that: *"The objective of the law is legitimate and covered by the provisions of Articles 9 - 11, sub-paragraph 2 of the European Convention on Human Rights, and, in addition, given the risks faced by the victims of sects, the need to act is pressing and the intended sanctions are proportional to the target outcome."*

The lack of legal definition of a sect, in either French or European jurisdictions, does not change the reality of the existence of victims of aberrations of certain sectarian movements. This notion of sectarian aberration is constantly changing and the text-based approach must be pragmatic.

In the absence of a legal definition of a sect, the law represses all actions, committed within the specific context of mental hold, which infringe on human rights or fundamental freedoms, or which represent a threat to public order.

Article 223-15-2 of the penal code was elaborated on the basis of the About-Picard law and completed legislation regarding the fraudulent abuse of a state of weakness in 2001, extending already existent legislation to physical and psychological subjection.

It is therefore of little importance whether these aberrations are committed by sectarian movements, new religious movements, Bible-based

religions or health charlatans. Providing a certain number of criteria are satisfied, primarily the induction of hold, the State can apply repression.

Degrees of dangerousness can be identified on the basis of the following:

- strong hold over the individual with changes in the personality of the new recruit
- outrageous financial demands
- rupture with the prior environment: demonization of the family, friends and all those who criticise the guru or the movement
- damage to physical and psychological integrity
- recruitment of children, anti-social approaches and disturbance of public order
- importance placed on legal disputes
- misuse of traditional economic circuits
- attempts to infiltrate government authorities
- elitism and one dominant individual
- recruitment methods based on seduction
- different lifestyle: community, proselytising, different clothing and food, refusal of conventional health care...

One single criterion is not sufficient and not all criteria have the same value. The first criterion is nevertheless always a factor in sectarian aberration. The inherent infraction of Common Law is only possible as the victim has been initially psychologically broken down and placed under the hold of a group or guru. Manipulation is the foreplay to criminal action. Common Law applies to a specific field characterised by restriction.

Article 223-15-2 of the penal code sanctions the fraudulent abuse of the ignorance or weakness of minors or of particularly vulnerable people (age, sickness or disability). It also now protects people subject to psychological or physical subjection, resulting from the strong or repeated application of pressure, or from the application of techniques aiming to alter judgement and lead people to commit acts or abstentions which could have

serious negative consequences.

6 years after the adoption of this law, it is generally agreed that it is difficult for victims, ex-followers or the families of followers to prove a lack of consent or an absence of freedom, while the victim has often spent many years in the thick of a sectarian movement, thus giving the impression of having made a deliberate choice, or even a certain satisfaction.

This is actually a case of psychological control and the manipulation of an individual by another individual or group under the guise of a helping hand or affection. However, to the untrained eye, seen from the outside, it appears that a freely consenting decision has been made and proving manipulation or subjection is a task which will run into many obstacles, and the complexity of the system first and foremost. Indeed, the silence of the victims during the period of involvement, and also afterwards, owing to shame, the fear of repercussions against themselves or family members still in the movement, the fear of not being believed, and the hardship involved in having to denounce the reprehensible actions of family members in the movement, adds to the impenetrability of the movements and to the subsequent difficulties faced in establishing any proof.

Aside from more easily demonstrable and quantifiable material consequences, the prejudice suffered by a former member of a sectarian movement will be very difficult to evaluate, while their psychologically state is now fragile, sometimes beyond the point of no return. As the victim has apparently consented to the damage suffered, the matter of mending this damage is critical for the person's rehabilitation.

As is the case for certain victims of sexual crimes, it is important to specify that ex-followers, broken down by their years within the movement, powerless and ridden with guilt over their sectarian involvement, will often wait too long after leaving the movement before daring to lay charges, thus exceeding the legal deadlines for action. By the time they are ready to fight, they discover that it is too late for penal action. The period of physical and

mental rehabilitation is often longer than the judicial period, which makes the ex-follower a victim of both sectarian aberrations and a lack of acknowledgement of his or her status as a victim.

According to Michel Monroy<sup>1</sup> *"we can but reiterate all of the recruitment techniques which aim to recreate an initiation process in which future members partake, with the hope of progressing in the group hierarchy and gaining the acknowledgement of leaders. The acceptance of the rank of novice by candidates implies obedience and availability, i.e. as the stepping stones to progress. Breaks with their prior frames of reference are required. The pasts of every individual are rewritten, previously signed contracts are annulled and new members are incited to value only their loyalty to the group. A system of conformist modelling and manipulation is exercised together with the implementation of a permanent system delegating the decisions of each individual to the leaders of the group. This system is reinforced via sanctions and promotions which complete the training. The fear factor is used by vilifying the universe and by emphasizing the threat of expulsion.*

*Predispositions to mental manipulation are work-related or social. We must first take into account that manipulation strongly diminishes consciousness and that followers often deny their circumstances. With regards to individual predispositions, a strong desire for personal progress and perfection, a tendency to trust and a desire to follow anyone who might to offer the potential of an easier way out away from doubt and guilt could be mentioned. In terms of social mechanisms, manipulation is the answer to a general lack of demanding and unifying paternal role-models."*

False promises made by a charismatic individual or group mark the beginning of the first of three stages of mental manipulation: the seduction stage, followed by the destruction of personality and the rebuilding of new points of reference.<sup>2</sup>

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1 In "Raison présente" n° 143, 3rd quarter of 2002, sectarian hold and penal responsibility  
2 Annual MIVILUDES report 2006, La Documentation française and [www.miviludes.fr](http://www.miviludes.fr)

*"Followers must forget all of their previous references in terms of ethics and the understanding of the world and follow the instructions of the guru".<sup>3</sup>*

Faced with the complex situation of having to determine the exact time at which an individual, having initially freely chosen to submit themselves to the demands of their new group, loses this freedom, in an induced state of subjection, the penal judge, in examining sectarian aberration case files, renounced to trying to define the notion of mental hold, both in the context of the enforcement of the About-Picard law and in the context of the implementation of other penal code texts, as there is no "anti-sectarian" legislation in France, only Common Law texts which can be applied to sectarian aberrations.

## **1. The consideration of mental hold in legal rulings**

Many acts committed by sectarian movements could be sanctioned under penal law and thus constitute aberrations. Depending on their organisation and financing methods, the economic activities they develop and the lifestyles they lead, certain sectarian movements perform criminal acts of a specific nature. The importance of referring to the movement's doctrine and integrating this text into the investigation must be highlighted, as it almost systematically includes the ideology which advocates the violation of law.

Above all, however, it must be remembered that the infringement of Common Law was only possible because the victim was first psychologically broken down, and manipulated by a group or guru. Manipulation is the foreplay to criminal action. Common Law applies to a specific field characterised by restriction.

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<sup>3</sup> Anne Fournier and Michel Monroy, *La dérive sectaire*, PUF, 1999

## **Mental hold as the context of criminal action in the absence of certifying psychological expertise.**

Certain rulings do not mention the notion of mental manipulation in the selected incrimination, but do take this notion into account in the statement of reasons for the judgement.

### **1 – Psychological constraint.**

The verdict of Saint-Etienne district court on 12 March 2001 sentenced several members of a movement for the corruption of minors, declaring *“that a veritable sexual obsession reigned within the movement [...] and the problem of a sexually-charged atmosphere”*. Thus, a father, member of the movement, admitted to having forbidden his 15 year old daughter to attend an awakening course in August 1997, fearing that he would have to allow certain members of the movement to proposition his daughter with sexual relations.

The judges described, in great detail, the provisions established to exercise a psychological constraint, or hold, on the members of the group, both parents and children, to lead them to commit illegal practices. They particularly noted that *“adult and minor members alike, had to repeatedly chant their obligation to wait until the age of 15 before being able to have full sexual relations; that the necessity for this constant reminder of this legal reference, which, according to Mr. H, occurred “every day of the course”, was also testimony to the fact that minors in the movement were permanently incited to exaggeratedly satisfy their sexual impulses; that minors were subject to such incitements in their general adherence to the principles advocated by the movement, and that these incitements represent acts of corruption in accordance with Article 227-22 of the penal code.”*

The ruling emphasised the methodical sexual initiation encouraged by the members of the group. It noted that the Raëlian movement conditioned teenage girls for sexual contact or sexual relations, arousing their impulsive desire to engage in multiple sexual acts with members of the movement.

In a verdict ruled on 24 January 2002, the Court of Appeal of Lyons increased this sentence on the grounds that *“the serious nature of the acts*

*committed by the defendants, guilty as charged, was not sufficiently acknowledged by the court; that under the guise of religious activity, the parties concerned had used their membership of the Raëlian movement to systematically corrupt teenage girls introduced to the group, unbeknown to their parents; that the goal of this cleverly implemented system, was to make these minors consent to sexual relations as soon as they turned 15; that the four persons charged had each played an active role in this coordinated system of corruption and had subsequently enjoyed sexual favours, performed by these previously manipulated young minors, that the persons charged could not support their cause by claiming that they were victims of intolerance towards the followers of religious minorities as their actions clearly breached penal law; that to accord credit to their claims would be to justify plainly reprehensible actions, which the defendants attribute to a religious practice; that, moreover, the charged parties cannot claim that their acts are reasonable in view of contemporary ethics, as the law and morality have distinct fields of application, and attacks on the freedoms or dignity of humans still remain repressible”.*

Psychological constraint, as described here, resembles the induction of a state of subjection, as per Article 223-15-2 of the penal code.

In an order on 28 May 2004, the Paris Court of Appeal confirmed the ruling of the Melun Criminal Court of 26 March 2002, declaring C.B guilty of sexual aggression on a 15-year-old minor, ruling that the party concerned, the lover of the victim's mother, had exercised moral constraint over the child, taking advantage of the mother's permissiveness, the position of power which he held within the community, and the lack of educational reference of this young child.

The order reports on a terrorized child, who dared not move, of a child who had a great amount of trust in his abuser *“who exercised a moral constraint over the child, knowing the child to be without educational references, very young and un-supported by his parents”*. The accused awakened sexual impulses in the children by noisily having sexual relations with their mothers in front of them.

## **2 – Psychological constraint as a context.**

An order of the Besançon Court of Appeal of 30 October 1997, sentenced a doctor to two years suspended prison time and a 150,000 Franc fine, for fraud. Victims accused the general practitioner of homeopathy of having convinced them, using suitable arguments, to use dianetics to cure them of their suffering, essentially by psychic means. The order notes the persuasion to buy the book on dianetics, to attend conferences and to complete the personality test, to participate in hours of auditing or to take courses. It states that the accused had used his position as a doctor of homeopathy to persuade some of his particularly psychologically vulnerable patients *“suffering from depression and who came to him as a doctor”*, in order to *“provoke utopian hopes of healing or well-being”*.

This decision could be compared to the decision of the Montpellier Court of Appeal of 10 October 2001, in the field of civil family rights, ruling on the visitation and access rights of a father, belonging to a small “esoteric therapy” group.

The order limited the father’s rights without using the term sectarian aberration. He was to see his child outside of the group and away from group members. The order mentions *“the mental manipulation of group members”* and *“quasi-pathological psychological relations [...]”*. The Court based its ruling on *“the injurious nature of thought systems which advocate submission to regulations, dictated by invisible masters speaking through the voice of one of the group members”* and also on *“the manipulation of the thoughts [...] of the members of the group”*. The Court concluded *“the real danger of these practices for a child who is still psychologically and emotionally impressionable”*.

### **Mental hold as the context of criminal action, certified by a psychological expert**

Many acts committed by sectarian movements could be subject to legal action in virtue of penal law and thus represent proven aberrations.

Depending on their organisation and financing methods, the economic activities they develop and the lifestyles they lead, certain

sectarian movements perform criminal acts of a specific nature.

To give an example, movements with therapeutic or healing claims expose themselves to breaching public health codes, and particularly the illegal practice of medicine or pharmaceuticals, or manslaughter: destruction of property, fraud, betrayal of trust, deception with regards to substances or misleading advertising are regularly reported in relation to certain movements offering personal development services, or services to effectively and rapidly improve the potential of clients or members.

The use of repression, particularly in these fields, is not necessarily achieved by the accomplishment of mental hold, or the induction of a state of subjection. Nevertheless, certain rulings have illustrated that followers do not have much leeway in terms of freedom.

### **1 – Mental manipulation and the destruction of property.**

The ruling of the Court of Appeal of Lyons of 27 July 1997 emphasised: *“Scientology techniques involving audits, audits with electrometers and purification therapies, were actively discussed by Dr. Abgrall, an expert commissioned by the investigating magistrate. According to Dr. Abgrall, these audits were presented as a mundane discussion between the auditor and the audited person (the student in many ways), and were used to obtain domination over impressionable or over-confident people. This technique was liable to engender emotional problems or emotional crises at the very least and hallucinatory problems or deliria possibly leading to suicide at the other end of the scale. Auditing using an electrometer, “an electronic apparatus which measures variations in the mental state of a subject by measuring significant deviations in electrical resistance”, would be included as part of repressive conditioning therapy, far removed from the quest for freedom used as the basis to seduce the person. Purification therapies, presented as aiming to improve the spiritual and physical condition of a person via sauna sessions and physical exertion, in particular running, dieting and taking vitamins, could represent an*

*amalgamation of groundless affirmations and surreal hypotheses and be effective in the context of mental manipulation, with possible lethal consequences due to direct or indirect toxic effects, by inducing a particular vulnerability in the person, rendering him or her susceptible to developing a psychiatric pathology with dangerous or suicidal tendencies. Ultimately, after studying scientology documents, analysing followers' case files and examining practitioners, Dr. Abgrall concluded that Scientology was a "sect", making use of mainly psychiatric medical and paramedical techniques in order to achieve indoctrination, mental manipulation and submission from psychologically fragile or immature subjects, potentially leading to madness or death. According to Dr. Abgrall, religious arguments were used as a cover in order to reap financial benefits, as the various services offered by Scientology are expensive. Using this logic, the expert was able to conclude that P.V.'s suicide was directly and definitely related to the use of the auditing procedures to which he had been subjected. These conditioning techniques, together with the consumption of vitamins, had indeed weakened the physical and mental state of the subject, aggravated by various types of pressure, and had forced him into a position obliging him to either follow the expensive path of scientology or honour family commitments, and the only way out was suicide".*

Psychological experts concluded that the patient suffered from a neurotic psychological profile and had been subjected to manipulation in view of alienation, a technique which represents the antithesis of psychotherapy.

## ***2 – Mental manipulation in cases of malicious intent on people relating to the field of health.***

In the Patriarche case, on 9 January 2007, the Toulouse Criminal Court sentenced Lucien Engelmajer, founder of the "Le Patriarche" association, on charges of abuse of ignorance and weakness, illegal employment, betrayal of trust, misappropriation of company assets, forgery and use of forged documents and money laundering. The verdict was appealed and the guru, Lucien Engelmajer died, effectively ending the government action against him.

At the beginning of the 1970s, Lucien Engelmajer created a community intended to help drug addicts. The proposed method was quite

simple: after a brutal initial period of detoxication without medical intervention, the participants were assigned to communal activities (gardening, maintenance, cooking) before being directed towards more rewarding activities for the association (collection of financial donations or donations in kind, newspaper sales, etc.).

The association was much criticised after being classified as a sectarian movement by the parliamentary investigatory commission in 1995, and was audited in 1996, triggering a legal investigation.

The Court declared that the therapeutic community had become a self-sustaining community combining a dictatorship with the abuse of weakness, indicating that Lucien Engelmajer exercised *“considerable mental hold not only over residents, easy to manipulate and willing to blindly do his bidding, but also over senior personnel, which exclusively consisted of entirely loyal and submissive former drug-addicts”*.

The initial state of dependence of the drug-addicts was particularly reinforced by the confiscation of any administrative documents belonging to the new residents, the banning of any type of further education, intervention relating to the family members of residents wishing to leave the movement in view of dissuading residents from trusting them, meetings critically evaluating their situations, especially embarrassing sessions of public criticism and the practice of physical violence against residents reluctant to blend into the fold.

The Criminal Court also noted the confiscation of any personal sources of income (unemployment benefit, adult disability allowance, family allowance, etc.), along with the obligation to work up to 12 hours per day without payment.

Such actions made it impossible for the individuals to struggle against sectarian hold.

## **2. The induction of a state of subjection as per Article 223-15-2 of the penal code.**

This text, which enables the effective reinforcement of the prosecution of movements breaching human rights and fundamental freedoms, does not only concern movements characterised as sectarian in nature, based on their actions. It is applicable to all de jure or de facto legal persons. This is a common law text. The new Article of the penal code, Article 223-15-2, sanctions the fraudulent abuse of ignorance or weakness in minors or particular vulnerable people (age, sickness or disability). It also now protects people subject to psychological or physical subjection, resulting from the strong or repeated application of pressure, or from the application of techniques aiming to alter judgement and lead people to commit acts or abstentions which could have serious negative consequences.

### **Legal rulings**

The case of the founder of the Nantes Neo-Phare movement enabled the first final judgement on the basis of this principle. This case related to the specific behaviour of a "guru", who had incited one of his followers to commit suicide in a religious, apocalyptic, extra-terrestrial and spiritual context. The objective of the "guru" was to physically and psychologically isolate the members of the movement and to destroy their points of reference, ensuring that they followed his bidding alone.

A.M. appeared before the Criminal Court of Nantes for having fraudulently abused the ignorance and weakness of four people *"in a state of physical and psychological submission, caused by the application of heavy and recurrent pressure or techniques aiming to alter judgement in the context of the activities of the Neo-Phare group. In this instance, their submission was psychologically conditioned, via the use of destabilizing apocalyptic, mystical and esoteric themes, the belief of supernatural phenomena and of behests from above through the voice of an intermediary claiming to be the new messiah, the notion of selected members having been rescued from the apocalypse by extra-terrestrials, a strong degree of*

*empathy within the group, the exclusion of reluctant members and the promotion of the most obedient followers, a weakened physical condition due to fatigue caused by an intense system of indoctrination and conditioning and the deprivation of food, the rejection of all external points of reference and attachments, specifically implying the followers' renunciation to any emotional or professional ties to the outside world and the acceptance of the restructuring of couples, in order to lead them to commit acts or abstain from acting in ways which had serious negative consequences for them, in this instance, the unfaltering belief of theories proclaiming the salvation of a selected group, thanks to the arrival of extra-terrestrials..."*

On 25 November 2004, the Criminal Court of Nantes sentenced A.M to 3 years suspended imprisonment. The Court of Appeal of Rennes confirmed this verdict on 12 July 2005, adding a further fine of 10,000 euros and the confiscation of the elements seized.

### **1 – Psychological subjection as a component of infractions.**

These decisions focused on both on the fragile condition of the followers and the mental manipulation techniques employed.

With regard group members, the rulings highlighted “*extreme fragility*”, the “*profound admiration*” for the guru and the position of power which the latter enjoyed, “*the deterioration of mental state*” due to lack of sleep, “*mental exhaustion*”, a member seeking to “*make clear sense of the un-clear discourse*” of the guru, an oppressive climate within the group, a complete submission to the “*soul-mate*”, leading to consented, though undesired, sexual relations and absolute trust.

The Criminal Court noted that “*such revelations indicate a state of psychological subjection confirmed by psycho-medical expertise, which highlights an immature, especially vulnerable and impressionable personality.*”

### **2 – Techniques intended to alter judgement and heavy and recurrent pressure.**

The Criminal and Appeal Courts noted that the mental hold of the guru over his followers was the consequence of heavy and recurrent pressure intended to alter judgement.

In fact, the contents of the meetings, which were generally recorded

at the initiative of A.M., demonstrate the implementation of thought-dismantling techniques, confirmed by both the psychiatric expert's report and the viewing of the video recordings at the hearing.

The only aim of the themes elaborated upon during these meetings (the coming of the apocalypse, the salvation of mankind, the coming of extra-terrestrials and the role of new apostles) and the techniques employed (communication with the other side, trances, enactments of supernatural phenomena, more or less humiliating rites of passage), was psychological conditioning. Similarly, by excluding reluctant individuals from the group, *"those who remained could feel appreciated and thus ready to submit themselves further to avoid exclusion"*.

A.M. used techniques exploiting the exhaustion of members due to malnourishment and endless discourse, held day and night.

In the end, he used these techniques to ensure his acceptance as a messiah.

### **3 – Aiming to lead people to commit acts or abstentions with serious negative consequences.**

The commitment of followers was absolute. Social, family or professional break-downs have also been noted. This stemmed from a fully fledged strategy, and the will of the guru to ensure that followers completely devoted themselves to the activities of the group.

The experts did not consider that the guru himself was convinced as he was *"intelligent enough to adapt his discourse to his audience"*.

## **The difficulties of implementation**

The main difficulty is to prove the state of mental regression laying the ground for the state of dependence created by the induction of subjection. How can it be demonstrated that the initial process of joining the sectarian movement relies on a strategy based on lies which brings the follower to join the group of his or her own free will, seduced by an illusion? It is only after this point that the new follower loses his or her freedom, when the hold is taken: it must therefore be proved that membership of the movement is only seemingly accepted on the basis of free will.

## ***1 – The numerous difficulties faced in establishing an infraction.***

In this instance, in the Neo-Phare case, the psychiatric expert played a decisive role with respect to both the trial (50 page report) and the hearing: the expert highlighted the very particular nature of the relationships between the members of the group by means of textual analysis (the movement's doctrine) and video footage depicting the groups' meetings (3 hours viewing time of a selection of scenes, filmed by the group itself, which clearly demonstrated mental manipulation).

We must however, be aware of the various problems faced in undertaking proceedings based on this article:

- the clandestine nature of the movements makes investigations more difficult to undertake and near impossible with respect to “closed” sectarian movements, some of which are developing actual paranoia;

- the complexity of proceedings due to the impenetrability of the movements implies perfect knowledge of the phenomenon of mental manipulation by the institutions responsible for repression; far too many statements of reasons are based on “adults able to make their own decisions” or on the confusion between freedom of belief and the domination of an individual or a group over another manipulated individual;

- the difficulties which arise on this basis and imply the need for the implementation of sophisticated technical means, can seem exaggerated when starting an inquiry. The issue of proving manipulation or the seemingly free, but in reality vitiated, consent of the claimant is a specific problem. In the opinion of the psychological and psychiatric experts, the victim does not seem to display any innate factors of vulnerability.

- the scarcity of complaints, due to the fact that victims, due to shame or the fear of not being believed, will often remain silent during their time of involvement with the group, and for generally quite a long period after leaving the sectarian movement;

- the followers' fears of engaging in a legal process and having to deal with reprisals and harassment, whilst facing highly offensive and organised defence strategies, a desire to prevent the truth being told, “pretend” civil suits with real victims, who are, however, still being manipulated and who preach the movement's doctrine from the bench in order to discredit the accusations of the “real victims”.

## ***2 – Enhanced use of this infraction in the repression of sectarian aberrations.***

First of all, it is important to highlight the critical role of family defence associations which help protect and aid victims, help them speak of their experience and ensure their defence at the hearing. The contributions of experts, particularly psychiatrists and psychologists, are essential in describing the hold applied by the “guru” on the follower.

Family and loved ones can have a positive effect in the search for the truth. On the one hand, they can identify the signs of joining the sectarian movement:

- a different manner of speaking, specific to the group;
- a change in diet, clothing or mannerisms, etc.;
- the refusal of treatment;
- an exclusive commitment to one single group;
- the rejection of loved ones;
- the loss of a sense of criticism.

Family and loved ones are recommended to maintain a friendly and non-conflicting contact with the person, while obtaining a clear understanding of the doctrine of the identified movement, which the loved one has joined, as well as understanding how the group works and decoding its vocabulary.

This will simplify the transmission of a maximum of information on the reprehensible actions of the group to the investigators in charge of the case.

The investigators could implement valuable technical means, enabling the establishment of a state of subjection, as well as any non-compliance with legal texts.

It seems particularly indispensable for all institutional partners to gain more in-depth knowledge of the sectarian phenomenon and its aberrations. The creation of an investigatory group, with full knowledge of the phenomenon, would be a step forward in the effective combat against the aberrations of sectarian movements.

## Conclusion

Mental manipulation and the induction of a state of subjection, whether they represent a tangible aspect of the infraction or merely form the context of the latter, are an inherent component of sectarian aberrations.

The knowledge and understanding of these notions by all administrative and judicial actors in charge of the prevention and repression of sectarian aberrations thereby represents the main guarantee for the effectiveness of State action in this field.

Ignoring these notions would mean abandoning the victims to their own devices.

# Psychotherapeutic aberrations: induced false memories

The philosopher Paul Ricoeur, regarding his book on the accurate representation of the past, published by Seuil publishing in September 2000 " La mémoire, l'histoire, l'oubli" ("Memory, history, forgetting"):

*commented: "I remain troubled by the worrying phenomenon presented here, with excess memory on the one hand, excessive forgetting on the other, not to mention the influence of commemorations and abuse of memories and forgetting. In this respect, the policy of accurate memory is one of my avowed civic themes."*

This concern reveals the importance of the acquisition of the past and the will of our contemporaries to understand the meaning of our memories, both on a collective and individual basis.

With regard individuals, this trivialised recourse "to memories" involves the risk of misuse and the manipulation of these memories, particularly within personal and professional development methods or therapeutic treatment. A certain number of psychotherapeutic methods require the recollection of memories with the incorporation of the experiences of the individuals and that of their families.

One dramatic example of the falsification and misuse of real or imagined memory by incompetent practitioners or those pursuing the enslavement of people who have given them their trust is the phenomenon known as "false memory syndrome".

# 1. Birth of a dangerous phenomenon

## Definition of induced false memories

Several definitions of this phenomenon exist.

According to a North American association combating the negative effects of this syndrome (<http://www.sceptiques.qc.ca/dictionnaire/falsememory.html>), *“false memory is an experience which has been distorted by the memory of the subject having experienced it or even an imaginary memory, the result of a fantasy which has subconsciously replaced an event in the memory.”*

*“The induced false memory is the product of self-suggestion techniques or of an undue influence exercised by certain therapists.”*

There exist several types of false memories:

*“False memories of mistreatment, false memories of rapes, incest (the accused person is often the father, sometimes the brother) or sexual abuse by another person representing a figure of authority (teacher, priest, nanny, family friend, etc.)*

*Or even false memories of past lives or of kidnapping by aliens.”*  
(<http://pages.globetrotter.net/mleblank/msd/fauxsouvenirs1.html> )

Lastly, according to a French association "Alerte Faux Souvenirs Induits" (AFSI, Association combating induced false memories), *“false memory syndrome can be diagnosed when the memory is not preceded by any memory of the same type during the previous 20-30 years and when it suddenly appears during or after therapy based on a search for childhood memories, which begins to alter the judgement and personality of the young adult patient.” »*

## The appearance of the phenomenon

This dangerous phenomenon was born in the second half of the twentieth century, on the North American continent and particularly in The United States, and emerged in a context of changing mentalities, especially with regard sexual taboos and the expansion of a psychotherapeutic services market, both for therapeutic purposes and for professional strategy

or guidance to well-being.

False memory syndrome is attributed to the action of practitioners who systematically relate all of a person's problems to repressed memories, often from early childhood, of mistreatment such as sexual abuse in the family circle (rape, incest), during satanic rites or even experiences of alien abduction.

In addition, the fact that this mistreatment affects individuals who were minors at the time of the real or alleged events has mobilised public opinion and accorded legitimacy to the priority handling of these cases by social services, the police and legal officials in view of the treatment of the victims and the prosecution of the designated aggressors. According to the False Memory Syndrome Foundation, established in 1992, at the initiative of the families of victims, with the support of jurists and scientists, this epidemic of denunciations, of which many are defamatory and plunge families into painful dramas, has led to the opening of 1,800 investigations and the enactment of 735 trials.

US psychologist, Robert A. Baker, in his publication "Hidden Memories", revealed the explosion of the phenomenon, which according to official statistics involved 160,000 cases of sexual abuse on infants in 1967 and 1,700,000 in 1985, 65% of which, according to the same sources, were without grounds.

The increase in dramatic situations and the absence of scientific proof in the context of the assumption that all personality dysfunctions have one single cause, namely "sexual abuse", brought about a counter-strike by the victims, who created organisations such as the False Memory Syndrome Foundation, and who established the erroneous and dangerous nature of such a dogmatic approach by means of scientific publications.

2 publications more specifically illustrate the outer-Atlantic counter-strike on behalf of the victims and the sceptics' movement:

- "The Myth of Repressed Memory: False Memories and Allegations of Sexual Abuse" by Elisabeth Loftus and Katherine Ketcham, published in 1994;
- Multiple Identities and False Memories: a Socio-Cognitive Perspective, by Nicholas P. Spanos, published in 1996.

This phenomenon, despite being strongly denounced, spread widely across the North American continent, in Japan, in Australia and, of course, in Europe.

From the end of the 1970s to the beginning of the 1980s in France, the Saint-Erme group used a sectarian aberration which was strongly influenced by the induced false memory syndrome as a means to manipulate its followers and cut them off from their families.

## **The Saint-Erme group and the induction of false memories**

This group was originally a secular institution, founded and led by Marcel Cornélis, a Belgian Catholic priest, assisted by about 10 standing members. At the peak of its growth, it consisted of about 450 members, including 72 doctors, about 20 university lecturers, psychiatrists, psychologists and other health professionals. The group has premises in or near to French and Belgian university towns.

At the end of the 1970s, the group, also known as "La famille de Nazareth" ("The family of Nazareth"), became the trading company "Le Haut de Saint-Erme" (The peak of Saint Erme"), and gained two scientific departments, the international society of interdisciplinary research on communication (SIRIC) and the international society of interdisciplinary research on illness (SIRM)

Under the influence of its founder, the group practiced trances and transmitted beliefs such as the gift of languages, miracles and prophecies on the reign of Satan and the end of time. These extravagances led to its break from the Catholic Church.

Following an enquiry on the evolution of the group, Father Jacques Trouslard declared the following in a UNADFI Journal, Bulles, in the first quarter of 1991:

*"The SIRIC and SIRIM offer their followers and all readers a new, global and unique approach to psychopathology and psychosomatics, by examining the problems of daily life on the basis of the functioning of the brain. The psychotherapeutic technique is simple: the harmonious development and autonomy of the person is achieved by issuing warnings*

*on dominating/dominated relationships, the source of all dependency and all illnesses. These supposedly scientific theories and therapies are actually the means by which Marcel Cornélis enters, and brings his followers, into a violent discourse against women, mothers, psychologists, the Church, heads of companies, the media, etc.”*

One consequence of the implementation of this destructive psychotherapeutic theory, affecting both individuals and families, was the explosion of the phenomenon of induced false memories within this group. Followers sent abusive and slanderous letters to their parents, denouncing incestuous relationships from their early childhood.

This action applied the doctrine of the founder and demonstrated the means of manipulating followers and the characterization of sectarian aberration, with 3 phases: seduction, destabilization, essentially by the creation of false memories leading to particularly painful family break-ups, and the induction of a state of subjection in followers.

The group found itself in a particularly aggressive frenzy, and violently dismissed all criticism or denunciations by either former members or their families, now members of an association for the promotion and defence of the individual and family (APEIF), or media campaigns or the publication by Olivier Braconnier, Cerf publishing, entitled “Radiographie d'une secte au-dessus de tout soupçon” (“X-ray of a sect beyond all suspicion”).

Le Haut de Saint-Erme brought charges for defamation against the association, journalists and the editor, finally lost its case and disbanded.

This case involved over 200 families, accused of incestuous relations without established proof, and is an example of a wide-spread sectarian aberration integrating the phenomenon of induced false memories.

Due to its magnitude and the severity of its nature, the induced false memories syndrome rapidly mobilised the victims and was the subject of studies and publications by the scientific community, especially with regard to the functioning of memory.

## 2. A spreading phenomenon

At the same time, this phenomenon is not regressing, on the contrary, it is spreading in an alarming way. This explains the increase in the initiatives of defence associations for victims, and especially for torn families where a member, more often than not the father, has been slanderously accused of criminal behaviour, or even of sexual abuse (incest, rape, etc.)

### Specific provisions for associations

Amidst the array of generalist associations for prevention and the defence of victims of sectarian aberrations, such as the Union nationale des associations de défense des familles et de l'individu victimes des sectes (UNADFI - National union of associations for the defence of the family and sect victims), the Centre Contre les Manipulations Mentales – centre Roger Ikor (CCMM - Centre against mental manipulation), which provides documentation and educational materials and organises initiatives against mental manipulation, or even the Groupe d'étude des mouvements de pensée en vue de la prévention de l'individu (GEMPPI - Study group on thought movements in view of prevention for individuals), several informative and anti-sect sites on the internet have reported deviant psychotherapeutic practices as a means of manipulating patients/clients via the induction of false memories, in recent years, either as key techniques or with increasing focus. The following are particularly involved in these methods (non-exhaustive):

- the centre d'information et de prévention sur les psychothérapies abusives et déviantes (CIPPAD - Centre for information and prevention relating to abusive and deviant psychotherapy)
- Prévensectes
- Psychovigilance
- France-FMS (False Memory Syndrome).
- Association Française pour l'Information Scientifique (AFIS - French association for scientific information)

Two associations help the victims of the plague of induced false memories either as their main or sole activity:

- Alerte Faux Souvenirs Induits (AFSI, Association combating induced false memories) created in July 2005 to help families and abused patients
- Association d'entraide aux familles confrontées à des accusations soudaines (AEFCAS - Association assisting families facing sudden accusations)

This increase in the number of initiatives by associations has occurred in response to the rise in the phenomenon responsible for dramas such as family divisions and separations, the appearance of illness and, in particular, nervous depressions, suicides and the opening of police and judicial proceedings, risking the conviction of innocent people.

Several observations explain the rise in this risk and the increase in reports and cases of induced false memories.

### **The rising demand and need for psychological guidance**

The need to achieve in both professional and private terms, the right to well-being, the popular belief that mental discomfort often arises from family history, and the disappearance of references and religious and moral institutions, has, over the past decades, increased the use of psychotherapeutic guidance. Demand has considerably increased and this guidance is needed to solve health, schooling and work problems, to aid victims after catastrophes and, clearly, in the context of personal development.

### **Increasing supply and growth in the numbers of practitioners**

The supply of all sorts of types of services has simultaneously developed in the form of three categories to meet this growing demand.

#### **1 – Psychiatrists.**

According to a study coordinated by Magali Coldefy, entitled "Covering mental health", including a collection of statistical analyses published in 2007 by the Documentation française publishing house, the number of psychiatrists counted in a census on 1 January 2005 reached

13'600, representing a rise of 18% from 1990. After a steady rate of growth of 5% per annum between 1985 and 1990, the rate varied by 2 - 3% between 1990 and 1995, and subsequently fell to its current annual rise of 1%.

## **2 - Psychologists.**

Approximately 35'000 psychologists with university degrees are in activity, mainly working in the field of education, as school psychologists/career counsellors, and in health establishments.

## **3 - Psychotherapists.**

This category includes practitioners who are paid for their psychotherapeutic services, regardless of their methods, profession or initial training.

Therefore, according to the Fédération française de psychothérapie et de psychanalyse (FF2P - French federation of psychotherapy and psychoanalysis), this category includes between 10'000 and 15'000 practitioners, of which 10 - 15% are doctors, 20 - 30% psychologists, 20% social workers, 20% paramedical professionals and 10 - 15% of various origin.

This vast range of psychological guidance professions, in addition to demonstrating the permeability of the three categories, reflects a lack, and even an absence, of initial training in the areas in question for more than half of the psychotherapists counted in the census of a professional federation, in other words, a total of 5'000 - 7'000 practitioners. While this situation must not lead to a hasty conclusion that at least 50% of psychotherapists apply charlatan and dangerous practices, it does nevertheless reflect an increased factor of risk in this service sector, where the term "psychotherapist" has not yet been defined, pending the planned regulatory amendment to article 52 of the law of 9 August 2004 relating to public health policy. In addition, while certain professional organisations of psychotherapists establish charters of good practices, particularly in relation to the methods they use, these generally correspond to internal recommendations, which are not independently certified and assessed or authorised.

In these circumstances, the educated choice of which type of psychotherapy to use is not without risk, including that of mental

manipulation, in the context of a sectarian aberration.

## **Vulnerable methods and bad practices**

Delphine Guérard, a clinical psychologist for the “Alerte Faux Souvenirs Induits” association identified three categories of methods which are particularly vulnerable to bad practice in a critical analysis:

- *“Manual methods of energy treatment, combined with massages such as Energy Reprogramming,*
- *Intensive and systematic psychotherapeutic methods which resolve psychological problems at their root, such as tunnel therapy,*
- *Methods relative to trans-generational approach therapies.”*

The basic hypotheses and principles behind all of these methods can be used to explain their vulnerability.

### **1 – The hypotheses.**

*“The individual is considered in a global vision including the physical, emotional, vibratory and mental elements making up the entire person, and physical and mental illnesses are the product of emotionally violent shocks experienced during childhood. The pathology is basically the result of an emotional dysfunction.”*

*Healing is dependent on the recovery of the repressed memory.”*

### **2 – The principles.**

- *“The sub-conscious truth.”*

*Everything is buried and registered in the sub-conscience: the answers to questions about the ego and the key to fundamental truths about a person (past, hidden, forgotten or repressed experience or information, which the person cannot consciously access, but which have a decisive influence on the person). The method brings out the truth which sets us free. The method reveals and thus heals. Thanks to a state of relaxation, the sub-conscience reveals information, allowing us to intensely relive scenes from the past which were fully or partially repressed.*

- *How repression works.*

*Individuals are equipped with a special defence mechanism,*

*repression, to protect their physical and mental balance. If emotional pressure becomes too great and the person is incapable of accepting or understanding a physically or morally traumatizing event, the sub-conscience may completely erase the event from the memory. Unbeknownst to the individual, the repressed emotional shock creates a sort of contamination generating physical and mental disorders from the sub-conscience. These shocks must be brought back to a conscious level and lose their disruptive power. The aim is to re-establish a link between the sub-conscience and the conscience. Symptoms will disappear and the person will be healed by reliving the repressed events and bringing them back to a conscious level.*

- The body memory.*

*The body is the bearer and witness of individual, family and collective memories. It absorbs our feelings and experiences. It summarises who we are. The body is considered as the receptacle for all of our conscious and sub-conscious experience in life. The body remembers all events which truly happened and reflects our history. The body cannot lie. We can pinpoint our failures by questioning the body via the application of pressure, revealing blockages and excesses or shortages of energy. Everything is recorded on the body. When an individual experiences an event, the body reacts, unbeknownst to the conscience, and leaves imprints. Over time, these imprints disturb the overall balance of the organism. Tissues begin to retract. Tensions, a state of discomfort or functional disorders appear. Affective, emotional and physical traumas are recorded in muscles, representing a traumatic memory, a sort of alarm signal or call for help. Thus, the body provides information. The body has a language, which we must know how to decode, decipher and interpret.*

- Use of chakras (centres of energy).*

*7 chakras exist and they channel a specific energy and directly influence our physical and mental lives. Each chakra corresponds to a specific type of emotion or instinct, needing to be managed. Therapists can decipher the level of concern of the sub-conscience by questioning the patient in an altered state of conscience. Energy work on the body can relax local tension and release energy blockages.*

- Emotional purification.*

*Emotional blockages must be released to heal the wounds of childhood and to suppress the discomfort caused by these wounds. Emphasis is placed on the evacuation of conscious and subconscious negative emotions, as they accumulate in the body leading to both physical and psychological blockages. These blockages must be detected and released. This process entails an enlightenment of the conscience of the individual.*

- *The release of internal, family, hereditary and collective memories.*

*This method aims to identify, release and replace or integrate negative experiences recorded in the memory of an individual. Genealogical research can reveal recurrences and the transmission of problems between generations on the basis of a hereditary program. The discovery of these factors entails an enlightenment of the conscience of the individual, enabling the recurrence process to be broken.*

- *Self-healing.*

*These methods claim to help the individual to re-link with memories or feelings which have been completely forgotten, but which are the source of current discomfort. It is actually the patient who cures his or her own problem by becoming aware of and integrating past experience.”*

These principles maximise the probability of acquiring distorted, inaccurate and sometimes completely illusory memories.

According to Delphine Guérard, *“the damaged caused by a method depends on the actual application of the method”.* »

Anne Ancelin Schutzenberger, therapist and founder of psychogenealogy, the ancestor syndrome, a means of decoding family links, transmission and the trans-generational chain, warned the readers of Psychologies Magazine, in the edition of December 2007, against the improper use of her method *“Today, anybody can claim to practice psychogenealogy without the proper university or clinical training. Some are so ignorant that they make substantial errors in analysis and interpretation and lead their clients in the wrong direction.”* »

### **3. Summary of recent cases of induced false memories**

The AFSI has been solicited for several hundreds of family dramas since its recent establishment in July 2005. Not all reports related to families tormented by the induced false memory syndrome. In addition, the association has not dismissed the risk of being abused by false witnesses, including individuals having actually committed sexual abuse.

The AFSI made the following conclusions on the basis of 200 documented cases:

#### **Accusers' profiles**

In 80% of cases, the alleged victims are young women with an average age of 33, varying between 19 and 52. The alleged acts reported date back to either the period before they were 4, or up until the age of 10 or 11, or more vaguely, "when I was little". The accusations essentially began in the early years of the century and AFSI has considered the possibility of a trend following on from the Belgian trial of the paedophile Marc Dutroux and the Outreau legal proceedings. The source acts, retrieved from repressed memories, date back at least 20, or even 40 years. The "accusers" would therefore be more influenced by the induction of sexual abuse by a therapist.

Their recollections often relate to images rather than feelings. The vast majority of accusers have a university education and hold management positions.

#### **Psychotherapists**

Ten percent of psychotherapists are doctors (psychiatrists or homeopaths), ten percent are psychologists, sixteen percent physiotherapists and sixty-four percent from various backgrounds.

The relationships created with their clients go beyond the professional context and are qualified as friendly.

In addition to this, AFSI has observed a resemblance between the behaviour of these therapists and the techniques of sectarian groups.

- *"The insularity of the group"*

- *A mandatory code of silence outside of the group*
- *The high cost of therapy sessions*
- *Financial punishments for dissident members*
- *Pressure on and threats issued to dissident members planning to leave the group”*

## **Psychotherapies**

Psychotherapeutic sessions are covered by many courses and seminars spread throughout the year, over several weekends or weeks. They can be organised over several years.

## **Methods**

Not all methods are known precisely. However, in a certain number of cases, the following have been mentioned:

- Hypnosis
- Sophrology
- Psycho-genealogy
- Biological decoding of living entities
- Energy massages
- Facilitated communication
- Gestalt therapy
- Yoga & meditation
- Psychotheatre
- Music therapy
- Consumption of iboga

## **Profiles of the accused victims**

The accused victims belong to the restricted family circle and are of masculine gender in ninety-six percent of the two hundred cases handled by the AFSI, i.e. mainly fathers (80%), and grandfathers (10%) and finally

brothers, uncles and other close relations (6%). Mothers, representing the fairer sex, are only accused in 4% of cases.

## **Consequences**

### ***1 – The health of the victims.***

Consequences appear in relation to the health of the victims, of the accused and of the accusers. Two parents, after having been implicated in accusations of sexual abuse, committed suicide. Parents and grandparents became seriously ill after the accusations: heart conditions, cancer, nervous depressions. With respect to the accusers, the AFSI reported suicide attempts and emergency hospitalizations into psychiatric wards.

### ***2 – Legal proceedings.***

They lead to claims submitted to the legal system. Certain parents have been heard as witnesses. Others have left their houses in hand-cuffs, been held in custody, had their houses searched, and been subjected to long months of examination before the court proceedings. The legal system declared all of these cases as not receivable.

### ***3 – Family divisions.***

These cases also lead to the slanderous implication of grand-parents with respect to relationships with their grandchildren, depriving them definitively of their presence in certain cases. In the absence of legal intervention, the accused consider themselves as “suspected guilty for life”.

In addition, the false accusation of a parent, based on such grave actions, gives rise to extreme family break-ups and mental collapse.

## **Conclusion**

Induced false memory syndrome, when relating to sexual abuse, is a particularly effective means of destabilizing an individual and inducing a state of hold. It critically affects the alleged perpetrator of sexual abuse on minors, exposing the person to heavy sanctions for criminal actions.

The increase in testimonies and the number of painful situations is very probably and partially due to the multiplication and rapid spread of

psychotherapeutic methods based on misused practices. Although most of those methods only have positive aims in the context of many circumstances in the life of an individual, the inadequate nature, or even inexistence, of suitable supervision for training and practices encourages charlatans and gurus developing sectarian activities.

In view of this situation, provisions need to be quickly implemented so as to inform and protect individuals, in terms of their access to care or to services of a psychotherapeutic nature and to guarantee their rights within the family context and the legal system.

Government approved independent assessments and the widespread distribution of information on the identification and limitations of these methods, are needed in order to contain and eradicate this dangerous phenomenon.

