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CICNS – Individual UPR submission concerning France**

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## A. Preamble

CICNS contributed to the Universal Periodic Review (UPR) for France which took place from May 5 to 16 2008<sup>1</sup>. Our analysis aimed at demonstrating the misuse of the so called 'fight against sectarian abuse' which has been enforced by public authorities for more than thirty years against spiritual, educational or therapeutic minorities. This policy was led by MIVILUDES (the French Inter-Ministerial Mission to Monitor and Combat Sectarian Abuse, under the Prime Minister's authority). Following the 2008 UPR, a number of recommendations were made to France, from which we have taken the four that are relevant to show that not only have they not been effective, but that measures taken to ostracise those minorities have been getting worse since 2008.

## B. Anti-cult propaganda based on the use of fear

1. **Doublespeak:** MIVILUDES and public authorities continually use an anti-cult vocabulary, words which they themselves are rendering more insulting ('cult' ('sect'), 'guru' etc). The legal system has started to recognize these as such<sup>2</sup>. Meanwhile, MIVILUDES and public authorities hypocritically pretend to fight against 'sectarian abuse'<sup>3</sup>.
2. **Arbitrary and denigrating evaluation:** MIVILUDES and public authorities continue to use the notion of 'sectarian abuse' based on a hazy and ambiguous list of behaviours, allowing them to place an arbitrary 'sectarian' label on any spiritual, educational or therapeutic minority<sup>4</sup>. The rumour of 'being a cult', started at the slightest accusation of 'sectarian abuse', is extremely harmful and hard to get rid of<sup>5</sup>. Members of those groups are mainly considered either as brainwashed 'victims' or as 'crooks'<sup>6</sup>.
3. **Disinformation through unsubstantiated figures:** MIVILUDES regularly broadcasts frightening figures that are not supported by any serious study<sup>7</sup>: "*500,000 French citizens [who] are affected by a sectarian environment*"<sup>8</sup>, "*80,000 children (...) are directly threatened by sectarian abuse*"<sup>9</sup>, "*It is not simple to put five hundred cults and communities under surveillance*"<sup>10</sup>, "*There is probably one third of psychotherapists who belong to sectarian or quack circles*"<sup>11</sup>, "*Between 1,200 and 1,500 vocational training organizations in the field of personal development are suspected of sectarian abuse*"<sup>12</sup>.
4. **Disinformation through invoking an imaginary social plague:** This method of using a lie about the extent of the so called 'sectarian abuse' across society hides an agenda to standardize life choices, while protecting some lobbies. Since 2008, MIVILUDES has published three annual reports<sup>13</sup> and four guides (regional authorities, under 18's and education, vocational training, health)<sup>14</sup> feeding the anti-cult hysteria with not one serious, independent, peer-reviewed and published study by competent researchers to back up its allegations.
5. **Aggressive use of language:** Aggressive use of language is used at the highest level of the State. Alternative choices of life are automatically linked to sectarian abuse. MIVILUDES president stated: "*society could not stay impervious to that endemic disease affecting some 500,000 of our citizens*"<sup>15</sup>. A secretary of State compares sectarian abuse to '*mutant viruses*'<sup>16</sup>. Another speaks of the '*cancer of cults*' and proposes a '*relentless hunting down*' in the field of vocational training<sup>17</sup>. A member of MIVILUDES Orientation Council states that "*movements with sectarian abuse: they are much more toxic than mushrooms*"<sup>18</sup>.
6. **State propaganda:** MIVILUDES policy, backed up by a corrupted idea of 'secularity' ('*laïcité*')<sup>19</sup>, is equivalent to a propaganda system which relies heavily on the media's appetite for lynching (here 'cults') and victimization (victims of 'cults'). Most media do not choose a balanced non-biased stance on the question of 'cults'<sup>20</sup>. A state of fear towards so called 'cults' has been cultivated in the public's mind for decades by the media hype on the subject<sup>21</sup>. In a recent survey, 42% of the respondents said they regarded "*cults as a menace for their family and friends circles*". This perverse inversion of cause and effect has allowed MIVILUDES to justify its mission<sup>22</sup>.