A minimum acquisition of knowledge and learning, organised jointly by government authorities and professional organisations, must guarantee quality and safety in fields pertaining to psychological guidance, including psychotherapy, regardless of the specific field of activity.

Government officials working in administrative services, for the police and the legal system must be aware of the risks created by deviant and manipulative practices, to guarantee the appropriate application of law and aid for victims while performing their missions. This need for knowledge of the phenomenon is even more vital, given the fact that its existence is difficult to prove.

## 2<sup>ND</sup> SECTION

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# **Childhood and education Follow-up to the Parliamentary Investigatory Commission on "Stolen childhood"**

*"Stolen childhood: minors, victims of sects"* is the title of the report, published in December, 2006, which finalises the work of the 3<sup>rd</sup> Parliamentary Investigatory Commission on sectarian aberrations. The Commission was chaired by Georges Fenech and the reporter was Philippe Vuilque.

In addition to the relaying of the hearings by the parliamentary channel, the works of this Commission were the subject of vast media coverage at the time of its publication and in the following weeks, as proved by the extensive enquiries carried out by audiovisual media.

Witnesses quoted by the Commission, whose cases were first made public by the parliamentary channel and secondly via the CD-Rom for the report, were the subject of legal proceedings launched by certain

representatives of the incriminated movements. The president of the National Assembly, Mr. Bernard Accoyer, submitted a bill to avoid this type of legal action, aiming to accord witnesses of investigatory commissions the same legal protection as that offered to persons called to bear witness in court. The sole article of this bill states that *"neither verbal, nor written comments made by the person before an investigatory commission, nor the reports of the public sessions of these commissions, produced in good faith, will give rise to law suits claiming defamation, injury or offence"*<sup>4</sup>. This protection would be limited to legal pursuits concerning defamation, injury or offence. Mr. Accoyer remarked that the Investigatory Commission on minors in sects had resulted in *"numerous law suits claiming defamation against those persons having testified during the course of their action"*. *"When the procedural determination of certain claimants begins to resemble a form of harassment, it bears the risk of infringing on free speech in investigatory commissions and consequently infringing upon the credibility of this critical instrument of the Parliament's power"*.

Report n° 3507 *"Stolen childhood: minors, victims of sects"* concluded with 50 proposals. Some of these proposals have since been represented in the law of 5 March 2007 reforming the protection of childhood, thanks to the adoption of amendments submitted by the president of the Investigatory Commission, Georges Fenech. What has become of the proposals of the parliamentary officials, marked in bold in the following text?

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<sup>4</sup> "Draft bill completing ordinance n° 58\_110 of 17 November 1958 on the functioning of parliamentary assemblies" examined by the National assembly in an initial reading on 3 April 2008.

# 1. Education

## Redefining the system of home education

**1 – Specifically defining the conditions regarding the choice of home education: illness, disability of the child, the family's transfer or any other real and serious reason.**

The first sub-paragraph of article L.131-10 of the educational code imposes that *“children subject to mandatory schooling and which receive this education at home, including in the context of distance learning, are, from the first year, and every further two years, subject to an enquiry coordinated by the relevant municipality, with the sole purpose of determining the reasons put forward by those responsible for the child, and whether a suitable education is provided, relative to their state of health and the living conditions of the family. The results of this enquiry are presented to the inspector of the academy and the director of the departmental services of national education.”*

The National Assembly's Commission on Social Affairs accepts that the choice of home schooling can be based on the state of health or the disability of the child, but judges that it could also be based on *“the strict personal convenience of the parents”*. Similarly, the government did not wish to *“reverse the principle of freedom by demanding that all parents produce real and serious reasons”*. In addition, *“While parents rarely take advantage of this freedom, its existence is a positive factor, and it is not because this right is sometimes misused that we should reconsider it.”*

The criteria for the choice of home schooling are thus not specified in a limiting manner. Such a practice would indeed be contrary to the freedom of choice of education.

In any event, the freedom accorded to parents in this field remains limited by the provisions of article L. 131-10 of the educational code, which provides that children taught at home *“are, from the first year, and every further two years, subject to an enquiry coordinated by the relevant municipality, with the sole purpose of determining the alleged reasons put forward by those responsible for the child, and whether a suitable education is provided, relative to their state of health and the living conditions of the*

family.”

**2 – Demanding the use of educational resources offered by the Centre National d'Enseignement à Distance (CNED - national centre of distance learning) or by official private distance learning bodies.**

Certain families are supported by private distance learning courses (according to a 2006 survey, around 13,500 children ranging between age 6 and 16 follow these courses, including 3000 with the main private distance learning bodies and 10,500 with the CNED); it would appear that one thousand children are taught from home without the use of distance learning courses (2001 survey, same target public).

An amendment aiming to require families to use the services of the CNED or of official private distance learning bodies had been rejected: as long as there is regular monitoring of the children's knowledge and progress by the inspector of the academy, the obligation to follow specific teaching courses does not seem essential and would infringe on the principle of the freedom of educational choice of parents.

**3 – Explicitly limiting home schooling to 2 families, with the mandatory creation of a non-contract school beyond this limit.**

Article L.131-10 of the educational code, modified by Article 32 of law n° 2007-293 of 5 March 2007, which reforms the protection of minors, provides, in its fourth sub-paragraph, that the inspector of the academy, in the context of educational supervision, as applied at least once yearly from the third month following the declaration of home education in the family will “particularly verify that the education provided” in one single home, “*is only provided for the children of one single family*”.

The National Assembly had adopted amendment n° 310 at first reading, aiming to limit home schooling to a maximum of 2 families. The Senate was more restrictive, limiting this option to one family only, confirming the order of 26 November 1903 of the Court of Cassation.

**4 – Enforcing the obligation of the Minister responsible for National Education to check modes of home schooling on a yearly basis. This check must be carried out in the sole presence of children and authorised civil servants, including educational health personnel.**

Families must cooperate with educational enquiries (since the 1998 law, from the third month, and at least once per year), as organised by the mayor and the inspector of the academy (Art. L.131-10 of the educational code). If the education provided is deemed insufficient, those responsible for the child will then be officially notified to enrol the child in a teaching establishment. If they fail to comply, this offence is punishable by a 6-month prison sentence and a €7,500 fine.

## **Redefining the distance learning system**

**5 – Applying a mandatory social enquiry by the mayor prior to authorising distance learning and home schooling.**

Law n 2007-297 of 5 March 2007, on the prevention of delinquency has modified article L.131-10 of the educational code and specified that children following distance learning courses must be considered as being taught within the family.

This article now provides that *“children who receive schooling within the family, including in the context of enrolment in a distance learning establishment, are from the first year, and every subsequent two years, the subject of an enquiry by the relevant municipality, with the sole purpose of determining the alleged reasons put forward by those in charge of the children and whether a suitable education is provided, relative to their state of health and the living conditions of the family. The results of this enquiry are transmitted to the inspector of the academy and the director of the departmental services of national education.”*

**6 – Subjecting Directors of distance learning organisms to the following requirements:**

- No incursion of any of the incapacities mentioned in article L.911-5 of the educational code;
- No convictions of at least 2 months suspended sentence for the crimes defined in article 223-15-2 of the penal code;

- Obligatory possession of a 'A' level, a bachelor's degree (L3) or a certificate authorising primary or secondary education.

Law n 2007-293 of 5 March 2007 reforming the protection of childhood has modified articles L.444-5 and L.444-6 of the educational code to integrate the parliamentary proposals on the influence of sectarian movements.

In accordance with article L.444-5 of the educational code, the executive and teaching personnel of distance learning establishments must satisfy conditions in terms of morality, diplomas, qualifications and references, as defined by decree.

In addition, article L.444-6 of the educational code forbids persons having been subject to certain sentences, prohibitions or deprivations from filling executive or teaching positions. The incapacities enumerated, regarding the directors of private distance learning organisations are identical to those featured in article L.911-5 of the educational code for teaching personnel: persons having been convicted of a crime infringing upon integrity and morality, those who have been deprived of all or part of their civil, civic and family rights by court order, as mentioned in article 131-26 of the penal code, those who have been deprived of parental authority and lastly, those who have been prohibited from teaching are concerned.

In accordance with the findings of the Investigatory Commission, the law of 5 March 2007 added incapacity in case of a prison sentence of at least two months (not suspended), with respect to sentences for the crimes defined in article 223-15-2 of the penal code.<sup>5</sup>

The qualifications required to manage a private distance learning establishment must be defined by decree in virtue of the law of 5 March 2007. However, the amendment based on the report concerning the influence of sectarian movements, which proposed that these qualifications be specifically enumerated, in reality led to the provision of a level of

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<sup>5</sup> Fraudulent abuse of weakness, About-Picard law of 2001.

requirement which was inferior to that which is now imposed by decree. The selected solution applies stricter conditions than those proposed in the parliamentary report.

## **Monitoring the advertisement obligations of teaching bodies and establishments**

### ***7 – Enforcing registration requirements for teaching establishments, pursuant to articles L.471-1 and subsequent of the educational code.***

Parliamentary officials reiterate the benefits of and the need for strict compliance with the advertisement and canvassing rules which apply to all teaching bodies and establishments via this proposal.

## **Reinforcing the system of approval for personal tutoring bodies**

### ***8 – Demanding simultaneous approval from the Ministry for National Education and the Ministry of Labour for profit-making bodies offering personal tutoring services.***

### ***9 – Bringing the prerequisites applicable to the leaders of personal tutoring bodies in line with those of their counterparts in distance learning (see proposal n° 6)***

On 30 October 2007, the Minister of Education offered the following precisions in response to a question addressed by Mrs. Poletti, a Deputy of the Ardennes, in writing <sup>6</sup>: *“The conclusions of report n°3507 by the Investigatory Commission, regarding the influence of sectarian movements, have been examined in the context of the debate on the bill reforming the protection of childhood. In this instance, the legislator did not wish to introduce the approval of personal tutoring bodies. It did, however, reinforce the state control of these bodies, by establishing two objectives: morality, which assumes the absence of convictions on grounds which are not*

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<sup>6</sup> Questions n° 3402 of 14 August 2007, Official journal of 30 October 2007, p. 6728

*compatible with education, and quality of education, verified by the possession of a diploma. Article L.224-1 of the educational code, introduced by law n°2007-293 of 5 March 2007 reforming the protection of childhood, prohibits that, in the context of personal tutoring bodies, executive or teaching positions be accorded to persons having incurred certain professional convictions or prohibitions. People having been legally convicted of a crime or offence infringing upon integrity or morality, those who have been deprived of all or part of their civil, civic and family rights by court order, as mentioned in Article 131-26 of the penal code, those who have been deprived of parental authority, those who have been prohibited from teaching and those who have been sentenced to a prison sentence of at least two months (not suspended) for the crimes defined in article 223-15-2 of the penal code are concerned. These incapacities are identical to those defined for directors and teachers of distance learning bodies.”*

### **Improving the distribution of information to the public and the coordination of action by the Ministry of national education and action by the Ministries of youth and sport**

This requirement is currently being studied within the context of an inter-ministerial initiative.

#### **10 – Integrating the awareness of sectarian aberrations in civic education programs for high schools.**

Civic, legal and social educational programs at high schools are designed to encourage each pupil to personally assimilate the values and principles which represent the foundations of citizenship. The necessary consideration of sectarian phenomena can be implemented in high school by various means, depending on age and level. Throughout the core high school program, case studies relating jurisprudence and fundamental texts on the basis of themes such as “freedoms”, “rights”, “justice” and “safety” can be considered. With 6th formers, themes such as “citizenship and integration” or “citizenship and forms of globalisation” allow teachers to address these phenomena, which relate to religious events, on a different scale and cover their full complexity.

***11 – Coordinating the policies of the Ministry of National Education and of the Ministry of Youth, Sports and Associations, with respect to the approval of establishments, which offer educational activities to youngsters for leisure or holiday purposes.***

The Ministry of National Education issues its approval to complementary public educational associations. The National council of complementary public educational associations (CNAECEP) consist of public education partner associations and parent-teacher representatives and expresses its opinion on applications for national approval. This opinion is submitted to the Ministry which decides whether or not to approve the association having submitted an application. A similar organisation also exists on the academic level for academic approval in the context of the Academic council on complementary public educational associations (CAAEECP). The president will decide whether to issue approval or not after receiving the opinion of this Academic Council.

The Ministry and the CNAECEP are vigilant with respect to the analysis of applications in terms of the potentially sectarian nature of certain associations, which must, in all events, prove the complementary nature of their teaching to national education programs, and a simple postulation is not adequate.

An inter-ministerial work group was organised in 2006 in the context of a joint analysis of approvals between the Ministry of National Education and the Ministry of Health, Youth and Sport. Following the national conference on associations on 12 January 2006, this group gathered together all of the ministries which approve associations, in view of establishing the possibility of general government approval for all ministries. Given the regulatory texts governing the different approvals and their various purposes, the development of general approval did not seem appropriate.

However, although their objectives are different, and without reconsidering their approvals, which remain complementary, the Ministry of National Education and the Ministry of Health, Youth and Sport intend to coordinate their efforts each in their own fields of competence. In this context, we can not ignore the combat against sectarian aberrations.

## 2. Higher education

**12 – Scheduling teaching on sectarian aberrations in training and research universities (UFR) in psychology and educational sciences, as well as in IUFMs (Teaching college)**

**13 – Introducing courses on mental health and victimology in Medicine faculties.**

While ad hoc initiatives are regularly organised in these disciplines, the introduction of courses on sectarian risk in these programs still needs to be considered.

**14 – Implementing the training of magistrates and trainee lawyers on sectarian matters, particularly on the specifics of litigation relating to family law and the protection of minors.**

MIVILUDES continues to monitor this issue with the Ordre des avocats (the French Bar).

During 2007, the Ecole Nationale de la Magistrature (ENM - National Institute of Magistracy) organised a training seminar on sectarian phenomena, for both future magistrates in training and acting magistrates.

With regard to the future magistrates, this training session particularly allowed the students to re-enact a penal suit concerning sectarian aberrations.

With regard to permanent training, 25 magistrates, mostly in charge of cases relating to the family or minors (family court judges, child judges and magistrates in charge of courts concerning minors), were able to attend a training session organised by the ENM at the end of November 2007, following on from the Parliamentary Investigatory Commission's report on children and sects.

On 9 January 2008, Jean-François Thony, Director of the ENM, wrote to the Chairman of MIVILUDES: *"...I took due note of your proposal to extend this awareness campaign to future magistrates in training. This seems to be an excellent suggestion.*

*"I must specify that a training session for future judges of children's courts, offered towards the end of the course, in the context of their major, is already scheduled for March 2008, under the title "Sectarian phenomena and*

minors”...”

### **3. Public Health**

***15 – Making the yearly medical check-up conducted by the school medical association mandatory for children aged 6 or older, who are either taught at home or educated in establishments without government contracts.***

This is the purpose of the new article L.541-1 of the educational code. It will require an increase in the number of school doctors to satisfy the obligation for medical check-ups at the ages of 6, 9, 12 and 15.

***16 – Unifying sanction procedures for parents refusing to have their children vaccinated.***

***17 – Recalling the penal sanctions applicable for failure to vaccinate via a memorandum issued by the Minister of Justice.***

In the context of parliamentary enquiries concerning the law of 5 March 2007 relating to the protection of childhood, the government issued a positive opinion with respect to the increase in sanctions for infringements pertaining to the failure to declare a birth or vaccinate.

These two aggravated infractions are now criminal offences, provided for and repressed by article 433-18-1 of the penal code (failure to declare) and article 3116-4 of the public health code (failure to vaccinate) and are punishable by 6 months in prison and a fine of €3 750.

In order to reinforce this provision, correspondents for sectarian aberrations/justice were made aware of the modification by the division of criminal affairs and pardons.

***18 – Overruling parents’ refusal to accept blood transfusions for their children.***

Parliamentary officials, in their inquiry, insisted on the need to overrule parents’ refusals to accept blood transfusions concerning a child. Article 111-4 of the public health code provides that, should a person with parental authority or a guardian refuse treatment and should this refusal entail the potential risk of grave consequences for the minor, the doctor will administer the necessary treatment. The suspension of parental authority by

the public prosecutor is regularly implemented at this time.

***19 – Requesting the assessment of un-tested therapies and ensuring the wide-spread advertisement of the conclusions of these studies.***

The assessment of non-conventional therapeutic practices and the distribution of information to the general public and professional actors on these practices is a priority objective for the Ministry of Health. This provision is reported on in parliamentary enquiries has already been initiated.

***20 – Triggering the immediate inspection of certain “treatment” centres for troubled adolescents facing difficulties, and an administrative enquiry into the circumstances in which these centres were opened.***

The monitoring of organisations taking in adolescents was reinforced in 2002. The Ministry of Youth and Sports is responsible for this task, however the effectiveness of this monitoring depends on a substantial increase in resources.

***21 – Improving the system of care for sect leavers and providing support in terms of mental health.***

The work of MIVILUDES on “mental manipulation” advocates the improvement of the system of care for victims leaving sects. Several solutions appear beneficial: a call-centre, a care and social services network able to provide quality services for these victims, and the enhancement of the initiatives of defence associations for victims in terms of psychological support and guidance.

***22 – Requesting the Ministry of Health to produce a report describing the social and health-related consequences of youngsters joining sectarian organisations.***

The health-related and social consequences of an education in sectarian organisations for youngsters were partially addressed by this ministerial department. Current enquiries indicate the desire of this

administration to obtain an analytical and up-to-date understanding of the phenomenon.

For informative purposes, we could mention Doctor Armelle Guivier's recent medical thesis on the subject.<sup>7</sup>

***23 – Specifying the conditions for the awarding of the qualification of psychotherapist.***

A decree specifying the conditions for the awarding of the qualification of psychotherapist is currently being drafted. Its adoption is urgently required.

***24 – Defining “good practices” for psychotherapists.***

***25 – Specifying the sanctions applicable for the usurpation of qualifications.***

A work group, directed by the Minister for Health, should soon publish the enforcement orders.

***26 – The addition of Iboga to the modified order of 22 February 1990 defining the list of substances classified as stupefacients***

Iboga has been classified as a stupefacient since March 2007.

The general prosecutors received a dispatch from the Division of criminal affairs and pardons advising them of the inclusion of Iboga on the list of stupefacients. They were also informed of the use of this substance by sectarian movements and of the judicial enquiries underway.<sup>8</sup>

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<sup>7</sup> This thesis is available on the MIVILUDES web site (<http://www.miviludes.gouv.fr>)

<sup>8</sup> Since this date, a new product, replacing ayahuasca and iboga, dature, appears to have appeared in the shamanism sector and sectarian aberrations.

## **4. Domestic**

***27 – Modifying article 910 of the civil code by re-establishing the administration’s right to veto provisions made inter vivos or by testament to the benefit of cultural associations.***

***28 – Authorising the establishment of this opposition if the association’s objective does not relate to the practice of a religion, if the practice of this religion is not the exclusive objective of the association, if the activities of this religion completely or partially infringe on public order or undermine the global well-being of children.***

The Parliamentary Investigatory Commission states: “The aim is to re-establish a critical system of regulation for religious associations, which had been eliminated by the order for administrative simplification n° 2005-856 of 28 July 2005.”

## **5. Justice**

***29 – Guaranteeing that minors receive the assistance of a lawyer.***

The new drafting of article 388-1 of the civil code, resulting from law n° 2007-293 of 5 March 2007 establishes the obligation for judges to verify the minor’s knowledge that he or she has the right to be heard and be assisted by a lawyer.

### **Civil law**

***30 – Authorizing the grandparents of a child to directly refer a matter to a children’s judge when the health, safety or morality of this child are endangered.***

This recommendation, presented in the form of an amendment to the law on the protection of childhood, was the subject of a negative opinion by the government, who deemed that grandparents already disposed of means of recourse.

It is indeed in their power to inform the State Prosecutor of any risk of sectarian aberration, who can then request for referral to a children’s judge,

and, in an urgent case, file an ordinance for the temporary placement of the minor. In addition, grandparents can notify the children's judge of any factors likely to characterize a dangerous situation, in which case the children's judge has the right to apply self referral.

***31 – Harmonising the policies of public authorities regarding the approval of family assistants and those wishing to adopt.***

This proposal has not yet been addressed.

## **Penal law and penal proceedings**

***32 – Sanctioning the social isolation of minors.***

Article 375 of the civil code, in its new drafting resulting from the law of 5 March 2007, satisfies this requirement. The notion of danger provided for in this article has been extended to cases in which the physical, emotional, intellectual or social development of the child is compromised. This provides justification to refer the matter to the children's judge or the State Prosecutor. Article 226-4 of the code on social action and families assigns a key role to regional councils, whereby if they observe a dangerous situation, they must report it to the State Prosecutor.

***33 – Reinforcing the sanction applicable to the failure to declare children to the public records office by making this omission an offense.***

In the context of parliamentary inquiries regarding the law of 5 March 2007 on the protection of childhood, the government issued a positive opinion on the application of stricter sanctions for infractions relating to the failure to declare the birth of a child or the failure to vaccinate.

These two aggravated offences are now criminal offenses, provided for and repressed by article 433-18-1 of the penal code (failure to declare) and article 3116-4 of the public health code (failure to vaccinate), and are punishable by 6 months in prison and a fine of €3 750.

Correspondents for sectarian aberrations/justice were made aware of the developments by the Division of criminal affairs and pardons.

### ***34 – Launching a new statute of limitation for minors as victims of the abuse of weakness within sectarian movements, as of the date of their legal majority.***

This recommendation was presented in the form of an amendment to the law on the protection of childhood was subject to a negative opinion by the government, who deemed that:

– on the one hand, this would result in the creation of a specific regime of limitation for minors raised in sectarian environments, which would create an imbalance with respect to the equality of victims of actions committed at the time of their youth. It is additionally specified that this refers to the fact that the term "sect" has no legal definition.

– on the other hand, any extension of limitations could not occur without inherent difficulties, especially given the major risk of the loss of evidence and the subsequent risk of a high rate of closing or discharge.

New options must be explored, for it is absolutely essential for victims to be able to obtain justice for the prejudice incurred.

### ***35 – Redefining the conditions applicable to law-suits for proselytising launched against sectarian movements.***

The provisions of article 19 of the law of 12 June 2001, sanctioning the act of proselytising via the distribution of messages targeting youngsters by sectarian movements convicted for serious actions (illegal practice of medicine or pharmaceuticals, certain attacks on individuals or assets, misleading advertising, fraud, etc.), were modified by the law of 5 March 2007 concerning the protection of minors, in order to facilitate enforcement.

The requirement for multiple prior penal convictions was thereby eliminated, as the new version of this article, found below, illustrates: *“A fine of €7 500 is applicable for the distribution of messages via any means targeting youngsters and promoting any legal person, irrespective of its legal form or purpose, performing activities aiming at or resulting in the creation, continuation or abuse of psychological or physical hold on the people participating in these activities, if at least one final penal conviction has been issued against the legal person itself or its de jure or de facto directors...”*

### ***36 – Systematically transmitting reports to courts.***

The law on the protection of childhood redefined the system of

monitoring with respect to truancy:

*Article L. 131-8 (Law n° 2006-396 of 31 March 2006, Art. 48 II, in the official journal of 2 April 2006), (Law n° 2007-297 of 5 March 2007, Article. 12-3°, in the official journal of 7 March 2007)*

*“If a child misses school at any point, those responsible for the child must notify the principal of the teaching establishment of the reasons for this absence, without delay.*

*The only reasons considered legitimate are the following: illness of the child, transmittable or contagious illness of a family member, formal family gathering, a difficulty resulting from accidental communication problems and the temporary absence of those responsible when children accompany them. Other reasons will be appraised by the inspector of the academy. He/she can consult the social workers approved by the inspector and entrust them with an enquiry into the allegedly relectant children.*

*The principal of the establishment will refer to the inspector of the academy in view of issuing a warning to those responsible for the child, reminding them of the penal sanctions applicable in the following situations:*

*1° - If, despite having been requested to do so by the principal of the teaching establishment, they have not advised of the reasons for the child's absence, or if they have given false reasons;*

*2 If the child has missed school without any legitimate reason or valid excuse on at least 4 half days in a one month period.*

*If the principal of the establishment refers to the inspector of the academy in view of issuing a warning to those responsible for the child, in the situations defined in the two sub-paragraphs above, the principal must inform the mayor of the municipality in which the pupil resides.*

*The inspector of the academy will contact the president of the regional council in cases which appear, according to the inspector, to justify the establishment of a contract of parental responsibility, as defined in article L.222-4-1 of the code on social action and families.*

*The principal will provide the mayor with a list of pupils residing in the*

*municipality to whom a warning, as defined in this article, has been issued. The information provided to the mayor in application of this article is recorded as defined in article L.131-6”.*

The two other cases: notification of difficulties or anomalies identified by the school doctor, and the notification of risks of malnutrition called in on the hotline for mistreated children (119 “Allô enfance maltraitée”), have not received particular attention, but are in line with the general regulations regarding the notification of a minor in danger to the State Prosecutor.

### ***37 – Increasing the role of the "sect advisors" of the general courts.***

The recommendations of the Parliamentary Investigative Commission partially reflect the current practices of sect correspondents, who have become the priority contacts of the assistant of the Division of criminal affairs and pardons, but also for courts handling cases concerning sectarian aberrations and the correspondents of the various administrations involved in the field.

## **Civil liberties**

### ***38 – Incorporating the combat against sectarian aberrations into legislation on publications aimed at minors.***

A work group, created within the Division of the legal protection of minors, is further developing this proposal.

### ***39 – Accounting for the combat against sectarian aberrations in legislation on e-business.***

This proposal has not yet been addressed.

## **Legal structure**

### ***40 – Granting legal aid to those filing a lawsuit for the fraudulent abuse of ignorance or weakness with no minimum resource criterion.***

This refers to a modification to legislation which has not yet been submitted to Parliament.

## **6. Permanent vocational training**

### ***41 – Promoting training courses for magistrates and lawyers on sectarian phenomena.***

Awareness and information initiatives must be developed, namely in order to reach a wider professional audience.

### ***42 – Inciting regional councils to implement training sessions on sectarian phenomena aimed at the personnel of their social services, responsible for the approval of family assistants or future adoptive parents.***

The agreement signed between MIVILUDES and the CNFPT (Centre national de la fonction publique territoriale - National centre for regional civil servants), has scheduled training for regional officials. They have been implemented in this context. This initiative will be supported by the publication of a guide for regional officials.

### ***43 – Training the regional "sect" advisors of the Ministry of Health and the Ministry of Youth and Sport, to ensure that they attain the necessary levels of qualification to instruct the officials of decentralized services on the dangers of sectarian aberrations.***

These training sessions are organised with the support of MIVILUDES regional correspondents. Training sessions have been held in Marseille, Lyon and Dijon, among other places. In addition, both of the aforementioned ministries organise an annual internal training session. The same applies to the Ministry of National Education.

## **7. Foreign affairs**

### ***44 – Recruiting a correspondent within the Ministry responsible for the monitoring of problems relating to sectarian aberrations and the proposal of policies for action, training and the distribution of information.***

The counsellor for religious affairs (CAR) is a MIVILUDES correspondent and coordinates the policies of the various divisions facing problems. If diplomats must explain French Policy on the combat against sectarian aberrations to foreign nations, they contact the CAR.

***45 – Ensuring that Ministry personnel stationed abroad are aware of the risk of sectarian aberrations.***

All department officials, whether part of the central administration or stationed abroad, and particularly officials handling consular matters, have access to the recommendations of MIVILUDES, which are readily accessible via the Department's intranet. If in doubt, they refer to these recommendations without hesitation. However, it is naturally the responsibility of the French bodies (municipalities), who are in charge of the collective relocation of children abroad, to take the necessary precautions in advance by consulting the MIVILUDES web site or even the public web site of the Ministry of Foreign and European Affairs, which includes a link to the MIVILUDES web site.

## **8. Interministerial action**

### **Better assessing the number of undeclared children**

***46 – Inviting the general inspectorates of national education, social affairs and the administration to conduct a study with the objective of, firstly, listing all children who are not registered with the Public Records office and, secondly, issuing proposals to more generally reinforce the obligation to submit a declaration of child-birth.***

This provision has not yet been implemented.

### **Supporting action by MIVILUDES**

***47 – Ensuring the participation of the Counsel for the defence of minors in the combat against sectarian aberrations within MIVILUDES.***

The appointment of Dominique Versini, Counsel for the defence of minors on MIVILUDES Orientation council, in virtue of the order issued by the Prime Minister on 30 January 2007, addresses this concern. The latter will participate on this steering committee either in person or via a representative.

**48 – Encouraging the coordination of the actions of associations participating in the combat against sectarian aberrations.**

The two main associations in the combat against sectarian aberrations, UNADFI and CCMM, are regularly involved in the debate days organised by MIVILUDES. In addition, their Chairmen are members of the Mission's Orientation council.

**49 – Reinforcing the activities of MIVILUDES on an international level.**

As demonstrated by the last two MIVILUDES reports, MIVILUDES has been involved in the projects of the OSCE in Warsaw (the annual Human Dimension Implementation Meeting). MIVILUDES also responds to the calls of certain countries wishing to obtain information on its operations and, more generally, of the French system on vigilance and the combat against sectarian aberrations.

**50 – Confirming the specific nature of the combat against sectarian aberrations on a departmental scale.**

The Investigatory commission recommended that each departmental council:

- *“create a work group dedicated specifically to sectarian aberrations, which must include the prefect or one of his/her delegates, a representative of the regional council, the MIVILUDES regional delegate, the referring public prosecutor of the Court of Appeal, the regional correspondents of the ministries working with the problem of sectarian aberrations and representatives of the associations listed in article 2-17 of the penal procedure code amongst its members. This group will meet at least twice per year and will give an account of its projects to the departmental council; compte de ses travaux au conseil départemental ;*
- *meet at least once per year, to discuss an agenda whose sole objective is the combat against sectarian aberrations.” »*

The rulings of the Prime Minister dated 27 May 2005 and 7 March 2007, approved this plan for activities concerning sectarian aberrations, under the authority of departmental prefects.

## **Conclusion**

After having scanned through all of the proposals of the Parliamentary Investigatory Commission and having assessed progress with implementation, it is fitting to remark that all of the Ministries concerned concur with respect to the concerns of the parliamentary officials on the 2006 Commission regarding the protection of minors confronted by the threat of sectarian aberrations, both in terms of prevention and repression. Indeed, one year later, it is clear that many provisions have already been implemented.

### 3<sup>RD</sup> SECTION

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# **The detection of risk in the economic domain**

## **The inherent risks of multi-level marketing networks**

It is difficult to take into consideration the economic field when clarifying and describing the risk of sectarian aberrations as the traditional approach to the sectarian phenomenon favours the hypothesis of human weakness prior to the process and the specific responsibility of a leader in taking control of this weakness.

Since 1995, the Parliamentary investigatory commission has reported this risk of aberrations. Since this time, and especially in the course of the last three years, the commission has received numerous solicitations from “clients-distributors” seeking help, advice or judicial support in conflicts with directors or mid-level managers of such commercial networks.

The examination of the founding and working of certain multi-level marketing networks gives us a shocking counter-example in terms of methodological approaches.

The experience of other countries shows that our worries are well founded with regard to the development of certain commercial practices via this trend which aims to appear to represent promise for the future, in terms of new jobs, new types of work, the chance for personal fulfillment and social success.

Several western countries have legislation governing the practice of direct marketing. In certain countries, unions or federations of direct marketing companies propose a code of practice, an institutionalised relationship, a charter of ethics, and even mediation services between partners. There is also a "Federation of European Direct Selling Associations" (FEDSA).

The direct marketing scene has noticeably evolved over the past 15 years after the first anomalies appeared relating to the running of certain "domino-effect" sales networks, also known as "pyramid schemes" or "snowball sales", although these terms do not correspond to exactly the same legal and economic realities in terms of the way these businesses work, or the guarantees offered by the distributors and the products themselves.

The "profession" decided to formalise their activities at a time commercial initiatives in the field were taking a range of different directions and, in certain cases, heading down the path of aberration, in commercial terms at least, and, beyond this level, towards activities which could be qualified as sectarian aberrations.

So, the "Fédération de la Vente Directe" (FVD- Federation of Direct Selling) was set up in the scene of these rapidly expanding commercial practices, which attracted some while causing concern and frustration.

"Direct selling" can be perceived as a commercial practice whereby vendors come into physical contact with "buyers-consumers" outside of the confines of a shop. Two types of "sales space" can be used to replace a store: homes (door-to-door sales) or "apartment sales" which can lead to a meeting with the "potential customer" based on a "priority contact" with the

vendor.

The FVD has a "Code of Ethics for Direct Selling" which notably specifies that *"this type of distribution is governed by legislation protecting the consumer and which must be complied with at all times by vendors, consumers and companies" but adds that: "Complementary professional rules have proved necessary in the context of a code of ethics to take account of the autonomy of the vendor and the importance of the service provided to the consumer"*. And, in addition, the FVD specifies that this code *"aims to implement professional rules for application by companies and vendors in the context of their commercial approaches"*. Furthermore, the code specifies *"the conditions of intervention by vendors, the fairness of conduct towards the consumer and specific measures to improve the quality of service for consumers"*.

This positioning with regard legislation (the FVD almost exclusively refers to the rights of consumers, and therefore to consumer protection legislation, but rarely to the various elements of labour legislation or contract law.) and the insufficient consideration of relations between the company itself, the intermediate levels which carry out a wide range of roles in management and sales, and final distributors, in fact exposes the FVD to the risk of joining sensitive networks and the risk of sectarian aberration. It is clearly natural for this risk to be even more perceptible for multi-level marketing companies which are not FVD members.

Finally, it is appropriate to note that the priority approach applied by the federation distinguishes the status of consumers (in other words, customers of distributors, and more rarely those of companies) and the status of distributors (in other words, both final vendors and customers of either companies or higher-level distributors).

This makes it very difficult to understand the freedom of action of each party, as many of the interviews carried out in the context of the mission highlight the importance of "psychological leverage" in the operation of networks of this type, the increase in power of the commitment of people both in terms of buying products and prospecting for clients, and also the slow progression towards an alternative system of values and commitments, towards a way of life which can be completely centred on the success of the commercial network.

The testimonies collected by MIVILUDES allow us to distinguish several common characteristics of multi-level marketing companies which raise questions, irrespective of whether these businesses are members of the *Fédération de Vente Directe* or not.

First of all, the strategy of integration into the network systematically includes the following:

**The main objective** of networks with a risk of sectarian aberration is to ensure the acceptance of a concept based on the promotion of a catalogue of products and of services which are often presented as bringing “well-being”, this notion can become an ideological notion, a proposed all-embracing life leading to the conviction that consuming, selling, integrating the network, freeing yourself from your previous life, and even deciding to leave your initial environment form part of a whole and that happiness, the ultimate purpose, can be achieved via global involvement in the system.

The term "global" is very important. The notion of “global health” is a revealing example of the expansive usage of this notion. Customers are asked to become “distributors” and then “sponsor” new customers or “potential customers” which are, in turn, asked to become distributors representing the idea that "well-being" requires the choice of a lifestyle and the consideration that the body, family, spirit, material belongings and financial ease, and finally society, form a whole, and that a growing commitment in the network is required to lead this whole towards a “*higher level of well-being*”.

This “*philosophy*” aims to show that the approach, commercial commitment and total involvement are a “*business opportunity*”, and then an “*opportunity of a lifetime*” and finally an “*opportunity for life*”.

To neglect one of the factors of existence listed above would lead to the failure of “*self-achievement*” and the protection of your physical and psychological balance. It is easy to imagine that not all of the “*potential clients*” to whom this challenge is proposed do, in principle, satisfy all of the listed existential foundations - physical well-being, spiritual well-being, the well-being of the family... the more the potential customer or possible future distributor lacks these components, the more the network will lead them to focus their thoughts on the hope and the belief that the difficulties that they endure in life are due to the absence of one of the ingredients of success

and well-being inherent to the concept and that this absence is due to society's inability to provide him or her with the necessary basics and support.

Two of the general criteria for the appraisal of sectarian risk emerge: rupture with the original environment and anti-social discourse.

**The second objective** is to convince the potential client of the existence of a "*completely alternative solution*" able to replace society in the sense that this "*solution*" gives sense to life, by harmonising personal life, emotional life, social life and professional life thanks to the well-being induced by the multi-level marketing company, its operating modes and the place it reserves for its members and the products and services distributed.

In this way, the business plays the role of a substitute society which the newcomer will integrate via a long process with successive steps targeting growing commitment, where this commitment will lead the initial customer to become part of a commercial network providing answers to "*all existential questions*".

All of the companies which are considered as a sectarian risk proceed according to similar methods. The description, which follows on from an alternative integration process, is intended to exploit the respective constant and common characteristics.

The consistency of the method is based on the use of all possible means of influencing the thoughts of the potential customer both negatively (rupture encouraged) and positively (growing commitment encouraged). This influence is based on image and large meetings at a future point, showing the biggest commercial "*successes*" and the development of the brand name. This involves the exploitation of a force which has come to be called "*emotional intelligence*", capable of leading to both "*rupture*" and "*merging*".

The emotional impact must be powerful enough to lead the person recruited by the distributor to consider that there is an alternative and wonderful route able to transform everything in the life of a person accepting to join the "*network*".

Below are the stages that the monitor, who acts as both the recruiter and the local or regional delegate of the network, will apply for consumers, future distributors:

## Stage one

An opportunity to create a new life for him or herself and others. Beyond the initial target; i.e. the consumer accepting to participate at a informative meeting (which will be rapidly followed by other meetings), the family and professional contacts of the recruit are targeted. These people will decide “*to play the game*” or not. This will create a divide between those who “*play*” and those who refuse to do so. These people have “*the choice*” between « *not wanting to see and change* » (people to downplay), those who believe they know a better way (the dreamers) and those who believe in the “*solution*” of the multi-level marketing (MLM) company for a harmonious life.

The MLM company therefore proposes the possibility of establishing a commercial activity which will last a lifetime (What other company can make an equivalent proposal in a market economy?) and which can even be passed down from generation to generation as a key asset for the family and close relatives.

They use the following argument: there is no need to embellish the concept with supplementary comments. Words and images which reflect the concept are enough to make people think. In the context of this first stage the monitor will present his or herself without giving any real details.

## Stage two

This stage is intended to breakdown the hesitation and reluctance of the potential customer who is asking him or herself why they are there (they came by “*invitation*”, often under pressure from a “*sponsor*”) and what kind of *unexpected and possibly binding events the meeting may include*. The monitor will describe the situation and provide references so that everyone feels at ease and understands the reason for the meeting. The aim is to highlight the important reasons for all participants and respond to the aspirations of each person;

- a second income, a common concern for most of the personality profiles;
- the health of the family (important for people concerned for their family and their private lives, which are likely to buy the products to give to their family and friends. They are considered as being in need of energy and money to take care of the family and assume their role as protector);

- a ability to predict the future, an attitude which is typical of those who ask a lot of questions because they need to “*understand everything*”, and who take initiatives and tackle what is necessary in their eyes to avoid stress and worry. These people need figures and details;
- appealing information about a “*business opportunity*” for those who already understand that the priority is not simply buying and promoting, but selling and recruiting;
- the attraction of a challenge for those who imagine themselves as “*joyful winners*”.

### Stage three

Taking into account the range of different profiles of the potential customers invited to the informative meeting, and subsequently to training, practice and progress meetings and seminars, in terms of the “*levels*” of the multi-level commercial architecture, the aim will be to depict an improvement in lifestyle and a promise of material and moral, personal and professional success in which each person can recognise themselves”

- having a better future by spending more time with their family (contrary to the actual situations reported to MIVILUDES revealing cases of rupture with the family environment due to over-commitment within the network) and earning more money (in contradiction with the material and financial situation of distributors in the lower levels);
- having a healthier and possibly longer life;
- attaining a higher personal balance and reducing stress;
- being able to better manage their future.

### Stage four

For the facilitator and monitors from future levels of integration, the introduction to the content of the “proposed” commercial activity consists of presenting the dimension and the scope of the changes to lifestyle that the future distributor will naturally experience thanks to their decision to take the proposed “*business opportunity*”: an exceptional and exciting activity, a business which can but develop thanks to the methods applied for recruitment, progression and “*profit-sharing*” (the theoretical remuneration

scales are shocking), a solution to money problems, the “*priceless value of well-being*” and the emergence of “*belief in well-being*”.

## **Stage five**

The radical change proposed lives up to the challenges of modern life: everyone has faced or faces time management problems, professional constraints including harassment and stress, dieting, sleep and relationship problems... Many activities are so developed that they have saturated specific markets such as telephony, health foods, medicine and relaxation activities. The idea is to break with this world made of saturation and with the economic consumer-actor dichotomy (producer, financier, distributor). Objective: to attain an “*all in one*”.

## **Stage six**

An "opportunity for life" does exist. It responds to the need for social and personal success and to reduce or remove the stress of “managing” life. For all the potential customers, the solution is to join a multi-level marketing network as, integrating all facets of life into a global alternative system will save time and energy, and reduce the installation costs of a lucrative professional activity and administrative procedures (excluding legal proceedings, in many fields...). The following steps are all promising: start by canvassing friends and family, then continue into the professional environment, then target consultants from other similar marketing companies as competition (well-being, health and personal development are fields which are far from being saturated!).

It is at this point in the integration of the newcomer that a change of tone occurs, which is later confirmed and reaffirmed: “*there is no limit to your possibilities for success. Effort and devotion will allow you to give shape to opportunities on a national and international scale. This is an opportunity for life, based on a catalogue of products, whose potential to change the life of people is unlimited, and combined with the best possible existing commercial opportunity.*”

## **Stage seven**

Now is the time to present the company, the founder crowned with all

the qualities which will later serve as intangible references for the determination of “*integrity*” within the network, the experience of this founder which led him or her to face a key difficulty in life which he or she overcame by discovering the solution which is now proposed to the future distributor (invention as the fruit of necessity). The history of the company is long enough to prove its stability and capacity for growth. This is true on an international scale (and administrative and judicial problems have already occurred) but is rather rare in France where the concept is developing so fast that potential customers completely lack references. The success of the company can be explained by the fact that more and more people need a concept (of well-being or personal development) to exert a “*positive influence*” over their life.

## **Stage eight**

A wealth of credibility and renown has been accumulated by the network (a few names of universities or private foreign research centres, or documentary resources to which the network clearly has access are cited) in particular when it succeeded in penetrating a panel of financial backers. In this way the link is created between the ambition to spread well-being, arguments supporting “*a philisophy based on a few founding principles*”, and the concepts protected by intellectual property rights, on which training, individual progression, the incitement to sell and to recruit more and “*internal promotion*” requirements will be based.

The “induction of hold” can arise from this interdependence. The key to this “*philosophy*” is presented as a simple balance, a concept which is attractive and pleasing to everybody and which any person with a sense of honesty and integrity will be intent on achieving. By applying these principles to themselves and giving the concepts of honesty and integrity their intended sense, on behalf of the aim to develop the multi-level marketing network, the founders were able to reach their current level.

## **Stage nine**

The “*energy vision*” of the managers therefore acts as a compass directing each person towards this “*vision*” which is assigned a date. If we take the example of a recruitment in 2007 with a “*2010 vision*”, which is a period which anybody can imagine, with quantifiable stakes, an acceptable

level of pressure and targets which are easy to define in terms of progression through the levels. This vision will help millions of people and therefore represent a “world drive” for everyone who is interested.

## Stage ten

This stage consists of emphasising the ideal location for the promotion of products, the starting point of a commitment as a distributor, as a beneficiary of a “commercial opportunity” in the context of the attainment of a new life, the so-called “opportunity for life”. This ideal location is in the home where personal, family and professional life overlap. It is the place where people can feel the biggest benefits of their well-being. People need the best for themselves and their family. It is in their homes that they are most receptive. This is what the commercial network offers and *“is the message which they must believe and adhere to”*. The best product of the network is quite simply the commercial activity itself. Therefore, the line between customer and distributor status is unclear from the word go. They can and must be the same person. This activity can make a difference and change a life, but may not be the right road for every one. The idea is to benefit from the low costs of working from home as a distributor without an employment contract, with the only contractual attachment being a *“commercial opportunity contract”* (one of the more common names). Personal progress and near-mandatory integration will require the imposition of the idea that this commercial operation allows intermediaries – wholesalers, intermediaries, retailers, distance or internet sales companies – to be removed. This enables the *“future customer-distributor”* to create teams of product users (starting with their family, work colleagues and close relations) and become founders of a business as a direct link between the producer and consumers. A special group of people who use exclusive products (which can potentially exclude group members from their original environments), exclusive products shared by enthusiastic users who will recommend them to people they know, is hence created.

## Stage eleven

What will I gain from transforming my life to the point of completely upsetting everything? The promoters of the network will present some statistics. In their training sessions, they are informed that *“no one will be*

*able to read the published figures*" and that they must not even explain the remuneration system during the informative meeting. They must transmit the message that the programme can offer something to everyone. Then they go on to talk about anticipated income: no intermediaries, creating a payment system which can guarantee that the money goes to the well-being and personal development "*distributors*" and "*consultants*". This money rewards full and part-time activity. This introduces the idea that one day it will be necessary to go full time, therefore leaving their current employment. Potential is described as limitless. The next question is whether there is an age limit. Most companies of this type have a starting age (the age of adulthood in the country in which they operate) but simultaneously point out that there is no maximum age limit, and therefore there is no "retirement" issue. Another question which is asked relates to the nature of the contract establishing the hierarchy between the different levels of the network, and it is clear that there is no employment or commercial contract, but a "*commercial opportunity*". Coming back to the freedom of access to the network, it is often indicated that "*women are just as successful as men*" and that "*success does not depend on religious beliefs or ethnic origins*".

## **Stage twelve**

This is the "*demonstration*" stage, showing that everyone can become a team leader or manage a business. This demonstration is based on the statement that the development of teams and their support (i.e. the increase in the number of consumers/future distributors) noticeably increases monthly revenue, not only thanks to a "*personal bonus*" but also via a "*team bonus*". Then comes carefully chosen examples of success which reveal "*instant*" results, rather than results spaced out over a long period of time. The idea is to "*create something powerful that everyone understands*" even if that means "*changing the histories*" of the people used as examples.

## **Stage thirteen**

Now is the time to describe how to commit to the network, including the "*training*" and "*support*" stages. The representative of the network will now praise the merits of the "*activity*" and "*ethics*" of the network. The network supports everyone and above all those who brought the audience to

the informative meeting. The future recruit can therefore accord his or her trust freely. The training sessions proposed will form an inseparable set. They are generally designed to integrate the audience into the network as soon as possible. The idea is for the person to commit immediately, irrespective of whether or not the person signs the "contract" in the same evening. This document will not generally be called a contract, but a "commercial opportunity document" or something similar. The first stage of "training" is, depending on the network, "learning to get rid of old baggage" to break from their history, their past and to change their life because nothing will change if a person doesn't accept to "change". This decisive and mandatory announcement is an indispensable moment of drama to obtain the consent of the audience, to lead them to sign a "document of commitment" which is usually of no contractual value, to submit initial orders for products and to commit to future distribution. No demands are made. Actors aims to pass on the message that this is a chance to change your life, that there may not be another opportunity, and that "everyone is free".

## Stage fourteen

The potential customer will be "hooked" in two stages for this reason: the potential customer is again presented with the "system of values" founded on the three-tier strategy:

- a network which, much more than a business, represents an opportunity for everyone (it is up to each individual to take or refuse their chance) and a unique opportunity to access a "personal development" process;
- a test of loyalty for those who have offered this unique chance to the potential customer. To refuse the offer would represent the betrayal of the sponsor rather than the refusal of a commercial offer, because what counts is not the consumption, but rather the spreading of the idea of well-being, of which the initial vector is the product range;
- a progression in life driven by meetings between levels, unique opportunities to meet the big names in the network and maybe one day the founder "to whom each person owes so much".

Accession through the "levels", "grades" and "higher ranks" and therefore to a better life is a constantly present leitmotif transmitted via colourful images, targets, detailed dreams (trips for the "Top 10", "Top 20"

and "Top 50", training for the recruitment of distributors, European and international meetings with directors, etc.) and profit-sharing managed according to a very strict calendar ensure the unfailing solidity of the network. To give an example, "distributors" who are strongly encouraged to follow new training courses and acquire new publications and reference "kits" will find themselves offered special prices if they accept deadlines defined down to the week. This must correspond exactly to the period between signing the initial "contract" and achieving the optimal confidence necessary to make him or her think that this training is a natural and primordial step for them and so on and so forth for future training. This situation will be used as a basis to increase financial demands and the time dedicated to the "life of the network". This progression will also be used to gradually justify activities based on "psychological techniques" which are regularly the subject of questions submitted to MIVILUDES.

The "levels", "grades" and "ranks" are organised on the basis of a "psychological concepts" schedule which must absolutely be applied to ensure the acceptance of progression. The "points" assigned to the distributor no longer suffice to progress above a certain level. The idea is to access the stage where the distributor recruits new distributors. Their number increases and is proportional to the level reached.

As a conclusion to the process, the following testimony received by the Interministerial Mission clarifies the stakes inherent to the analysis of the risk of sectarian aberrations in the context of multi-level marketing networks: *"Family, friends, acquaintances, if you exist, the peculiarity of the system was evident to everyone except you. Before joining the network, you felt lost and downgraded. After leaving, you felt pathetic. You feel like you're in an awkward position, your credibility in the eyes of others has been completely destroyed for almost all of the people you have contacted, you feel guilty towards the network, the company, your sponsor, the leader you betrayed and for whom you stood out from the rows of "followers" and were considered as an amazing and special "someone" – or "something". You cannot argue your lucidity because your version of the truth is not supported either by victorious legal action or by the acknowledgement of all elements of your testimonial and, above all, in terms of an "abuse of trust".*

The same testimony continues: "Now I can more fully understand the reluctance to press charges and the difficulty of being believed faced by

other types of victims who are now recognised as such".

## **The risks linked to certain business coaching techniques**

“Organisational constellations” or “business constellations” appeared on the personal development market several years ago, and, in a non anecdotal manner, in the context of continuous professional training a few years ago, and are now in the process of considerable expansion, which cannot be ignored by MIVILUDES.

They emanate from an apparently older concept applied to the “resolution of interpersonal and family conflicts” known as “family constellations” or “systemic constellations”.

In addition, links or interdependence between “family constellations”, “organisational constellations” and “biological decoding” are increasingly observed.

This study does not intend to take a specific position with regard the philosophy of the doctrine or the content of the related induced methods, MIVILUDES feels that it is however necessary to warn the public of the dangers inherent to inappropriate practice, which has unfortunately recently been confirmed by the testimonials of victims. The stories told by these individuals demonstrate the aberrations committed in application of a doctrine and using practices which can be qualified as sectarian aberrations.

The victims and their families do not generally criticise the method or even the aberration caused by poorly mastered practice, but rather they point to the refusal of their contacts to admit the reality of the risk and of the aberrations when they arose. They deplore the total absence of understanding and compassion shown to those having suffered from experiments organised imprudently and without control.

This is why MIVILUDES must monitor the evolution of this phenomenon and its many applications targeting natural, and also legal, persons in view of the information received from various government services (General Information, DGEFP) and case law from May 2004 (award 390/04, Tribunal de grand instance of Foix, 18 May 2004).

This jurisprudence does indeed clarify the context of the emergence, development and implementation of “*systemic constellations*” and “*organisational constellations*” in France in a beneficial manner, as two of the founders of the “*Fédération française des praticiens en constellations systémiques*” (FFPCS - French federation for practitioners of systemic constellations) were convicted on 18 May 2004, one for “*usurpation of title, qualification or position*”, “*false or misleading advertising*”, and “*fraud relating to the nature, quality or origin of a service*” and the other for “*false or misleading advertising*”, and “*fraud relating to the nature, quality or origin of a service*”.

Before addressing the origins and history of the development and application of these concepts and methods, it is necessary to consider what is expected of this reference judgement.

In this case, the use of a professional title governed by a public authority or requiring an official qualification or status assigned according to the criteria of the public authority without the right to do so, specifically concerned the “*use of a title, qualification or position of a psychosociologist*”.

In this case, with regard the false or misleading advertising, it is appropriate to note that the judgement recorded that the advertisement in question included “*false allegations or presentations likely to mislead relating to the status of the service providers, or the quality of goods or a service, by presenting the actors as the personnel of the Institut Européen des Nouvelles Solutions Psychologiques (IENSP - European institute of New Psychological Solutions), approved via professional training*” as this reveals a *pernicious modus operandi*. Since this judgement, registration (and not approval) with IENSP-Lienspsy has become obsolete, however this argument can still be raised by “systemic constellation” practitioners as MIVILUDES has noted. *In fact, in the above case, a second organisation directed by one of the two convicted individuals and practicing the same methods is still registered as a continuous professional training organisation*

*with the relevant authorities in the Midi-Pyrénées region.*

Finally, with regard the fraud, it is decisive to note that the fraud related to the fact that the customer, a public establishment in this occurrence, had been misled regarding *“the nature of the service, a professional training course carried out by an unauthorised body in this case”*.

Today, the same service providers state that they continue to offer their services to companies *“in combination with other resources such as psychodrama and coaching”* (booklet presenting the programme of the second French-speaking congress on systemic constellations planned for 28 and 29 April 2008).

According to the consultants who practice in this environment and distribute these concepts, the various practices of *“organisational constellation”*, when applied to organisations and notably to businesses, are intended to apply in the context of a search for solutions to strategic management problems, conflict management, intercultural management and the application of change.

The aim is also to:

- denounce lacking management skills;
- establish whether the business can dedicate itself to targets or whether it is jammed by internal problems;
- attract attention to the possibility or inappropriateness of dismissals;
- demonstrate whether company management is free to act or not.

For many consultants applying this *“management concept”*, the company can be considered as a system in the same way as a *“biological system”*.

As companies are subject to specific internal operating modes (no details given) and compliance with these modes guarantees the equilibrium of the company in terms of productivity, communication and the preservation of a *“health working atmosphere”*, ignorance of these rules (otherwise known as *“laws”* by certain practitioners) by the men and women in the system would lead to multiple disturbances:

- loss of productivity;

- hierarchical malfunctioning;
- interpersonal difficulties and stress.

Supporters of this “*method*” and of these “*practices*” state that there are “*principles and orders*”, or, “*disturbed orders*” *in this case*, that can be unveiled with shocking speed in the context of “*business constellations*”.

In parallel to this perceptible infatuation of the general public and managing executives, on a personal basis, for this set of concepts and practices, which are establishing their presence at the point where managerial approaches and “*personal development*” targets converge, it appears clear that the apparent originality of the method and the interest demonstrated by its distributors in the internal malfunctions of companies and institutions, lead to these methods intruding in public and private organisations where conflict mediation and arbitration are a priority or a mission.

Most of the seminars and training courses based on “*organisational constellation*” methods target publics with high levels of responsibility:

- entrepreneurs looking for a new means of management and governance;
- people who are led to take decisions or lead a team within their company or organisation;
- company advisors and coaches who aim to improve their skills;
- people who having discovered “*family constellations*” and how would like to widen their horizons to other forms of constellations.
- people aiming to solve a problem which arises in a professional context.

The emergence of networks with strong potential for commercial development and the implantation of the many practitioners who claim to apply “*biological decoding*” and “*constellations*” implies the need to pay close attention to the potential detrimental consequences of these methods for patients and users.

“*Systemic constellation*” can be considered as a generic term covering both the concept of “*family constellations*” and that of “*organisational constellations*”.

Family constellations target people and families in need of therapy or

support following personal difficulties. Organisational constellations target organisations and claim to focus on all types of non-family structures or systems, and particularly those found in the world of work (businesses of all sizes, institutions, administrative bodies).

The rapid increase in the number of practitioners of “*systemic constellations*” and the diversification of the concepts used to implement these practices leads many of these practitioners to question the exact origins of these concepts, particularly as users claim two types of application: “*psychotherapeutic practice*” and “*personal development*”.

Many agree that family constellations started with the works of Virginia Satir, who directed the “*Mental Research Institute*” (Palo Alto, USA) in the 1960s and were confirmed with the works of Bert Hellinger, presented by the practitioners of this “*global methodological approach*” as a “*philosopher, theologian and Jungian psychoanalyst, who, during his sixteen year stay in South Africa, in contact with the Zulus, became interested in the way which they “were linked to their ancestors”.*

Virginia Satir (1916-1988) a US woman, held a Bachelor of Art from the University of Wisconsin (1936) and an M.A. from the University of Chicago, obtained twelve years later. She was awarded several “honorary doctorates in social sciences” between 1978 and 1986. Originally a trainer in family therapy, she created the team of the “Mental Research Institute” (Palo Alto School) in 1958. She was essentially responsible for family problems and training within this institute. From this time, her professional approach led her to take charge of microstructures such as the family unit and macrostructures such as companies and more generally the professional context of peoples' lives.

Since her disappearance, her work has been taken over by “*The Virginia Satir Global Network*” (VSGN) whose main mission is to assure that her work continues and to protect the rights for this work, which includes books, techniques, methods, concepts and the other training tools created by her. Therefore, this network is, above all, a means of protecting her property rights and ensuring the continued use of her tools in the United States and in all other countries where the network operates.

The institutes and subsidiaries of the “*Virginia Satir Global Network*” are *implanted on every continent*. There are actually two in Europe, one in

the Czech Republic and the other in Slovakia.

Three subsidiaries are known and referenced by the "VSGN" of which two are implanted in San Salvador: the "Agapè Sister Organization" and the "Nueva Acropolis Sister Organization".

The basic characteristics of the therapeutic techniques and concepts developed by Virginia Satir and distributed internationally via the network are defined by David Gordon as "*human categories*", as understood by the woman who continues to be considered as the forerunner of therapists and practitioners using "*family constellations*" and "*systemic constellations*".

- "Placers" who try to please, to obtain approval. They think that they are no good at anything, are answerable to the whole world, and they adopt a physical behaviour of supplication;

- "*Blamers*" who act as if they are superior, and blame others. They demonstrate a narrow physiology and an accusative behaviour;

- "*Computers*" are always well behaved and reasonable. Their body seems dry, disassociated and their vocabulary is abstract. Their attitude is reflected by a rigid spinal column, like a steel rod;

- "*Distractors*" who never respond in an appropriate manner. They move their bodies, their mouths, etc. Distractors reinforce the feeling of low self-esteem within the individual;

- "*Levellers*" are congruent, their verbal and non verbal communication "match", their "*self-esteem*" is little threatened.

Out of the five categories, only the leveller is able to cure break-ups, open up dead ends or build bridges between people.

Therefore, according to David Gordon, you can define the therapeutic approach of Virginia Satir on the basis of the above categories:

- "*The complaint of the person acts as a polarity between what he or she actual experiences and what he or she wants to experience*". Each of the parties will associate with one of V.Satir categories to their own benefit. A direct way to determine which of Satir's category is associated with the experience of a given person is simply to ask: "How do you feel when you say this?" The answer provides the information needed, for example: "helpless" (placers), "angry" (blamers), "nothing" (computer), "What?"

(distractors);

- *The first benefit of these categories is that they make the story more significant for the client. The second benefit is to feed the process of change. The individuals will not resolve their problems because they do not know how to do so. Therefore, the difficulty is the style of communication and not content. The help provided will require a change in category*".

And furthermore, according to the same author, these categories can allow changes to happen at levels other than that of the basic story.

To incorporate changes in "*Satir positions*" in a metaphor, it is first of all necessary to characterise each of the actors in the story in terms of the methods of communication used by their counterparts in the "*real*" situation and then, secondly, to ensure that the changes which appear in the resolution are based on appropriate changes of category. Once the "*Satir positions*" of the people or significant parties of the problem have been clarified, and the strategy for the changes in method have been specified, all that is necessary is to simply indicate the strategy in the description of the characters or actions.

Most networks of practitioners using the systemic constellations system and their users claim and maintain that Virginia Satir and Bert Hellinger, the recognised founder of this concept, were related. However, this connection is not certain, which enables a number of service providers to underplay when controversy arises. However, it is proved that Bert Hellinger returned to Germany in 1969 after a stay in South Africa as a "missionary teacher", and trained in psychoanalysis in Vienna, where he discovered "primal therapy" which is considered as a strong expression of feelings according to the Hellinger school in Paris, as well as "*transactional analysis*", "*scenario analysis*", and "*family therapy*" and learnt the work of "*family sculptures*", otherwise known as the "*category-based*" approach linked with Virginia Satir.

The works of Bert Hellinger are equally controversial today.

This has not prevented the development of the use of "*Constellations*" in "*personal therapy*" or, with increasing frequency, "*group therapy*", and it is definite that the phenomenon is spreading. The professional sphere and, above all, companies and institutions have followed

this new trend in a surprising manner.

This is indeed controversial as criticism is emerging at the same time as the craze, including in clubs and groups of company managers. Criticism essentially focuses on the following themes:

- the methods and instruments used have never been scientifically approved;
- the accreditation procedures used by practitioners are considered as having little credibility;
- the statements of certain practitioners, claiming that the use of systemic constellations can solve deep-rooted problems in the life of patients in just one session, are more than intriguing. These statements are a source of concern, as it is clear that these same practitioners apply their services on a long-term basis both with natural persons and companies, despite their "one session only" claim;
- one case of suicide and several cases of psychotic behaviour have apparently arisen after the implementation of the practice.

What are the "*main principles*" behind this controversial method, which is increasingly available on the "*group behaviour therapy*" market?

The concept of family constellations, developed thirty years ago, and the methods defined at later dates targeting various lifestyles within society (families, associations, companies, institutions) can be described as follows:

The person targeted by the "*therapy*" is enlisted for "*their turn*" at the invitation of the "*constellator*", that is to say the organiser, in the group formed in the context of a session. He or she chooses several people in this group. This is above all "*group therapy*", representing each of the members of the community (family, company, etc.), wherever the target problem is.

In an interview with Bert Hellinger for the journal "Nouvel Clefs", the system was described as follows:

*"Without saying anything about yourself, these people do what you want, standing, arms dangling, in the circle of participants. You always act "instinctively", in a semi-awake state, thinking of nothing, just monitoring how you feel. Then you sit down and listen to the "psychologist-constellator" asking questions to each of the people in the "constellation". As crazy as it sounds, these people, who know nothing about you or your family or your*

ancestors, start answering in a way which completely relates to your situation, your life, your family tree. We were invited by one of the participants to represent his father (it could have been his brother, or his son or even his mum or his wife, as the vectors of experience are androgynous), we started to feel things, emotions, to speak words, to make gestures, to express demands that we could not control and which were part of an interactive unit including four, five, six and up to twenty people in a similar state to ours. The gestures and demands all had clear meaning (in the last story) for the person we "constellated" (transitive verb) and the problem, indicating a way out, a peaceful way out if possible..." The field opened in this way is extremely surprising and uncomparable. One thing is sure: intellect does not intervene, or not in a driving manner, it is something much deeper. Bert Hellinger talked of "soul to soul" communication...

Bert Hellinger continues with his definition of the concept, which he invented, and for which he also holds the intellectual property rights (Bert Hellinger ®)

*"The new family constellations are not a technique, but an art, the art of feeling our most subtle perceptions" that is "the movement of the soul". "Thanks to this art, we become free to manage our own destiny, our own accomplishments and our own deaths" (web site of the Hellinger school in Paris) as well as "today, family constellations, in their initial version and their future forms, can be broken down into the understanding of the organised, but sub-conscious functioning of love. Working on our family constellations enables us to gradually identify the origin of our problems via feelings, emotions and attitudes. The secrets, hidden links, laws and transgressions which govern our family dynamics appear in the light of day, allowing us to "clean" them in a symbolic manner using words and gestures. We can therefore find the solutions which allow each of us to escape the disturbing influence of our family heritage, while reconciling ourselves with the soul of our family."*

"Even if family constellations are initially used as a means of psychological therapy, they are essential in many other fields as they enable us to undo unconscious links and balance our personal, family and professional lives".

The founder of "family constellations" himself claims that this concept

and the related practices are "*perpetually changing*", which implies several problems for the founder, his partners and close successors and for the many practitioners trained in recent times. This is the case in France for the recently created "*Ecole Hellinger de Paris*" and the bodies registered on the network known as "*écoles partenaires Hellinger*" or working in partnership with this network, including "Systemaviva", "ARTE Systemica" and the "IENSP" (European Institute of New Psychological Solutions).

Other networks are also worth paying attention to.

Since 2004-2005, there has been growing questioning and controversy, but at the same time positive testimonies from users of the method have also emerged and are of course highlighted.

In Germany where there are currently 2000 practitioners of "Systemische Aufstellungen", a study carried out in 2004 by an organisation attached to the German protestant church "Evangelische Zentralstelle für Weltanschauungen", which is a sort of private federal observatory of "*conceptions of the world*", described the current context of the practice, showing uncertainties and concerns.

Many of these concerns and uncertainties are based on the implementation of practices which, while sharing their main features, and applying similar behaviour rules and identical labels in view of legal restrictions such as "*intellectual property rights*", actually cover a wide range of notions, each with a specific style and a group of practitioners.

Since approximately two years ago, many practitioners of "*systemic constellations*" in France have established this multiple claim.

New conceptual landmarks have appeared, which fuel numerous questions with regards to the inherent "*therapeutic*" or "*managerial*" practices, and imply real risks of sectarian aberrations.

With reference to the hypothesis that constellations represent "*spiritual therapy*", practitioners claim that the Hellinger method is a "*simple and powerful tool because we misuse the intellectual approach and the body clearly has other resources and is linked to the universe*".

Other claims or targets applied to users of the "*method*" reinforce the need for vigilance. "*Our lives are carried by a higher intelligence where a more collective harmony of influences direct each individual movement*. This

helps to see the repetitive and automatic and therefore trivial side of our strategies, which depends on our memories".

"Reaching the deepest layers of our identities: where we brood less and where we can be connected to the invigorating impulses of our true dynamics".

*"The aspiration to belong to a group acts as the main motivation for our behaviour in the deepest layers of the sub-conscience. The group is my conscience: it decides what is good and bad for me."* (Bert Hellinger – interview in *Nouvelles clés*).

The "*Constellator-Constellated*" relationship is often presented as an "*analytical, spiritual and energetic sphere*". For practitioners this means that "*the work combines the analytical understanding of the fundamental problem with an energy-based and ultimately "spiritual" approach, as the appeasement provided heals at the root*". Participants who relive their histories enable the entire group to benefit from this reshaping of "knots" (*non-recognition*, identification of substitution, secrets and failure) which will act via redundancy and resist change as they guarantee the consistency of the history of the group.)

So, in an analytical approach to the risk of sectarian aberrations, it may be necessary to search for elements in the manner of "*reliving history*" which can be induced as a type of "*biological decoding*" search by practitioners who combine the use of "*systemic constellations*" and "*biological decoding*", of which two of the main authors-distributors have been critically appraised by MIVILUDES.

Practitioners of biological decoding consider that all physical symptoms are the external signs of stress which can be channeled in relation with the "*feeling of nothing*", to assist us in moving towards the solution. Instead of treating illnesses as a bodily weakness, or a disturbance due to an attack from the outside, it attempts to decode the protective and liberative role of disease.

According to Ryke Geerd Hamer, pathologies have a "*biological use*" in the sense that they can be considered, according to distributors of this "*approach*", as specific help programs triggered by our feelings to solve situations of conflict when facing reality.

Thus, German hospital practitioners compared the “*biological decoding*” approach to illness suggested by Ryke Geerd Hamer and the “*systemic constellation*” approach developed by Bert Hellinger. They borrowed some of the words of the latter: “*Destiny within the family, conditioning and perpetuating illness*”, translated from the German title of the work of the founder of “*systemic constellations*” “*Schicksalsbindungen in der Familie, die Krankheit mitbedingen und aufrechterhalten*”.

In an educational slide show created for medical purposes and displayed in Germany in a private hospital group, under the title “Medicine – psychology: partners discovering each other” the following question is considered “Is breast cancer an illness of the soul?” , a quote by Ryke Geerd Hamer appears with particular meaning due to its positioning immediately in front of the reference to the works of B. Hellinger, which could be translated into English as “conflictual, dramatic and clearly acute shock”: *all patients must solve this conflict in order to be able to heal*”.

This acknowledgement of similarity or, to say it in another way, of complementarity or interdependence between “*organisational constellations*” and “*biological decoding*” lends legitimacy to reinforced vigilance with regard to those who identify with these concepts and put them into practice in a therapeutic and/or professional context.

Several reasons can be raised as grounds for this call for vigilance.

In June 2005, Ryke Geerd Hamer was definitively assigned a three-year prison sentence for fraud and complicity in the illegal practice of medicine, the Court of Cassation having rejected his appeal following the sentence awarded by the Court of Appeal in Paris the previous year. The order specifically mentions that Ryke Geerd Hamer had been forbidden to practice in Germany since 1986, could not practice in France, and, despite this, used his title as a doctor to cheat ill people and obtain money from them.

And yet, as late as 2007, Ryke Geerd Hamer is referred to in the context of the joint practice of constellations and biological decoding.

This double reference is also regularly reported in France, at a time when the practice is developing very quickly and where it appears that practitioners which identify with these concepts, irrespective of where they

practice in the country, have organised their activities into networks and exchange, construct and develop their practice in a coordinated manner.

The apparent craze for these practices, particularly in companies, and the strong reactivity of the services proposed can be explained by the strong impact of the argument claiming that a company can be considered as a system in the same way as a biological or family system and that “as is the case for *all systems, the company is subject to specific operating rules, and compliance with these rules guarantees the harmony of the company, in terms of external and internal communication, productivity and a good working atmosphere*”. This presentation of the practice of systemic constellations in companies is drafted by a member of the “Fédération française des praticiens en constellations systémiques” (French federation of practitioners in systemic constellations) which held its first french-speaking congress in Paris in December 2005 and will hold its second congress in April 2008 in Paris.

The members of this Federation themselves noted that their position is delicate in France due to the law of 2001 (Law 2001-504 reinforcing the prevention and repression of sectarian movements breaching human rights and fundamental freedoms) and the law of 2005 on psychotherapy.

When these techniques are misunderstood, or when they are practiced by inadequately trained people, or without care and diligence, the worst is to fear, and unfortunately more and more reports are received throughout France on serious malfunctions. Disputes and discussion are not accepted and the threat of exclusion leads the “*patient*” to accept whatever is forced onto them.

These aberrations, whose sectarian connotation is clear, have not been scientifically proven, and are seriously disputed by reputable universities and condemned by law. Those in charge of the distribution of information to and the protection of the public cannot remain indifferent with regard the dangers of practices which will often have a dramatic outcome for companies, individuals and their families.

It is therefore appropriate to remain vigilant in this field, owing to the wide availability of the concepts involved and their implementation in the context of practices which are increasingly applied for companies and administrations.

## 4<sup>TH</sup> SECTION

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# Various studies Stupefacients and sectarian aberrations

In previous reports in 2005 and 2006, MIVILUDES drew the attention of public authorities and the general public to the serious dangers relating to the use of dangerous substances by certain shamanist groups or New age movements, and, for this reason, MIVILUDES had explained how the use of ayahuasca, and of iboga, was based on the idea of manipulating "patients" which was in most cases combined with sectarian aberration as defined by the criteria established in 1995.

The consumption of these plants, which have a hallucinogenic effect on consumers, is far from being without consequence, both on a physical and a psychological level. Dr. Armelle Guivier, in her medical thesis entitled "Risks of bodily harm incurred by the followers of sects", (page 164<sup>9</sup>), wrote

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<sup>9</sup> This thesis is available on the MIVILUDES web site: <http://www.miviludes.gouv.fr/RISQUES-D-ATTEINTE-A-L-INTEGRITE>

the following about ayahuasca (1):

*"In this context, the National Commission on stupefacients and psychotropic substances has examined the current data and has concluded that "ayahuasca has psychoactive properties and the proven potential for misuse". Tests on animals have led to evidence showing significant neurotoxic and somatic effects. In humans, its toxicity consists mainly of hallucinogenic effects and a deep alteration of the state of lucidity associated with digestive problems (nausea, vomiting, diarrhoea), a neurovegetative state (sweating, light-headedness, trembling) and heart trouble (tachycardia, high blood pressure).*

*Moreover, Dr G. Pépin, pharmacologist and expert for the French courts informs of the dangers of ayahuasca, which has characteristics and side effects similar to those of LSD. However, the pharmacological components and side effects are as yet unknown. Reported incidents include permanent or reversible psychiatric decompensation, suicides (notably that of Marcu Lumby, anthropology student at Cambridge University, who consumed this concoction himself as part of his research on Peruvian Shamanism), comas and deaths.*

The 2005 MIVILUDES report (page 49) addressed the concepts of neo-shamanism, where the physical healing of the individual must first of all begin with spiritual healing which would be aided by the consumption of these products. The first stage of the process often appealed to those in hope of experiencing a "journey" through a series of courses, followed by the encouragement – obligation to participate in personal development sessions, and finally the possibility of joining a closed community, to become "shamans" themselves. This program had an unspoken goal of yielding a profit for the directors, as each stage cost money and as new Shamans were required to pay royalties to their trainers.

As well as these *New Age Shamans*, other movements (small rural communities or much more organised structures) including self-declared psychotherapists, also use the properties of these plants in the techniques proposed to their "clients". Their stated goal is the "rediscovery of harmony and natural spirituality as well as the achievement of a perfect communion with the kingdom of the natural elements".

In fact, for the organisers, this is above all a real business far

removed from the intentions described in their various publications or on their assorted websites.

The many reports received have lead MIVILUDES to launch training and prevention campaigns centred on the dangers of sectarian aberrations relating to the thoughtless use of these substances:

- training of specialised services, which previously held very little information on the fact that the products used as part of Shamanistic rituals were or have recently been prohibited.
- prevention targeting publics likely to be attracted by the novelty or fad effect and totally unaware of the dangers of these practices and the potential inherent sectarian aberrations.

Ayahuasca is now categorised as a stupefacient (table B) in virtue of an order published in the Official Journal of 3 May 2005 <sup>10</sup>. Iboga, banned in the USA since 1996, was banned in France by the Ministry of Health following the publication of the 2006 MIVILUDES report <sup>11</sup>.

## **1. The alternative following the classification of iboga and ayahuasca**

The very fast response time of state services has forced the organisers of programs such as these, using products which are now banned, to relinquish the use of these substances and their derivatives. Whilst this is of course a positive result, these organisers have been able to adapt to the new legislation by finding substitute products, which are perhaps not as exotic, but just as dangerous for the health of the consumers.

The hallucinogenic properties (amongst other things) of a new plant

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<sup>10</sup> Order of 20 April 2005 modifying the order of 22 February 1990 defining the list of substances classified as stupefacients.

<sup>11</sup> Order of 12 March 2005 modifying the order of 22 February 1990 defining the list of substances classified as stupefacients.

are now being used: "datura", which is not currently subject to any specific legislation.

The product has been promoted in a whole new fashion trend, particularly thanks to the internet, and people who are easily influenced by the theories of Shamanism are clearly the ones who have shown the most interest in datura, whose characteristics are worth mentioning:

- Pharmacological Properties:

This plant, which can cause hallucinogenic delirium lasting several hours, is highly poisonous and is considered to be the most toxic of all nightshades. The "clients" are never made aware of this fact.

- Description, history

Datura is part of the nightshade family, and is very common in Europe, growing in uncultivated ground and often considered as an invading weed. It has been known and used since ancient times.

Its usage is traditional in certain American ethnic groups who use it during initiation rituals as well as in a beverage, the "wysocan" during the rites of passage into adulthood. It is not therefore surprising that its effects have attracted the attention of new witch doctors looking for substitutes for their previous products, in the context of the organisation of shamanistic rituals and other ceremonies which they characterise as initiation ceremonies...

It is worth comparing the perception which the authorities in both France and some of our European neighbours have of this plant.

## France

Several cases of young people who used datura are currently being examined by specialist services, as, even though datura is not a Class B drug, its administration is prohibited and can be likened to the illegal practise of medicine.

Followers of shamanistic organisations talk about datura in their blogs and give numerous details on how to use the plant and its effects, and they use the history of the plant and its role in the "shamanistic arts", especially in Brittany, to justify its use.

The use of this plant is also often referred to in so-called meditation courses, where it is systematically reiterated that datura is used by the Shamans of South America in the same way as ayahuasca.

It has been noted that several groups which extol a return to nature worship (the old religion) are justifying datura on their web sites and are even providing precise instructions on how to use this plant. Once again, the justification of the use of datura is based on its very ancient usage, notably in Amazonian Shamanism.

The advertisement of this plant via the internet, through its ritual use by genuine Shamans, is particularly dangerous. Indeed, the circulation of ayahuasca and iboga was relatively contained because it wasn't readily available, whereas datura is easily obtainable. For this reason, it is particularly irresponsible to spread advice on the use of this type of substance on the internet disguised as shamanist theories or, in the case of the WICCA group ([www.le-sidh.org/site/article\\_288.html](http://www.le-sidh.org/site/article_288.html)), on the grounds of a return to ancient beliefs such as Druidism, Greek or Latin mythology, etc.

## **The rest of Europe**

In the context of the drafting of this report, MIVILUDES searched for elements of comparison for the phenomenon of datura in the countries of the European Union, as well as in Switzerland and in the USA. The results of this research bring to light that this plant has only been specifically studied in the United Kingdom:

### **1 – Germany.**

Datura is classed as part of the category of drugs known as biological (Biodrogen), making the use of this plant, as well as any derivative products or stupeficients using its active ingredients, illegal. Use is therefore liable to criminal prosecution.

### **2 – Denmark.**

Datura is not classified in Denmark. The consumption of this plant is known to cause a state of mind similar to delirium tremens, where the individual is not able to differentiate between reality and their hallucinations. This effect is caused by the presence of hyoscyamine, scopolamine and

atropine.

In this country, datura is often consumed at the same time as alcohol. In clinical terms, it is addictive and can mask various pathological symptoms, which is dangerous when a medical diagnosis is required.

The difference between the tolerated dosage and a lethal dosage seems to be very difficult to judge.

Two cases of serious intoxication have been reported to the Danish authorities, and numerous Danish web sites suggest various ideas on how to use datura, notably the site of a self proclaimed "witch".

### **3 – Greece.**

Datura or "jimson weed" is known to have been used by Dioscoride<sup>12</sup> to pronounce his oracles. It is not classified and is not the object of any other specific remarks.

### **4 – Iceland**

Datura is the subject of two legislative texts regarding restrictions relating to use, and no cases of use of this plant have been reported to the authorities.

### **5 – The Netherlands**

Datura is prohibited for sale when it has been transformed and health authorities have been alerted of its use.

### **6 – The United Kingdom.**

The association "Inform" indicates that datura is known to be used by individuals in search of a spiritual experience under the guidance of a "Shaman mentor". It has been mentioned that the unpredictable nature of this drug and its serious side effects have been highlighted in many personal experiences being recounted over the internet<sup>13</sup>.

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<sup>12</sup> Greek doctor, who described and classified many medicinal plants and indicated their usage and effects.

<sup>13</sup> Particularly on the following site: <http://www.erowid.org/experiences/subs/exp?datura?shtml?general>

Its hallucinogenic effects are considered to be very dangerous and one of the most influential Neoshamanists in western countries apparently refuses to promote its use in shamanist rituals for this reason.

It is also noted by the specialists at "Inform" that the dosage of datura required to have a hallucinogenic effect is very close to that which could cause temporary blindness, heart palpitations, loss of motor control, hallucinogenic experiences lasting three or four days, as well as a risk of accidental suicide. Still according to the specialists at "Inform", many users of datura recall a terrifying experience, sometimes described as "demonic".

Finally, this analysis specifies that the use of datura by certain practitioners of neo-shamanism has been largely inspired by the biggest promoters of this movement, such as Carlos Castaneda (1925-1998) and Michael Harner, former anthropologists who became Shamans, and who studied its use under the supervision of Shamans from the tribal communities of Central and Southern America.

Harner had particularly studied the "Jivaro" tribe in Ecuador and its uses of datura, both as an educational tool for children and as an ingredient in initiation ceremonies, facilitating medical diagnosis and healing, as well as inspiring prophetic visions.

This tribe uses datura as a means of discipline and social control.

"Inform" makes it clear that Mr Harner, founder of the FSS (The Foundation for shamanic studies) and its "subsidiaries", although very influential in the neo-shamanistic movement, does not promote the use of datura in any publication.

Shamanism specialists in the UK consider datura to be much more difficult to dose by Witch doctors than ayahuasca, and for this reason, more dangerous.

## **7 – Slovakia.**

Datura is mentioned on numerous websites, but warnings aimed at potential users are also present on the internet. It is listed as an active ingredient of drugs, and is not classified as an illegal drug. A Slovakian expert from the Police Institute of Criminal Expertise noted that the legislative pressure applied on cannabis has encouraged some drug addicts to turn to datura.

The latter is also described as leading to an interest in mysticism and occultism, and as a means of inspiration for hard rock groups and pagan musicians, some of which include the word datura in the naming of their group or in song titles.

### **8 – Sweden.**

The Swedish Council for Information on Alcohol and Other Drugs indicated that datura is consumed in Sweden in combination with other drugs. The plant can be eaten, drunk or smoked and it has been known to be used as a "date rape" drug because its effects include the impairment of judgement and the stimulation of desire.

Datura is also used within the framework of certain magical practices, as an ingredient used in the process that transforms people into a "zombie-like stupor, giving the plant its other name of "zombie-cucumber".

### **9 – Switzerland.**

A death has been reported following the consumption of datura, known as "angel's trumpet", however, according to an estimation from the Swiss Federal Office Police, few users exist due to the powerful and unpredictable effects of this plant, which worry and dissuade potential users.

## **2. Proposals by MIVILUDES**

### **The shamanic context and its consequences**

In view of prevention, MIVILUDES has already, on several occasions, brought attention to the dangers of the use of plants or of various substances, notably during rituals linked to spiritual practices, aiming more specifically, in terms of shamanism, to *"allow for dialogue between supernatural creatures in order to obtain healing, well-being, etc..."*

Mr Michel Perrin, ethnologist and member of the laboratory of social

anthropology at the Collège de France <sup>14</sup>, considers that these poisonous products have a structuring role amongst Indians, but are destructive in Europe. Indeed, after consumption in its various forms, the consumer is lead into a world and scenery which would be familiar to these tribes, but are completely alien and new to members of our industrial society. From then on, this type of "trip" can have dramatic psychological consequences, and Mr Perrin's study points out that in their country of origin, the use of this type of drug is perfectly organised, and is only permitted to a few selected and designated people, and has nothing to do with commerce or the types of programs proposed in France or elsewhere in Europe, or even with the programs organised for Europeans with the intention of an introduction to and consumption of these products in their country of origin. Irrespective of the judgement carried on these substances, in France, whether positive or negative, it is clear that their use is essentially a question of following a trend, often based on the search for a change of personality, a change of the conscious state that comes from their disinhibiting effect on users, and more mundanely, by the search for material gain or control of users by the promoters of the drug.

North or South American Indian shamanism and African shamanism contribute to the cohesion of a community or tribe and are based on perfectly mastered ancestral rituals and nobody has the right to judge these practices, unless they can fully comprehend how these rituals work: changing state of mind using music, dance, or different plants and roots is common to every culture and consists of knowledge passed on since the dawn of time. Witch doctors cannot appropriate its use without deeply betraying the nature and the spirit of the plant, and without exposing their guinea pigs to grave danger.

The motives of self proclaimed European shamans are therefore far removed from these concepts. Their ability to adapt to changes in legislation on the use of certain plants and roots has driven them to shamelessly resort

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14 Mr. Perrin particularly published: *Le chemin des indiens morts, mythes et symboles Guajiro* (Paris, Payot 1973 – The path of dead indians, Guajiro myths and symbols)

to new substances of which they do not know the side effects, and possess no antidote, in order to save a business based on "*selling personalised well-being*" under the shamanism label. Additionally, these people do not accept their responsibilities, as websites which, up until last year, presented ayahuasca or iboga as the new great discovery in the field of the treatment of drug addicts within the context of detoxication, keep it well to themselves that these substances are now class B drugs.

"Western style" shamanism deserves special attention from the authorities, because it is constantly developing in new ways. Thus, certain practical information reviews in "*complimentary medicine and in personal development*" report a new concept: the business Shaman.

This concept, presented as the application of ancient practices to contemporary questions in the business world, is based on quite a simplistic principle: companies can be compared to a traditional tribe or population (Monthly issue of Recto Verseau, no. 172, October 2006).

This is not the only source of concern in relation to these self exploration techniques, as more and more "Shamans" are now offering personalised shamanism via home visits.

### **Banning datura: do we need to classify this product?**

Classifying datura in the table of stupeficients is not an easy task, particularly due to its widespread presence in Europe. This measure would not prevent the appearance of new plants in shamanist rituals, where the use of ephedrine, volubilis, rosewood, wormwood, marrabium, etc. is already being observed. For this reason, in addition to a ban, prevention by providing information and via active training courses for health care professionals, teachers and police seem, at the moment, the most efficient way to stop this phenomenon.

### **Conclusion**

Proselytising in favour of these exotic substances, based on their alleged effect against addiction to certain drugs, as practiced by certain neo-shamanistic groups, using various anti-drug associations as a cover, actually

represents a very dangerous approach for families or individuals who are already very fragile.

The links between the promotion of these products with hallucinogenic or narcotic properties and sectarian groups justifies the great need for vigilance by authorities.

Indeed, mental manipulation which, on its own, is the cause of serious psychological damage, can be worsened when used in conjunction with substances administered by witch doctors, with no medical supervision.

The execution of studies by various experts on the matter is now indispensable to stop events spiralling out of control and anticipate developments. The current craze for these products and the sensations that they are likely to procure suggest an increase in use in the years to come.

## **Satanism: an ever-present risk of aberration**

In its 2004 report, MIVILUDES highlighted the rise of satanic phenomena in France, pointing out initial points of contact, i.e. the Internet, music and the Gothic movement, which particularly targeted adolescents, and mentioned its concern over the possible inherent risk of sectarian aberration. In the meantime, from 1995, the Parliamentary investigatory commission, chaired by Alain Gest, emphasised the dangers inherent to Luciferian and Satanist sects in its report on "Sects in France".

In this case, as in other cases, the belief in Satanism is not in itself a source of concern for MIVILUDES, as the Satan cult or any other cult involving the Lord of Darkness, just like any belief, is freely permitted in France. MIVILUDES is concerned by the aberrations which may potentially be linked to this cult, if they imply the intention to obtain a hold. Cases on record show that the repercussions on those concerned are extremely

serious.

Since this time, this phenomenon has not entered a decline and while it has not reached alarming proportions, it continues to spread and is accompanied by aberrations which are particularly scandalous in public opinion.

This state of affairs as well as information passed on to MIVILUDES concerning these aberrations led the mission to present two booklets published by La Documentation Française in November 2006:

- The first booklet "Satanism, a risk of sectarian aberration", is aimed at the general public,
- The second booklet "Satanic Aberrations: a practical guide for investigators", is aimed at legal services and the police (civil and military).

The media, radio and television programmes and articles in the written press reflect the concern and confusion of the public when faced with Satanic aberrations.

However, some of these observers find it difficult to understand the reality of this Satanic phenomenon in France, occasionally reducing it to "possession", i.e. a presence indicating the need for exorcism.

Nevertheless, the facts speak for themselves:

- **92 cases of Satanic-style profanation between 1<sup>st</sup> January & November 2007** (i.e. an increase of 300% over the last three years). For the month of April 2007 alone, an average of one case per day was recorded.
- **Suicides** of youths linked to Satanic groups are increasing. Anti-social behaviour, scarifications and various acts of self harm, which require the young people concerned to undertake a course of therapy, with either a psychologist or a psychiatrist, should also be taken into account.
- **Crimes** such as encouraging racial hatred, encouraging suicide and even ordering acts of barbarism, especially towards animals.

Bearing in mind these facts, it must be specified that, during the last two years, this phenomenon has been undergoing a transformation and the acts committed by the followers have become more radical. Firstly, it is no longer uncommon to attend profanations accompanied by the exhumation and defiling of a corpse (profanation of Morbihan, February 2006). Secondly,

while purely Luciferian movements seem to be in decline, a new type of Satanism is arising which, on top of traditional beliefs <sup>15</sup>(7), is also inspired by Nazi ideology and Celtic and Nordic beliefs, which appeal more to young people than previous forms of Satanism which had more esoterical or occult connotations.

While the masters of initiative groups (Church of Satan, Temple of Set, Ordre de Guillaume, Order of Nine Angles) remain in the country, most proselytising occurs via intermediary structures such as extremist networks (Charlemagne Hammer Skin) or via the infiltration of the gothic or metal music movement.

Contacts and relationships are often made through music, either in music stores, sometimes during concerts, but mainly via the internet (websites, forums, etc.).

The Satanic movement seeks out, takes over and exploits the fragility of certain youths suffering from an identity crisis, a fear of the future, a break up of the family or academic failure, notably by offering them an ideology of rebellion that seems to answer their expectations and their needs, their desires.

What young person has never one day said or thought, "I want to do whatever I like, and no-one should be able to stop me?" Satanism has turned this into one of its slogans, as its first principle is that no-one is as important as you are yourself.

MIVILUDES has studied the Satanic phenomenon since 2004, however, the mission noted that, in 2007, they were contacted far more often by families whose children had become dependent on electronic contact via the Internet, leading to behavioural problems, which were very unsettling for family and friends, without even having met the "initiators" in person. Some of them even began to practice genuine Satanic rituals and families also reported Satanic scarifications leading to fainting, the sensation of

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15 Refer to the guide on "*Satanism, a risk of sectarian aberrations*, La Documentation Française, 2006

suffocating, etc.

The problem linked to this movement is leading doctors and researchers to take an interest in this subject and its consequences in both psychological and medical terms. Hence, a study presented in April 2007 by Dr. Guivier mentioned that Satanic doctrines are based on rituals which "must not be taken lightly as they involve magical rituals". While no mandatory doctrine seems to exist regarding the actual practice of rituals, certain recurrent elements appear unavoidable. These are ritual processes which are based on "*the energising of feelings and emotions*", and can be divided into three categories:

- sexual rituals (fulfilment of desires);
- rituals of compassion (accomplishing charms);
- rituals of destruction (expression of anger).

Dr Guivier then details the medical risks incurred by young followers of Satanism <sup>16</sup>.

Attraction to morbidity, suicidal tendencies, interest in the irrational and symbolism are thus used in web sites where death and violence are trivialised, in a mixture of reality and fiction, which are difficult for newcomers to decipher.

The virtual dependency on image which, in addition to the fact that it serves the financial interests of certain groups or individuals who are singularly lacking in ethics and a sense of morality, surpasses psychological barriers and taboos, such as the respect paid to a dead person.

While the number of deviant acts and acts which may be prosecuted via the criminal or the Crown court has risen significantly, only one homicide has been reported in France at the time of writing.

Today, due to the secrecy surrounding these groups it is difficult to

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<sup>16</sup> The thesis of Doctor Guivier is available on the MIVILUDES web site:  
<http://www.miviliudes.gouv.fr/RISQUES-D-ATTEINTE-A-L-INTEGRITE>

estimate how many exist and, in particular, the number of structured groups, however, specialised services estimate that the number of followers of the Satanic movement in the broad sense, including all sections and chapels, represents around 25 000 people in France, of which 80% are aged under 21.

This provides good grounds for remaining vigilant and identifying the moment when an adolescent becomes really addicted and when he or she is probably under the control of others who are encouraging the adolescent to take a voyage of initiation in the demonic arts, as early as possible.

## **Influential strategies used by sectarian movements on an international scale: the OSCE case <sup>17</sup>**

### **Introduction**

The influence of sectarian movements requires the implementation of strategies which exploit all available means, in addition to traditional proselytising, to spread the word and glorify their message, whilst

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<sup>17</sup> Organization for Security and Co-operation in Europe –  
<http://www.osce.org/odihr>

discrediting their opponents. Media related, judicial and institutional strategies: all means of publicity and communication are used. The 2006 report simply analysed these practices at national level by analysing pro-sectarian lobbying relating to the Parliamentary investigatory commission on "Stolen childhood: *minors, victims of sects*"<sup>18</sup>. It appeared indispensable to extend this research internationally via the example of the regular use of the "Human Dimension Implementation Meeting" and other seminars organised each year in Warsaw by the ODIHR (Office for Democratic Institutions and Human Rights), part of the OSCE (Organization for Security and Co-operation in Europe) by sectarian movements. We focused our observations on the years 2006 and 2007, as MIVILUDES participated in these years and was therefore able to witness the methods used.

*"This report mentions groups whose behaviour represents a real challenge in terms of human rights as they hide behind one right – the freedom of religion – to be able to better flout others. (...) These groups rapidly understood that they had to use institutions such as yours, placing themselves, without the least bit of shame, on the same level as those who genuinely come to ask for your support and whose suffering we recognise (...). We ask you to not let yourselves be deceived by the double-talk of those who have come here for the sole purpose of featuring in the acts of your works (...). Let us get things right, let us not mistake who the victims are. (...)"*: according to a representative of FECRIS (European Federation of Centres of Research and Information on Sectarianism), present for the first time in Warsaw. At the time, he was publically denouncing the use of this Warsaw conference by sectarian NGOs whose victims and their families are represented by the national associations within FECRIS, including UNADFI<sup>19</sup> and CCMM<sup>20</sup> in France.

This declaration by the spokesperson of FECRIS concerning the

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18 National assembly: December 2006.

19 Union Nationale des Associations pour la Défense des Familles et L'individu victimes de sectes – National union of associations for the defence of families and individuals, victims of sects.

20 Centre Contre les Manipulations Mentales – Centre against mental manipulation

strategy of these groups<sup>21</sup> covers it all unchanged for years, always promoted by the same "agents", these circumstantial allies mobilise themselves around a common unarguable cause – freedom of religion – to better fight those who prevent and denounce their depravation.

In 2006 and 2007, a MIVILUDES delegation, led by its chairman, joined the French delegation, led by the permanent representative of France for the OSCE, to monitor interventions in the context of the preferred work sessions of sectarian organisations, those dedicated to questions relating to intolerance and discrimination as well as freedom of thought, conscience, religion or beliefs. Policies for vigilance and the fight against sectarian aberrations led by France, but also by Belgium, Austria and Germany, are also regularly denounced by sects and their allies, whose arguments are always countered by the delegates of the countries targeted. We will exclusively focus on the French case at the current time.

We will see how and why this conference, due to the way it works, represents an ideal platform for the sectarian "multinationals" and their allies whose speeches and targets are identical to those already observed at national level.

We will then understand, via the profile of the campaigners, that the few agents involved in this influence strategy, who can be counted on ten fingers, represent almost the entire pro-sectarian lobbying network at international level.

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<sup>21</sup> FECRIS felt the weight of this influence strategy when obtaining its observer status with the Council of Europe, after three years of blockages and heated legal battles with actors in the pro-sectarian movement (cf. MIVILUDES report 2006, p. 156 and subsequent).

# 1. An ideal platform to be used: the annual human dimension implementation meeting and other ODIHR conferences

The OSCE is a large forum for consultations and negotiations for the 56 participating states (western, central and eastern Europe, the United States and Canada). It has been created in such a way to allow the corporations of the member states to express their grievances when they believe that their fundamental liberties have been infringed upon. This principle allows for the effective defence of individual freedoms when they are threatened.

The ODIHR is the main institution responsible for the promotion of human rights and the human dimension on behalf of the OSCE. The annual conference reports on the implementation of the commitments taken by the participating countries, in view of drafting guidelines. This meeting of experts (international civil servants, high ranking individuals) lasts two weeks. It is open to representatives of civil society who are able to have their say alongside of government delegates within the framework of several theme-based sessions, including sessions on human rights. Any NGO (Non-Governmental Organisation), irrespective of nature, is free to speak out as many times as they wish, on the sole condition that they register in advance and keep their speeches to a maximum of 5 minutes. In parallel to the plenary session, States and NGOs are free to organise meetings at the conference venue, known as "*side events*", to draw attention to specific problems.

A prestigious institutional platform, with an international audience to top it off, where everyone can freely express themselves: with this stage set, this becomes the ideal place to make your voice heard whilst benefiting from the respect immediately associated with such an event. Sectarian movements have fully understood this and take no shame in presenting themselves on an equal footing with other NGOs who are legitimately expressing their grievances. The sole goal is to get their interventions noticed. These interventions, hence sealed with an international stamp, can be easily exploited by their allies, but also, with a little luck or a push in the

right direction, be repeated by various official reports.

## **2. An unchanging message: the confusion between the "fight against sectarian aberrations" and "attacks on religious freedom"**

Sectarian movements and their allies, as we already know, like to bring the debate into the field of freedom of religion so that they can better turn the tables and position themselves as the victims of attacks on this freedom. They therefore make their presence the most felt in the sessions dedicated to this area and on this subject. In other words, these groups, whose behaviour constantly breaches human rights, hide behind one right, the freedom of religion, to better flout other rights.

In 2007, the spokesperson of an NGO for the defence of religious minorities, "Human Rights Without Frontiers" (Human rights without borders), asked for *"the affiliation of MIVILUDES to the home office, assigned with religious matters"* and denounced the fact that *"speakers or movements represented today (were) known as anti religious and opposed to religious pluralism"*, whilst quoting the French association UNADFI as an example. Spokespeople for the French Moonist organisation AES-UCM (Unification church)<sup>22</sup> referred to *"the associations who organise campaigns against religious minorities."* In 2006, members of "Union nationale pour les Frères de Plymouth de France (National union for the Plymouth Brethren of France)" illustrated the subject, claiming to have been *"thrown to the lions"*, because they were mentioned in the MIVILUDES 2005 report. As for the spokesperson for the European Raelian Movement, he happily mentioned the *"systematic persecution of spiritual minorities"* which *"(put) into question the foundations of Law"*, whilst a French spokesperson for the Jehovah's

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22 Holy Spirit association for the worldwide unification of Christianity

Witnesses "*(launched) a grave call to attract attention to events in France right now*" and "*(asked) that we do not trivialise these attacks on freedom of religion and human rights*". In addition, in 2007, allusions were made by the Raelians to a UN report, the preferred reference of sectarian lobbyists for the past 2 years: "*Once again, following the investigation in September 2005, our country has been denounced by the UN special reporter on freedom of religion and belief*"<sup>23</sup>.

Persecution, harassment, stigmatisation, hate and discrimination politics are all terms used unscrupulously by those who are considered by themselves or by others to be "new religious movements", "religious minorities" or "belief minorities".

In 2007, some associations present at the annual conference of the ODIHR did not hesitate to speak out twice over the course of two days, by also participating in the session reserved for discrimination issues, re-using a barely modified text and attracting criticism from the organisers.

These groups call upon the respect of fundamental freedoms and more specifically the freedom of religion, with more or less virulence depending on the year, to try and delegitimize the vigilance of public authorities and members of parliament towards sectarian aberrations, whilst at the same time making the actions of the associations for the defence of victims and their families less credible.

### **3. Recurring targets: institutional and other actors involved in vigilance and the fight against sectarian aberrations.**

The entire French history of vigilance and the fight against

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<sup>23</sup> Report by the Commission on human rights published on 8 March 2006, drafted on the basis of a mission carried out in September 2005 by the special reporter on freedom of religion or belief for the UN, Asma Jahangir.

sectarianism can be read between the lines of the speeches of sectarian organisations during the conferences held by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR).

Over the years, the introduction of an inter ministerial mission and its evolution, from the Interministerial observatory of Sects to MIVILUDES, not forgetting MILS (Interministerial Mission of combat against sects), followed by the vote on the About-Picard law and reports by parliamentary investigatory commissions – particularly the report in 1996 which published a "list" of sectarian organisations – and the action of associations for the defence of victims of sectarian aberrations and their families, has generated constant criticism with varying degrees of violence depending on the period, but always based on the accusation of attacking fundamental freedoms.

To give an example, at the current time, while the About-Picard law has taken a back seat in the OSCE, the targets have barely changed, however, the virulence displayed towards associations such as UNADFI and CCMM is clear.

### **French policies: interministerial mission and parliamentary initiatives**

France, as well as Belgium and Austria, and, to a lesser extent, Germany, have each created, in their own manner, a system designed to prevent and counter sectarian acts. This is why they are amongst the main targets of the sectarian organisations and their allies: the strong mobilisation and over-representation of the latter could lead the untrained eye to imagine that these countries are amongst the top 56 anti-liberty countries represented at Warsaw in terms of attacks against human rights and discriminatory attitudes.

Due to its early commitments to vigilance and the fight against sectarian aberrations, France has been a prime target in this arena for about ten years.

In 2007, a spokesperson for Scientology, claiming to be part of one of the multinational organisation's humanitarian branches known as the "European Human Rights Department", which stays true to the "soft" line adopted by the organisation in recent times in view of gaining some respectability<sup>24</sup>, dismissed any provocative stance by criticising the aforementioned countries without naming them. He denounced the intolerance towards religious minorities demonstrated by "*certain western European countries*" by publishing lists of "sects", leading to the stigmatisation and marginalisation of some religious minorities in contrast with other "religions". The previous year, he had referred to his targets by name, criticising the list drawn up by the French parliamentary report as well as the About-Picard law, which also inspired a bill in Belgium.

In parallel, other movements were saying more or less the same thing as Scientology, but were naming the countries accused. The Moonists referred to the "*discriminatory policies*" applied in France where "*religious minorities are officially given a bad reputation and where their adversaries are given support*", and concluded by requesting "*the annulment of the decree creating MIVILUDES*". The Raelien Movement followed suit with even more virulence by expressing their anger over the "*scandalous discrimination*" shown by the French and Belgian governments with regards to new religions and the lack of respect for human rights and the recommendations of the OSCE by these countries.

In 2006, at this same summit, the Raeliens did not hesitate to use the term "*sect hunt*" to describe a "*typically French phenomenon*", paraphrasing the title of the speech of another pro-sectarian lobbyist, Mr Christian Cotton, entitled "*France: chasse aux sectes au pays des droits de l'homme*" ("*France: Sect hunting in the country of human rights*") in which he

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24 Cf. MIVILUDES report 2006/pro-sectarian lobbying relating to the parliamentary investigatory commission on "Stolen childhood: minors, victims of sects": Scientology abandons an aggressive approach and assigns this role to associations such as CZPLC or CICNS, and accords priority to its support on unfailing causes such as combating drugs, human rights, etc. The European bureau of human rights of Scientology organised the showing of video clips at the conference in Warsaw in 2006 as a side event with this aim in mind. These clips had been designed and distributed by Youth for Human Rights International, a "partner" organisation of the movement (cf. the MIVILUDES report 2006 "When Scientology hits the T.V.")

denounced "*paranoid institutional violence*".

The Jehovah's Witnesses, who generally speaking prefer not to associate themselves with the aforementioned organisations, after having thanked government authorities for giving their associations the status of a religion, exclusively aimed their criticisms at members of parliament, who they accused of "*constant harassment*", as well as at the content of the report by the Parliamentary investigatory commission on children and sects. MIVILUDES and its chairman did not escape their prosecution. They claimed that "*these MPs (who) are supported by a governmental agency, MIVILUDES, whose current chairman has publically attacked the reputation of the families of Jehovah's Witnesses, breaching the mandatory discretion required of high ranking government civil servants*".

It is not, moreover, the first time that personal attacks have been proffered at one of these conferences. At another ODIHR seminar in Warsaw in May 2006<sup>25</sup>, a Scientology spokesperson criticised the "*lack of neutrality*" of the head of the "Sect mission" of the Division of criminal affairs and pardons of the Ministry of Justice, who happened to be the co-organiser of the annual training seminar for magistrates on the issue of sects, taught by the National School of Magistrates.

Still in 2006, excluding the "list" of sectarian movements included in the parliamentary report on "Sects in France", which has been criticised relentlessly for more than 10 years in Warsaw, the work of the investigatory commission, whose report was published in December 2006, stirred up the critics: "*Truth be told, they mean well, but what is actually happening? On a parliamentary TV channel, LCP, which broadcasts extracts from the meetings of this commission, we witnessed a mediatic lynching of minority philosophical groups. These groups, which include the Raelian organisation, are accused without even having the opportunity to respond to the defamation of which they are victims*"<sup>26</sup>. At the time, the Raelians asked for

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25 10-12 May 2006/Warsaw/Seminar on "Upholding the rule of law and due process in criminal justice systems"/ Contribution by the European bureau of human rights of the International Church of Scientology.  
26 Declaration by the European Raelian movement, 10 October 2006

the immediate termination of the ongoing work of the investigatory commission.

Just as they usually do when they speak at these conferences, the Jehovah's Witnesses related what they call "constant harassment" by MPs, from the 1995 report, with its list of organisations, to the most recent report from December 2006, on children, victims of sects. They position themselves as the "*main targets*" of the ad hoc commission by naming its reporter and its secretary general as those responsible for what they refer to as their blacklisting<sup>27</sup>.

Finally, at the entrance of the conference, freely available amongst the documents offered to all participants, lay dozens of copies of a brochure published by the CAPLC (Coordination des associations et particuliers pour la liberté de conscience - Collective group of associations and individuals for freedom of conscience) entitled "The Anomalies of an parliamentary investigatory commission"<sup>28</sup>. We reiterate that the CAPLC carries out active lobbying in France and Belgium and is always quick to criticise any initiative involving vigilance and the combat against sectarian aberrations.

However, the tone of criticism over the last two years can be described as "moderate", as compared with the violence of the criticism made when MILS was created and during the debate on the About-Picard law in 1999 and 2000.

In 1999, a diplomatic incident was even narrowly avoided when US criticism against France and more specifically against MILS was re-used and amplified by sectarian organisations and their allies<sup>29</sup>, including the "International Helsinki Federation for Human Rights" (or IHF, cf. V). A French

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27 Communication by the Cultural association of Jehovah's Witnesses in France, 10 October 2006.

28 Cf. MIVILUDES report 2006 "Influence strategies – pro-sectarian lobbying of parliament".

29 It is in this context, after the arrival at the Quai d'Orsay of several American delegations researching freedom of religion in the world and after the September 2006 publication of the American Department of State report on the same subject, that Mr Hubert Védrine, then minister of Foreign Affairs, wrote a letter on the 8<sup>th</sup> December to his American counterpart, Mrs Madeleine Albright, in which he expressed his anger at the fact that "these unfounded doubts on French government acts by (the American administration), even when the dialogue between our high ranking officials was going on, (has cast) a shadow on the quality of this dialogue", and has put an end to the search for a bilateral exchange outside the international boundaries.

diplomat reported (in diplomatic language...) "*attacks of an uncommon virulence*" towards French policies. The secretary general of the recently created "MILS", who responded to explain France's policies at the request of the Ministry of Foreign Affairs, found himself violently caught in the fray. The Center for Studies on New Religions (CESNUR)<sup>30</sup> later qualified his reaction as "*hysterical*" and denounced "*the intolerance of the MILS environment which not only replaces discussion and dialogue with a paranoid scheming attitude, but also lays down the official position of France in terms of religious freedom as a hostile attitude towards religion in general that dates back to the anti clericalism of the 19<sup>th</sup> century*"<sup>31</sup>.

In 2000, the spokesperson for Scientology re-used the term "hysterical" to describe France, "*the western European country which surpasses all others in its hysterical and hypercritical approach to the freedom of religion*"<sup>32</sup> after having explained the previous year that, in France, minority groups faced persecution "*based solely on their nature and their religious beliefs*"<sup>33</sup>

A member of the "international atheist Raelian religion" added fuel to the fire by denouncing "*a policy of hatred and discrimination towards religious minorities, creating an atmosphere liable to lead to acts of violence and even attacks against sects*" and "*reminiscent of the practices of Nazi Germany*", a reference once again used in 2001 with reference to the About-Picard law described as "*Nazi inspired legislation*"<sup>34</sup>. The Raelians, in unison with Scientology, then requested the dissolution of MILS.

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30 International Association of Academics led by an Italian, Massimo Introvigne, regular critic of policies against sectarian aberrations, especially those of France.

31 [http://www.cesnur.org/Vienna\\_fra.htm](http://www.cesnur.org/Vienna_fra.htm)

32 23 October 2000: contribution of the European office for Human Rights and Public Affairs of the Church of Scientology

33 September 1999: contribution of the European office for Human rights of Scientology

34 From accusations of "Nazism" to accusations of anti-Semitism, there is only one step, and this step has been taken by certain opponents of the French policy against sectarian aberrations. On this subject, the height of the matter was reached by Mr Richard Land, president of the convention of the Baptistes du Sud (Baptists of the South), and president of the administration council of the Institute on Religion and Public Policy (lobby present at the OSCE), in an interview given to the French publication "La Vie" on 13 March 2003: "We Americans must denounce the very serious breaches of Human Rights. In France, for example, until the departure of Alain Vivien as head of the (Mils), people were prosecuted as was the case under the Vichy regime. Cf. also Serge Faubert in "Une secte contre la république (A sect against the republic)", paragraph entitled "Tous des antisémites (All anti-Semites)" (Calmann-Lévy edition, 1993).

## Associations for the defence of victims and the families of victims of sectarian aberrations

The main French associations, UNADFI and CCMM, are currently particularly in the firing line of sectarian organisations and their allies <sup>35</sup>, either directly in the media or judicial fields, or indirectly via virulent criticisms against the FECRIS <sup>36</sup>, their European-level federation. It is important to emphasise that this systematic slating does not target the activities of these associations for the protection of victims, but acts as a trial of their intentions based on alleged violations of freedom of belief.

In 2007, the OSCE's tribune received the same treatment, with pro-sectarian lobby groups showing rare determination. These groups appeared to have passed the word on to each other to request the cessation of state funding for these two organisations, which would basically be equal to signing their death warrants. According to the Moonists: "*Several private associations such as UNADFI, CCMM and FECRIS receive state funding, which accounts for nearly 100% of their resources, in violation of the principle of the separation of the church and state. They have a hostile, some might say aggressive, attitude towards religious minorities and are developing activities which are incompatible with current standards of tolerance in force in OSCE member countries.*"

The Raeliens used the aforementioned argument and added that "*in France, there are more victims of the associations of the combat against sects than victims of sects*". As early as 2006, they demanded the dissolution of UNADFI.

The person in charge of the NGO "Human Rights Without Frontiers", Willy Fautré, entitled his contribution "*The public financing of projects and organisations preaching religious intolerance must stop!*" and referred to

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35 Cf. 2005 Miviludes report (the observer status of FECRIS at the Council of Europe) and 2008 Miviludes report (Legal actions against associations for the defence of victims.)

36 Cf. 2005 Miviludes report (the observer status of FECRIS at the Council of Europe) and 2008 Miviludes report (Legal actions against associations for the defence of victims.)

"UNADFI and other French anti-sect organisations" in his speech, as well as the creation of a study day on 28 June 2007, by the Conference of INGOs (International non-governmental organisations) of the Council of Europe entitled "Sects as a challenge to Democracy and Human Rights".

In March 2006, a representative of Scientology, repeating word for word the grievances articulated by various claimants before justice calling for the dissolution of UNADFI, chose, however, to clear the association of responsibility at another ODIHR conference to better attack the French government <sup>37</sup>: "*The ADFI (abbreviation of UNADFI) is nothing more than a government agent in the fight against sects and therefore, any action from this association must be assigned to the government and is covered by the jurisdiction of the International Covenant on Civil and Political Rights and other relevant organisations of the United Nations*". From then on, it had a running start for more direct stigmatisation, relayed nationally by CAPLC and CICNS <sup>38</sup>, which apply the same determination to discredit the associations which fight them in France, to legitimise their disappearance. However, we reiterate that, in France, the aim is not to acquire "opponents" such as UNADFI and CCMM by buying them out, as was the case in the United States thanks to the purchase of the "Cult awareness network" (CAN), a US association for assistance to victims of sects in the 1970s, by intermediaries close to the environment of a large sectarian multinational; other means are used, for example legal proceedings <sup>39</sup> or incessant verbal attacks like those proffered at the OSCE tribune.

## **4. A permanent feature: the use of academic supporters**

The sectarian movement quotes the words of academic experts to reinforce and legitimise its arguments. The denunciation of the rejection of

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37 10-12 May 2006, Warsaw, Seminar entitled "Upholding the rule of law and due process in criminal justice systems": contribution of the "European Office for Human Rights of the International Church of Scientology".  
38 Union of associations for Freedom of Conscience –Centre of Information and advice on New Spiritualities  
39 Cf. 2006 Miviludes report: Influence strategies of sectarian movements: legal.

two-party proceedings and the use of the approval of sociologists, jurists, philosophers, religious historians and other "experts" are permanent fixtures in sectarian rhetoric and speakers at Warsaw do not make an exception.

In 2006, the Raelians reiterated that "*The deputies who are members of this national commission seem to forget that they are never anything more than the representatives of their voters; this does not give them any particular competence to deal with problems as complex as those of philosophical and religious minorities, for which they would be well advised to keep in mind the opinion of specialists on these questions, such as sociologists, psychotherapists, philosophers and religious historians.*"<sup>40</sup> Whilst the Moonists suggest that it is preferable "to consider objective studies carried out by sociologists and other specialists on new religious movements".

It is therefore not surprising that the sectarian organisations and their allies present at the OSCE conference pay great attention to the composition of the ODIHR's panel of experts on freedom of religion and beliefs. The stakes are high as this panel plays an advisory role within the ODIHR. It can notably trigger certain activities or decide on the profile of the "moderators" for seminars on issues relating to freedom of religion.

In 1999, for example, the panel appointed Alain Garay, who was formerly the lawyer of the Jehovah's Witnesses, as well as Massimo Introvigne, director of the CESNUR <sup>41</sup>, as moderators for a supplementary session of the ODIHR on "religious pluralism", neither of whom hesitated to step up to fight against MILS. Alain Garay has been on the panel of experts since 2005 – as one of the two representatives selected by France – and in 2006, he joined the more exclusive circle of its Orientation council. There, moreover, he works side by side with Jeremy Gunn <sup>42</sup>, appointed by the

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40 European Raelian Movement, 10 October 2006.

41 Center for Studies on New Religions: cf. infra, see bottom of page 22.

42 Mr Jeremy Gunn, an American academic, testified at length against the French policy of vigilance and the fight against sectarian aberrations on 14 June 2000 in front of the American Congress' Chamber of Representatives within the framework of a communication entitled "Discrimination on the basis of religion and belief in western Europe", after having been invited to the Mils several months earlier as member of the American delegation carrying out an enquiry on freedom of religion in the world.

USA, another destroyer of European initiatives dedicated to the prevention of and the fight against sectarian aberrations.

In 2006 and 2007, Scientology called for the extension of the prerogatives of this panel of experts on freedom of religion and belief, to enable the panel to determine its own priorities and issue statements on reported attitudes with inherent religious intolerance or discrimination without requiring the all clear – or the veto – of one of the governments represented at the OSCE, which is still the case today. The "Institute on Religion and Public Policy"<sup>43</sup>, a US NGO, called for the reinforcement of funding.

## **5. Networked speakers and the success of the "copy & paste" technique**

Even a basic analysis of the actions of sectarian organisations and their allies within the OSCE, such as this chapter, points out the functional and circumstantial relations between the different movements. The demonstration of the existence of fully-fledged "networks" could be extended to take into account national groups, but this is not the goal of this study, which is deliberately limited to the OSCE, where organisations and structures with international vocations mainly evolve.

The first consequence of this networking is that criticism against French policies and all French actors – interministerial missions, members of parliament, defence associations – echo on the international scene: within the OSCE, but also in the annual reports of the US Department of State on "religious freedom in the world" and on "human rights in the world", within the Council of Europe and the UN. On a national level, lobby groups such as CAPLC, CICNS, and even certain academics relay this criticism. This is the triumph of the echo or the "Copy & paste" technique, sometimes word for

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43 Cf. supra.

word.

At the OSCE, the organisations referred to as examples are repetitive and mainly concern organisations created in North America such as Scientology, Jehovah's Witnesses and Moonists whose extensive financial resources facilitate intensive lobbying on an international and national level. In addition, this observation would be more striking if we widened the scope of this study to the analysis of the content of certain US reports, which never fail to single out France in the name of attacks on freedom of religion: the annual reports of the Department of State as well as those of the "United States Commission on International Religious Freedom" (USCIRF)<sup>44</sup>.

Movements such as Scientology have always congratulated themselves on the attention received from the writers of these reports. Other initiatives, with the same speakers: the reporter, Asma Jahangir, stated that she "*met with spokespeople of certain religious groups and communities of belief, including Scientology and the Jehovah's Witnesses*" for her report to the commission on human rights of the United Nations on "the freedom of religion or belief", dated 8<sup>th</sup> March 2006.

The movements which are systematically present at ODIHR conferences are well known and it is not necessary to include details on the profile of those who regularly and additionally make the news in MIVILUDES reports. However, in view of the energy deployed by certain NGOs, both within and outside the OSCE, to criticise the countries invested in the vigilance of and the combat against sectarian aberrations, it is worth considering their profiles. We will consider the common facets of these groups united in a "pro sectarian lobbying" network which, in the end, is limited to a few key actors whose main representatives are regular participants in the activities of the OSCE.

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<sup>44</sup> [Http://www.uscirf.gov/](http://www.uscirf.gov/) This organisation presents itself as an "independent federal agency, advisors to the White House, and the American administration and Congress". Mr Richard Land (cf. bottom of page 26), its vice president, was appointed by Mr George Bush, president of the United States in 2001; Mr Land is also on the administration council of the IRPP.

## The flagship organisations of the influence network

Whether regular or occasional participants, all of these organisations share an international field of work and are generally of North American origin.

The most regular participant is undeniably Scientology, which is always represented by one or several European managers of the movement, and often by the director of the "European bureau of Human Rights" of Brussels, Martin Weightman. One of their US lawyers sometimes joins up with the Scientologist delegation, or the delegation of the "Institute on Religion and Public Policy" (*cf. supra*).

The Jehovah's Witnesses' interventions go with the flow of national and international news. French delegates, for example, raised their voices in 2004, to denounce their dispute with the French fiscal authorities, and in 2006, to criticise the parliamentary investigatory commission on "Minors, victims of sects".

The Raeliens have spoken out regularly in recent years, represented both at international level and within France.

When Scientology and the Jehovah's Witnesses do not intervene or are missing, there is always a NGO, such as those mentioned below, to relay their grievances.

More occasionally, when recent news concerns them, the presence and sometimes violent interventions of the Moonists and the Plymouth Brethren, and even of Christian Cotton<sup>45</sup>, but also of the Nîmes Theological Institute (NTI), whose case we must discuss presently, has been noted.

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<sup>45</sup> Well known lobbyist, former "unruly" guest on television shows, leader of "Politique de Vie (a French political party)", whose "strategic" organisation was mentioned in the parliamentary report on "Sects in France" (1996).

Indeed, the context of the emergence of the NTI in the OSCE landscape reveals the functioning of the organisations and NGOs mentioned in this study as an influence network.

Hence, at the ODIHR conference in September 1999, Scientology provoked the indignation of the French delegation by stating that the government was attacking minority groups via the actions of MILS, not in view of their illegal activities, but simply because of their beliefs. "The Nîmes Theological Institute", represented by Mr. Demeo, pastor of the "Evangelical Grace Church", made the same type of accusations at this time. He denounced the discrimination that he considered himself to be victim to, following, according to him, the mention of the NTI on the list of 172 organisations in the parliamentary report on "Sects in France". The contact address given by the institute on registration documents for the conference was the US Department of State.

The NTI, until then unknown by the media and public opinion, is a subsidiary of the Evangelical Grace Church. It had and has a few dozen members in the south of France. It is interesting to notice that several months previously, in April 1999, the NTI had been mentioned alongside of Scientology and the Jehovah's Witnesses, as examples of communities victim to discrimination, by the members of the US delegation who visited France to study the freedom of religion around the world<sup>46</sup>. In June of the same year, pastor Demeo testified against France beside Mr. Fautré (DHSF) and Mr. Garay (lawyer for the Jehovah's Witnesses at the time) before the CSCE, the US Commission on Security and Co-operation in Europe.<sup>47</sup>

From then on, the NTI example was often re-used by sectarian organisations and their allies, and for several years it was systematically mentioned in the reports of the US Department of State on religious freedom around the world, even though it was not the subject of any particular attention by the French authorities, as no new claim had been submitted.

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46 In the 1999 report of the American department of state on "Freedom of religion in the world", the NTI was the subject of a long debate, as were Scientology and the Jehovah's Witnesses. In the 2007 report, the NTI  
47 Cf. infra, section dedicated to "Human Rights Without Frontiers".

Finally, it is worth specifying that the founder of the US mother church "Greater Grace", is none other than "Reverend" George Robertson. The latter had also made himself known at the head of an organisation called "Voice of Freedom" acting as the engineer of the bankruptcy and the control of the "Cult Awareness Network" (CAN), the main US organisation offering assistance to victims of sects in the 1970s, joining his efforts with those of Scientology<sup>48</sup>.

## **The flagship NGOs of the influence network**

The three organisations in question, one of which is of Belgian origin, with the other two being of North American origin, all focus their activities on the promotion of democracy and the respect of human rights around the world. It is in the context of their fight for religious freedom and the rights of minorities that they regularly denounce, on the OSCE stage or elsewhere, the attitude of certain countries, such as France, which they consider restrictive.

### **1 - Human Rights Without Frontiers (HRWF) <sup>49</sup>.**

This NGO describes itself as "*independent of any political, ideological or religious organisation*" and its goal is to "*promote democracy, the authority of the law and individual rights everywhere in the world, by any appropriate means*".

HRWF, which requested for MIVILUDES to be assigned to the Ministry of the Interior's Bureau of religions on the ODIHR stage in 2007, and for the state funding of "*anti-sectarian associations*" to cease (*cf. infra*), mainly describes itself as the advocate of religious minorities and has worked hard for many years to denounce the actions of France and other countries invested in the fight against sectarian aberrations, amongst other initiatives. The Belgian manager of the Raeliens recently explained<sup>50</sup> that his

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48 In the French publication "Le monde Diplomatique", May 2001: "Sects, the Trojan Horse of the US in Europe", as well as Stephen Kent's article in the Marburg Journal of religion, Vol 6 number 1, January 2001.

49 [Http://www.hrwf.net/network/home.html](http://www.hrwf.net/network/home.html) [Http://www.hrwf.net/blog/](http://www.hrwf.net/blog/)

50 Eric Remacle, in Contact 340, 2 October 62aH – <http://fr.raelianews.org/download.php?view.218>

organisation had been present at the ODIHR seminars for 5 years, following advice from HRWF, who has always supported them against the discrimination that they claim to be the target of in French-speaking Europe.

Apart from mentioning the regular presence of its manager, Willy Fautré, at all OSCE/ODIHR meetings on freedom of religion, during which this NGO has never failed to add its voice to those of the sectarian movements and their allies, it is worth completing this overview with a few examples:

- On 8<sup>th</sup> June 1999, Willy Fautré testified in front of the Commission for Security and Co-operation in Europe (OSCE), an organisation which regroups the North American representatives of the OSCE<sup>51</sup>, to denounce religious intolerance in France, Belgium and Germany, and did not hesitate to refer to American McCarthyism<sup>52</sup>. Two other "witnesses" were heard by the OSCE: Alain Garay (lawyer to the Jehovah's Witnesses at that time and current member of the panel of experts of the ODIHR on freedom of religion) and pastor Demeo, founder of the Nîmes Theological Institute (*cf. infra*).

- In addition, Willy Fautré had already spoken, on 22<sup>nd</sup> July 1998, at the invitation of the CSCE, in the context of a public hearing on the "Deterioration of the freedom of religion in Europe" at the Capitol in Washington.

- He was the signatory, in the same way as David Little of the "Institute on Religion and Public Policy (IRPP)", of two open letters, on behalf of the French association "Omnium des libertés"<sup>53</sup> asking for the dissolution of MILS; one addressed to the President of the Republic, Jacques Chirac, the other to Prime Minister Lionel Jospin, respectively published in France Soir on 20<sup>th</sup> April 2000 and in the Herald Tribune on 14<sup>th</sup> June 2000.

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<sup>51</sup><http://www.csce.gov/index.cfm?FuseAction=Home.Home&CFID=5644569&CFTOKEN=25218429>

<sup>52</sup> In CSCE digest: Volume 22 number 7 – July 1999.

<sup>53</sup> This association, created by Joël Labryère in 1996, today dormant, "aims to defending the victims of discrimination on the basis of spiritual choices". In 2000, it was notably at the origin, along with Scientology, of a pseudo-commission of inquiry and a pseudo-tribunal which aimed to hear the grievances of the victims of "anti-sects organisations". The same year, it published an open letter to Jacques Chirac, president of the Republic (France Soir, 20 April 2000) and to Lionel Jospin, Prime Minister (Herald Tribune, 14 June 2000), asking for the dissolution of the MILS.

- The "Helsinki International Federation for Human Rights" (cf. *Supra*) mentioned HRWF reports on several occasions when speaking out against France at the OSCE.

- The French correspondent of HRWF is Professor Régis Dericquebourg, a lecturer from Lille, and a regular observer of the initiatives of MILS and then MIVILUDES<sup>54</sup>, which he has often analysed at CESNUR seminars. He made himself known a few years ago when he published a text in which he attempted to prove that Scientology has all the characteristics of a religion<sup>55</sup>.

- It is worth taking note that a new NGO has recently been created, in July 2007, under the leadership of HRWF, the European Network for Religious Tolerance and Non Discrimination. This "Network of Associations and Religious Organisations dedicated to the promotion of religious tolerance and non discrimination", was officially presented this year by Willy Fautré who has also linked the new network to one of his contributions. Initial members include well known organisations such as the Scientology Human Rights' office, Moonist associations, the French CAPLC<sup>56</sup> and the IRPP (*cf. supra*).

- Finally, "Human Rights without Frontiers" spreads its know how in the field of lobbying via its website<sup>57</sup>, giving a few tips on how to be effective at the European Parliament where the NGO figures amongst the "accredited interest groups". However, HRWF is not represented in the EP by Mr Fautré, who can be found in the list of accredited NGOs flying the flag of the "International Helsinki Federation for Human Rights", (IHF/*cf. Supra*).

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54 From Mils to Miviludes: symposium speech at CESNUR in 2003 (Vilnius), published on 11 April 2003 on the HRWF website.

55 "How scientologists explain their beliefs": published in a Scientologist document entitled "Experts study Scientology – Volume 1"

56 Union of associations and Individuals for freedom of conscience.

57 "Human rights violations in non-EU countries: Directions for use of the European Parliament mechanisms by human rights defenders".

## **2 - International Helsinki Federation for Human Rights (IHF) <sup>58</sup>.**

Founded in 1983, this NGO aims to promote the respect of commitments made by the member states of the OSCE in terms of human rights. A regular participant on the ODIHR stage, the IHF is one of the NGOs which frequently condemns the vigilance of and combat against sectarian aberrations. Its viewpoints are systematically adopted by sectarian organisations and their allies, particularly as its prestigious title is recognised and makes a good impression. France's "anti-sect" policy has been a central feature of the "Freedom of religion" chapter of its annual reports for the past 10 or so years, with particular emphasis on the About –Picard law and the activities of the Interministerial Mission<sup>59</sup>, although it has never directly contacted the mission. The live interventions of its representatives at the OSCE, and the quoting of its reports in 1999 and 2000 have made history as the source of animated controversy.

It is also worth pointing out that the chapter on France in the IHF's 1999 report simply referred to a document of the aforementioned NGO, "Human Rights without Frontiers"<sup>60</sup>. In March 1999, at the seminar on freedom of religion held by the ODIHR in Warsaw, this document, which had been published the previous day, mentioned the rise of intolerance and discrimination against "new religions and sects" in France and was widely discussed. France's response, issued by the secretary general of MILS<sup>61</sup>, repeated on this occasion that the "French Helsinki Federation for Human Rights", the French branch of the IHF, had already distanced itself from the writings of the previous report (1998) on the issue of freedom of religion and the combat against sects in France<sup>62</sup>. Bernard Stasi, President of the French Committee, confirmed this disapproval in correspondence dated 10<sup>th</sup> April, addressed to the Chairman of MILS, Alain Vivien, making it clear that

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58 <http://www.ihf-fr.org/index.php>

59... and sometimes in minor details: the 2006 report referred to the departure of Mrs Natalie Luca of the Miviludes' Orientation Council, with reference to the letter that she had sent to the president of the Mission.

60 "Based on *New Dramatic Developments in the Sect Issue*, press release, Human Rights without Frontiers, 7<sup>th</sup> July 1998; and an update of 4 March 1999.

61 Cf. *infra*

62 Letter from the French Committee to the executive director of the IHF, dated 19 September 1998.

the “French Committee (had) no part in the writing of the text in question.”

In October 2000, the IHF condemned the “About-Picard” bill at the ODIHR conference via the “Greek Helsinki Monitor”, and then took offence at the declarations of Alain Vivien, who stated that the Helsinki Federation in Russia had been infiltrated by Scientology in the French daily newspaper “Le Figaro”<sup>63</sup>. When reading a publication of the “Moscow Helsinki Committee”, MILS discovered that the International Association of Scientology was thanked for “its help in the production and the publishing of this brochure”.

The Helsinki Federation singles out France for its policy towards sectarian aberrations in each of its annual reports, all of which represent references for sectarian organisations such as Scientology and the Jehovah’s Witnesses, which are often used as examples in its publications. In a text circulated by Scientology on “Human Rights treaties”<sup>64</sup>, it is specified that “the OSCE obtains most of its information from reports by human rights organisations” and that “one of the largest such organisations is the International Helsinki Federation for Human Rights”.

The IHF is systematically present at the annual Human Dimension Implementation Meeting, and does not always raise the French situation, even though it is always mentioned in its reports. It did raise the issue at an additional meeting of the ODIHR in 2002 and 2003, on freedom of religion and belief, attended by the chairman of MIVILUDES, Jean-Louis Langlais.

### **3- Institute on Religion and Public Policy (IRPP)<sup>65</sup>**

*“Laws on religion in Austria, Belgium and France are attempting to target the practices and beliefs of religious minorities. These legislations are an attack on religious freedom and should not be used as a model in Central and Eastern Europe and Central Asia”<sup>66</sup>.* With regard France, the law on religious symbols in schools passed in 2004, and the “About-Picard” law,

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63 *Le Figaro* / 13 June 2000

64 <http://scientologuescontreladiscrimination.com/textes-fondamentaux-garantissant-la-liberte-de-religion/printpage/>

65 <http://www.religionandpolicy.org/>

66 Statement on religious freedom in the OSCE Region, Institute of Religion and Public Policy, Working Session 13: Fundamental Freedoms II – 10<sup>th</sup> October 2006.

which is criticised due to it being considered as a law on mental manipulation, are particularly targeted by the same IRPP text.

This will then be followed by a critical study on the Belgian bill on the abuse of ignorance or weakness <sup>67</sup>, a bill inspired by the French “About-Picard” law.

The aforementioned opinions come from two texts presented in Warsaw in 2006 by the IRPP; a US NGO that warrants that we discuss it in more detail due to the careful attention it has paid to the European plan for vigilance and combat against sectarian aberrations.

### The IRPP and French policies

The IRPP is an international NGO claiming to be “interreligious”, whose goal is to ensure that freedom of religion and democracy in the world is respected.

The board of directors includes Richard Lang<sup>68</sup>, President of the Southern Baptist Convention <sup>69</sup>, who is also vice-president of the “United States Commission on International Religious Freedom” (USCIRF) <sup>70</sup>, and David Little, professor at the “Harvard Divinity School”. The latter had been a member of the US delegation studying freedom of religion in the world, and met with MILS in April 1999. He was also a signatory, just like Willy Fautré of “Human Rights without Frontiers”, of an open letter to the President of the Republic, Jacques Chirac, published in the French newspaper France Soir on 20<sup>th</sup> April 2000, at the initiative of Omnum des Libertés <sup>71</sup>, requesting the dissolution of MILS. Benjamin A. Gilman, an ex-senator, and one of whose contributors for the electoral campaign was one of the main leaders of Scientology <sup>72</sup>, was also a board member for a while.

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67 Analysis of the Draft Law of the Kingdom of Belgium To Punish the Abuse of an Individual's Ignorance or Weakness, Institute on Religion and Public Policy, Working Session 13: Fundamental Freedoms II – 10 October 2006.

68 Cf. *Infra*: bottom of pages 26 and 36.

69 “Conservative Christians” branch of the American evangelical organisation.

70 Cf. *Infra*: bottom of page 36.

71 Cf. *Infra*: bottom of page 45.

72 In *Le Monde Diplomatique* / May 2001, according to a text by Stephen A. Kent in the Marbourg Journal of Religion – University of Alberta Canada.

The IRPP is also and above all an active lobby group in the defence of religious minorities. For this reason, this institute pays close attention to France.

Its President, Joseph Grieboski, notably carefully monitored the change from MILS to MIVILUDES. This is confirmed by three other texts in addition to the contributions of the IRPP to ODIHR meetings. He pays particular attention to the Presidents of MIVILUDES, Mr. Langlais and Mr. Roulet, and analyses their “service records” and certain declarations. He claimed that he was initially reassured, in 2002, by the “bureaucratic” profile of Jean-Louis Langlais, who was more “*moderate*” than “*anti-sectarian*”<sup>73</sup> just like Alain Vivier, his predecessor. Then, the following year, he came to doubt his own findings: Despite an inclination towards dialogue and the “*utmost religious tolerance*” of the government through the new team, he was concerned about the continuing presence of elected politicians who had been highly involved in the parliamentary reports and the development and the adoption of the “About-Picard” law<sup>74</sup> on the Orientation council. In 2005, while Jean-Michel Roulet, recently nominated, was hoping for the development of jurisprudence based on this law and the conclusion of two or three trials on sectarian aberrations, he perceived the declaration of the new President of MIVILUDES as an “*invitation*” to “*recurrent persecution*” and a regression in terms of religious tolerance.<sup>75</sup>

#### The IRPP and Scientology: a few examples

On 10th May 2006, William Walsh, who was not only the President of the IRPP’s “Committee of Experts on legislation and enforcement”, but also the US advocate of Scientology, whose delegation he accompanied to the conference in 2007 as an advisor, signed a critical text on the site of the Institute<sup>76</sup>, in which he singled out France and the Belgian bill with reference

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73 <http://www.religionandpolicy.org/show.php?p=1.1.488>, 16-12-2002: “Jean-Louis Langlais is the new president of the French mission to watchr and fight cultic deviances”.

74 <http://www.religionandpolicy.org/show.php?p=1.1.465>, 28-3-2003: “Institute wary of new French anti-sectarian body”.

75 <http://www.religionandpolicy.org/show.php?p=1.1.691>, 21-10-2005: “France moving backward rather than forward? Institute concerned by statements of new Miviludes president”.

76 Committee of Experts on Legislation and its Introduction

to the abuse of weakness. The following day this text was presented at the OSCE conference, but as a contribution by Martin Weightman, “director of the European Human Rights Department” of the Church of Scientology.

In 2002, at one of its conferences, the IRPP gave the floor to Leisa Goodman, director of the “European Human Rights Department” of the Church of Scientology <sup>77</sup>, who talked “about the freedom of religion in Russia: the impact on US foreign policy and bilateral relations”.

That same year, from 23<sup>rd</sup> to 26<sup>th</sup> May, Joseph Grieboski, President of the IRPP, participated in a symposium organised by the “European Human Rights Department”<sup>78</sup> of the Church of Scientology at Saint Hill Manor <sup>79</sup>, owned by Scientology in England. There he rubbed elbows with, amongst other participants, Thierry Bécourt, the current leader of CAPLC, representative of the “Omnium des Libertés” <sup>80</sup> at that time, and some of the foreign figures who had co-signed an open letter to the French President and Prime Minister asking for the dissolution of the MILS in 2000.

In 2003, Martin Weightman, director of the "European Human Rights Department" of the Church of Scientology, was invited to speak during the first "Interparliamentary conference on human rights and religious freedoms" organised by the IRPP in Brussels, at the European Parliament. <sup>81</sup>

## Conclusion

The pro-sectarian international network of influence, both at the OSCE and elsewhere, and its national equivalent, as explained in the 2006 MIVILUDES report, is, on the whole, quite limited. You can count the number of actors involved on your fingers.

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77 <http://www.religionandpolicy.org/show.php?p=1.1.1783>, «Upholding the rule of Law and due process in criminal justice system », cf. infra bottom of page 17.

78 Filling the moral vacuum conference:

<http://www.religionsworkingtogether.org/2002Conference/agenda.html>

79 Place of study of the advanced level Scientology “students”; former world headquarters of Scientology at the beginning of the 1960s.

80 Cf. bottom of page 45.

81 <http://www.religionandpolicy.org/show.php?p=1.1.854>, summary Brussels conference 17-18 September 2003.

However, its availability and financial means are on a different level to those of the institutions and the associations which rally against sectarian aberrations. It is therefore necessary to account for the strength of these full-time warriors whose speeches... and "funds" are regularly fuelled.

However, as time goes by, OSCE contacts are less and less gullible. The effect of repetition ends up losing its edge if it is overused and, unlike comedians, who realise that overuse might not cause the expected laughter, sectarian strategists have trouble reinventing their speeches: one year after another, they reuse these same accusatory arguments about French policy, the lists and the parliamentary reports, the associations for victims, etc.... without, in the end, managing to convince anyone that France's policy against sectarian aberrations make it an attacker on freedom of religion. The allegations of these actors who continually use human rights to draw attention away from their own depravation are beginning to attract dust.

Even so, we should not let our guard down, on the contrary. It is important to stop the counter truths told at various times and locations on the alleged anti-freedom attitudes of countries and associations which prevent and fight aberrations which are detrimental to fundamental freedoms, in other words sectarian aberrations, from being believed. Moreover, in 2007, the French delegation reacted strongly, via its ambassador, permanent representative on the OSCE, to justify the wilful attitude of France, notably in matters relating to the defence of victims. It also denounced those who reverse roles by positioning themselves as the victims of religious discrimination and confirmed the trust and the support of the authorities with regard MIVILUDES.

The few existing lobbyists, who seem to share roles between themselves, have fully understood the benefit of the use of certain international bodies in which civil society can have their say. This is why, not only at the OSCE but also at the Council of Europe and the UN, the French authorities and the associations for the protection of victims represented by FECRIS, must continue to make themselves heard whenever necessary.

# Sectarian risk: legal and administrative provisions in Central Europe

To date few comparative studies have been carried out on the circumstances in which governments in other countries have had to deal with the problem of sectarian aberrations, or the manner in which this phenomenon, which generally ignores geopolitical borders, is tackled in countries with their own history, traditions, and legislation, which differ from those in France. For this reason, MIVILUDES felt it was worthwhile to question our diplomatic entities in a certain number of ally and partner countries in order to start an enquiry which will hopefully lead to improved mutual understanding and reinforced protection for our citizens.

This study had been carried out last year in Europe and North America, in the 2006 MIVILUDES report to the Prime Minister.

This year, it has been extended to countries in Central and Eastern Europe, specifically the eight member states of the European Union: **Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia** and **Slovenia**, and four Central and Eastern European countries who are not EU members: **Albania, Belarus, Russia** and the **Ukraine**.

None of the countries studied have a structure comparable to MIVILUDES. While the situation of France has one specificity and several particularities, particularly relating to its conception of secularity, the guidelines for French policy in terms of the assessment of risk, the implementation of sanctions against aberrations in application of common law, and the treatment of victims, generally exist in other countries, often in a more executive form, but not necessarily less strict as such.

Some countries – such as **Russia** – practice a restrictive policy, whilst others apply very permissive policies, but all are affected by the

problem of sectarian aberrations, and remain vigilant. This vigilance sometimes leads to – as is the case for **Slovakia** – joint consideration with other countries on the subject and on the relationship between the State and the Church. Therefore, MIVILUDES is regularly invited to **Slovakia** for colloquiums and training courses.

In **Russia**, following the very liberal law on religious freedom adopted in 1990, a large number of religious organisations and sectarian organisations in particular rushed into the country. The negative effects of the actions of these organisations were soon to become apparent. Realising the danger, notably of the risk of the manipulation of youngsters, and following heated debates between defenders of the absolute freedom of thought and those arguing that the activities of sectarian movements must be regulated, the Douma (Parliament) adopted, on 26<sup>th</sup> September 2007, a law on freedom of thought which was far more restrictive than the 1990 law, subjecting the activities of these organisations to very restrictive conditions under the vigilance of the Federal registration office.

Some countries, such as **Belarus, Bulgaria** and **Latvia**, benefit from an administrative and legal framework which allows for a certain degree of vigilance as well as the relative prevention of sectarian aberrations. Hence, **Belarus** has created a political and legislative environment which is little favourable, and even highly repressive for groups considered as sectarian movements. **Bulgaria** has a light supervisory body for religions working under the authority of the Prime Minister. In **Latvia**, the vigilance and combat against sectarian aberrations is organised by an association known as “For the fight against totalitarian sects”, and by the traditional churches.

**Hungary, Ukraine** and **Romania** have not planned any specific vigilance program as such, but seek to ensure some degree of prevention of sectarian aberrations by appraising, like the above countries, the activities of sectarian organisations in view of maintaining public order.

**Slovenia, Lithuania** and **Estonia** apply a liberal system which can be accredited either to the lack of success of sectarian organisations, or to a will to ignore sectarian phenomena, or even to the dominance of a traditional church.

Finally, **Albania** declares itself to be solely preoccupied with the potential rise of Muslim sects.

This study – as was the case last year – examines the legal and regulatory framework in force in these countries and then reveals how three large multinational movements which are well known to the public, and are the subject of particular attention in France, are treated and viewed, on the basis of facts and reports that have regularly attracted the attention of public authorities and associations for the defence of people and families. To name the former: *Church of Scientology*, *the Jehovah's Witnesses*, and the *Association for the Holy Spirit and the Unification of World Christianity*, more commonly known as *Moon*.

## **The legal and administrative framework**

### **Russia**

The “Perestroika” era and the 1990s led Russia to be overrun by a very large number of sectarian movements making the most of the fall of the communist and atheist hold. When faced with the inherent dangers, especially for the younger population, the Russian authorities tried to legally contain the activities of these organisations.

In the midst of the euphoria caused by the “Perestroika”, and in reaction to seventy years of official atheism in Russia, a very liberal law on freedom of religion was adopted in 1990. This law guaranteed freedom of expression for all forms of religion and beliefs. Any religious organisation with 10 or more members could benefit from a legal personality.

In the same line, the Constitution of 12<sup>th</sup> December 1993 states that Russia is a secular country, guaranteeing ideological and religious diversity, but with no official religions. Religious organisations are separate from the State and equal in the eyes of the law (cf. Articles 13 and 14 in particular). The State and the law acknowledge and defend human rights and freedom of conscience.

A plethora of religious organisations rushed into the country to take advantage of this very profitable context, in particular sectarian movements. They used and abused the Russians' thirst to renew their link to spirituality, their traditional attraction to the mysterious world of the irrational and the

paranormal, and their willing pagan relationship with nature, an attitude which was never totally buried under the thick layer of orthodox Christianity.

However, the negative effects of the actions of these organisations were not long to surface. Doctors were the first to speak out. In 1994, they banned the detoxication program used by Scientology. At the same time, more and more teachers and parents, witnessing the proselytising of sects, submitted complaints to courts.

Realising the danger, notably of the risk of the manipulation of youngsters, and following heated debates between defenders of the absolute freedom of thought and those arguing that the activities of sectarian movements must be regulated, the latter were heard by the Douma (Parliament) which, on 26<sup>th</sup> September 2007, introduced a law on freedom of conscience which was more restrictive than the 1990 law.

While this law confirms the principles of freedom of conscience, the secularism of the State and the equality of religions in the eyes of the law, it restricts this last principle by introducing a differentiation in terms of legitimacy within Russia, between the Orthodox religion, other religions and sectarian organisations. The law emphasises "*the specific role of the Orthodox church in the development of the Russian nation and culture*", which differentiates this church from Islam, Buddhism and Judaism, three religions which have been given an inferior status to that of Orthodoxy, but whose status is recognised as they are an "*inseparable part of the historical and cultural heritage of the Russian populations*". As for other religious or sectarian organisations, their activities are subject to restrictive conditions. In particular, all organisations which have been present in Russia for less than 15 years must re-register every year at the Federal registration office, which is not an easy task considering the complex administrative system. The fifteen-year mark therefore accords a priority status to the four religions with a historic legitimacy in Russia.

In reality, this law has allowed the Russian state to make the Orthodox Church its priority speaker on religious matters, despite the existence of a Council for relationships with religions which works under the authority of the President's office, and represents all religions which are legally registered in Russia. These days, orthodoxy is more and more present in society, so much so that certain members of the Academy of

Science recently addressed a letter to the head of the state in which they claim to be moved by what they see as an attempted “clericalisation of society”. The Orthodox Church does not, however, always achieve its goals: the church faces strong opposition from the teaching world and the Ministry of Education who are against its aim to make the teaching of “the bases of the orthodox culture” compulsory in schools.

This law has not, however, fixed everything. While the law has clearly defined the position of the four large historical religions, the situation is far more vague when it comes to sectarian movements. This is firstly due to the lack of a definition for the term “sectarian”. Authorities, under pressure from more traditionalist orthodox actors, are tempted to consider all beliefs which are not linked to the religions of the Bible as dangerous. This attitude makes the fight against these organisations very delicate. In addition, the legal arsenal of the courts is not precise enough, and sectarian organisations which have never been registered or which have been banned pursuant to a legal decision continue to operate under other names or forms.

Due to the total lack of reliability of official statistics in this field, it is hard to precisely estimate the number of followers of these organisations in Russia. The President of the panrussian association on the study of religions and sects, professor Alexandre Dvorkine, who is close to the Moscow patriarchy, and whose serious work is recognised, estimates that the number of people who are members of occult religious organisations or sectarian organisations in Russia lies between 600 000 and 800 000.

## **Slovakia**

All three transnational sectarian organisations are present in Slovakia. The Slovakian government remains vigilant regarding the possible aberrations of these organisations.

An institute was created in 1997, within the Slovakian Ministry of culture, to study “relations between the Churches and the government”

This institute cooperates with MIVILUDES, who was invited to a conference on the position of France towards sectarian aberrations in 2006. In addition, the publication of the study carried out by MIVILUDES entitled “Satanism: A risk of sectarian aberration” in Slovakian is currently being finalised, and a new conference on sectarian aberrations and a MIVILUDES

training course at the Police Academy in Bratislava are being scheduled for 2008.

Slovakian law only accords the status of a "religion" to organisations with more than 20 000 members.

The Slovakian government does not wish to question the current status of religions, but remains alert to sectarian aberrations and their prevention, even if, in this country which only has one thousand self-confessed Muslims, politicians and academics bring up the problem of relations between Christians and Muslims more often than the problem of sectarian aberrations.

However, it is also appropriate to mention the support given to both Scientologists and to Mormons by the United States Embassy, which is sometimes insistant, especially when targeting Slovakian MPs. The two groups notably call for the number of followers required to achieve the status of "religion" to be reduced to 1000 members.

## **Belarus, Bulgaria and Latvia**

This group includes countries which have an administrative and legal framework enabling a certain degree of vigilance, as well as some kind of prevention against sectarian aberrations.

**Belarus** has created a legislative and political environment which is not very favourable towards unorthodox religions and is even very repressive of those considered to be sects. The sectarian phenomenon did not have time to take root in this country at the beginning of the 1990s. While the Jehovah's Witnesses exist legally in Belarus, the same cannot be said for the Moonists and Scientology. As far as we are aware, these sects have no real influence.

The Belarusian constitution guarantees the freedom of religion by law. The fall of the USSR put an end to seventy years of religious repression and Belarusian law has now become more lenient with regards the various religions. On 9<sup>th</sup> January 1992, an amendment to article 50 of the constitution was adopted aiming to "provide a legal framework for relations between the state and religion".

The "*law on freedom of religion and religious organisations*" of 15<sup>th</sup>

March 1994 laid the foundations for genuine, legal freedom of thought, and accorded legal status to religious organisations that comply with international standards.

Belarusian legislation has thereby guaranteed freedom of conscience, which covers the following, amongst others:

- The right to define a personal relationship with religion;
- The right to profess either alone, or as part of a group, or to belong to no religion;
- The right to express and spread the beliefs of one's religion;
- The right to participate in religious cults, rituals and ceremonies;
- The right for parents to educate their children according to their own beliefs.

The law has, however, provided that these freedoms may be limited in order to maintain order and public safety, or to protect *"health, morality, and the rights and freedoms of other citizens"*.

In addition, the Constitution establishes that all citizens are equal in the eyes of the law, irrespective of their religion, and that all cults and religions are equal in the eyes of the law: no religion or cult should benefit from advantages or suffer from discriminations compared to others.

The control of the State over religions has been reinforced since 1997. The recently created State Committee for religions and nationalities has divided cults and religions into three categories:

- The first category includes so-called "traditional" denominations: Russian Orthodoxy, Catholicism, Judaism and Islam.
- The second category includes religions which are considered "non-traditional": this essentially means protestant religions.
- Finally, the third category includes Eastern and/or Asian religions, and any other religion, indifferently and extensively likened to sects.

A new, tougher stance towards non-traditional religions has been applied since 2002. The law on *"religious freedom and religious organisations"* was amended in November 2002.

This new law is clearly aiming to increase the State's control over

religious activities in view of preventing any influence of a political nature. The proselytising of protestant communities and religions, which more than quadrupled between 1989 and 2000, was a source of concern for the Belarusian regime, as these religions were rightly or wrongly perceived by the authorities as being closely linked to the West and particularly to the United States. The aim was also to protect "*the spiritual, cultural and historical identity*" of the Belarusians which is, in the mind of the Head of State, inextricably linked to the Orthodox Church.

The preamble of the modified law introduces a hierarchy between the different religions by recognising "*the decisive role of the Orthodox church in the development of the spiritual, cultural and national traditions of the Belarusians*", but only "*the spiritual, cultural and historic role of the Catholic church on Belarusian territory*" and "*the part played in the general history of the Belarusians by the Lutheran church, Judaism and Islam*".

Religious communities must, from now on, satisfy strict conditions to be legally approved: they must have at least twenty members and must have carried out their activities on Belarusian territory for at least twenty years. All religious groups are must compulsorily re-register with the authorities within two years of their legalisation. The concordat regime of 2003 introduces a genuine State preference for the Orthodox Church of Belarus, a branch of the Russian Orthodox Church. Although the Belarusian Constitution does not establish a State religion, policies work on three different levels in terms of religion: favouritism towards the Russian Orthodox Church, containment of the Catholic Church, Judaism and Islam, and the repression and harassment of all other denominations.

This concordat between the State and the Belarusian Orthodox church (a branch of the Russian Orthodox Church) implies considerable advantages for the latter, not only in comparison with other non-Orthodox religions, but also compared to other Orthodox religions. Hence, the Russian Orthodox Church (Belarus) is, from now on, the only Orthodox Church recognised in Belarus and is the only church which can legally claim to be "Orthodox". In addition, the concordat involves the Orthodox Church and the State in various fields, including education, the protection of Belarusian cultural heritage, "*the combat against pseudo-religious structures which represent a danger for society and its members*", and national and military celebrations. Finally, the concordat provides for funding from the government

in various forms.

The Belarus authorities have refused to register many religious groups on the grounds of "*activities which are contrary to the Constitution*". Thereby, around 70% of religions from the protestant movement have been denied registration or have lost registration status during the compulsory re-registration period.

The environment created in Belarus in this manner is very unfavourable to the setting-up and development of sects. In fact, sects in Belarus only have a discrete audience and the public, which is sensitive to the position taken by the authorities on this subject, show them no leniency.

In **Bulgaria**, there is a strong bond with the Orthodox Church, officially recognised as a "traditional religion" and guarantor of the Bulgarian national identity.

This leads to a certain amount of suspicion towards any other denomination. Bulgarian legislation does not, however, recognise the concept of "sect", and simply appraises the activities of religious organisations in terms of respect for law and order. Until now, sectarian organisations have not been successful in Bulgaria.

A structure for the supervision of religions exists, and works under the authority of the Prime Minister: matters relating to religious Affairs are the responsibility of the "Religious Affairs division", a small body of five people which works under the supervision of the "Council of Ministers" (Prime Minister's services). In permanent contact with the representatives of the different denominations, theology institutes and NGOs monitoring religious practices – the most well-known being the "Centre of Research on New Religious Organisations"- the Religious affairs division is particularly entrusted with issuing opinions the registration applications of religious congregations and movements which wish to establish themselves in Bulgaria, at the request of the Home office.

The long-standing attachment to the Orthodox religion means that any other denomination is regarded with suspicion, despite extensive deconfessionalisation and a very ancient tradition of religious pluralism.

While article 13 of the Bulgarian constitution acknowledges the complete freedom of religions, it also mentions that the Orthodox religion has

the status of “traditional religion”, although this has no inherent legal prerogatives. This mention refers to the historic role of Orthodoxy in the creation of the national identity and reflects Bulgaria’s pride in being the source country for the evangelism of the Slavonic people for the holy brothers Cyril and Methodius (9<sup>th</sup> century).

Throughout the five centuries of the Ottoman Empire, Orthodoxy was the main bastion of national identity. This explains the lasting attachment, which is more cultural than denominational, to this religion in a Bulgarian society which remains scarred by the deconfessionalisation movement of the communist period.

A natural distrust exists towards other denominations – Islam, as well as Judaism, Catholicism, etc. – which is the main selling point of the extremist right wing party “Ataka”.

However, the country also has an ancient tradition of religious pluralism which is due, on the one hand, to the early return, a few centuries after Eastern Schism, of Catholics during the crusades. These now account for 1% of the population.

On the other hand, this religious pluralism is also due to the long-standing penetration of Islam (Muslim conquests at the end of the 14<sup>th</sup> century). Nowadays, Muslims represent around 10% of the population, mainly amongst the Turkish minority, but Islamised Bulgarians, Romany people and Pomaks are also present. Their percentage, due to the fact that they have a higher demographic level than the rest of the population, is set to increase. Thanks to external financial aid, Mosques have been rebuilt and even created in areas mainly populated by Turks. It is also rumoured that, in recent years, numerous Romany people have been converting to the Muslim religion, sometimes in exchange for financial support.

The concept of a “sectarian movement” is, however, not mentioned in Bulgarian law. The legality of religious organisations is appraised solely in terms of compliance with or violation of law (penal, civil, fiscal), in the light of any disturbances to law and order caused by these movements. The three transnational movements studied are commonly referred to, in the social environment, using the generic term “*New Religious Movements*”.

Since gaining its independence in 1991, **Latvia** has seen a revival of

traditional religious practises, (Lutheran, Catholic and Orthodox religions), but has shown little interest for new religions or sectarian movements.

The Latvian constitution of 1991 guarantees freedom of conscience and the separation of the Church and the State. There is no State religion, and a law sanctions any form of religious discrimination. Between the creation of the country of Latvia in 1918 and the Soviet occupation in 1940, utmost religious tolerance applied. From 1940 to 1987, (beginning of the "Perestroika") the Soviet authorities dissolved all religious organisations, deported a number of their leaders and confiscated their assets. As they were unable to openly practice their religion, the Latvians safeguarded the memory of their religious traditions via clandestine practices – especially baptisms – and the circulation of hand-made religious brochures. This allowed for the revival of religious practices immediately following independence.

Lutheran, Catholic and Orthodox churches, the "Old Believers", the Jews, the Baptists and the Seventh-Day Adventists are recognised as traditional religions.

Most Latvians are Lutherans and Catholics, whilst the Russians are Orthodox and the community of "Old Believers" is not insignificant.

A very low part of the population (1.5%) follows new religions: New Wave, Mormons, Krishna and other Indian religions.

Religious organisations must register with the Department of Religious Affairs of the Ministry of Justice. In 2006, 1 173 organisations were registered. In order to be registered, organisations must submit a dossier including their statutes, structure, administration and the names of their leaders. A minimum of twenty founding members are required. New religious organisations have to reapply each year for a period of 10 years, which allows the development of their activities to be supervised.

The combat against sectarian aberrations, in the absence of a structure such as MIVILUDES, is organised by the traditional Churches as well as by an association called "For the Fight against Totalitarian Sects". Thus, in January 1998, a conference on "New Religions and their detrimental influence on society" was organised by the Lutheran Church and the Institute of Criminology. During this conference, a "Resolution on destructive religious

organisations" was adopted, which focuses on the need to protect the population from the sectarian phenomenon.

## **Hungary, Ukraine and Romania**

The countries in this group do not, so to speak, have any specific system for vigilance, but they do however, monitor events to ensure a certain level of prevention against sectarian aberrations.

In **Hungary**, since the change of regime in 1989, the authorities ensure the strict respect of freedom of religion. In fact they aim to distance themselves from the interventionist and liberty-killer practices of the governments of the communist era. Legislation in this field is particularly liberal. New religious organisations are occasionally the subject of enquiries, but are not stigmatised by either the media or public opinion.

The Constitution guarantees freedom of religion, not only in theory but also in practice, since 1990. While no official State religion exists, certain religions are nonetheless defined as "traditional": the Catholic, Reformed and Lutheran Churches, and Judaism. These religions have long benefitted from preferential treatment from the State in comparison with religious minorities, until a 1990 law guaranteed equal treatment for all religions, as indicated by the Director of Religions, *"even if legislation allows the Witches' Union to benefit from the same treatment as the Catholic Church"*.

The Constitution guarantees freedom of thought, conscience and religion, as well as the right to express this freedom via religion, individually or collectively, in public and in private. It also guarantees the freedom to teach beliefs. According to law, all parents have the right to choose which education to provide to their children. Religions therefore benefit from far reaching protection and independence guaranteed by law.

Although any group whatsoever has the right to exercise any form of religion, those which are registered are entitled to a certain amount of protection and privileges and some help from the State.

The registration procedure for religions in Hungary is particularly simple. All it takes is to gather 100 followers and declare that you have no intention of carrying out activities contrary to the laws of the country. In addition, religions are not registered with the government, but with the

courts.

The Hungarian Director of Religion has stated that he is interested in learning about the French approach and its way of apprehending these matters.

Generally speaking, the relationship between the State, the Churches and the religious organisations is untroubled, and the topic of “sects” is not a hot subject in media terms.

In the **Ukraine**, it is difficult to identify the extent of the sectarian phenomenon, with a vague and rather permissive legal framework, however, this phenomenon appears to have taken root under the cover of the disruption and the opening up of the country in the beginning of the 1990s. At the current time, the authorities have no comment to make or intended action in this area.

According to the official statistics of the State Committee on nationalities and religions, 31 227 religious organisations are registered and 1 836 operate without official recognition. The latter have no legal personality, however they organise religious gatherings in the context of the freedom of gathering which is inherent to the constitution.

The propagation of new religions is not controlled in the Ukraine, due to loopholes in legislation. This leaves any religious organisation which does not present a direct threat to the life or the health of the individuals free to act. The new churches are reluctant to disclose numbers for their followers, but psychologists have noted a surge in the number of people victim to sectarian dependency. According to estimates by traditional churches, almost 3 million Ukrainians are involved in various sectarian organisations, i.e. 6.4% of the population.

In addition, the influence and manipulation techniques practiced by these organisations seem to be spreading in the world of business (in particular in large companies), in the form of “*management technologies*”, which are likely to lead to forms of exploitation of staff.

The legal framework implies few restrictions. Ultra-liberal legislation on freedom of conscience, enabling any religious organisation to operate without any need for registration or official notification from the government (a simple declaration of activity is required) encouraged – in the 1990s – the

arrival of non-traditional churches en masse in the Ukraine, where they found a favourable social climate: education system in crisis, enduring economic and social difficulties, political instability and persistent rifts between the different Orthodox churches.

In the absence of a legal definition of criteria which could lead to the refusal of registration for a sect, government bodies have no formal option other than to resort to delaying tactics, to defer registration as long as possible. In addition, sectarian organisations seek to establish preliminary key contacts with local, regional and even national authorities to obtain registration.

The lack of action by public authorities should also be noted. The public is neither protected by law, nor informed about the threats posed by sects. In 1999, the Ukraine signed the resolution of the Council of Europe aiming to support centres providing information on the threats represented by destructive sects and centres offering aid to the victims of these sects: this remains an empty promise to this day.

Finally, North American-inspired evangelical organisations are established in the Ukraine. One of the biggest and most influential charismatic Churches with Neo-Pentecost inclinations, the “Embassy of God church”, has almost 30 000 permanent members and more than 400 communities. This church is supported by the mayor of Kiev, who is supposedly a member himself.

In **Romania**, questions relating to religion are the responsibility of the Ministry of Culture and Religions, which has its own Secretary of State for religions.

The Jehovah's Witnesses were legalised in Romania in 1990 as a "religious association" and benefitted from official status as a religion from 2003. Whilst the Church of Scientology and “Moon’s Church” have not asked for recognition, the former is active in the country in the form of an “Association of Humanitarian Volunteers” whilst the latter, at this stage, only operates in the neighbouring Republic of Moldova.

## **Slovenia, Lithuania and Estonia**

These three countries in this group do not have any specific vigilance

system as such, and have an almost total liberal attitude to sects, which sometimes contrasts with current public preferences, according to certain media bodies and authors.

In **Slovenia**, the authorities do not seem preoccupied with the risks that sectarian organisations could represent. Slovenian public opinion and the press show little awareness of the issue.

Thus, the “Governmental Bureau of Religious Associations” entrusted with the control of sectarian movements in Slovenia has very little information on sectarian organisations in general, and on the three movements studied in particular: Jehovah’s Witnesses, Scientology and the Holy Spirit Association for the Unification of World Christianity-Moon. The three organisations mentioned have registered with the Government Bureau of Religious Associations: the Jehovah’s Witnesses in 1976, Moon in 1991 and the Church of Scientology in 1995.

Since their registration, these organisations have held the status of “legal persons”. Therefore, according to the Slovenian law on “Freedom of faith” adopted by parliament on 12<sup>th</sup> February 2007 and published in the Slovenian official journal on 16<sup>th</sup> February 2007, they have the freedom to express themselves and to assemble.

Religious organisations which “*represent risks of illegal acts*” (violent protests, attacks on people, attacks on freedom) cannot register. The “Registration” of these organisations therefore implies the presumption of the “*absence of disturbances to law and order*”, however the law allows for the reconsideration of “*registration*” should “*illegal acts*” be committed.

In **Lithuania**, sectarian organisations have not had much success. Moon and Scientology are officially present but are almost inexistent, the Jehovah’s Witnesses are the largest and most active group, but they do not pose any particular difficulties to the authorities.

After the long Soviet period, religious practices quickly reappeared and the Constitution of 1992 guarantees the freedom of thought, conscience and unrestricted religion. An article in the penal code represses moral violence when applied to an individual and could perhaps be used to combat the psychological pressure used by certain sects, but no such case has yet been presented to the courts.

The constitution is very liberal in this field and recognises the right of each individual to choose and declare their religion, to observe religious ceremonies and to practice and teach their faith, without the state being able to impose a religion or faith (as there is no State religion). The only limitation is that this freedom can be restricted by law, but only by law and “*only when restrictions are necessary to guarantee the safety of society, law and order, the health and morality of an individual, as well as the fundamental freedoms and rights of others*”.

However, the texts distinguish:

- The churches deemed as “*traditional, and the religious organisations of Lithuania*” which are recognised by the State, have the rights of a legal person, and may freely spread their beliefs, organise their rituals, own buildings used for their religion, have charitable organisations and schools which provide training for the ministers of their religion, and may freely organise their activities, according to their canons and their statutes.

There are currently nine churches in this category: Roman Catholics, Eastern Rite Catholics, Lutherans, Calvinists, Orthodoxies, “*Old Believers*”, Jews, Sunni Muslims and Karaites. This list includes religions which have been active on Lithuanian soil for at least 300 years (with the exception of the Old Believers, which are a bit more recent) which represent what Lithuania considers to be its cultural heritage.

This list, however, is not exhaustive: a religious organisation can ask to benefit from this status, however a mandatory period of 25 years since their initial registration as a Church or religious organisation applies, and they must obtain an opinion from the Ministry of Justice and win a parliamentary vote. If they do not win the parliamentary vote, they have to wait another 10 years before they can reapply.

- The status of other Churches and religious organisations is defined in conventions or law: these churches and organisations must register with the Ministry of Justice, with the department which also registers political parties, and must satisfy two criteria:

- They must have “*a foothold in society*”, this foothold being loosely defined by the 1995 law as a minimum of 15 adult followers with Lithuanian nationality;

- Their doctrine and rituals must not “*infringe morality or breach law*”.

*In practice*, the application of these texts *has led to* the registration of 160 organisations, representing 26 religious beliefs, with the Ministry of Justice. There is currently no application pending, which confirms the low level of interest generated by sectarian movements.

Since independence, only one church (the Baptist Church) has gained State recognition, and even then, this church only accounts for half of all Baptists, as the other half belongs to associations. Four other churches are candidates (Adventist, Pentecostal, Methodist), but, according to the Ministry of Justice, the Parliament is simply letting the process drag out.

The authorities do not ever seem to have considered sects as a problem in Lithuania, however, following alarmist press articles published in 2000, denouncing the suspicious activities of 300 sects in the country, they set up a commission responsible for co-ordinating the actions of state-owned institutions against the illegal activities of sects (in accordance with a recommendation issued by the Council of Europe the previous year). This commission still exists and meets once every two months. Its main achievement is to have launched a “*preliminary study on proselytising by sects in Lithuania targeting youths*”.

It could be argued that the limited success of sects in Lithuania reflects the Christian nature of the Lithuanians (60-80% of Lithuanians declare themselves as Catholics).

In **Estonia**, the concept of “sectarian organisation” does not exist. The phenomenon – which has remained particularly discrete since the return to independency in 1991 – has not, up until now, been analysed in detail. The concept of “sect” does not exist in Estonian law, which only retains the notion of an “*association with religious goals*”.

The “Department of Religious Affairs” of the Home office, including only 2 officials, does however monitor religious activities in a particularly modest manner.

Finally, it should be noted that the low population (1.35 million inhabitants) of Estonia does not encourage the setting up or the activities of sectarian organisations, which would be quite easily detected by the police

force.

## **Albania**

To date, Albania has no legislation on sectarian organisations.

Freedom of religion and belief is guaranteed by the Constitution and there is no official religion in Albania. Sectarian organisations with activities in Albania operate as associations, in accordance with the “Law on Non-Profit making organisations and associations”. They register with the courts. Should problems arise, relating to the safety of individuals or to national security, the penal code and the penal procedure code apply.

The “Committee of Religion” which reports to the Ministry of Tourism, Culture and Sport, is currently drafting a bill with a view to regulating the relations between the different religious communities and the State. It is not yet clear whether or not the phenomenon of sectarian movements will be taken into consideration.

Indeed, the Albanian authorities have stated that their sole concern is a possible expansion of Muslim sects, some of which have been present in the country for several centuries. A dozen of these sects are currently listed, including the Baha'is.

Apathy towards religious questions, prevalent in an Albanian society that is still deeply scarred by official and militant atheism, can be considered a partial explanation for the calm composure of the authorities.

## **The penetration of and provisions applicable to these three transnational organisations**

### **The Church of Scientology**

In **Russia**, the group is leading a fierce battle against the authorities in view of obtaining official recognition, and achieved notable success before the ECHR (European Court of Human Rights) when it protested the persistent refusal of the Russian authorities to accept registration (eleven refusals between 1998 and 2005).

On 5<sup>th</sup> April 2007, the ECHR condemned Russia, claiming that it had violated article 9 on freedom of thought, conscience and religion and article 11 on freedom of assembly and association, of the European convention on human rights.

In their defence, the Russian courts argued that the Church had no legal basis insofar as it had not provided the necessary documents for its registration. The ECHR deemed, however, that the Russian authorities had not provided the applicant with the information required for the creation of a complete registration dossier. The Court granted the Moscow branch of the Church of Scientology 10 000 euros in moral damages and 15 000 euros in costs and expenses.

There are an estimated 10 000 Scientologists.

Scientology has been present in Slovakia since 1995 and has 2000 members. In 2000, the organisation opened a "Dianetics" centre, followed by another centre in Bratislava. There are currently 14 centres of this type in Slovakia which mainly offer management and English language courses and which have associative status.

It is difficult to evaluate the influence of this organisation, but the government has refused, for the time being, to reform the status of religions despite a petition signed by the Mormons early 2007 and the "sit in" protest organised last September in front of the Government Office, that received little attention from the media.

The Church of Scientology seems to aim to benefit from the relative inactivity of the permanent training market to penetrate companies.

Scientology is not registered in Belarus. The State Committee for religions and nationalities was not able to provide information on the number of Belarusian followers, but it is reasonable to believe that few members exist.

The European centre of the Church of Scientology has initiated proceedings in view of official registration in **Bulgaria**. The Church of Scientology nominated representatives in Bulgaria in 2003. The latter are attempting to establish and maintain contacts with the Bulgarian administration and are trying, with no great success, to reach the future elites of the country via their teaching. In November 2005, a seminar was held in

Sofia under the cover of the Narconon organisation, created to continue the activities of the organisation.

In **Latvia**, the Bureau of Religious Affairs refused the registration of the Church of Scientology in 2006, on the grounds of non-compliance with the law on religious organisations. In addition, this movement has few members (a few dozen people).

Various associations, outgrowths of the Church of Scientology, have been created in Latvia, including the Dianetics centre, a club for business development, a Centre for the training of teachers and the Narconon Europe association.

Public opinion is, for the most part, hostile to this organisation, and the media is also highly critical, due to the propaganda methods used. Therefore, several promotional campaigns have been launched by Scientology in Latvia, without however openly admitting to being an activity of the Church of Scientology.

Hence, in June 2005, the "Yellow Tents" recruitment campaign was launched. Large yellow tents were erected in Riga bearing the slogan: "With this, we can do something". Intrigued people entered the tents, where they were welcomed by scientologists who never admitted that they belonged to this sectarian organisation. This operation was widely criticised by the newspapers, who did not fail to remind their readers that Scientology was not officially registered as a religious organisation in Latvia.

The Church of Scientology has been present in **Hungary** since 1989 and registered since 1990.

According to its own figures, it has 15 000 permanent members in Hungary. The Director of religions within the Ministry of Education and Culture, states that he is "informed, but also concerned" by the activities of the Church of Scientology in Hungary. The National Security Bureau reported its criticism of Scientology: it fears "*the creation of an invisible network within society*", as this group appears to have a certain influence in the fields of teaching and mental health. He describes the Church of Scientology as being "*totalitarian, financially and mentally exploiting its members and outgrowing its religious context by acting more like a multinational corporation*".

The mediator, who is responsible for the protection of private data on citizens, reported on his doubts concerning the practices of the Church of Scientology: the church supposedly holds private data on its followers, and uses an “electropsychometer” which could breach article 59 of the Constitution which guarantees “*the protection of reputation, the inviolability of the home, private life and personal data*”.

However, no legal body exists which could appraise the activities of the Church of Scientology in Hungary.

The Church of Scientology has been present in the Ukraine since the second half of the 1990s. It has 20 communities in the different regions of Ukraine, with the largest being in Kiev (more than 3000 members), Kharkiv (several thousand), Kremenchouk, Odessa and Oujhorod.

The initial phase of the penetration strategy uses the “dianetic centres”, which promote the management technologies developed by Hubbard: this stage also involves the creation of useful political and business contacts. The “dianetic centres”, governed by the law on public associations, attempt to use Hubbard’s theories and methods in the different sectors of society. The “Narconon” organisation is one of their more successful achievements, and dispenses educational programs on drug addiction in secondary and higher education establishments, after receiving the approval of the Ministries of Education, Youth and Health, and the support of the Kharkiv regional authorities. According to the strategy of the Church, the “dianetic centres”, which are considered as public associations, gradually transfer participants to the Church of Scientology, with its much wider field of action.

Scientologists also approach the world of work and business, notably through the use of recruitment agencies which ask job seekers to fill out a form which is a near copy of the scientologists’ “Oxford test” without informing them of the possible implications, and the promotion of the “management technologies” elaborated by Ron Hubbard to business leaders, in the name of “*increasing the productivity of personnel*”.

In 2004, the Church attempted to register in the Ukraine, but was dismissed by Kiev’s municipal administration. In 2006, the dossier was submitted to the State Department of religions, but was later withdrawn, as the context was considered “*little favourable*”. However, Ukrainian

scientologists aspire to official status, which would give them more possibilities in their daily dealings: renting of premises, different formalities (banks, customs), and access to legal recourse to defend their interests, and particularly to ensure copyright to sue “pirate” organisations which spread the works of Ron Hubbard.

The Church of Scientology exists in **Romania** in the form of the “Association of Humanitarian Volunteers”, located on Coposu Boulevard in Bucharest. This association is also present in the Republic of Moldavia.

In spring 2006, the members of the Association travelled to the region of Craiova to assist the victims of floods, offering relaxation techniques and psychological help. Although this initiative had little consequence, the presence of the scientologists side by side with Red Cross teams gave some legitimacy to the organisation.

However, few Romanian followers exist. In the context of their proselytising initiatives, they emphasise the presence of the Romanian prince Paul Lambrino (illegitimate grandchild of King Carol II) and of his wife Lia (US born) in their ranks.

In **Slovenia**, the Home office and the “Governmental Bureau of religious associations” hold no data on the influence of this organisation.

The Church of Scientology is entirely marginal in **Lithuania**. Only a small group of about 50 people in Vilnius claim to belong to the organisation, and are not very active. It has not asked to be registered as a religious organisation and only one “dianetic centre” operates as an association

In **Estonia**, the services of the Home office have not detected the presence of the Church of Scientology. However, there seems to be a small group mainly in Tartu, the leading University City in the country, where quarrels between supposed scientologists and the university administration have been reported.

The Church of Scientology is currently entirely absent in **Albania**. The few known scientologists are members of foreign diplomatic representations. In addition, no attempts at recruitment appear to have been made.

## Jehovah's witnesses

In **Russia**, the Jehovah's Witnesses haven't been officially registered since the end of the 1990s, which does not stop them from carrying out their activities: door to door activities, the unauthorised sale of books in the street, but also assemblies that can attract several thousands of people.

The number of Jehovah's Witnesses is supposedly between 140 000 and 200 000.

In **Slovakia**, the Jehovah's Witnesses have the status of a religion as they have more than 20 000 members. They organise 200 baptisms a year, but the global number of members is stable because around 200 Jehovah's Witnesses leave this religion each year.

Jehovah's Witnesses have been officially registered in **Belarus** by the State Committee for religions and nationalities, and have about 26 "communities". The number of followers is not officially known, but is probably very low. It should be noted that the official handbook "*Basic elements on national and individual security*" which is intended for students and has been distributed in universities by the Belarus authorities, includes a paragraph entitled "Beware of sects". Jehovah's Witnesses are clearly marked as a dangerous sect.

They established their presence in **Bulgaria** between the two great wars, before being banned during the communist era. After the reinstatement of democracy, they registered as an association (1991) and have been recognised since 1998 as a "religious organisation" in application of the law on religions. The total number of followers is currently about 1600 people.

The organisation does not receive any support in its proselytising activities, and its influence in Bulgarian society is limited. This community has a globally bad reputation in the country. Nationalist radical movements have tried to ruin its assemblies several times.

**Latvia** registered the Jehovah's Witnesses in 1998, after several years of litigation: the Department of religious affairs, and the courts, refused to consider the Jehovah's Witnesses as a new religion. 21 congregations have currently been declared in Latvia, which claim to have 1900 preachers and 4000 followers.

The Jehovah's Witnesses were formerly hunted by the soviet

authorities which considered them to be American spies, and still carry a negative image in public opinion, as much because of their persistent proselytism as for their anti-patriotic positions: refusal to carry out their military service, to salute to the flag and to respect national symbols. Despite all this, the activities of the Jehovah's Witnesses do not disturb public order.

In **Hungary**, they registered their cult in 1989. They have been present in Hungary since the start of the 20<sup>th</sup> century and numbered around 22 000 members in May 2007. They are one of the most active religious communities in Hungary. In fact, an international congress of Jehovah's Witnesses was organised in Budapest in 2003 with the presence of certain leaders of the Central College of Brooklyn, headquarters of the organisation in the United States.

A law dating from 1997 allows the Jehovah's Witnesses to refuse certain procedures and medical treatments which go against their beliefs, in particular blood transfusions. However, the criteria for the application of this law are strict: only patients whose illness is incurable and causes rapid death can benefit from it. Pregnant women are not allowed to refuse interventions aiming to save their life if they are considered capable of giving birth to their child.

The cult, which strongly opposes blood transfusions, has created an information service on doctors who are experts in methods that do not require the use of blood. This service has had a branch in Hungary for a few years now, and more than 600 doctors use it today to adapt to the beliefs of Jehovah's Witnesses. The church also offers financial help to certain hospitals, enabling them to buy the equipment required for these alternative methods.

Jehovah's Witnesses are often criticised by certain fringes of public opinion. Over the past few years, numerous reports have criticised them for the way they raise their children, their methods of work or "recruitment" and even their budgetary policies.

In the case of divorce, the Hungarian courts, which regard their beliefs as being detrimental to children, often entrust the care of the child to the "non-witness" parent.

The organisation is also blamed of discouraging its young followers

from going into higher education. However, it is not all bad news: smoking, as well as the consumption of alcohol and drugs, is banned by Jehovah's Witnesses.

Jehovah's Witnesses first appeared in **Ukraine** circa 1920, with the return of Ukrainian emigrants from the United States and Canada. They had practised their faith in secret during the USSR era. The number of Jehovah's Witnesses, registered in Ukraine since 1991, is high: there are more than one thousand communities across the country, and most of them are officially registered.

Jehovah's Witness are little involved in politics: as they only acknowledge one government on earth, the "Governing Body" in Brooklyn, they forbid their members to take part in elections.

Jehovah's Witnesses, present in **Romania** since 1990, currently claim to have 76 000 members, spread out in nearly 500 congregations.

After the "Revolution" in December 1989, Jehovah's Witnesses obtained, in 1990, the right to organise their activities as an "association". In May 2003, they obtained the status of "religion" thanks to an order by the Minister of Culture and Religion. Thus, "the Religious Organization of Jehovah's Witnesses" now appears on the list of 18 denominations officially recognised by law n° 489/2006 "On **Freedom of Religion and the General Status of Denominations**", which, in addition, establishes three categories: "*Religious group*" (a form of association not recognised as a legal person, which freely practises a religious belief), "*Religious association*" (legal person operating under private law) and "*Denomination*" (legal person of general interest).

In **Lithuania**, they registered as a religious organisation in 1993. They are the largest (supposedly 3 500, i.e. 0.1% of the population) and the most active group, although their proselytism isn't particularly aggressive. Their numbers are rising steadily, though they are not yet significant.

In **Estonia**, they are by far the largest sectarian organisation, with 4 250 members, plus a few thousand sympathisers. The proselytism of this organisation is said to be very active.

Jehovah's Witnesses have been present in **Albania** since the return of democracy at the beginning of the 1990s. They allegedly number around

2000 very active members, notably forming many teams who are responsible for door-to-door “recruitment”.

However, apathy towards religious matters and a deep rejection of anything that appears to be a structured body seriously handicap their proselytism. In addition, the very mediatised suicides, in 1997 and 2004, of two youths who were, it would appear, under the strong influence of the Jehovah’s Witnesses, have strengthened mistrust towards their activities.

## **The Holy Spirit Association for the Unification of World Christianity or “Moon”**

Moon was very active in **Russia** in the 1990s and 2000s. The Unification Church had succeeded, through organisations of a social or educational nature, that were mainly aimed at families, in gaining the trust of certain municipalities, including that of Moscow, which provided them with offices and publicly congratulated them on their activities. Many municipalities have now reverted back to a more cautious attitude and have cut all ties with these associations, often through trials which made the headlines of the newspapers.

There are allegedly around 5000 followers of Moon.

Moon has been established in **Slovakia** since 1968, with association status, under various names: The Unification Church, the Family Federation for World Peace and the Student’s association. These associations have around 250 members in Slovakia.

They have not been officially registered in **Belarus** either. No official data is available on this movement which does not seem to have a visible presence in Belarus.

In **Bulgaria**, the Unification Church has not, until now, been officially registered in application of the law on religions. It operates under the legal cover of five non-profit making organisations which are legally recognised.

The number of its followers has been constantly decreasing since 2000. It is currently estimated to be at around 30. Fewer and fewer high level foreign leaders of this transnational movement travel to Bulgaria.

Finally, in 2005, the founder of the organisation, Sun Myung Moon, was banned from entering and staying on Bulgarian soil for 10 years on the

grounds of "*disturbances to law and order*". This sanction contributed to the decline of the activities of the movement in Bulgaria.

"Moon" is not registered in **Latvia** and has no legal status in the country. Functioning discreetly, it has very few members, who do not carry out proselytising. Public opinion on the subject is neutral due to lack of information.

The Moon organisation is also present in **Hungary**, and even though it is registered, it is not very active and supposedly has a few hundred followers. Reverend Moon and his wife have visited Hungary several times, when new branches of the organisation have been created. The rare comments by the media address the activities of the organisation, which is not very well known or conspicuous, in a rather negative manner.

In the **Ukraine**, very little data is available for the Moon sect.

A former Minister of Education is renowned for having opened an Assembly of the Unification Church – Moon organisation. The media has also linked this organisation with a deputy of the BYUT, a party whose second in charge and former chief of the SBOU is also reputed to be a Baptist priest.

It seems that the organisation of the Korean, Sun Myung Moon, is not present in **Romania**. Nevertheless, it is very well established in the Republic of **Moldavia**, and is likely to spread to Romania given time, through certain NGOs located on both sides of the river Prut.

In **Lithuania**, "Moon" has been registered as a religious organisation since 2004-2005, but its presence can be described as "implicit". The organisation is not very active at all, and has almost disappeared from the country.

In **Estonia**, "Moon" exists under the name "Parish for the Assembly of the Christians of Estonia", but only has a few members at the moment.

In **Albania**, Moon, who organised a public gathering in Tirana in October 2005, in the presence of the founder of the organisation, has not, since then, undergone any important developments. It supposedly has between 800 and 1000 members. It is interesting to note that the President of the Committee on religions states that he is not aware of "this sect and has never heard of it in Albania".

## Conclusion

The above observations lead to the conclusion that, globally, transnational sects are a source of concern for authorities responsible for protecting the most vulnerable sections of their populations. The unavoidable obligation to ensure prevention, or even repression, is often reigned in by the fear of criticism from national or international opinion due to the sensitive nature of restrictions to the freedom of expression and the freedom of religious practice. In the name of freedom of religion, the authorities occasionally do not allow themselves to legislate specifically, leaving the task of evaluating and sanctioning any disturbance to law and order to the courts, or even leaving traditional churches to continue the fight against sectarian aberrations.

Faced with the threat that certain groups can pose to the most vulnerable, States which have chosen not to legislate on this subject for historical reasons, attempt, through the adjustment of their penal code, to protect either the individual from the consequences of sectarian aberrations, or the state and public entities from infiltration by certain organisations. The need for improved coordination between states with the same values in terms of the protection of human rights and the dignity of the individual is currently increasingly evident.

In the absence of legislative weapons to combat the fraudulent abuse of weakness and the exploitation of fragile individuals, actions representing penal crimes are more complex to qualify in judicial terms, and government protection and prevention for victims of mental hold by sects can be undermined.

Nowadays, all democratic European countries are reporting on the difficulty of combining the free practise of individual freedoms with every citizen's intrinsic right to safety.

### Appendix

The current situation of the Holy Spirit Association for the Unification of World Christianity, or “Moon”, in its country of origin, South Korea.

This transnational sectarian organisation maintains a strong hold in South Korea, but the number of its followers is tending towards stagnation and even a slight decrease.

Moon is the largest of the three sectarian organisations studied, as Jehovah's Witnesses are mainly known for their refusal to undertake the mandatory military service, whilst the presence of the Church of Scientology is near insignificant.

The general policy of the Korean government is based on non-interference, and therefore tolerance, in terms of the internal matters of religious organisations, including sectarian groups.

In South Korea, religious matters are the responsibility of the Ministry of Culture and Tourism, which includes a "Division of Religious Affairs".

Sectarian organisations benefit from the tolerance of the Korean authorities, which is also the case for every other religion in the country.

Although Jehovah's Witnesses and the Church of Scientology are minor movements in terms of influence, Moon retains an important social and economical weight and could play a certain role in the process of unification of the two Koreas, notably thanks to its links with the North Korean regime.

However, questions remain on the future of the organisation and about its future plans, taking into account the dominant role that Reverend Moon – now aged 87 – has played until now, as uncertainties remain about his long-term replacement.

Generally speaking, Moon remains discrete in the political and media scene in South Korea, although the movement can count on the support of certain MPs – who do not publically claim to belong to this movement – and on a certain degree of goodwill from several large press organisations in which Moon has no shortage of influence.

The Holy Spirit Association for the Unification of World Christianity or "Moon" in South Korea, the organisation of Reverend Moon Sun-Myung - the Unification Church for World Christianity - benefits from a legal status and has slightly under a million followers.

Its headquarters are in Seoul, but for several decades, most of its activities have been concentrated in the United States. It is not a source of real concern for the Korean government nor a controversial subject for the media and the population.

According to the Division of Religious Affairs, South Korea does not have a body which controls or supervises sectarian aberrations. The intervention of justice or of the police only occurs in classic cases of offenses and crime (generally tax fraud), which do not concern the sectarian organisation as such, but the individual natural persons concerned.

The financial and industrial empire of Reverend Moon remains his main source of power in South Korea. He owns several companies in the sectors of construction and real estate, health, food, banking, cars, entertainment and sport. He also owns a newspaper in Seoul and has founded several schools, colleges and a university.

The activities of Reverend Moon in North Korea are also substantial.

After a long period of difficult relationships with Pyongyang, due to the anti-communist nature of the sectarian movement, he met with Kim Il Sung in 1991, was invited to the funeral of the latter and maintains a fairly good relationship with Kim Jong-II.

He has also recently had a hotel, a park and a temple built next to his home village.

A "World Summit on Peace" was organised in Seoul in February 2007 by the "Interreligious and International Federation for World Peace" (IIFWP), now the Universal Peace Federation (UPF).

The attitude of the Korean government towards the Moon organisation is regulated by the rule of non-interference in the internal affairs of the transnational organisation – and its relationships with other denominations – as well as a certain freedom as long as its activities do not pose any threat to law and order.

Its contacts with Kim Jong-II are viewed positively by the Seoul government which sees a means of reconciliation with the North Korean regime.

In addition, Moon's substantial investment in education (donations to orphanages and schools, assisting the less favoured and handicapped) ingratiates him with the government, which views this investment as "compensation" for the lack of taxes on religious organisations.

Finally, the recruitment of followers, proselytising or the general practice of collective marriages are not criticised by public opinion.

According to the Division of Religious Affairs, the Church of Scientology is nearly unknown in South Korea due to its very low number of followers.

As for the Jehovah's Witnesses, its presence in South Korea is not as widely spread (less than 100 000 followers) and its proselytising is not as conspicuous, and is tolerated by the authorities.

However, the movement is mainly known for its position against military service (which lasts for 24 months and is mandatory according to the Constitution). Jehovah's Witnesses represent 90% of conscientious objectors in South Korea. Each year, 500-700 members are accused and sentenced to prison for this reason.

However, in May 2004, the Supreme Court, for the first time, acquitted three of its members who were conscientious objectors, justifying its decision by the "insignificant" nature of the "impact of the conscientious objections on national *defence*", as the 600 individuals concerned only represent about 0.2% of the total annual number of conscripts. Following this decision, the Korean national commission on Human rights issued a recommendation in December 2005, intended for the National Assembly and the Ministry of Defence, asking them to create an alternative system for a "harmonious coexistence between the rights of conscientious objectors and the military service". President Roh Moo-Hyun recently proposed a bill to this effect.

# Observations of a psychologist concerning aberrations relating to the practice of induced false memories

Over the past three years, numerous accounts have been reported to MIVILUDES by parents who were suddenly accused of incest or paedophilia by one of their children, almost exclusively young women, after the latter underwent psychotherapy. The damage caused by this method had led to its mention in previous reports, but it has appeared useful to delve further and provide readers with the means to better understand this phenomenon, which is clearly becoming more common. It is for this purpose that the 2007 report contains contributions from Mrs Delphine Guérard, whose studies on the matter are perfectly understandable and will help to provide an accurate overview of this matter.

**When false allegations of sexual abuse come to light during a psychotherapy session: the phenomenon of induced memories.**

BY DELPHINE GUÉRARD

*Clinical psychologist for the association AFSI*

Patients claim to have uncovered memories of incest. All these memories appeared during a psychotherapy or therapy session. Families

then find themselves accused of a crime they say they didn't commit. The influence of the psychotherapists via the clear suggestibility of certain techniques is well known. This suggestion can lead patients to making false accusations of sexual abuse. The consequences are very serious in psychological terms for both the accuser and the accused and friends and family, as, on a family level, this can lead to divorce, suicides and various break-ups and tragedies.

## **The situation in France**

We have been observing and studying the phenomenon in France from the year 2000 onwards during specialised consultations. We have met more than 50 families to this day. Most of them share a similar background: suddenly, the father is accused of rape by his adult daughter, by mail or 'phone, and the mother is accused of complicity. In a few families only, mothers are also accused by their son or daughter of rape, incest and sexual contact.

According to the information collected from the parents, due to the unavailability of the accusers, this theme of false memories or induced memories is very complex, with the following main points:

- An individual presents signs of a serious personality disorder, and is possibly institutionalised, but not necessarily. The apparent delirium revolves around incest.
- Qualified professionals, applying specific theory and practice, which may be less than professional, induce memories of abuse and mistreatment.
- Charlatans allow themselves to act as psychotherapists even though their training is far from complete, or is non-existent. Most of them invent their methods, and their practices are found to be abusive.
- Sectarian groups apply a specific technique, therapeutic or otherwise, which leads some followers to create memories of incest.
- Finally, people in suffering find inspiration alone on the internet, as numerous sites on incest exist, as well as forums. Reading books from "specialists" also allows them create their own scenario.

The wide range of situations raises questions relating to the practice of psychotherapy, and especially access to a high level of training in the field

of psychopathology, but it also aroused our interest in qualified professionals, in particular doctors.

## **Therapists**

The therapists involved in these tales of induced false memories are for the most part psychotherapists, not psychologists or psychiatrists, and have generally been trained in a very short period in multiple techniques at private training institutes, or in a derisory number of hours spread out over one or more years. Some are psychiatrists, others psychologists and physical therapists.

First of all, it is worth remembering that the occupation of psychotherapist is not always regulated. Therefore, anyone can freely set up a practice overnight with no training. The practice of psychotherapy remains totally unregulated. In addition, the methods and techniques used in psychotherapy are not controlled. The psychotherapy sector is, therefore, infinite. Recognised and validated methods do exist, but so do out of the ordinary methods, and others which are dangerous, or even sectarian.

From the point of view of psychiatrists and psychologists, it seems that these therapists work on the basis of DSM IV and the following basic hypothesis: incest is considered as a "nosographic entity". The equation "certain trauma => certain repercussion" supposedly goes without saying, and leads them to begin by establishing a diagnosis according to a list of visible symptoms. They keenly encourage their patients to confirm their professional expertise by approving of such a diagnosis. This new nosographic entity, in a movement to turn social problems into medical problems leads to a kind of fetishism of sexual abuse where the "children of incest" are omnipresent. A form of heightened militancy often drives these therapists who guide and indoctrinate patients.

In addition to this, the determination to investigate has perverse effects. When a person leaves a therapy session and is convinced of the reality of their memories and their words and decides to hire the services of a lawyer, we can legitimately consider that the narrative reality has intruded on historical reality. Not every allegation of sexual abuse should be believed to be true. The therapeutic determination, which seeks to find memories at any cost thanks to suggestive questions, to intrusively look for words that do not

come and to consider accusation as a means of finding peace, is a dangerous process. Isn't this precisely a form of rape? Repression and the voluntary loss of memory are valid defence mechanisms which enable psychological survival. Forcing the lock can lead to serious psychological disorders.

This investigatory process renounces to the precepts of psychoanalysis, which invents the psychic reality at a time when Freud no longer believes that all fathers sleep with their daughters. Should we neglect the contributions of this discipline to the mechanisms at work in dreams, memories and transfer to this point? This ignorance is combined with a blatant lack of knowledge of cognitive psychology and the mechanisms of the memory.

## **Their theories**

We have been able to study these theories thanks to papers written by the therapists in question and their websites. The findings are as follows:

- These therapists are anti-Freudian: they are looking for Truth and Meaning. That is their real mission. Therapeutic material is considered as a historical truth. Indeed, in terms of emotional certainty, any image is considered to be the truth. Any word is taken as being the truth: there is no place for subjectivity. Overcome by a sort of victimological delirium, they trivialise, as it were, mistreatment, incest and rape as they actively focus on sexual abuse and go as far as considering that any child is the martyr of their parents. They insistently denounce the destructive nature of the education provided by the parents. The individual becomes the victim of their parents and in order to free themselves and "live their autonomous life to the full", they must reject their lineage, their history and their personality and denounce, criticise, judge, accuse and confront their aggressors. In order to cure past traumas, the real objective of all these therapies, the therapeutic work consists of focusing mainly on the traumas, memories and dreams. From the very beginning, these are interpreted by the therapist. The trust accorded to the therapist is such that the interpretation is not questioned.

- These therapists consider that there is an etiopathogeny of sexual abuse in the symptoms of childhood. Therefore, sexual violence reveals itself via the identification of emotional blockages. The specific symptoms of an

adult who was sexually abused as a child are:

- difficulty forming romantic type relationships during adulthood;
- depression, which can range from a general feeling of sadness to an inability to function;
- weight problems;
- chronic migraines;
- destructive behaviour, suicidal tendencies, alcoholism, drug addiction;
- feelings of guilt.

Therapists deduct the reality of an act of incest from the expression of one or more of these symptoms. Are symptoms which present themselves during adulthood reliable indicators of sexual abuse during childhood?

The family system is considered as including mistreatment right from the start: the violence of the parents is at work from birth and is the product of previous generations. Their behaviour and habits are destructive and toxic... The parents are harmful and guilty, diabolical, resigning, overbearing, critical, disdainful, manipulative, paedophiles...

The theoretical positioning of these therapists is based less on logic than on beliefs which are presented as scientific data when it comes to imitating a medical model and creating a new syndrome. In addition, both theory and practice are functional and have a utilitarian goal. They will therefore be cut short or misunderstood with varying degrees of honesty. The final techniques are used either in a partial and/or biased way and are almost always misused.

## **Their methods**

First of all, we observed the phenomenon of false memories or induced memories thanks to the study of specific therapeutic processes used by certain known sectarian groups. Indeed, certain therapeutic processes were leading certain followers to create memories of incest.

Alongside these identifiable practices, there are a number of techniques which are misused. This mainly applies to physical techniques which have had unopposed success since the 1970s, only here, they are based on a disastrous semantic shift: if the body is able to express itself then

this expression should therefore be considered as a language. However, admitting the hypothesis that there is a language of the body opens up the road to all of the aberrations identified. The hypothesis which is becoming more popular, bases itself on the famous slogan: the body cannot lie. Thus, “*to release resistance*”, the main aim of therapies based on memories, all sorts of psycho-physical techniques are used, such as massages, relaxation, the laying on of hands, energy healing and breathing exercises. The aim is to achieve a profound state of relaxation to encourage the emergence of physical memories. Being able to find and recognise these blockages allows the sufferer to overcome them and to cleanse the traumatic feeling.

Often, techniques related to transgenerational and psychogenealogical analysis are applied. They also stray from their initial aim. Indeed, a particular concept of genealogy was identified: it is necessary to leave the ailing genealogy; all genealogy is condemned to repetition; the individual is a prisoner of family, social and religious repetitions.

Other tools can also be used, such as the writing of a personal diary. Group work with collective confrontation sessions can be offered in order to complement individual therapy. Music, theatre, dance and trances can be part of this process.

Finally, we identified some methods which are considered as innovative by their creators, but which we consider to be clearly abusive. Here are a few examples:

- One method is based on “the principle of concealment”. According to the practitioners of this method, concealment is a defence mechanism which allows you to forget an unpleasant event. In order to reveal all the hidden memories which cause health problems, you must first reactivate the concealment. The aim is to achieve “*purification*”. Practitioners believe that the mind consists of symbols indicating the existence of events to be “uncovered”. Without resorting to hypnosis, the patient simply needs to relive the hidden events whilst in a state of relaxation, to acknowledge their existence on a conscious level and the symptoms will then go away. All illnesses, whether physical or psychological, result from those around you. According to the author, most patients have been sexually abused. More than 80% have experienced incest during their childhood and hidden the memories of the event(s). Most people who come for help with health

problems were not aware that they had been sexually abused. 95% of these cases are triggered by emotional shock relating to their sexuality and concealed by the young child or foetus. This is where all illnesses originate from. Finally, therapists who practice this method do not hesitate to prescribe naturopathic drugs.

The absence of verifiable studies of the figures provided leads us to consider that the practitioner is consumed by a real fascination for incest, of which most of us "have been victims". A direct cause and effect link between all illness and sexual contact remains to be proven.

- One method used is based on the waking dream technique. In this case, the patient describes and the therapist translates by giving meaning to symbols thanks to his interpretations. Symbols are considered as real: "it is a certainty". The therapist holds the key to the meaning of the patient's words and their dreams defined in this way. The outside world is at risk of disappearing as the interior reality takes precedence in a sort of primacy and sacralisation via a definite interpretation.

- One method is based on "cellular memory": this is the practice of paying attention to physical sensations, pain and their biological decoding. The aim is to decrypt subconscious, repetitive patterns, which are the cause of "engrammed" pains in the body, and to free the patient from these pains. The body is thought to be bestowed with a language, which requires little more than the ability to read it, or even to decrypt it. However, even though it can express itself, it does not have its own language.

- Global method known as "energetic treatment": this method allows negative experiences in the "memories" of a person to be unearthed, freed and replaced using "positive programming". Using an extra sensorial ability, allowing the practitioner to detect the emotions felt or expressed by the patient at the time when the latter experiences them, the therapist uses his or her feelings to guide the patient. The practitioner shows them how to liberate themselves from their "emotional blockages" thanks to assisted breathing accompanied by a mental mantra "I am freeing my body and my mind from this blockage". The therapist will then search in the person's "aura" to see if any "vibrating forms relating to these blockages" exist. Generally speaking, a negative vibration will be found on the pubis or the lower stomach, representing the form of the thoughts of the aggressor or the

sexual abuse. This method, known as “intuitive reading” is part of “intuitive psychic healing”, and is accompanied by complimentary practical transformation exercises, such as psychophysical techniques and meditation techniques. The physiology of breathing is used in esoteric practices.

The founders of these methods teach them to others and train other psychotherapists, speak at certain institutions, publish works, spread their work via CDs and cassettes and organise seminars and conferences.

## **Sectarian psychotherapies**

There are several characteristics which define sectarian psychotherapy:

- Suggestion, the strength of persuasion, almightiness and seemingly God like abilities of the therapist. The therapist exerts a dominant influence over patients. The therapist will claim to have the power to heal, or to transform and change the life of an individual. The therapist will take on the proactive role of a seeker of justice, in the search for the truth. A true missionary, the therapist will show no neutrality towards the patients: the practitioner will be involved, guide, enthusiastically encourage and provide active advice for the patient.

- Theoretical indoctrination: the therapist will actively encourage the patient to search for facts proving The Theory in their memories and their past. The Theory is not considered as a collection of hypotheses to be tried and tested, but as a corpus sanctus which explains everything and which works in all events. It must not be doubted, criticised or even questioned. It must be accepted as it is and mastered perfectly. Therefore, the master of all knowledge, the therapist, will guide and initiate the patient. The therapist will think for the other person, insist, formulate, interpret, project and define his or her ideas and impose his or her vision of the world. Thanks to his or her commands, suggestions, advice, explanations and interpretations, the therapist will lead the “game” on the basis of his or her own expectations and ways of thinking. However, the theoretical corpus is often limited and simplistic. The hypotheses applied are not verifiable and are arbitrary.

- Establishment of control: with no distance or neutrality, the therapist penetrates and integrates the lives of the patients. In a sort of

merger, without any possible way out, the therapist searches for a non-differentiation in an aconflictual position. Therefore, the therapist leads the patient into a singularly destructive process where the control obtained allows the horrific act to take place: the subject becomes the object and finds him or herself in an alienating dependency.

- Attacks on the mental integrity of patients: the therapist will insistently break into the unconscious mind of the patient through their dreams and memories. The patients are exposed, over long periods of time, to persuasive processes which aim to increase their involvement in the belief of the veracity of these memories. Through mastery and control, the therapist groups together and therefore uses his patients as experimental subjects to be formatted as desired. As a result, they all confirm The Theory!

- Systematic injunction of a break with the original environment as leading them astray from the notion of personal autonomy.

The toxicity of the therapist's psyche over the patients has very serious repercussions for the mental health of close relations.

## **Victimisation of the family**

The families are subjected to real psychological damage. Families are shocked and destroyed, and extremely distressed when faced with a situation which seems unbelievable, but irreversible. Parents are stricken by these "revelations" and by the rumours implying they are paedophiles. Their lives fall apart.

To begin with, the families do not understand how and under what circumstances this could have happened. Then, they find out that their child is following a so-called psychotherapeutic process. They therefore think that everything will be ok and that "*it's just a part of the process*".

Then, complaints are submitted by the grown up children. This is then followed, for certain parents, by a legal procedure with summons to the police station, custody and an investigation. This situation is an unbearable and unacceptable experience. The accused parties find themselves powerless. They are disgraced, defamed, labelled a criminal or a monster and cannot defend themselves.

The father is the subject of a lot of hatred. The families no longer recognise their daughter in the person who “executes” the father figure and the parental couple: she has assimilated a story which is not her own. The unpredictability of the accusation and the break up, the inconsistency and the displacement of her speech, her aggressiveness, or even violence, her claims and incessant reproaches, the massive rejection of her entire parental upbringing and links to the family, her withdrawal, her permanent quest for details and memories from the past from close relatives and photos, make her a stranger. Focused on her own existence, her childhood and the past, convinced of her own revelations, she feels persecuted by her unworthy, mistreating and paedophilic parents. Harassment and rape become her main preoccupations.

The families find themselves particularly tested and most of them suffer from severe depression and psychosomatic disorders. Some of them take their own lives in complete desperation. In a continual climate of fear, suspicion and deceit, the families live in anguish and sadness. They believe that they have lost their child forever. Permanent rumination and searching become part of their daily lives: how could our own daughter say such a thing? How can we renew our relation and get back in contact with her? How can we help her to see sense again? How can we re-establish the truth? What action can we take against the therapist?

More often than not, the family falls apart: it splits into two groups, one which believes the allegations and one which does not. Relationships with their grandchildren are also destroyed for most of the parents accused. On the other hand, despite the seriousness of the allegations, most couples do not separate, but stick together in the face of adversity. The strength of the wives enables them to go in search of assistance to help them understand and, in addition, to encourage people around them to rally together. This was how the association AFSI (Alerte Faux Souvenirs Induits) was created, by a group of families attempting to prevent themselves from completely drowning in the child's misguided story, to fight, inform and protect the public. In order to understand the inexplicable, some families consulted several psychiatrists or undertook individual and/or family psychotherapy with psychologists whilst it was still possible.

Finally, some parents launched legal proceedings to stop the damage caused by the therapist in question: some of them were prosecuted

for the illegal practice of medicine, banned from practicing for a few months by the Ordre des médecins (French order of doctors), or convicted for the usurpation of the title "psychologist".

Extensive time and constant effort are necessary to confront such a situation. This is a permanent fight against a violent, destructive and pervasive force. No precise methodology or specific action can enable the renewal of relations with the person that has broken away. On the other hand, the attitude of the families can have important repercussions. Therefore, it is helpful to:

- obtain information on psychotherapy in general, on the phenomenon of false memories... (refer to the specialist bibliography on this subject);
- get the people around you to rally together;
- create a collective power via an association;
- gain the backing and support of professionals.

Thanks to these processes, families are able to overcome their powerlessness and their status as victims which was stripping them of their power.

## Conclusion

The observation and the study of certain sectarian groups have brought the serious and profound problem of false and induced memories to our attention. This phenomenon largely surpasses the sectarian phenomenon as it has been noted:

- amongst qualified psychiatrists and psychologists using questionable methods and disreputable theories, obsessed with experimentation and fascinated by sexual abuse;
- and amongst psychotherapists with little or no training.

This phenomenon, therefore, raises a number of fundamental questions about psychotherapies, their definition, their validation, practice and control, the training of practitioners and responsibility.

The psychological support required by parents confronted with this grim situation must be provided by serious professionals who are aware of

this problem.

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## 5TH SECTION

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# **Administrative activities in 2007 MIVILUDES**

## **1. Web site: overview and prospects**

### **Information provided by MIVILUDES on its website**

2007 is the third complete year that the MIVILUDES' website has been up and running.

As was announced in the MIVILUDES report 2006, several improvements were made to the site during the summer of 2007.

The new web site layout was put on line in September in coordination with the information technology services of the Prime Minister. In view of meeting initial specifications, i.e. to provide information for the public, as well as provide researchers and journalists, etc. with comprehensive online documentation on the issue of sectarian aberrations, several features have

been added:

- a real search engine now allows you to search all of the documents on the web site using key words;
- a new feature on the first page attracts the attention of visitors to current events;
- a RSS feed informs subscribers of the availability of new information.

In addition:

- the titles of sections have been modified to make the use of the web site easier and more intuitive;
- the organisation of sections has been rethought and restructured;
- more external links have been added;
- the redirecting of addresses from certain articles on the website, in a clearly legible format, ensures stable referencing with external web sites.
- links to other public services, legal information and contacts are clearer and more visible.

The content of the web site has also been completed and improved.

The information has been enhanced, mainly in the "Prevention of Sectarian Risk" and "Laws, Regulations and circulars" sections and a new "Bibliography" section has been created.

Each of these high-risk sections now allow individual members of the public, as well as professionals, to access comprehensive information on the subject. Links to articles on legislation on the Légifrance website are now being used across the board. Individual members of the public will now find precise warnings and information enabling them to protect themselves and know how to react in areas where sectarian risk could appear: amongst minors, at extra-curricular activities and also in the fields of health, business and vocational training.

The "Bibliography" section has also been enhanced. The titles mentioned will allow visitors to approach the sectarian phenomenon from different points of view and to develop their own personal opinion by comparing the different policies. This last section, as well as the whole website, now satisfies the requirements of the 2002 decree which

established MIVILUDES in a more complete manner, in terms of the objectives of analyses, prevention, the distribution of information and the combat against sectarian aberrations.

### ***Referencing of the MIVILUDES web site.***

A special effort was made to make the site better known to those who relay information on sectarian risk. It has been noticed that several Ministries now include this topic on their agendas and refer to the MIVILUDES web site on their official web sites. This is reflected in the origin of many of the visitors to the website.

The ranking of the MIVILUDES website, i.e. the technical processes which enable a web page to be listed at the top of the results of a key word search in a search engine, has been analysed by government information services. The website currently scores a rating of 5 out of 10 for the search engine Google, whilst the Prime Minister's website scores a ranking of 7.

Several technical solutions will be implemented over the course of 2008 to increase the popularity of the web site, with the assistance of the Government Information Services.

Consultations of the web site by internet users:

According to the web site traffic analysis tool Xiti, the site has been visited 66 028 times. While the number of consultations is stable as compared with the previous year, the behaviour of internet users has changed considerably:

- the number of pages consulted, 285 628, is rising;
- more and more internet users are coming directly to the site without using a search engine, which demonstrates that the MIVILUDES acronym and the web site address are now well known;
- external sites which mention the MIVILUDES site also attract many visitors, which shows the growing reputation of the web site.

Looking carefully at the figures, it appears that traffic has increased whenever new content is put on line. A new system of counting the number of visits has been implemented in parallel to the new version of the web site, and figures for the most visited sections and articles on the website are no longer available. Nevertheless, figures for the distribution of visits per date

show that the annual reports are currently one of the main attractions. The translation of the previous report into English, German and Spanish generated many visits. The new guide "Companies and sectarian risk" added to the website on 13<sup>th</sup> December 2007 has already been downloaded on numerous occasions. The guide "Satanism, a risk of sectarian aberration" and the texts from the 2003-2004 seminar on "Sects and Secularity" continue to be consulted on a regular basis, particularly as they are quite well referenced on several search engines and on many websites.

### ***Future projects.***

In the field of the prevention of sectarian risks, several guides adapted to each administration, which are currently being finalised, will also be made available to professionals and users.

With regard the referencing of the website, while many official sites now refer to sectarian risk in their field of competence, there is still progress to be made. Ministerial sites almost all have a section on this subject, all that remains is for the web sites of the territorial collectivities to follow suit. An awareness campaign on this subject will take place during 2008.

Finally, the section for young people: many items of information relating to young people have been updated on the site, and sorted as per sector of activity for the risk. The monitoring of the 50 proposals in the National Assembly report on "Stolen Childhood: children, victims of sects", could lead to the publication of new information. All of the above are responses to the recommendations and the opinions issued by the Commission. A new section dedicated to young people is currently being prepared. This work may possibly be coordinated with the Mission of the Counsel for the defence of children, public independent administrative authority.

## **2. National system for vigilance and combat: an incomplete transition**

With regard the objectives fixed by public authorities to ensure vigilance and the combat against sectarian aberrations, all parties within the state administrations concerned agree that the constant attention and

involvement of decentralised services is indispensable.

The task of making all services aware of the situation falls first and foremost to MIVILUDES. MIVILUDES is indeed tasked by the institutional decree with the contribution of information and the training of public agents *“within its field of competence”*.

Both in the context of its *“coordination of preventative and repressive action by public authorities”* and the *“actions of sectarian organisations which breach human rights and fundamental freedoms, and represent a threat to law and order or infringe laws and regulations”*, and in ensuring awareness and training, MIVILUDES must be able to contribute to the synergy between state services as near to the field as possible.

Since 1997, all notes and circulars issued by the Ministries represented on the executive operational control committee have clearly indicated the importance of the decentralisation of national politics, starting with observation, and followed by vigilance and combat.

The circular of the Prime Minister regarding the combat against sectarian aberrations dated 7<sup>th</sup> May 2005 and decree n° 2006-665 of 7<sup>th</sup> June 2006 providing, within the framework of the reduction of administrative commissions and the simplification of their composition, for the introduction of “Departmental Councils for the prevention of delinquency, assistance to victims and the combat against drugs, sectarian aberrations and violence towards women” are all consistent. This consistency was the subject of a note issued by the Chairman of MIVILUDES to prefects in March 2007.

This search for consistency aims to:

- encourage, within the department, the actions of public authorities against acts which breach law n° 2001-504 of 12<sup>th</sup> June 2001, which aims to strengthen the prevention and repression of sectarian organisations breaching human rights and fundamental freedoms;
- offer and to formalise initiatives in the field of prevention and help of victims;
- collect and distribute information which is as exhaustive as possible on the phenomenon to effectively contribute to local, regional and national action, irrespective of whether it is organised by the central or decentralised administrations concerned, or by MIVILUDES.

Applicable as of 1<sup>st</sup> July 2006, the reform only affects the system on a local level. Indeed, the definition of the principles and procedures used by public authorities generally speaking is contained, in the Prime Minister's memorandum of 27<sup>th</sup> May 2005.

This is the scope of a full implementation of a public policy defined as requiring the coordination of the activities of public authorities. In the field of vigilance and combat against sectarian aberrations, policies must deal as much with prevention as with repression and vice-versa.

The table and maps below enable a better understanding of the efforts required for the objectives assigned to MIVILUDES and the different ministries at national level, but also to the Courts of Appeal, prefectures and decentralised services at regional and departmental levels.

It should be noted that 2007 has revealed a difficulty which is widely shared concerning the transition from the old to the new system. Several explanatory elements can be put forward:

- the creation of the Departmental Councils for the prevention of delinquency, assistance to victims, the combat against drugs, sectarian aberrations and violence towards women was spread out over several months, giving birth to the instauration within the prefectures of varied work templates for every theme covered by the council;
- the context of the plenary sessions makes it delicate to closely study sectarian phenomena, the analysis of the risk inherent to real-life situations and the brainstorming of action to be taken to fight against sectarian aberrations;
- the creation of specialised sub-commissions first and foremost satisfies the need for administrations to carry out controls, inspections and enquiries and the needs of services involved in prevention missions.

In this very particular year, two very important developments in the context of the working partnership between MIVILUDES and decentralised services should be noted.

Firstly, the General Secretariat of MIVILUDES was required to handle a considerable increase in requests for assistance and advice from the services of one of the various public functions that are still lacking resources within prefectural services. This phenomenon particularly reveals

the ever-increasing need to train public agents and the increasing need to recognise the expertise and the ability to intervene of MIVILUDES and the General Secretariat in particular.

Secondly, the development of distance communications thanks to the internet and the considerable increase in our telephone communications with a multitude of services looking for direct contact with MIVILUDES have encouraged the emergence of local initiatives, particularly in the field of training, regardless of the level of implementation of the regional and departmental system for vigilance and combat against sectarian aberrations. The table and map below only serve to confirm the above analysis:

**Activity levels in 2007:**

Description of the activity	Description	
<b>Meetings</b>	Old system (Departmental cells of vigilance)	11
	New system (Departmental Councils for the prevention of delinquency)	10
	Departments with a specialised sub-commission **	5
<b>Miscellaneous INITIATIVES</b>	Locally organised training days	23
	Courses and studies	3

\*In which MIVILUDES was involved.

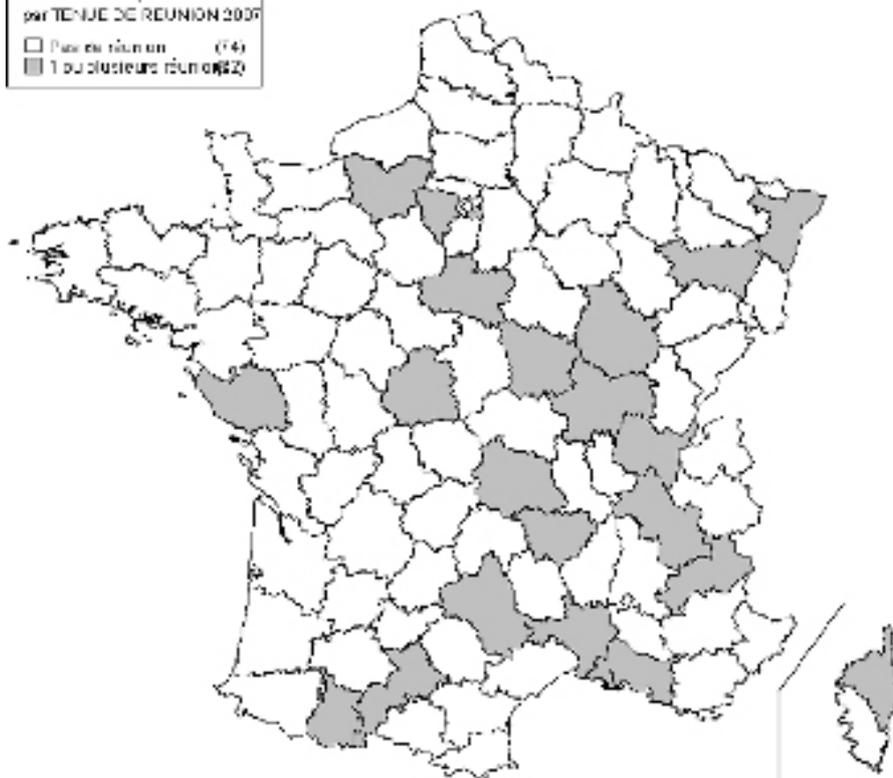
\*\* Two, in the planned stage.

Map 1: France – Departments

Meetings held in 2007

No meeting (74)

1 or several meetings (22)



Map 2: France – Departments  
Impact of Miviludes training in 2007

NO (39)

YES (57)



# Ministries

## Justice

### *Division of criminal affairs and pardons*

The Mission in charge of issues relating to sectarian aberrations, within the Division of criminal affairs and pardons of the Ministry of Justice, following the year 2006, was informed of 50 new civil suits, in addition to the cases underway at 31<sup>st</sup> December 2006.

### **Jurisdiction**

It may be useful to mention several civil suits in order to reflect the activity of the penal jurisdiction in the field of the combat against sectarian aberrations.

- **The grail movement**

In addition to the information given in the previous annual report (cf. pages 224 to 227), it is worth mentioning that this case will be presented to the hearing at the Court of appeal of Douai in the first quarter of 2008.

Let us remember that, following the death of Évelyne Maraleix, who had breast cancer, two doctors were sued for non-assistance to a person in danger and manslaughter. The charges were dismissed for the second accusation, but they were however sentenced to a 2 year suspended prison sentence and banned from practicing medicine for non assistance to a person in danger.

To this day, this decision is not final.

- **The Order of the Solar Temple**

In an order dated 20<sup>th</sup> December 2006, the Grenoble Court of Appeal confirmed the acquittal of Michel Tabachnick, sentenced on 25<sup>th</sup> June 2001 by the penal jurisdiction of first instance in Grenoble. This person was sued for association with criminals, subsequent to the judicial enquiry opened in

December 1995, following the discovery of 16 burnt bodies in a forest in Vercors, belonging to people connected with the Order of the Solar Temple.

This decision is not final, as several judicial appeals are currently pending before this jurisdiction.

- **“The Patriarch “ association**

*The story so far*

On 9<sup>th</sup> January 2007, the Criminal court of Toulouse notably condemned Lucien Engelmajer, founder of the association “The Patriarch”, on the grounds of the abuse of ignorance and weakness, illegal labour, abuse of trust, misappropriation of company assets, forgery and use of forged documents and money laundering, to a 5-year prison sentence and a fine of 375 000 euros.

Eleven of the sixteen other accused parties were given sentences ranging from an 18-month suspended sentence to 3 years imprisonment of which one year was a suspended sentence and fines of 7500 - 50 000 euros.

In the early 1970s, Lucien Engelmajer created a community which aimed to take in homeless people, and which, a few years later, specialised in taking care of drug addicts. After a period of non-medicated detoxication, the "patients" were assigned to tasks in the interest of the community (gardening, DIY and cooking), before being directed towards activities which were more financially beneficial for the association (collecting of financial donations or donations in kind, selling newspapers, etc.).

The association accepted all drug addicts immediately and without any prerequisites, and hence seemed to respond effectively to very real requirement, which allowed the association to achieve rapid success and receive subsidies from the French state. In 1995, however, the Parliamentary investigatory commission added the association to the list of sectarian organisations, which led to the cessation of public funding. In addition, the diversification of the treatments available and the appearance of treatments using substitution resulted in the abandonment of its centres. Finally, the tax audit carried out on Lucien Engelmajer in 1996, hastened the fall of Engelmajer's system. It was under these circumstances that Lucien Engelmajer left France in 1998.

*The beginning of the criminal trial:*

In December 1998, several complaints were submitted against the association by former residents, which criticised the total material and psychological dependency in which they had been retained over the years, as well as the unpaid work which they had been obliged to do.

The preliminary enquiry opened on 8<sup>th</sup> September 1999 confirmed their reports.

During the trial, it was also proven that Lucien Engelmajer had created a range of legal persons (associations, civil and commercial societies, foundations) which he managed, in a de facto autocratic manner most of the time.

At the hearing, the tribunal noted that the therapeutic community had evolved into a self-sustaining community environment combining a dictatorship with the abuse of weakness. It was moreover indicated that Lucien Engelmajer had a considerable mental hold not only over residents, easy to manipulate and willing to blindly do his bidding, but also over senior personnel, which exclusively consisted of entirely loyal and submissive former drug addicts.

The court also noted that Lucien Engelmajer had used various means of embezzling the funds of associations and had also massively embezzled non-recognised cash resources, mainly obtained from the sale of newspapers on the streets or from donations.

This decision is not, however, final, and several appeals having been submitted. In addition, the civil suit has ceased as Lucien Engelmajer is dead.

### **Training on sectarian phenomena**

In 2007, a permanent training session organised by the National School of Magistrates, co-directed by the person responsible for the mission on "Sectarian aberrations" and a public prosecutor, satisfied the recommendations of the parliamentary investigatory commission regarding the education and training of magistrates in charge of minors and family issues, on questions relating to the influence of sectarian organisations and on the consequences of their practices on the physical and mental health of minors.

This training session, dedicated to childhood in a sectarian environment, was also open to civil servants working in administrations assigned with the care of minors.

The person in charge of the mission on questions relating to sectarian aberrations spoke on several occasions to the administrations as part of training provided on sectarian phenomena, notably to the judicial police officers of the national Gendarmerie.

### **Access commission for administrative documents (CADA)**

The mission responsible for issues relating to sectarian aberrations has been asked to provide documents featuring on its website and which were mentioned in the previous year's report, as an aid to magistrates faced with cases containing a sectarian element.

This demand was rejected, as the documents requested did not qualify as administrative documents, and were merely media articles.

### **The classification of iboga**

To follow up on the inclusion of iboga on the list of substances classed as stupefacients, by order of the Ministry of Health and Solidarity of 12<sup>th</sup> March 2007, a message was sent by the Ministry of Justice to general prosecutors, aiming to update the information included in the previous MIVILUDES report, which mentioned sectarian risk linked to the use of certain classified and unclassified stupefacients, and called for the classification of iboga (cf. report pages 160 and onwards).

### **The law for the protection of childhood**

The mission for issues relating to sectarian aberrations participated in legislative work concerning the law of 5<sup>th</sup> March 2007 reforming the protection of childhood, of which the newly created 5<sup>th</sup> section is dedicated to the protection of children from sectarian aberrations, following the amendments presented by Msrs Fenech and Vuilque, deputies, president and reporter for the investigatory commission respectively, and the authors of the parliamentary report on "Stolen childhood: children, victims of sects".

Therefore, in application of the new article 433-18-1 of the penal code, the failure to declare a birth defined in article 56 of the civil code, by a

person having witnessed a birth is punishable by a 6-month prison sentence and a fine of 3750 euros.

Article L. 3116-4 of the public health code, in its text extracted from the law of 5<sup>th</sup> March 2007, sanctions the failure to ensure obligatory vaccinations with the same penalties.

Finally, this law reinforces provisions aiming to limit the publicizing of sectarian movements, as defined in chapter 5 of the law of 12<sup>th</sup> June 2001, *“aiming to reinforce the prevention and the repression of sectarian organisations which pose a threat to human rights and fundamental freedoms”*.

## **Foreign and European affairs**

The Department provides a standing diplomatic advisor for MIVILUDES. The advisor for religious affairs (CAR) represents the Department within the Executive operational control committee (CEPO) of MIVILUDES, with the deputy director of security (ASD/SEC).

### ***Organisation of missions abroad for MIVILUDES members.***

MIVILUDES is required, on the basis of its supervisory responsibilities with regard to the development of risk and the prevention of sectarian aberrations, to consider the international dimension of these issues, due to the “cross-border” nature of sectarian organisations. It is also responsible for informing the partners of France, in liaison with the Department, of its activities in terms of vigilance and the combat against sectarian aberrations and to explain French legislation on this matter as well as the context of its mission.

In this context, MIVILUDES carried out the following missions in 2007:

#### *Colloquium in L'viv (Ukraine) – 16<sup>th</sup> and 17<sup>th</sup> March 2007*

The secretary general of MIVILUDES participated in a colloquium on “legal, psychological, medical and ethical aspects of the abuse of weakness and the manipulation of the most vulnerable people by destructive organisations”, which was held in L'viv (Ukraine) on 16<sup>th</sup> and 17<sup>th</sup> March 2007.

She spoke on the theme of “*France and sectarian aberrations*”. The audience, who showed a lot of interest, asked a number of questions.

*Annual FECRIS conference in Hamburg (Germany) – 28<sup>th</sup> April 2007*

The annual conference of the European Federation of Centres of Research and Information on Sectarianism (FECRIS), which has consultative / participating NGO status within the Council of Europe, took place this year in Hamburg on 28<sup>th</sup> April 2007. MIVILUDES was represented at this conference and its delegates were able to make worthwhile renewed contacts and appreciate the contributions made on this topic.

*Comparative approaches to public policies in the combat against sectarian aberrations.*

MIVILUDES was invited by the service of cooperation and cultural action of the general consulate of France in Quebec, and was represented by its Secretary general, who travelled to Canada from 22<sup>nd</sup> to 24<sup>th</sup> May 2007.

This mission allowed for comparative approaches to public policies on the combat against sectarian aberrations. Contacts have been established in the spirit of sharing and mutual understanding.

*Conference of the Organization of Security and Cooperation in Europe from 24<sup>th</sup> September to 10<sup>th</sup> October 2007*

A MIVILUDES delegation, led by its Chairman, and the Secretary general, travelled to Poland for “the annual human dimension implementation meeting” organised by the ODIHR (Office for democratic institutions and human rights, OSCE institution), which was held in Warsaw from 24<sup>th</sup> September to 5<sup>th</sup> October 2007. This meeting of experts (international civil servants and qualified actors) was open to NGOs, which participated in large numbers. The FECRIS (*European Federation of Centres of Research and Information on Sectarianism*) participated for the first time.

MIVILUDES members attentively listened to the speeches made in the working sessions on questions of intolerance and discrimination, and on freedom of thought, conscience, religion and belief.

In response to attacks by certain NGOs concerning the policy of vigilance and the combat against sectarian aberrations (criticism of subsidies

accorded to associations, MIVILUDES initiatives, etc.), the French delegation responded firmly to justify the wilful attitude of France, notably regarding the protection of victims, through its ambassador, permanent representative of France on the OSCE. He also criticised those who reverse roles by positioning themselves as victims of religious discrimination, and confirmed the conviction of the authorities regarding the need for the initiatives carried out by MIVILUDES under the “*democratic control*” of the parliament.

### ***Research into the legal and regulatory provisions of certain countries regarding organisations whose activities can induce sectarian aberrations***

At the request of MIVILUDES, our embassies in Bratislava, Bucharest, Budapest, Ljubljana, Minsk, Moscow, Riga, Seoul, Sofia, Tallinn, Tirana, Vilnius and Kiev were requested, in May-June 2007, to provide information on legislation in their country of residence, and on the activities, and the human and financial resources of the Jehovah’s Witnesses, Scientology and the Moon organisation, and on any legal provisions applicable to these organisations. The results of these studies were transmitted to MIVILUDES, who used the data provided to compile this report.

### ***Explanation and defence of French policy to international bodies***

The Department states, within the bodies concerned, that the initiatives of MIVILUDES fully respect the international conventions ratified by France in this field, in particular the United Nations International Treaty on Civil and Political Rights of 1966 and the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950. It emphasises the fact that the policies applied in France are not aimed at limiting the freedom of religion and conscience, but preventing the risk of sectarian aberrations and informing the public on this subject. To support this statement, the Department insists on three points with partners:

- the specific organisations are not, in themselves, under surveillance, but rather the mission monitors behaviour which breaches laws and regulations or disturbs law and order;
- actions which are punishable by law are prosecuted via common law courts;

- MIVILUDES exists because the victims of sectarian aberrations expect to be supported and helped by public authorities.

### ***Consultations for the appointment of experts.***

The Chairman of MIVILUDES and the Advisor for religious affairs jointly re-appoint the French experts on the “group on the freedom of religion and beliefs” of the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE.

### ***Use of the diplomatic pouch for the communication of MIVILUDES documents.***

The Department is responsible for the communication, by the use of the pouch, of documentation published by MIVILUDES, to the various diplomatic posts and consulates. In particular, this is how the 2006 report was transmitted in February 2007.

## **Domestic, overseas and territorial development**

The Central Division of General Information (DCRG) once again highlighted, as in 2006, the development of alternative therapies, and the increased number of therapists and healers which have been noted in the field of personal development due to the aberrations which their methods create, or their personal attitudes towards their “patients”.

Indeed, out of the 80 reports received in 2007, more than twenty concerned alternative therapies.

The practices of certain specialists or groups working in the medical or paramedical field often lead to sectarian behaviour. Some of the former are becoming particularly noticeable via permanently evolving networks, in parallel to healing deviances.

In addition, a pseudo-political party is a demonstration of the connections that these organisations have with each other, via public figures who feed controversy for a number of years and who know the flaws of the system in force (particularly in the medical and paramedical sectors), or who know how to adapt as soon as someone points the finger or threatens them.

Several of the traditional organisations are losing momentum, but are

nevertheless subject to constant surveillance as some represent a threat, due to their permanent proselytising.

### ***Reporting on new age movements and alternative therapies.***

New age movements, which are vaguely defined <sup>82</sup>, almost never occupy a prominent position in terms of sectarian aberrations.

The extreme diversity within the neo-spiritualism trend is due to the fact that this sector consists of a real assortment of associations, societies and public figures, and is constantly borrowing new ideas and concepts from primitive, oriental or esoteric philosophies and religions, sciences, art, ecology...

Since 1985, when the first self proclaimed new age association was founded in Paris, its followers have been present in all areas of social life, notably in education, politics, vocational training and above all, in the health care sector.

Before we focus on the very specific problem of health care, let us remember that new age movements are present in all areas of society.

With regard education, new age followers object to the separation of knowledge into different categories, and attempt to distribute methods for "learning to learn". In addition to the concept of indigo children and the appeal that their theories have, notably amongst the parents of children with special needs, the tendency is for home schooling and alternative schools, still using methods which, as in the medical and paramedical sectors, have not been proven and which may lead to a form of lack of schooling and fraud.

The economic sector also plays an important role. A whole parallel economy (exchanges, co-operative institutions) was born, based on the "real needs of mankind", out a mindset where ecological and anti-consumerist militancy dominates.

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<sup>82</sup> In order not to allow the term new age to take on a folkloric or appealing ring, the organisations claim that they can be defined by a less vague expression such as "Organisation for the development of human potential".

Their companies sell products distributed by healers and other psychotherapists, books or teaching methods or “spiritual” items, blended in with militants of various causes (ecology, protection of animals, etc.) right up to the most enlightened “conspirationalists”.

In addition, in the midst of ideas conveyed about spiritual or religious life, or the idea of returning to basics, the priority given to belief over knowledge and the primacy of the mystical over the rational leads to the creation of small groups where cases of mental destabilisation are frequent.

With regard health care, the holistic approach is advocated and leads to a growing number of vulnerable people turning to alternative therapies which have not yet been proven on a scientific level. This very lucrative market (more than 200 “methods” have currently been identified), can lead to the abandonment of traditional therapies and to the death of certain patients.

Groups benefitting from this sector have formed effective networks. Their leaders know how to rapidly find flaws in the current system or to adapt as soon as someone points the finger or threatens them.

Indeed, this field includes a considerable number of former followers of movements, which are more or less in decline. They master the tricks which allow them to reach out to people made vulnerable by disease or other issues such as “exceptionally gifted” or hyperactive children, or the search for spirituality.

They benefit from growing dispersion – and at the same time a certain amount of trivialisation – of their methods, thanks to the continual growth of the personal development and wellbeing market. We should also account for the stories in the media, which are sometimes complacent and unwilling to take a scientific, or even critical, view of the methods, products and services offered.

Infiltration of medical and paramedical professions and lobbying against conventional medicine have also been the target of new criticism. This was the case for the anti-vaccination movement, a real opposition front, or for the new Germanic medicine of Dr. Hamer and his successors.

The main difficulty in the fight against new age individuals or groups – apart from the scientific assessment of the practices which they use – comes from the fact that it is difficult to prove not only the harmfulness of

their practices, but also their possible knowledge of their complete ineffectiveness or potential dangers.

Some information sheds light on the dangers of certain practices carried out over the course of time. Without going as far as the death of certain patients or the worsening of their condition, as was the case in certain cases, the following factors allow us to define the risks: the rejection of allopathic treatment, rupture with the family environment, the high cost of certain sessions, the absence of medical or paramedical training or diplomas for the therapists, and the behaviour of therapists.

Informing the public remains the best means of prevention against alternative medicines.

***“False induced memories” one form of aberration.***

During the last 3 months, two families from the High Savoy region in France have attracted the attention of our department on the deviant therapies of practitioners, one of whom is working in Paris, the other in High Savoy. These two therapists, one a GP, supposedly practice various techniques of recovering memories. They suggest to their patients (generally female) that they have repressed a serious event which happened during their childhood (generally sexual abuse), which is the cause of their illness.

These methods are criticised as being aberrations based on mental manipulation. The syndrome of false induced memories can be diagnosed when the memory is not preceded by any memory of the same type during the previous 20-30 years and when it suddenly appears during or after therapy based on a search for childhood memories, which begins to alter the judgement and personality of the young adult patient.

In real terms, a young woman aged 30 or so following a course of psychotherapy suddenly accuses her father of sexual abuse which occurred in her very early childhood. The therapist helps the patient to “construct” the memories which are apparently the cause of her current disorder. Since only the revelation of the acts can lead to healing, the parents find themselves accused of sexual abuse.

We can only imagine the devastating effect of such a revelation on the families who don't understand what is happening to them. Despite having “discovered” the origin of their disorder, these young adults are still not

cured. Some then sink into depression and then become the "prey" of their therapist.

As well as the joy that these "therapists" derive from the manipulation of the patient, the financial benefit that a dependent client represents is not negligible.

This deviant therapeutic practice appeared in the US in the 1980s and has been the cause of numerous lawsuits and family dramas. It has been criticised by the FMS Foundation (False Memory Syndrome) since the early 1990s, and the US justice courts have now become more careful in cases of grown-up children claiming to have recovered memories of sexual abuse.

In France, in 2005, the AFSI association was created by parents who were unjustly accused of sexual mistreatment and abuse by their grown-up children, who suddenly recovered their memory of the event following a course of therapy. During the first testimony, a therapist working in Paris was under investigation.

In March 2007, the daughter of the founders of the organisation announced to her family that she had discovered the cause of her various illnesses (urinary infections, moral fatigue), i.e. a sexual trauma that she had apparently suffered at the hands of her father when she was 5 years old. Although she was, up until then, very close to her parents, and especially to her father, she now refuses all contact. After the initial shock, her father, a former GP in this case, tried to get in touch with the therapist.

The highly abstruse jargon of the latter clashed with the father's desire to understand and his legitimate questions. Supported by the whole family and by the various associations assisting victims of sectarian aberrations, he filed a complaint to the state prosecutor last July.

A second testimony accuses a homeopathic GP with a practice in High Savoy. For several years, he had treated a young woman who, after having little by little distanced herself from her whole family, announced that she had been the victim of sexual contact by her father during her childhood (around age 8) in 2004.

The victim was 26 years old at the time of the revelation. Her family then attempted to understand what had happened to the patient and even

hired a private detective for a short period. To this day, their enquiries to the Ordre des médecins have, it seems, been in vain. The victim has cut all contact with her family and has filed a complaint against her father.

More generally, this process is criticised by the medical sector and by organisations of victims which complain of the catastrophic results caused by incompetent, self-taught practitioners and sectarian aberrations. In recent years, in France, several therapists, as well as certain associations from the New Age movement have in fact used this type of therapy.

### ***New age movements and stupefacients.***

The following are examples of hallucinogenic plants used by the New Age movement:

- Iboga is cultivated in the forests of central Africa and particularly in Gabon, where it is classified as national heritage. Its root is traditionally used by the Bwiti religion in an initiatic rite inherited from the pygmies which marks the passage to adulthood. After the death of two consumers in 2005 and 2006, iboga and its components were classified as stupefacients by an order of the Ministry of Health, published in the *Journal Officiel* on 25<sup>th</sup> March 2007, “*due to their hallucinogenic properties and their high level of toxicity*”.

- Ayahuasca, an Amazonian climbing plant, has been used during shamanic courses and is currently very successful within New Age communities which are eager for “a modified state of consciousness”. Ayahuasca was classified as a stupefacient by the Ministry of Health on 20<sup>th</sup> April 2005 on the grounds that its effects are as powerful as they are dangerous.

- There are currently strong reservations about the use of a beverage called “Yagé”, a substance with hallucinogenic properties. Consumption of this drink allegedly allows users to enter a trance-like state during new age courses.

This product is not currently classified as a stupefacient in France, not because it is not dangerous, but simply because there is very little known about it at this point. It is however a derivative of Ayahuasca.

### ***An overview of Satanism.***

“Uncontrolled” Satanism and the absence of an established and

organised group is still reported throughout France for the time being. Satanism essentially appears in the form of criminal activities committed by extreme right individuals, or people who identify with the Satanic ideology.

Only two organisations have been created in recent years:

- The association 666, the number of the Beast, whose goal is "*the study of the conflict between paganism and Christianity from the dawn of time to today*". To date, no proselytising activities targeting "vulnerable" publics has been detected.
- A shop opened end-2005, specialising in the sale of so-called esoterical products. This shop displays a picture in its window which is similar to the pentacle, the symbol of black magic or Satanism.

During June 2006, a investigation by the Aire-sur-la-Lys (Pas-de-Calais) gendarmerie revealed the existence of purification sessions and various rituals, notably involving the slitting of the throats of goats or roosters, with participants belonging to the Holy Grail.

Animal carcasses were found in April 2007 in the Neufossé canal in Racquingham (Pas-de-Calais). However, on 23<sup>rd</sup> October 2007, the discovery of 5 decapitated goats in the Smetz canal in Arques (a canal which crosses the commune of Racquingham) implies that these purification sessions are ongoing.

The Satanic movement constantly finds new sources of diversity via the internet, through a multitude of web sites with varying degrees of content and seriousness, dedicated to Satan, to Lucifer, to gothic culture and to Satanic precepts. Forums – particularly those dedicated to black metal music – offer space for discussion which can be dangerous for the more impressionable or misguided adolescents.

## Appendix

The classification of alternative therapies by the National Center for Complementary and Alternative Medicine.

The designation of soft, natural and traditional medicines, and also of “alternative” or “complimentary” medicines – according to the English acronym CAM – Complementary and Alternative Medicine – when combined with conventional medicine, cover many types of practices.

This report takes note of the classification established by the National Center for Complementary and Alternative Medicine (NCCAM)<sup>83</sup>, an agency of the US National Institutes of Health, for complementary and alternative medicines, which are defined by default as “*a group of various medical, health and product systems which are not currently considered as part of conventional medicine*”.

The NCCAM currently describes 5 main types:

- Western and eastern medical systems such as homeopathy or naturopathy, traditional Chinese medicine and Indian ayurvedical medicine;
- Mind-body medicines such as meditation, prayer, mental healing or techniques using artistic mediation;
- biology-based practices such as diet supplements or specific plants;
- manipulative or body-based practices including chiropractice, osteopathy and massages;
- energy medicines, including qi gong, reiki and other kinds of therapeutic contact (laying of hands) and electro-magnetic field therapies.

Since 2002, the World Health Organisation (WHO) has implemented a strategy to “*promote safe, effective and affordable traditional medicine*”. The English people from the Research Council for

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83 This information comes from the website (<http://www.john-libbey-eurotext.fr/fr/revues/e-docs/00/04/35/CA/article.md>) which is linked to the website *Prévensectes*, dedicated to the combat against sectarian aberrations (<http://www.prevensectes.com/home.htm>).

Complementary Medicine (RCCM) had initiated this process in 1983.

Then, in 1991, the US authorities from the National Institutes of Health (NIH) made one of their agencies, the NCCAM, responsible for research into and the careful assessment of these practices. The US Agency for Healthcare Research and Quality (AHRQ) has recently completed this assessment. Its report is backed up with a particularly thorough and independent review of the 813 studies carried out. The practice of meditation, yoga, tai chi and qi gong was studied under every angle. For the most part, the studies concerned high blood pressure, cardiovascular diseases and addictions. The authors described the method applied in the analyses in detail.

They applied a strategy to study the internal validity of publications and avoid the different forms of bias, particularly for publications (duplications of publications and private correspondence).

In no uncertain terms, the conclusions of the AHRQ question the relevance and quality of the publications on this type of intervention. These practices have a range of uncertain aspects. Therefore, scientific research does not seem to have any common and consistent theoretical perspective.

Studies are characterised by unsatisfactory methodological. The physiological and neuropsychological effects of meditation have been evaluated in many studies, but the conclusions are merely rough hypotheses.

As for clinical effects, conclusive scientific facts are inexistent. There is no demonstration of the effects. In both cancer patients and in other patients, these techniques do not achieve their goal of reducing stress, anxiety, depression or blood pressure.

Future research, if justified, must be more disciplined, in terms of definition, execution and the analysis of results.

What are the risks of these practices? As they are little studied, they are not very well understood. This was not part of the objectives of the AHRQ's report. However, cases of the exacerbation of depression, the emergence of depersonalisation, suicide attempts or schizophrenic fits have been described for all of these practices. To

our knowledge, there is no research strategy on the benefit/risk ratio for these practices. For health care professionals, decision-makers and patients, the absence of data on vigilance implies a non-compatibility with the principle of *primum non nocere*.

In France, the Interministerial Mission of Vigilance and Combat against Sectarian Aberrations (MIVILUDES) regularly issues advice on alternative medicines, picking up on the concern felt by patients and society.

In conclusion, there is, at the current time, no real argument for advising these meditative practices for healing: the benefits have not been demonstrated and the risks have not been studied.

## **Defence**

This paragraph represents the contribution of the Ministry of Defence (national gendarmerie) to the annual report of the Interministerial Mission of Vigilance and Combat Against Sectarian Aberrations (MIVILUDES) addressed to the Prime Minister.

The first part of the text includes the proposals put forward by the Managing director of the national gendarmerie at a meeting organised at the Home Office in August 2007, following the kidnapping of “little Alexander”, involving the sectarian organisation “Coeur douloureux et immaculé de Marie” on Reunion island.

These proposals were inspired by the suggestions made on 4<sup>th</sup> October 2006 to the parliamentary commission on the influence of sectarian organisations and the consequences of their practices on the physical and moral health of minors, whose report was made public on 12<sup>th</sup> December 2006.

Three significant points were identified in 2007: surveillance of sectarian activities on the internet, training and the circulation of information.

The second part corresponds to the monitoring of judicial enquiries underway, led by the operational units of the national gendarmerie. The most significant enquiries are explained in more detail.

## **Proposals to improve the monitoring of sectarian aberrations**

### ***The surveillance of sectarian activities on the internet***

The mission is primarily led by the Division against cyber crime of the Service technique de recherche judiciaire et de documentation (STRJD - Technical service for legal research and documentation) located in Rosny-sous-Bois for the national gendarmerie (military police). Specialists in new technologies (N -tech), assigned to research units, also participate in this surveillance mission, mainly as and when required depending on ongoing enquiries.

In addition, the surveillance of the internet, which should obviously be continued, has revealed that only a small number of sectarian web sites exist which breach the legislation in force and that proselytising in this field is insignificant.

#### **Training**

At the current time, the sub-officers of the information cells of the groups and regions of the national gendarmerie are trained at the school in Mans. During training, they follow a 2-hour lecture on sectarian aberrations.

As the information units are currently the only sector to benefit from such training, it could reasonably be broadened to include higher ranking judicial police officers during training sessions given at the National training centre for judicial police in Fontainebleau (sessions for search unit leaders, chief investigators, investigators and advanced courses for judicial police officers).

Finally, a module on sectarian phenomena could be created in the context of initial military police training.

In addition, MIVILUDES has expressed its desire to create an inter-ministerial committee of coaches targeting departmental referral officers (police, gendarmerie, justice, national education, public health). Whilst underscoring how this committee would benefit from including a maximum number of actors, the gendarmerie is ready to participate in this campaign by involving the personnel of the information units of the regions and groups.

### **Improving the circulation of information**

Concerning the supervision of followers recruited by sectarian organisations, the forces of order often face a lack of information on closed circuits, where they cannot legally intervene, although this information is collected by other actors involved (medical, teaching, social, etc. sectors). Extended collaboration with other administrations would therefore be preferable and is awaited.

It should be pointed out that referral agents and the units created at interministerial level, for departments (geographical) and regions, are such that they facilitate the circulation of information on existing communities. However, the systematic exchange of information faces judicial barriers (professional confidentiality, gathering of information via automatic data processing), which need to be lifted by legislators to enable this system to become truly effective in terms of the combat against sectarian aberrations.

### **Current status of ongoing enquiries**

#### ***General considerations***

The gendarmerie units contacted can act either on their own initiative or, as a result of a notification to proceed from the state prosecutor following a complaint, a denunciation or a testimony. The latter case is more frequent.

When a judicial investigation is opened for more serious cases, the investigations generally lead to examinations and legal constraints or detention pending trial.

Investigations carried out in enquiries with a direct link to sectarian aberrations concern the following infractions:

- abuse of weakness;
- endangering others (adults or children);
- questioning standard education;
- lack of schooling for minors;
- fraud;
- suspicion of illegal work;
- kidnapping of children;

- rape and serious sexual assault;
- attack and injury – violence towards others (adults and minors).

In addition, investigations into funds can be led to verify the origin and use of the financial resources managed by sectarian organisations.

### ***The most representative studies or phenomena from 2007***

- “Petit Lys d’amour” and the “Coeur douloureux et immaculé de Marie” sect in Reunion Island – the kidnapping of young “Alexander” freed on 5<sup>th</sup> August 2007: arrest of J.V., nine of his lieutenants and a dozen of his followers.

Young Alexander was kidnapped on Friday evening from under the nose of his mother, by 4 followers of the “Coeur douloureux et immaculé de Marie” sect created in 2001 by J.V., nicknamed “Petit Lys D’amour”. The latter claimed to witness apparitions of the Virgin Mary at his house each month. According to the mother of the child and witness accounts, the sect considered young Alexander to be the "Chosen One", the future Messiah, who would succeed J.V. The latter was already a wanted criminal at this time. He was sentenced, by default, to 15 years in prison in October 2006 for the rape of a minor (in 2003).

It should be noted that the first kidnapping and the sectarian phenomenon were handled by the gendarmerie. After the child was returned, he was kidnapped a second time (this time in the jurisdiction of the national police) in the following days; the case was handled by the police. An investigation was opened for kidnapping and confinement of less than 8 days – concealment of criminals – (JI according to the high court of Saint-Denis – the research section of Saint-Denis is in charge).

- Rape and sexual aggression committed within the "Tang" sect.

At the beginning of the 1980s, RLD or "Din Tang" was at the head of a community with a core membership of about 20 people, originally located in the region of Lot-et-Garonne (47). In 1988, he created the ADLEIF (Association for the Defence of freedom of expression in French Institutions). This association, singled out in the parliamentary report (1995) was dissolved in 1996. In 1989, he created another association: “Travail, Amour du Christ” (TAC). He also offered martial arts courses via a third association: “Chen Hsin”.

Early September 2007, the guru of the “Tang” sect was questioned by the Ariège police. A judicial investigation was opened, and the judge in charge of the Court of first instance of Foix (09) issued a rogatory commission for the continuation of investigations.

JL left Lot-et-Garonne (47) for Ariège (09) in 2006, and regularly organises meetings where he presents himself as a divine messenger, an extraterrestrial, and during which he delivers apocalyptic messages.

The investigations underway aim to establish the truth concerning the serious accusations made by former followers.

- The apostical community of Tabitha’s Place.

This sectarian organisation believes in a fundamentalist interpretation of the Bible. The group intrigues the authorities and is regularly the subject of mediatic attention. Also known by the name of “Les Douze Tribus”, the members of this community make bread and cakes that they sell at markets. They live off construction work and carpentry and maintain a vegetable patch. They also make furniture and bedding that they sell at fairs and in their shop in Oloron (64).

According to testimonies, children are punished from a very young age to “discipline” them. *Not doing so would prepare them to be criminals and sinners as adults*”. Different levels of physical punishment are regulated and promoted by the followers on their web site. Children work hard and games are forbidden.

Several members have been convicted. In 2001, a couple was convicted for the death of their young child due to lack of medical treatment and advanced malnutrition. In 2002, several other followers were convicted for refusal to perform their legal parental duties. An enquiry has been opened into the abuse of weakness, abuse of trust, regular violence towards minors and refusal to enrol children in schools (“so they are not contaminated”). At the end of 2006, four MPs of the Investigatory commission visited the site and discovered 18 children and adolescents who were totally cut off from the world. The community has opened a new site in Indre (36), in Chatillon, where there are only a few followers at the current time.

### ***Phenomena which could be linked to sectarian aberrations***

Profanations are subject to systematic monitoring, whether they are

violations of graves, or degradations of cemeteries or religious buildings. Many profanations are caused by minors influenced by the coverage of this type of case in the media. These actions are carried out by young people, generally as a form of imitation or an act of rebellion and they give no ideological explanation for their actions. The absence of moral guidance is nevertheless evident. The same absence of ideological motivation also characterises the profanations committed by individuals who commit violent acts on graves under the influence of alcohol or stupeficients.

In addition, several degradations are committed by youths belonging to the "gothic" movement. These actions are committed by minors influenced by the "black metal" movement spread via the internet, video games and music or TV series ("Buffy the Vampire Slayer"). They commit these sacrileges in the name of "Satan". This type of profanation is characterised by a mix of anti-religious acts (generally anti-Catholic), based on the destruction of crosses, pillars or gravestones and Satanic inscriptions (666, Devil, etc.), along with anarchist and/or neo-Nazi graffiti.

172 cases were recorded in 2006 compared with 208 in 2005 (-36) and 130 in 2004 (+42) in the jurisdiction of the gendarmerie. Most of the religious sites targeted were Catholic. In 2006, the departments of Loire-Atlantique (17 cases), Moselle (11) and Isère (9) registered the most cases. 143 cases of degradations to cemeteries, with no racist connotation, were recorded, of which 33% have been solved.

In the first six months of 2007, 103 cases of profanations with no racist connotation were recorded (these figures are identical to those for the first six months of 2006). 56 people were questioned and 30 cases were solved.

In June 2007, the "True Armorik Black Metal" group strongly opposed Christianity by targeting religious buildings in the Finistère region. The three members of this small group, from South Finistère, were arrested as they were preparing to launch further highly symbolic attacks. They admitted to the degradation of ten religious building since 5<sup>th</sup> March last year. They claim to have acted in "*opposition to the almightiness of Christianity*" since "*this religion has taken root in Armorica without any respect for our Celtic roots*". They find it intolerable that pagan and Celtic sites such as Carnac, etc. do not benefit from the same level of attention as that given to religious

heritage.

45 officers were mobilised following the fire at the Chapel of Loqueffret (29), on 17<sup>th</sup> June 2007. According to the Commander in Chief of Finistère, who stood side by side with the state prosecutor during the press conference, this case was solved quickly thanks to witness reports, the participation of the specialist expert and the swiftness of the analysis performed by the IRCQN (the Scientific Laboratory of the National Gendarmerie). The three people who have been charged risk a trial by jury in a criminal court, a sentence of 20 years imprisonment and a fine of 150 000 euros.

The combat against sectarian aberrations requires multi-faceted judicial investigations, led by the Gendarmerie. The training of the staff of the National Gendarmerie must still be improved to reinforce the combat against these phenomena. In fact, detecting infractions originating from sectarian organisations is no easy task. What's more, we must act in a very professional manner when handling cases. Hearing the "confessions" of (ex-) followers requires very careful listening.

In the ongoing judicial enquiries, it has been observed that the judicial notion of fraudulent abuse of ignorance or weakness, which is characteristic of mind control, represents a key element of the combat against sectarian aberrations.

In addition, new points of interest are appearing exponentially. They are likely to be used by sectarian organisations: "deception through health care" and the "abuse of coaching".

The national Gendarmerie pays particular attention to these phenomena which are likely to affect new sectors of the population, which have, up until now, had little exposure to "traditional" sectarian aberrations.

## **Economy, Finance and Employment**

### ***General directorate of customs and indirect duties***

The directorate considers that information on its activities cannot be published in the MIVILUDES report due to the public nature of the report.

## ***General delegation of employment and vocational training.***

### **Prevention of sectarian aberrations**

In recent years, a rise in power of certain dangerous groups, often assembled in networks, who propose an over-abundance of therapeutic, healthcare and/or personal development (well-being) services, has been noticed. The services are long-term programs and can lead to serious risks of sectarian aberrations for beneficiaries due to their content and the way they are applied. Content is characterised by syncretism and by the lack or inadequacy of recognised scientific validation. They privilege emotions (seduction) and leave little space for criticism. Finally, these services can also cause disturbance in companies and organisations.

This situation is particularly worrying in the fields of health and of human resources. In the field of health, these offers make the beneficiaries, who do not have the required diplomas, susceptible to the illegal practice of regulated health professions. The danger increases when they are presented as an alternative to scientific medicine, and exclude the use of conventional methods of healthcare. In the field of human resources, these offers only include professional role-play as a secondary element and are not part of continuous professional training courses. They continue to blur the line between training and therapy and do not use theoretical or practical contributions which could assist in a better understanding of a professional or social situation. They trivialise their presence in business services via training and personal development (*coaching, testing, profile management, improved performances, communication, change management, etc.*).

In addition, these groups and networks encourage participants to multiply the number of sessions in order to reach the highest “ranks”. Certain “certifications, qualifications and diplomas” are unrealistic and are generally not recognised by administrative or professional bodies as per article L. 900-3 of the Labour code, and can be accompanied by misleading or false advertisements.

### **Reminder of the rules relating to advertising in the field of continuous professional training**

The provisions of article L. 920-6 of the Labour code specify that:

*“When the advert created by a training organisation mentions the declaration*

*provided for in article L. 920-4, it must be in the following format: "Registered as number ... **This registration does not imply government approval.** Advertising must not state the attributable nature of the expenses relating to the activities that it promotes to the obligation to participate in the financing of professional training as defined in article L. 950-1. Advertising must not contain any expression which may be misleading with regard access to the training courses, their content, sanctions or the means of financing ".*

Any infraction to these dispositions can be criminally sanctioned in application of article L. 993-2 of the Labour code.

These well-organised groups or networks encourage the apparition of new proselytising who integrate structured and binding systems (intellectual property, pyramid or multi-level schemes, etc.). The relations established between the creators, the original distributors and their successors are very asymmetrical. This gets more dangerous when these people are the target of recurrent and long-term financial demands or constraints, or when they are enticed into broadcasting the theoretical or practical concepts in companies and organisations (e.g. hospitals). In the face of these realities, economical and social intelligence can join forces in the prevention of sectarian risk. The public should also be more widely informed on these specific risks.

The services in charge of controlling professional training monitor, in compliance with legal and regulatory provisions, that these organisations do not attract a certain form of public recognition and that they cannot benefit from financial support assigned for the continuous training of workers, job seekers and company directors. This supervision is made all the more difficult when these offers are aimed at natural people who undergo training on a personal basis, at their own cost.

## **Examples**

The various cases reported by controlling services in 2007 in the context of vigilance and the combat against sectarian aberrations have the following main characteristics:

- lack of specifications regarding the professional situation of the beneficiary or beneficiaries of the contract, or of the convention proposed for the application;

- the impossibility to precisely determine what professional objective or goal the planned action hopes to achieve, depending on the qualifications and needs of the trainees;
- a lack of details on the qualifications and positions of actors and the relating structures;
- the absence of any prerequisite for the planned training;
- non-compliance with the clauses (payments intervals, period of retraction, etc.) mentioned in article L. 920-13 of the Labour code, which governs the training contracts concluded by individuals with training providers.

In a more general manner, the planned actions do not respect the legal dispositions mentioned in article L. 920-1 of the Labour code and do not aim to develop competencies or ensure access to a recognised professional qualification. Rather, they apply a therapeutic and holistic approach to participants and do not directly enter into the field of professional training as defined in article L. 900-2 of the Labour code.

Amongst the disputed activities, some, whether requested, proposed or followed, aim to promote concepts, therapies, practices, techniques or methods (often linked) relative to *Biological decoding [of illness]*, *total biology [of living organisms]*, *channelling*, *fasciatherapy*, *kinesiology*, *cellular healing*, *the silva method [mental control]*, *rebirth*, *family constellations*, *company constellations*, *reiki*, *PNL (Neurolinguistic Programming)*, *the EMF balancing technique and kundalini yoga*.

The most frequently reported criteria of danger are related:

- to risks of psychic dependency (mental destabilisation);
- to economical and judicial constraints (pyramid scheme, proselytising);
- to encouragements to break with the family and social environment;
- to promises of a new vision of the world, healing (beyond the reach of medicine) or personal fulfilment;
- to the over-abundance of financial demands and personal investment;
- to the misuse of the image of companies or public institutions (e.g. universities).

The follow-up taken for the cases in question have sometimes led to

the withdrawal of the applicant, or, in application of article L. 920-4 of the Labour code, either to the refusal of the official registration of the activity, presented as a continuous professional training body, or to the cancellation of this registration by the state authority in charge of professional training.

### **Awareness and training campaigns in 2007**

The general delegation of employment and vocational training has continued its efforts to ensure the awareness of and train the main prescriptors and financial backers of public and private training on the dangers of sectarian aberrations. Notably, several awareness campaigns have been organised in collaboration with the ANFH (National Association of Hospital Training) and the competent divisions of the Ministry of Health. These campaigns also targeted managers, hospital personnel and training leaders. Similar campaigns were organised for human resource managers in companies and managers working for public authorities.

### **Guidelines for 2008**

The general delegation for employment and vocational training intends to ensure the awareness of and train ASSEDIC, ANPE and AGEFIPH personnel, who take care of a vulnerable sector of the public, in a targeted program. It would also be appropriate to enhance this awareness campaign with public authorities (regional and departmental councils) taking into account their legally recognised competencies.

### **National education**

The cell for the prevention of sectarian phenomenon continued to play its role as co-ordinator and source of warnings during 2007.

The CPPS (Unit tasked with the prevention of sectarian phenomena in education) has in fact been informed:

- of an application for the renewal of home education authorisation for children whose parents belong to the "Tabitha's Place" sect;
- of the opening of a private non-contract reception-level school in Brest "Notre-Dame de Rumengol";
- of the preference of the association "Les enfants d'abord" (Children first) for

new means of control on home education to be rapidly implemented.

The academic inspector of the Gard alerted us to a disfunctionment and the presumption of sectarian aberrations in three non-contract schools. In accordance with the law of 18<sup>th</sup> December 1998, educational controls were performed and no sectarian aberration was found.

The CCPS also pays attentive to the situation of private non-contract schools, particularly when the conditions of their creation or of their functioning give reason to fear a sectarian risk.

The managers of the CPPS organised their traditional annual seminar on training and information aimed at their academic correspondents to draw their attention to new types of sectarian activities and to the judicial environment in which inspections must be performed. The director of judicial affairs for the Ministry spoke at this seminar.

This year five academic correspondents were able to register to participate, on behalf of the continuous training sector, at a seminar organised by the National school of Magistrates on "Children and sects".

Every September, the departments send figures for home schooling to the unit.

CPPS managers attempt to participate at the various seminars organised by the academies if they are available.

An overview of the follow-up by the administration of national education to the propositions issued by the parliamentary investigatory commission relating to the influence of sectarian movements was transmitted to MIVILUDES.

Finally, the new Ministry of Higher Education and Research has tasked the CPPS manager for the IGAENR (General Inspectorate of the administration for National Education and Research) to represent them in relations with MIVILUDES.

## Health, Youth and Sport

### **General directorate of Health – Division of hospitalisation and the organisation of healthcare – General directorate of social affairs.**

Since the year 2000, social ministries have had to take account of the multiplication of sectarian aberrations in their respective various fields, which generally target people who are already fragile, in difficulty, marginalised by society and who could be in need of protection.

In view of the wide ranging nature of the problems faced, these Ministries have created a common system for the prevention and treatment of these aberrations. DGAS circular n° 2000/501 of 3<sup>rd</sup> October 2000, which was repeated and completed by circular n° DGAS/2A/2006/241 of 1<sup>st</sup> June 2006, determine the judicial framework and the operating mode for this system. The General directorate of social action coordinates activities.

For the most part, the activities undertaken in 2007 focus on sectarian aberrations in the field of healthcare and aberrations relating to non-conventional practices of a therapeutic nature (PNC AVT). In the next few months, these activities will be subject to specific extensions in the medical & social field and in the field of the training of professionals in these sectors. Work is already underway concerning certain methods applied in the field of mental disability. Activities relating to aberrations involving PNC AVTs will be conducted in the field of professional training.

### **Overview**

#### **Sectarian organisations are still present**

Sectarian organisations are still present in the fields of activity of social Ministries. Beyond their own practices and their search for new followers, sectarian organisations strengthened their offensives against the State in 2007. For the most part, these offensives followed on from the report of the Parliamentary investigatory commission (December 2006) published by Documentation Française, under the title: *Stolen childhood: minors, victims of sects*.

The services in question have particularly faced requests for the transmission of administrative documents, mainly from Jehovah's Witnesses,

but also from relay associations of the Church of Scientology. These demands mainly focused on the subsidies accorded by social Ministries to associations working to assist victims of sectarian organisations.

The Church of Scientology is particularly present in the field of psychiatry via two of its organisations (the Citizen's Commission on Human Rights [CCDH] and the Collective of doctors and citizens against the degrading treatments of psychiatry), which claim to be organisations which defend human rights. They regularly denounce (via protests, petitions, leaflets) the use of electric shocks, the prescription of Ritaline to children and the growing use of "confinement under restraint" and request to receive administrative data.

To give an example, the national campaign against depression led by the INPES and launched by the minister in October 2007 has been the target of numerous attacks.

On 15<sup>th</sup> December 2007, protests were organised in Paris and throughout the country by Doctor Jean-Phillipe Labrèze, president of the Citizen's Commission on Human Rights. The alleged harmful effects of this campaign (overconsumption of antidepressants, aggravation of the risk of suicide, violent actions in reference to the killings of Columbine in the USA and Joleka in Finland) were relayed by many MPs in written questions put to the government. However, the campaign against depression targets the correct use of medicine by limiting the prescription of antidepressants to people who will benefit, according to an in-depth analysis of risks/benefits in line with the recommendations issued by the supreme authority for Healthcare and the AFSSAPS.

In addition, as is the case each year, the CCDH requests for the transmission of the annual reports of the departmental commissions of psychiatric hospitalisations, which are independent legal bodies tasked with examining the situation of people put in hospital with regard the respect of individual freedoms and the dignity of people. In addition, in 2007, the CCDH re-requested a copy of the registers of health establishments taking in people with mental disorders without their consent, listing the dates of inspections performed by the authorities in charge of inspecting these establishments (prefects, judges, presidents of courts of first instance, mayors and state prosecutors).

Highly concerning aberrations relating to non-conventional therapeutic practices (PNCAVT) performed inside and outside of sectarian environments

Aside from the sectarian organisations which have been known and fought for a while now, many micro-structures have been invading the field of health and the medico-social sector for the past few decades, by offering non conventional therapeutic practices (PNCAVT) as well as training in these practices. These PNCAVTs, which have received no scientific validation, are expanding on the margins of the healthcare system and imply a certain number of risks and/or aberrations which have many similarities with sectarian aberrations: esoteric or mystical origin, blind faith in the creator/promoter of the method, networking, method of diffusion of the practices, commercial functioning in tiers with gradually increasing expenses for users, proselytising, etc. Some PNCAVTs are performed in sectarian environments, and others not.

PNCAVTs generally describe themselves as part of a search for well-being, for day-to-day comfort and "personal development". They promote the benefits of "nature" and natural energy sources. PNCAVTs, whose multiple names and functions vary, often share their neo-oriental origins (particularly China and India). Most of these techniques are copied from ideologies and practices that were first developed in North America within the so called "New Age" movement.

PNCAVTs generate a lot of interest from a public in search of answers on medical issues. This interest is widely reflected in the media. People who are weakened by illness, handicap and marginalisation from society are particularly vulnerable to the activities of so called "enlightened" people, con artists and swindlers, implying a risk of aggravating their condition, sometimes putting their life at risk.

Aberrations relating to PNCAVTs and the need to inform and protect the people who resort to them have led the Ministry of Health, Youth and Sport to create a pragmatic connection between its fight against sectarian aberrations in the healthcare sector and aberrations relating to PNCAVTs, whether or not they occur in a sectarian environment. In this context, a distinction must be made between PNCAVTs which simply aim to improve physical and psychological well-being, and those, more worrying, which are the subject of doubtful therapeutic claims and treatment which may imply the

illegal practice of medicine and endanger the health of the clients.

The following aberrations relate to certain PNCVATs:

• ***Financial and commercial aberrations***

The people and micro-organisations who carry out PNCVATs often work in networks. The patient and family can become prisoners of this type of organisation and the people who promote it. These organisations normally spread themselves out. Each trained person more or less personalises the dogma and the practice taught to them, and then renames and sells it by becoming a practitioner-trainer and proselytising one, or occasionally several, PNCVATs.

The current scope of the range of treatments, support programs and training arrangements disguised as “personal development” now represents a large market. This situation raises questions because, on one hand, it may cause people which are already vulnerable to face financial difficulties, and, on the other hand, because of the misuse of health insurance and continuous training funds in this market.

• ***Doubtful techniques with no scientific basis and no recognised system of validation***

PNCVATs have no scientific grounds or validation and are therefore practised without any regulations regarding the supervision of training and practice. After a few months, a few weeks, or even only a few days of training, so-called diplomas are awarded, which are not recognised by the National education system or registered on the Répertoire national des certifications professionnelles (RNCP) or in the public health code, and which do not lead to a qualification enabling the practice of a profession which is recognised in terms of science and regulations. Longer training courses (which last several years) also exist, though they are just as questionable.

In addition, these so-called training courses are available to people who have no pre-requisite medical or paramedical knowledge, and who can implicitly be led to the illegal practice of medicine or pharmacy. Some health professionals also practise PNCVATs, potentially exposing people to the aberrations and risks linked with these practices.

- ***A risk to the mental or physical health of users***

Resorting to the use of PNCAVTs can have intrinsic dangers linked to the products used and the nature of the treatments applied, and/or the risk of losing the opportunity to obtain results via the use of conventional medicine. The use of PNCAVTs implies major risks when it leads to delayed diagnosis and/or when it leads patients to stop their conventional treatment. These situations are particularly tragic in case of terminal illness.

The practice of a PNCAVT or the use of these practices, when they are accompanied by mental control, can cause mental instability and sometimes lead to family break ups, relating to destructive conflict between diverging beliefs and practices.

- **Serious risks for children**

Sectarian movements exist in a world which is far removed from current social norms, so much so that the way they work is rarely questioned.

Children, in particular, can be more or less removed from the scope of regulations designed to protect childhood. They are dependent on subservient adults, and are educated as future followers. The failure to legally register the birth of a child illustrates the situation. In this case, regulations designed to ensure the protection of childhood cannot cover the child.

In addition, access to protection systems requires either one or both parents to voluntarily go through a process in order to receive medical or social advice, or a report to be submitted to judicial authorities when a child is identified as being in danger, particular under the age of 6.

## **An action plan launched by the Ministry of Health, Youth and Sport**

In view of the concerns caused by the current situation of sectarian aberrations in the health care sector and the aberrations relating to PNCAVTs, the Ministry of Health, Youth and Sport has launched an action plan signed on 18<sup>th</sup> March 2007 by the Health Minister.

The General directorate of social action is responsible for the coordination and evaluation of the implementation of this plan. The General

directorate of social action has planned the creation of a steering committee for this purpose.

### Objectives of the plan

The plan aims to gradually implement permanent supervision aiming to identify and examine sectarian aberrations in the health care sector, and aberrations relating to PNCAVTs. The DGS and its partners will analyse the practices with the highest levels of risk in terms of danger or loss of opportunity for the users with the help of a technical support group. If necessary, lawsuits could be initiated. The supervisory action will also cover sectarian attacks which prevent the functioning of the health care system, and attempt to counter these attacks. Information and prevention plans for the public will be drafted and implemented.

The supervision plan will be extended to include awareness sessions aimed at health care professionals and focusing on sectarian aberrations in the field of health care and the risks associated with PNCAVTs. Help will be given to professionals working in the field of childhood protection, in the combat against mental control and its consequences on mental and physical health. The inspection offices and services concerned will be encouraged to investigate possible sectarian or therapeutic aberrations in the fields of health care or social action.

The plan also provides for the promotion of research on the mental control phenomena and on clinical treatments adapted to people leaving sects, who would like, or who need, psychological help.

These campaigns focus on practices which are not approved by public authorities as they have no scientific validation and no regulatory framework and bodies applying these practices cannot therefore claim this type of approval.

In view of the protection of health, the distribution of information to the public and the optimisation of the benefit:risk ratio, the DGS highlights the necessary distinction between:

- on one hand, PNCAVTs and practitioners who expose their patients to dangers and/or loss of opportunity regarding the results obtained by conventional medicine;
- on the other hand, PNCAVTs and practitioners who offer various services,

as a complement, if required, to treatment by conventional medicine, to induce a day-to-day feeling of well being, and reduce the pain and discomfort experienced by sick people.

On a long-term basis, all of the initiatives of the ministry aim to allow the users of the health care system to exercise their free choice of therapy whilst benefiting from the most comprehensive information possible in terms of effectiveness and safety.

#### **Activities launched by the ministry in 2007**

The main activities launched in 2007 in the context of the aforementioned plan are as follows:

##### ***1) Six awareness days on sectarian and therapeutic aberrations in the field of continuous training for hospital personnel***

Six inter-regional awareness days on sectarian aberrations in the health care sector and on aberrations relating to PNCATs, were organised between June 2006 and end-2007 by the ANFH, with the support and presence of MIVILUDES, the General directorate of employment and vocational training, the Division of hospitalisation and the organisation of healthcare (DHOS) and the General directorate of health (DGS).

The aim of these days was to ensure the vigilance of professionals working in medical, social and socio-medical establishments with regard to developments on the sectarian landscape and its penetration into the health care and professional training sectors. These days have allowed participants to put the practice of unproven methods and the training of these methods into perspective as compared with requirements relating to the quality of health care, and the issue of legality, responsibility and ethics. The emphasis was on the need for establishments to base their approaches on a strict analysis of supply and demand for training, to contribute to the safety of patients and professionals.

Each of these days attracted an average of about 60 people: directors of establishments, training managers, health care professionals, members of the bodies and teams of the regional divisions of the ANFH.

##### ***2) Report received by the judicial authorities from the General director of Health on a PNCAT and its creator-promoter***

A certain number of PNCAVTs prove to be the work of charlatans, or even fraud merchants, from initial enquiry, and appear to violate common law (illegal practice of a medical profession, endangering people's lives, misleading publicity, fraud, abuse of weakness, etc.). Faced with this situation, all of the bodies and services concerned within the health care administration are authorised to submit reports to the state prosecutor on the bases of facts or justified assumptions.

In August 2007, the General director of health, after a careful examination of the dossier by his services, warned the judicial authorities about the creator-promoter of a PNCAVT that he deemed particularly worrying.

**3) *Follow-up to a complaint made by the DHOS to the judicial authorities regarding the usurpation of qualifications***

In 2005, a complaint was submitted by DHOS to the judicial authorities, regarding a case of usurpation of qualifications, against the holder of a doctorate in philosophy (PhD), with a major in cancerology, issued by a Canadian naturopathic institute, but giving him no right to practise medicine.

In 2007, the departmental council of the Ordre des médecins asked the Departmental division of health and social matters concerned to launch an inquiry on the grounds of a new attempt by this individual to establish himself as a cancerologist.

**4) *DHOS rejects applications to practice traditional Chinese medicine***

The DHOS refused the authorisation to practice medicine to a person with a diploma in traditional Chinese medicine, claiming the application of a research agreement signed on 1<sup>st</sup> March 2007 between France and China. This agreement is aimed at developing research activities on the possible scientific interest of traditional Chinese medicine.

The DHOS informed the applicant that this agreement had no effect on legislation in force at the current time and that he was not authorised to exercise the intended practice, subject to prosecution for the illegal practice of medicine as per article L.4161-1 of the Public health code.

**5) *Systematic assistance for risks incurred in sectarian***

### ***organisations, aimed at professionals in childhood protection***

In 2007, the General directorate of social action completed a guide to assist childhood protection professionals. This guide was planned in the aforementioned action plan. This guide will be available on the web site early 2008.

#### ***6) Studies ordered by the DGAS on the so called "Facilitated communication" method conclude that the effectiveness of this method is uncertain***

The General directorate of social action ordered studies on the treatment of autism in 2007. The so-called "facilitated communication" method was analysed in this context. This study was carried out by the Centre régional pour l'enfance et l'adolescence (CREAI - Regional centre for childhood and adolescence) in the region of Languedoc- Roussillon, and indicates that facilitated communication is a type of educational method originally aimed at people who have a cerebral motion infirmity and for autistic people.

This method is based on the facilitator holding the hand or arm of the patient to help them use a special computer keyboard which is intended to allow the patient to express themselves by pointing at letters and/or words. The patient should then be able to improve social interaction and autonomy. Facilitated communication is the subject of many controversies and criticisms. The CREAI study highlights a lack of strict experimental control based on the analysis of available works on this method, . Most of the studies performed, and particularly those with credible methodologies, all conclude that facilitated communication is ineffective. Some less thorough studies consider it to be effective.

### **Youth, sport and associationse**

#### **The vigilance unit**

The "youth, sports and association" vigilance unit of the Ministry of Health, Youth and Sport, which is comprised of representatives from the inspectorate-general and its divisions, meets monthly to evaluate the different cases from each Division.

Three representatives speak:

- a representative of the Division of criminal affairs and pardons of the Ministry of Justice, responsible for examining cases regarding sectarian aberrations.
- the head of the mission on sectarian aberrations assigned to the General directorate of health (coordination as part of the new structure of the Ministry);
- and finally two inspectors from the Ministry of national education responsible for matters relating to sectarian aberrations. This last speaker provided information on the means of implementing the recommendations of the report of the Parliamentary investigatory commission from December 2006, to enable the two Ministries to co-ordinate their protection, training and information efforts to benefit youths.

Finally, the representatives of the unit participated in work groups on mistreatment (including sectarian aberrations) organised by the Directorate of sport in view of training and providing information for sports coaches (see below).

### Initiatives by services

#### *Sport*

#### *Martial arts*

2007 was marked by the special attention paid by the officials of regional and departmental divisions on the practice of martial arts, which occasionally lead to aberrations in certain specific contexts, when isolated from federal structures.

The Directorate for associations, employment and training (DVAEF) published a directive regarding the martial arts situation (directive 07-026 of 5<sup>th</sup> February 2007). A list compiled by services identified 175 practices or different styles "belonging" to martial arts disciplines. Only around forty of these styles were supervised by representative or accredited federations.

Various processes have been undertaken to organise consistent groupings. Apart from the four accredited and representative single-sport federations, other disciplines chose to integrate multi-sports federations or federations of similar sports: The MSJS services pay particularly close attention to this field and exchange an increasing amount of information with

the local federal bodies concerned. In this respect, a number of cases have been reported in the Languedoc-Roussillon and the Rhône-Alps regions, on practices which have resulted in questions being raised and which are likely to lead to varying degrees of medical – or even psychological (in cases of control) - disorders for participants.

Within the general context of the prevention of physical and psychological damage, vigilance has been called for regarding forms of practice organised independently to and without the knowledge of federal bodies. Indeed, in certain cases, the obligation for a physical activity or sports organisation to declare its existence is not satisfied, which not only represents a criminal offense, but can also lead to the closure of the establishment.

#### *“Coaching”*

All aspects of “*coaching*” are currently being closely studied. It will probably be necessary for the authorities to intervene to provide a framework for these new forms of interaction with sports' sectors.

#### *Youth and mainstream education*

The Division of youth and mainstream education (DJEP) has continued to actively supervise sectarian aberrations in all of its areas of expertise and notably in the field of the collective care of minors, with or without a residential element. Reports of risks of sectarian aberrations received from decentralised organisations (regional and departmental divisions), of associations or parents have been analysed.

#### *Holiday camps*

In July 2007, further to a complaint submitted to the Gendarmerie by a youth participating in a summer camp organised in Bains-les-Bains (Vosges) by the “Turkish cultural centre of Nancy”, the Regional division launched an enquiry into the camp which led to the emergency closure of the centre, by prefectural decree, to protect “*the morality of the children*”.

In addition, the Departmental division of Isère inspected a trip organised by a French-Turkish sports association in July 2007, jointly with the Gendarmerie and the division of veterinary services. The activities of this centre were primarily based on religious education and related practices.

Despite the deficiencies of the educational project and the shortcomings of the activities, the inspection did not prove the existence of sectarian aberration.

#### *In-depth analysis*

- A DVD on the prevention of sexual violence aimed at children entitled "Say no" and produced by an association was submitted to the Division for an analysis of the content, in view of its subject. After an investigation into the association and the analysis of the films, it was concluded that this awareness aid showed no signs of sectarian aberration.

- The DJEP was called upon to speak at a European seminar organised in November 2007 at the National Institute for Youth and mainstream education (INJEP) by an association which is a member of an international organisation whose headquarters is located in the USA. Based on information provided by UNADFI, this association was considered not to have any links with sectarian phenomena.

- A regional division requested the opinion of the Ministry on an association suspected of radical fundamentalism. After having contacted MIVILUDES, the contact was advised to contact the Home Office (Bureau of religions).

- In April 2007, the attention of the DJEP was called to a trek carried out by a group, which led participants from the Aude region to Paris, in stages, from February to May 2007. An enquiry was carried out by the Departmental division of Aude, which concluded that the organiser had no links with sects.

#### *Local initiatives*

The departmental correspondents on "sectarian aberrations" of the Ministry (Youth, Sports and Associations) participate at meetings organised by pivot commissions created in 2006 and assigned to prefects.

#### *Employment and training*

The revision of diplomas and training in the field of youth, mainstream education and sport provides for professional references and certification. In all specialised subjects and grades at level IV (Vocational diploma of youth, mainstream education and sport), level III (State diploma of

youth, mainstream education and sport) and level II (Higher state diploma of youth, mainstream education and sport) the emphasis is placed on the respect of the physical and mental integrity of individuals.

The revision of the regulatory framework of BAFA and BAFD (diplomas for those taking care of minors) was completed in 2007. These diplomas aim to confirm the skills required to monitor the respect of the physical and mental integrity of minors. For directors (BAFD), content on partnership and communication have been extended, by explicitly providing for the communication of educational aims and the regular distribution of information to applicants and families.

In addition, a 2007 directive reminded services to abide by the ten authorisation criteria for training bodies, which can enable the identification of possible sectarian anomalies.

#### *Judicial expertise: the transmission of administrative documents*

Over the course of 2007, the usual “associations”, particularly those linked to the Church of Scientology, continued to question the Ministry, on the basis of the provisions of law no. 78-753 of 17<sup>th</sup> July 1978 (modified by the ordinance n°. 2005-650 of 6<sup>th</sup> June 2005), which establish and organise the freedom of access to administrative documents and the reuse of public information.

The association “Ethics and liberty” and the “French Committee of Scientologists against discrimination” asked the Ministry to transmit documents concerning UNADFI and CCMM, associations whose role is to assist the victims of sectarian organisations.

Both of the two organisations requested the transmission of a file on the aforementioned associations, concerning their approval, their administration and the support provided by the Ministry.

Furthermore, the CADA rejected a request for the transmission of ministerial directives by the association “Ethics and liberty”.

#### **Training of Ministry officials**

In the context of the Ministerial national training plan 2007, two placements were organised for around forty officials, and particularly departmental correspondents responsible for cases involving “sectarian

aberrations". A third placement was organised for twenty officials as part of a central administration training scheme.

In addition, five officials participated in the training program organised by the National school of magistrates in November 2007.

#### *Training on mistreatment*

2007 was also marked by the definition of training courses for sports coaches in view of ensuring their awareness of the various problems which are generally classed as "mistreatment", whether they involve an incitement to addictive behaviour or doping, harassment or sexual violence, and the potential link to sectarian aberrations. This plan will be applied on a trial basis from the beginning of 2008.

## **Conclusion**

The phrase most often heard from the victims of sectarian movements, whether they are former followers or families of people who are still under the influence of the sect, is reminiscent of a well known expression: "It's like fighting a losing battle".

In 2007, MIVILUDES contacts repeated the phrase dozens of times. To make the message clear: The State cannot, and must not, withdraw from the combat against organisations which deploy considerable means to allow themselves to perform malicious activities without risk of reprisal. The State must inform, prevent and punish. The State would fail to do its duty if it assigned this task to the private sector.

Lobbying, misinformation, judicial pursuits, intimidation and manipulation are the methods used by these groups on a daily basis, hence there is a real risk that, after victims give up the legal battle, the State will question the legitimacy of its intervention.

This risk will be all the greater if we let ourselves be drawn into the

sectarian groups and their namesake's preferred subject, i.e. religion, as this is a sure fire road to falsified debates. After two centuries of republicanism and one century of secularism, freedom of conscience is not at risk in our country. Everyone respects the beliefs or non-beliefs of others. The spirit of tolerance which is now in place makes the stereotypes of the beginning of the 20<sup>th</sup> century redundant.

Sectarian organisations, which are always ready to ride a wave that they deem to be profitable, nowadays use the term church to describe themselves, no doubt because this has great benefits in terms of taxation, but more so because this reassures future followers and above all because they switch from being bullies to becoming victims, victims of the unacceptable State intolerance against freedom of thought, or of a witch hunt, given credibility by the now well polished arguments on attacks on religious minorities or on new spiritualities...

Let us not be fooled and let us not mistake who the victims are! The strong always bully the weak, but they also bully the naïve who thought it was a good idea, often in good faith, to run to their help after hearing their screams!

This report aims to prove the unfailing intention of MIVILUDES, under the authority of the Prime Minister, to fulfill all the missions set out in its founding decree, and to respond to the expectations still expressed by the government, to act as a minimal shield between the strong and the weak.

*Paris, December 2007*

# Appendices

## Testimonies

### *Testimony of a mother and grandmother*

At the end of 1999, my 33 year old son, who was studying for a doctorate in biology, started talking of traumas that he supposedly suffered during his childhood, soon followed by accusations of incest involving the whole family (father, mother, grand-father, uncles, aunts...)

I did not worry too much, as the young woman sharing his flat had just left the region “to escape from her father and grand-father”, whom she had also accused of incest.

Early 2000, he contacted his sister, and harassed her with “memories” that she had supposedly “hidden” and took her to see the crystal therapist that he had been seeing for years.

In October 2001, after two 2-hour long sessions a month, my daughter brought the same charges as her brother. In turn, she cut all contact with those who do not believe her (family, in-laws, friends, acquaintances, etc.)

In September 2002, my daughter also accused her husband of touching his children and left the family home with their three young daughters aged 10, 8 and 6.

The law intervened: the children were placed in a care home and expertises, legal proceedings, etc. ensued.

In October 2004, after two years of legal proceedings, all of the charges were dismissed and the father obtained custody of the children. The mother was obliged to accept psychiatric help.

My son left France for the duration of the court case. We never knew where he went.

We have not had any more contact with either my son or my daughter.

When the father was given custody of the children, towards the end of 2004, the oldest daughter, aged 12, refused to go back to live with her father. She spent the rest of her childhood in the care home, but repeatedly ran away both from there and from high school, because she wanted to live with her mother.

To make things easier, I moved to Nancy, near to my son-in-law and the other grandmother, to help everyone and so that things would go as well as possible.

My son-in-law, aiming to give some kind of stability to his little girl, thought it better that she returned to her mother's instead of being miserable away from all her family.

Things appeared to have settled down for her mother, and although we had no contact with her, we were pleased to see that things were better.

**Three years later, I can see that things have evolved:**

My son has returned to France. He is now a trainer, works on water memory, and gives conferences...

My daughter has rebuilt her life but things have not improved.

My eldest granddaughter, aged 16, after falling out with her mother, came to live with me, and then chose to live alone in a home for young girls. She has been there since January 2006 and likes it. I see her every weekend. Her relationship with her father is still tense, but she has renewed contact with both him and her grandfather.

The second granddaughter, is conscience of what happened with the crystal therapist, and still refuses to see her mum, but I realise that since she turned 14, she is not as angry with her mother anymore.

She is very mature, and wrote me a little note "from her heart" for my birthday, which I would like to share with you.

As for the youngest grand-daughter, who is now 12, she is in full

teenage angst mode. As her mother was expecting a fourth child at the end of 2007, she asked to go and live with her mother, which her father accepted to avoid further conflict.

She sees her father every other weekend.

She goes to Nancy high school every day by bus (her mother lives more than 30km away). She leaves every morning at 7am, and changes bus halfway to get to her high school. She does the return trip every evening...

She is very tired, therefore she quickly gets annoyed with everyone, even her middle sister.

**Since these accusations, the whole family has experienced terrible moments, each and every one of us has had weak moments, but looking back on it and despite all that my granddaughters have been through, I tell myself that they did not come out of it too badly, and I hope that with time, they will keep getting better. Not all is won, but I have lots of hope.**

My dear Grandma,

How can I say everything in a letter which might be very beautiful but also full of mistakes...

Let's start at the beginning, I have so many memories from when I was young, just thinking, you really are the best grandma in the world.

You are always there when I need you, to comfort me, to tell me the things I need to hear, just when I need to hear them.

I keep growing up, going from childhood to adolescence and in a few years I will be an adult, and you are there to help me, advise me, etc...

You are much more than a simple grandma, because all these moments that we spend together, our talks, our hugs, our kisses, our rows... and all the rest, you see, all that, well, it is INDISPENSABLE.

I do not tell you often enough, but I love you. Oh yes, I love you deeply. You hold a big, big place in my heart and you will do forever.

You have been part of this world for 68 years now, 68 years of life, happiness, laughter, misfortune, and good and bad news, and you have been kind to everyone you have met for all those 68 years. I could cry my

eyes out thinking of you every hour, minute and second.

It is nearly 11pm, I am nearly crying and I can't feel my hand anymore, but if it takes a letter for you to know how much I love you and how much I care about you... I can go on all night. I had promised you a long and beautiful letter; I hope you are not disappointed.

my dear Grandma, what else can I say? I love you so much, I love everything that you are. Your strong character, your pasta (yum yum) with bolognaise sauce of course, your moral lectures. So there you go, I'll tell you again, I love you.

Here you go beloved Grandma

I send you lots of kisses and wish you a Happy Birthday

I love you, if only you knew how much

Kiss, I loooooove you way too much.

### ***False memories: a nightmare.***

My daughter, a modern languages student in Nantes, met her boyfriend in 2003. He is 15 years older than her, has already been married, divorced, and is the father of three children, two of whom are cared for by the social services. He is a "street artist... medium, card reader...", in short, he has no stable job.

The relationship lasted three months before they split up.

During this summer, my daughter announced to her mother and me that she had been the victim of rape, at the age of 7, at summer camp... We were shocked to learn this 15 years later... after not having noticed anything.

She failed her teaching course in Modern languages and informed us, towards the end of 2003, that she was going to take the third year of a psychology degree. That was her decision, and she continued with therapy for her memory of being raped.

At the end of 2003, she got back together with her boyfriend, quit her studies and went on an adventure in Brittany... She admitted that her life was eventful, and added the name Lea in front of her own...

In 2004, she left her boyfriend and moved to Brazil, where she got together with friends that she had met at the Porto Alegre social forum.

Up to this date, we kept in regular contact, by e-mail. She announced that she was pregnant ...Her mother and I helped her, as she was alone, we made sure she had everything she needed, but worried a lot. Her mother, her brother and I decided to be around her at the time of her childbirth.

Early 2005, a little girl was born. She notified us, and we all supported her so she did not feel alone, but she also notified her boyfriend who rapidly arrived in Brazil.

From that moment on, things went wrong, my daughter told me by e-mail that I had raped her when she was young, and that I would never see my granddaughter again. All three of them came back to France, and she asked us for money to live, which we refused. A life of constant relocation began for them.

At the end of 2005, my daughter filed a complaint against me for rape when she was a child.

In June 2006, I was taken to the police station, handcuffed, and put into custody. I asked to speak with my daughter, who arrived the following day, and after this confrontation, I walked out a free man... The allegations were dropped.

Today, my daughter is (permanently?) separated from her boyfriend, we once again exchange e-mails, she wishes to see me again and introduce me to her daughter, but I am reluctant... After such anger towards me, I am hurt, the whole family is hurt, and I have asked my daughter to recognise the harm that she has done us and justify herself... At that point I may reconsider, but it is clear that our relation will never again be the same after those allegations, I cannot imagine just starting afresh after that.

### **Parliamentary activities: written questions**

During the last 15 months, up to the end of January 2008, just over 70 written questions relating to the sectarian problem have been received, of

which about 30 were answered. Almost all come from the National Assembly. Nearly half of them, which remain unanswered, no longer apply due to changes in legislation<sup>85</sup>. These statistics show the sustained interest of MPs in this field.

A large number of questions relate to MIVILUDES and the content of the policy of prevention and combat implemented against sectarian aberrations, especially in the health and education sectors. The latter are not listed here, as the information included in the answers to these questions is given in this report in the section on the follow-up to the Parliamentary investigatory commission, *“Stolen childhood: minors, victims of sects”*.

Many of these questions relate to the annual MIVILUDES report and the aforementioned report of the Parliamentary investigatory commission, published in January and December 2006 respectively.

Finally, since December, the launch of the Ministry of Health’s wide reaching information campaign on the prevention and treatment of depression has generated some questions, which are currently unanswered. We consider that these questions were mostly suggested by an international sectarian organisation which is well known for its denunciation of psychiatry.

Reader may find a selection of questions below, whose answers are reproduced in full or partially, and reflect an innovative topic:

### ***MIVILUDES / Policy of vigilance and combat against sectarian aberrations.***

#### **Services of the Prime Minister**

**Question<sup>86</sup>:** A list of advisory or deliberative commissions and bodies working directly for the Prime Minister or the ministries is annexed to the bill on finance. This document lists the running costs, number of members and meetings for each organisation. Jean Leonetti asked the Prime Minister to explain why the interministerial mission of vigilance and

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<sup>85</sup> Legislation since 20 June 2007

<sup>86</sup> Question number 8448 from Mr. Jean Leonetti, MP of Alpes-Maritimes region (JO: 29 January 2008)

combat against sectarian aberrations established by decree number 2002-1392 of 28<sup>th</sup> November 2002 does not feature in this public document.

**Answer:** (...) *The reason why it (MIVILUDES) does not feature in the document disclosed with the finance bill is because it does not represent an advisory or deliberative body, but a department of the Prime Minister, responsible for the co-ordination and implementation of a public policy.*

### Competences and budget

**Question** <sup>87</sup>: The work of the Investigatory commission of the National Assembly on the influence of sectarian movements on minors have particularly emphasised the central role played by the interministerial mission of vigilance and combat against sectarian aberrations (MIVILUDES) and have led to useful proposals, which should definitely be taken up by the government, either through legislation or via regulatory agreements or circulars. In view of completing the information in this report, Jean-Pierre Abelin asked the Minister of the Interior, Overseas France and regional authorities to indicate the number of cases submitted to the state prosecutor reporting criminal infractions in his/her jurisdiction, enacted by MIVILUDES since its creation, and the total budget allocated. In fact, as noted in the report of the Investigatory commission, the budget of MIVIMUDES appears in budgetary documentation, but only gives a glimpse of its total funding, as nine members of its personnel are made available by other services and the four other people it employs are paid externally. Question transmitted to the Prime Minister.

**Answer:** *The Interministerial mission of vigilance and combat against sectarian aberrations (MIVILUDES), established by decree n°2002-1392 of 28<sup>th</sup> November 2002, is assigned with the task of fighting against the actions of sectarian organisations which attack fundamental human rights or which threaten law and order. In this context, MIVILUDES reports the actions of sects of which it becomes aware to the relevant administrations, and, if liable to be qualified as criminal offenses, denounces them to the state Prosecutor*

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87 Question number 4127 from Mr Jean-Pierre Abelin, MP of Vienne (JO: 8 January 2008)

and notifies the Minister of Justice. In this respect, MIVILUDES has submitted 41 reports since 2005. In addition, interministerial meetings on the topics of childhood and health are regularly organised to ensure the coordination of the intervention of the authorities in this field. The budget allocated to MIVILUDES by the offices of the Prime Minister, for program 129 "Coordination of government initiatives" amounts to 350 000 euros for the year 2007, including 200 000 euros allocated to "personnel expenditure", more specifically, 129 400 Euros for the salaries of the four full time positions reporting to the offices of the Prime Minister and 71 500 Euros in collaborative costs.

#### General policy

**Question** <sup>88</sup>: Michel Hunault asked the State Minister and the Minister of the interior and territorial development to look into the anti-sectarian combat. Parliament, via Investigatory commissions, and the Parliamentary Assembly of the Council of Europe, have greatly contributed to ensure the awareness of the public and recommended means of fighting against sectarian aberrations to protect individuals, and especially young people. However, it appears that, under the pretext of public demonstrations, colloquiums and public meetings, some sectarian organisations use associations that are fully legally registered as a front. Therefore, could the Minister officially publish the complete list of these cover associations used by sectarian organisations, whose legal existence must be declared and which require approval by a Prefecture, and specify what action the government intends to take to make the population, and particularly minors, aware of sectarian phenomena and what action it intends to take to ban sects in view of ensuring law and order.

**Answer:** *The publication of lists of sectarian organisations has never been carried out by State services. The only inventory performed so far is that of the national census, during the Parliamentary investigatory commission on "Sects in France" in 1995, which enabled the creation of a list*

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88 Question number 106070 by Mr Michel Hunault, MP of Loire-Atlantic (JO: 6 February 2007)

of 172 organisations, without this list having any legal ramifications. More than 10 years later, experience has shown that such a list does not ensure the State can effectively intervene, even though it has had the benefit of attracting public opinion. In accordance with its concept of secularism, as defined by Article 10 of the Declaration of human rights and citizen's rights of 1789, the French Republic does not let itself be drawn into the population's choice of religion, but it must nevertheless ensure both the protection of freedom of conscience and that of law and order, and notably protect people against sectarian aberrations. Equal opportunity requirements make the fight against these aberrations delicate for public authorities. To overcome this difficulty, the government created an interministerial organisation whose coordination has been entrusted to the interministerial mission of vigilance and combat against sectarian aberrations (MIVILUDES) since 2002. Within this mission, administrations contribute to the improvement of the knowledge of organisations liable to have inherent sectarian aberrations, or who work with these organisations, whether they are associations, companies with an economic or financial purpose, or other types of structures, which may be supervised, controlled or investigated by the various administrations. All these structures must be taken into consideration when implementing public policy on vigilance and the combat against sectarian aberrations, while respecting civil liberties. The Ministry of the interior and territorial planning, whose services keep a constant eye on sectarian phenomena, contributes to this campaign led by the authorities, both within MIVILUDES and within the departmental commissions which work with prefects, whose existence was established by the decree of 7<sup>th</sup> June 2006 regarding the reduction in the number and the simplification of the composition of various administrative commissions. Apart from the penal action which can be taken when reprehensible actions are reported, the training of personnel from various public functions, and the distribution of information to the public, which have been considerably developed by the interministerial mission in 2006, represent the priority means of prevention and combat against sectarian aberrations.

## Sects and sectarian aberrations

**Question<sup>89</sup>:** Francis Saint-Léger called the attention of the State Minister, minister of the interior and territorial planning to the subject of sectarian aberrations in our country. He wished to know the action taken to control the organisations in question.

**Answer:** *Our Law does not define the notion of sects. The existence of the organisations mentioned by the honourable MP therefore falls within the context of freedom of association and freedom of religion, which are fundamental freedoms mentioned in the constitution. As long as an association is not subject to administrative or judicial dissolution, it can work towards achieving its goals in the strict context of current laws. However, while the Republic ensures freedom of conscience and the free practice of religion, it cannot tolerate the aberrations witnessed in certain organisations. In addition, the intervention of the authorities is not directed towards the existence of sects, but towards the reprehensible actions of certain groups. The report by the "Mission of vigilance and combat against sectarian aberrations" (MIVILUDES), assigned to the Prime Minister by decree number 2002-1392 of 28<sup>th</sup> November 2002, gives a summary of the position of the authorities in the matter. This position also underlies law n° 2001-504 of 12<sup>th</sup> June 2001, which aims to reinforce the prevention and repression of sectarian organisations breaching human rights and fundamental freedoms. The aim of this text, in line with the position expressed by the permanent commission of the Parliamentary Assembly of the Council of Europe, is not to combat sectarian organisations, but rather to better protect individuals, particularly the weakest members of the population, and to fight against certain types of abuse.*

## Referral to the definition of an aberration

**Question<sup>90</sup>:** Alain Suguenot called the attention of the Minister of Justice to the fight against sects. This is fundamental against any

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89 Question number 102246 of Mr Francis Saint-Léger, MP of Lozère (JO: 6 February 2008)

90 Question number 101587 from M. Alain Suguenot, MP of the Côte d'Or (JO: 3 October 2006)

organisation which proves to be dangerous and brainwashes individuals, often for financial gain. However, you have to be careful not to fall into the systematic stigmatisation of certain philosophical or religious waves which have nothing sectarian about them, but are occasionally considered as such by some people who do not differentiate them from sects. There can, therefore, be a risk of attacking the freedom of religion or philosophical opinion. In certain cases, this can even have consequences on a professional level. He would therefore like to know if belonging to an organisation which appears as a sect in the annual parliamentary report is likely to justify retaliatory measures taken by a private employer or by an executive of a regional collectivity.

***Answer:** The Minister of Justice, makes it known to the honourable member of parliament that the referral to the list of sectarian movements established by the Parliamentary investigatory commission on "Sects in France", in 1995, must be avoided in favour of the use of sets of criteria, as the Prime Minister reminded by a circular on 27<sup>th</sup> May 2005. In addition, constitutional principles forbid any authority whatsoever from jumping to conclusions about the motivations of people belonging to organisations. However, if these organisations attack people or property, it goes without saying that the judicial authority must respond appropriately to the aberrations observed.*

### **Religious and fiscal status**

**Question<sup>91</sup>:** Pierre Morel-A-L'Huissier called the attention of the Minister of the interior, overseas territories and public authorities to the running of religious associations governed by the law of 1905. Their fiscal status makes donations and bequests very difficult, and several denominations have therefore created associations governed by the law of 1<sup>st</sup> July 1901, to ensure communication, training, judicial supervision, etc. The alignment of the fiscal systems of the two types of association should be envisaged, notably to enable donations and bequests to be received more

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91 Question number 6299 from Mr Pierre Morel-A-L'Huissier, MP of the Lozere (JO: 22 January 2008)

quickly. An “administrative text on religion” could also be created, which would allow a religious organisation to ask for advice from the administration regarding its ability to receive donations and bequests. Consequently, he asked the Minister to indicate if she is effectively considering facilitating the running of religious associations governed by the law of 1905 and to specify the content of the “advance ruling”.

**Answer:** Article 1 of ordinance n° 2005-856 of 28<sup>th</sup> July 2005, based on article 10 of the law on the simplification of the right of 10<sup>th</sup> December 2004, which authorises the government to modify, by ordinance, the judicial system of associations, foundations and congregations, has ended the system of prior administrative authorisation for liberties accorded to legal persons, and has replaced this system with a declarative regime, accompanied by the power of opposition of the administrative authority should the donating or bequeathing organisation be unable to use the liberty in accordance with its statutory purpose. Decree n° 2007-807 of 11<sup>th</sup> of May 2007 concerning associations, foundations, congregations and traditional religious organisations, in application of article 910 of the Civil code, and the circular of 1<sup>st</sup> August 2007 specify the terms and conditions for the enforcement of the new system on received funds. The provisions of article 910 of the Civil code, modified by article 1 of the aforementioned ordinance, specify that the new system of declaration for received funds is applicable to “foundations, congregations and associations which have the ability to receive funds, with the exception of associations or foundations whose activities or those of their leaders are defined in article 1 of the law of 12<sup>th</sup> June 2001 aiming to reinforce the prevention and repression of sectarian organisations which attack human rights and fundamental freedoms.” This eligibility to receive donations was accorded by the legislator to certain types of associations pursuing a single, well-defined goal. This includes associations whose sole aim is to provide assistance, charity, medical or scientific research (article 6, final sub-paragraph of the law of 1<sup>st</sup> July 1901 concerning contracts of association), and associations whose sole purpose is the practice of a religion (article 19, 1<sup>st</sup> and 8<sup>th</sup> sub-paragraphs of the law of 9<sup>th</sup> December 1905 on the separation of Church and State). Therefore, the administration must check that the associations are eligible to receive donations and that their activities or those of their leaders are not defined in article 1 of the law of 12<sup>th</sup> June 2001. Following the example of the so-called

*“fiscal administrative text” procedure, defined in article 1 of the law of 1<sup>st</sup> August 2003 concerning corporate philanthropy, associations and foundations, in order to enable any non-profit organisation which has genuine doubts about its eligibility to benefit from tax arrangements applicable to donations from individuals provided for by articles 200 and 238b of the general tax code, to ask the fiscal administration to ensure its right to issue tax receipts for funds. The Commission of Judicial reflexion on the relationships of religions with the authorities chaired by Professor Jean-Pierre Machelon suggests, in his September 2006 report to the minister of the interior, that any association can thus ask the prefectural administration about its eligibility to benefit from the advantages linked to its status as a religious association, in particular with regards to donations or bequests. The minister of the interior and overseas territories and public authorities has created a work group responsible for studying the follow-up to the recommendations issued by the aforementioned Commission. This group is currently carefully examining the question relating to the appraisal, by administrations, of the eligibility of associations to receive donations and bequests as well as all of the other suggestions issued by the Commission, in compliance with the legal framework defined in the law of 9<sup>th</sup> December 1905. The minister will announce the measures aiming to improve the running of cultural organisations, during the first half of 2008, following the works of the group.*

## **Health**

### **Psychotherapists**

**Question** <sup>92</sup>: Nadine Morano draws the attention of the Minister of health and solidarities to the expectations expressed by the union of freelance psychologists. Its representatives aim, amongst other things, to guarantee the level of competency and qualification of the practitioners to the public and fight against sectarian aberrations. They ask for the mandatory completion of a Masters-level university course prior to using the title

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92 Question number 109977 from Mrs. Nadine Morano, MP of the Meurthe-et-Moselle region, as well as numerous other questions having the same answer (JO: 6 March 2007)

"psychotherapist". However, the draft decree dated 25<sup>th</sup> September 2006 does not appear to meet their expectations. She would like to know his position on the matter.

**Answer:** Article 52 of law n° 2004-806 of 9<sup>th</sup> August 2004, relating to public health policy, aims to offer to professionals, who account for the majority of inquirers, as well as the public, information on the quality and the level of training of professionals using the title "psychotherapist". This article provides for, on the one hand, the inscription of all those who use this title on a national register by the representative of the State and their department. This inscription is automatic for doctors, psychologists and psychoanalysts who are registered in the directories of their associations. On the other hand, to assure that patients who are vulnerable or suffer from mental pathology receive quality care, the law provides for theoretical and practical training in clinical psychopathology for people using this title, to be defined in a decree by the State council. The draft enforcement order for this article is currently in preparation. It has given rise to numerous bilateral consultation meetings as well as three plenary consultation meetings, bringing together the groups of professional organisations in question: psychotherapists, psychoanalysts, psychiatrists, psychologists and academics. During these meetings, a working document, which could be used as the basis for the future decree, was presented and discussed with the professionals who proposed a certain number of amendments. The consultation phase is now over and the main guidelines for this draft decree are as follows: the quality of the professionals depends on the level of training completed, the use of the title of psychotherapist should therefore be restricted to professionals who have completed training to Masters level (expressed in terms of a number of hours of theory and practice) except for those which are automatically registered, of which the majority have already completed training to Masters level. Specific courses would be organised by universities. The level of training for doctors is defined by the obligations inherent to decree n° 2005-345 of 14<sup>th</sup> April 2005, enforcing law n° 2004-810 of 13<sup>th</sup> August 2004 relating to health insurance and law n° 2004-208 of 9<sup>th</sup> August 2004 regarding public health

policy. The National Council for Higher Education and Research (CNESER) gave its approval at its meeting on October 15<sup>th</sup>. **The draft decree on training conditions for psychotherapists should be appraised by the state council in the near future** <sup>93</sup>.

#### Hospital Services – secularism

**Question**<sup>94</sup>: Jacques Remiller called the attention of the Minister of health and solidarities to the significant difficulties faced by a growing number of hospitals with regards to the care of pregnant Muslim women. Indeed, in September 2006, national press reported on this worrying phenomenon, which, despite being present for a while, has become omnipresent in the hospital world in the last two years. With verbal or physical abuse from husbands refusing to let their wives be examined, protests by Muslim fundamentalists are making it difficult for nursing staff to do their jobs (...), as these fundamentalist protests occur on an almost daily basis. Apart from the fact that hospital staff are continually confronted with these serious problems (with all the implicit health risks for patients and staff), it is the dignity of women in France, as well as the fundamental principle of secularism which governs our Republic which are negatively affected. This is intolerable and calls for strong action to be taken. He therefore asked the Minister to explain the urgent measures which he intends to take.

**Answer:** *The attention of the Minister of Health and Solidarities is drawn to the respect of the principle of secularism in hospitals as well as the difficulties encountered by a growing number of health care establishments in the care of pregnant women on religious grounds. A circular dated 2<sup>nd</sup> February 2005 clearly reiterated the fundamental principle of neutrality for a public hospital service. This text also indicates that, in public health care establishments and private health care establishments used as public hospitals, the free choice of the practitioner by the patient must comply with*

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<sup>93</sup> The inspection by the State Council has been carried out, but the decree has not been published at 11 February 2008.

<sup>94</sup> Question number 108715 from Mr. Jacques Remiller, MP of the Isère (JO: 23 January 2007)

*various rules such as the organisation of service or the provision of care. As far as the organisation of service is concerned, the free choice of practitioner by the patient cannot go against the shifts of doctors or of the organisation of consultations, in accordance with continuity requirements provided for in article L. 6112-2 of the public health code. Regarding the organisation of care, the free choice practiced by the patient should not disturb the administration of care, compromise health requirements or even create persistent disorder. In the latter case, the director of the establishment may take, with the agreement of the chief of medicine, any appropriate measures, even including the possible ejection of the individual concerned for disciplinary reasons in application of article R. 1112-49 of the public health code. Finally, the free choice of the patient does not, under any circumstances, permit that the person being cared for can object to any means of diagnosis or care carried out by a member of the health care team on the grounds of the known or supposed religion of the latter.*

### **Iboga**

**Question<sup>95</sup>:** Bérengère Poletti drew the attention of the Minister of health and solidarities to report n° 3507, transmitted to the government on behalf of the Investigatory commission relating to the influence of sectarian movements and the consequences of their practices on the physical and mental health of minors. This report proposed, in the public health sector, the addition of iboga on the list of the modified decree of 22<sup>nd</sup> February 1990 defining the list of substances classed as stupefacients. In fact, the ingestion of iboga, a hallucinogenic substance originating from an African shrub, is freely used by certain organisations to treat drug addicts, as this substance is currently freely available in France. This product is psychotic and lethal and should be added to the list of substances classified as stupefacients by the modified decree of 22<sup>nd</sup> February 1990. She would also like to know both the position of the government regarding this proposal and how soon it will be implemented.

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95 Question number 116691 from Mrs Bérengère Poletti, MP of Ardennes (JO: 20 March 2007)

**Answer:** *Iboga is a member of the (Tabernanthe iboga) family of shrubs which grows in the equatorial forests of Western Africa, in particular Gabon, Cameroon and the Republic of the Congo, where this plant is used in high doses during initiatic and religious rituals. The roots of this shrub contain a dozen alkaloids, including ibogaine. The therapeutic benefits of iboga and ibogaine have been mentioned and studied, notably in the treatment of opiate, cocaine and alcohol addiction (United States and Israel). Currently, however, no therapeutic interest has been proven. In France, this plant is used in activities such as “self-achievement seminars” and “self discovery” trips. The iboga plant is also available over the internet, where it is actively promoted, and can be purchased in large quantities. When taken in small doses, ibogaine is a psycho-stimulant. In higher doses, it can cause visual and auditory hallucinations, occasionally causing extreme anxiety and leading to suicide attempts. The neurotoxicity of ibogaine has been proved on animals by the observation of attacks on the cerebellum. Almost ten deaths linked to the consumption of ibogaine have been reported in Europe and the United States, although the exact process causing death has not been identified. The hypothesis based on the increased toxicity of opiates when taken simultaneously with this substance, and a malfunctioning of the nervous system leading to heart rate problems is considered. These deaths generally occurred more than 20 hours after the taking of iboga, and were sometimes the result of consumption in small doses. In France, since 2002, a dozen cases of consumption, accompanied by, in particular, hallucinations, bursts of delirium and fits of anxiety were reported to the network of evaluation and information centres on drug addiction (CEIP). In 2005, following the first reported death in France of a man who had drunk an iboga brew, the French agency of health and safety for health products (AFSSAPS) opened an enquiry to evaluate the potential of the plant for abuse and addiction. The results of this study, entrusted to the CEIP of Lyons, were presented to the National commission of stupefacients and psychotropic substances (CNSP) at its meeting on 19th December 2006. Given the neurotoxic effects and the hallucinogenic properties of iboga and the appearance of serious intoxications leading to cases of death, the CNSP proposed the addition of iboga on the list of stupefacients. This proposal was unanimously approved: the plants Tabernanthe iboga and Tabernanthe manu; ibogaine, its isomerics, its esters, its ethers and their natural or synthetic salts, and the preparations that contain them are all listed.*

Consequently, a ministerial bill is currently being drafted by AFSSAP, seeking to modify the order of 22<sup>nd</sup> February 1990 defining the list of substances classified as stupefacients.<sup>96</sup>

### So-called non conventional medicines

**Question**<sup>97</sup>: Jean-Marc Nesme called the attention of the Minister of Health, Youth and Sport to the report aiming to improve the prescription of psychotropic drugs to elderly people, which was recently made public by the supreme health authority. This report plans programs for 2008 and 2009 dedicated to health professionals as well as campaigns by the National Institution of prevention and education on Health, on the subject of sleep, anxiety and tranquilisers. He asked if, in the context of these campaigns, an awareness campaign on non conventional medicines such as plant-based reflexology, auriculotherapy, phytotherapy, acupuncture or even homeopathy could be considered. In fact, these soft medicines, which appeal to the general public due to their relaxing properties which assist in sleep and anxiety, with no side effects, should be a perfect addition to the campaigns intended for elderly people. He wished to know her reaction to this proposal.

**Answer:** *Apart from homeopathy and acupuncture, non conventional practices with a therapeutic purpose cannot be legally practiced in France, subject to prosecution, notably for the illegal practice of medicine, in accordance with article L.4161-1 of the public health code. In fact, these practices have not, to date, been based on sufficiently supported theories to enable studies to be launched using current scientific methods and resources and the financing that such studies entail. Consequently, as the scientific validity of these practices has not been established, it is not considered appropriate to promote their use.*

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<sup>96</sup> Iboga was been defined by the bill of 12 March 2007 (JO 25 March 2007) as a class B drug. The 2006 MIVILUDES report had brought to light the sectarian risk linked to its use.

<sup>97</sup> Question number 11215 from Mr Jean-Marc Nesme, MP of Saone-et-Loire (JO: 29<sup>th</sup> January 2008)

## Addresses and useful links

The sites indicated below allow access to a great number of documents containing useful information. MIVILUDES indicates that it is not liable for the content of these sites <sup>98</sup>:

- L'Union nationale des associations pour la défense de la famille et de l'individu victime des sectes (UNADFI)

<http://www.unadfi.com>

- Le Centre de documentation, d'éducation et d'action contre les manipulations mentales (CCMM)

[www.ccm.asso.fr](http://www.ccm.asso.fr)

### Other useful addresses

- L'Association des faux souvenirs induits (AFSI)

*Maison des associations, 13<sup>e</sup> arrondissement, 11 rue Caillaux, 75013 PARIS*

- L'Association vie religieuse et familles

[www.avref.asso.fr](http://www.avref.asso.fr)

- La Défenseure des enfants

<http://www.defenseurdesenfants.fr>

- The European Federation of Centres of Research and Information on Sectarianism

<http://www.fecris.org>

- Le Groupe d'étude des mouvements de pensée pour la prévention de l'individu (GEMPPPI)

<http://www.ifrance.com/sectes-info-gemppi/>

- L'Institut National d'Aide aux Victimes Et de Médiation.

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<sup>98</sup> This list is not exhaustive

<http://www.inavem.org>

- Psychothérapie vigilance

<http://PsyVig.com>

[www.prevensectes.com](http://www.prevensectes.com)

[www.zelohim.org](http://www.zelohim.org)

<http://www.sos-therapires.org/>

[www.antisectes.net](http://www.antisectes.net)