## C. Use of pseudo-scientific concepts

7. **The pseudoscientific and socially dangerous concept of ‘mind control’:** ‘mind control’ (‘mental manipulation’) is described as the main threat posed by ‘cults’<sup>23</sup>. Derived from the Anglo-Saxon concept of ‘brainwashing’, it is historically linked to the anti-cult fight in France<sup>24</sup>. This notion is often refined into two other formulations: ‘loss of free will’<sup>25</sup> and ‘flawed consent’ (‘*vice du consentement*’)<sup>26</sup>. As such, these notions do not gain credibility in the scientific community<sup>27</sup>; on the contrary, they are seen as pseudo scientific or misleading concepts by many experts<sup>27</sup>. Applied exclusively against ‘cults’, they become discriminatory and socially dangerous<sup>28</sup>.
8. **Another irresponsible definition of ‘sectarian abuse’:** ‘mind control’ has been translated into ‘psychological subjection’ in the French penal code, notably in the About-Picard law<sup>29</sup>, from which MIVILUDES has produced ‘another’ definition of ‘sectarian abuse’, giving a free hand for extensive and arbitrary undermining of so called ‘cults’: *“It is the corruption of freedom of thought, opinion or religion, endangering public order, law and regulations enforcement, fundamental rights, security or integrity of the individual. It is characterized by the setting up, by an organized group or isolated individual, whatever its form or activity, of pressure or techniques aiming at creating, maintaining or exploiting in an individual, a state of psychological or physical subjection depriving him partly of his/her free will, with damaging consequences for him/her, for his/her friends/family circle or for society”*<sup>30</sup>.

## D. Violent and institutionalized repression

9. **Intrusive investigation by MIVILUDES in an ecumenical monastery:** On 13 October 2009, the monastery ‘*Moulin des Vallées*’ is taken over by some MIVILUDES staff<sup>31</sup> and its inhabitants undergo an extensive interrogation, launched on a vague suspicion of sectarian abuse. Members of the community wrote to the Prefect: *“Looking back, a feeling of having been harassed, of having been abused, remains: (...) We underwent a heavy barrage of questions that we chose to answer with care based on Mr Fenech’s<sup>32</sup> alleged credentials and we have been especially shocked by his insinuations of sectarian abuse, while interrupting us constantly. None of our answers were given any credit: we were judged and condemned in advance”*<sup>33</sup>. The community filed a complaint against MIVILUDES to no avail, the prosecutor, seeing no grounds for judicial proceedings, closed the case<sup>34</sup>.
10. **Police forces raid the University of World’s Knowledge and Wisdoms:** On 7 January 2010, a house search is launched by the police at university ‘*Terre du Ciel*’<sup>35</sup>. The sectarian abuse hypothesis initially brought up to justify this intentionally intimidating procedure is quickly put aside. The founder of the university comments: *“Was such a deployment of forces necessary to check out our tax situation and conformance to employment law when all our activities are published on our web site? (...) How now to compensate for the disrepute, the suspicion or the disgrace spilled ‘by mistake’ on our activity? How to compensate for the business loss?”*<sup>36</sup>
11. **Police forces raid a ‘biodynamism centre’:** On 22 February 2011, on MIVILUDES initiative, a force of 70 police acting under CAIMADES coordination (Assistance and intervention unit on matters of sectarian abuse)<sup>37</sup> raid a ‘biodynamism teaching centre’ in Nyons, while a course is on, on the vague grounds of ‘*potentially sectarian activity*’: *“The founder of the centre seems to have exerted mind control on trainees with an induced breaking-off of family and professional ties”*<sup>38, 39</sup>.
12. **The questionable technique of ‘exit counselling’:** This allegedly non-coercive ‘exfiltration’ technique (with reference to the illegal ‘deprogramming’ technique from which it is derived<sup>40</sup>) to get individuals out of a supposedly sectarian community is now being used in France<sup>41</sup>. We question vigorously the legality, conformity to fundamental rights and operational mode of this technique<sup>42</sup>.

## E. An Anti-cult ‘arsenal’ which is unique in its own way

13. **Ministries corralled into the anti-cult stance:** All ministries are members of MIVILUDES operational steering committee<sup>43</sup>. The ministry of Education publishes in March 2012 an imposing circular letter on the prevention and fight against sectarian abuse<sup>44</sup>, but what did the ministry say in 2006?: “*Academy inspectors or chief education officers recorded 19,000 files sent to prosecutors of the Republic (...) And when we asked them how many, among those children in danger, were as such because of sectarian movements, they answered: 8 of them*”<sup>45</sup>. What did the ministry say in 2011?: “*If spectacular and undisputable cases of sectarian abuse are fortunately rare, it seems we face more than often a situation of doubt*”<sup>46, 47</sup>.
14. **CAIMADES, MIVILUDES armed forces:** CAIMADES officers, within the Ministry of the Interior, try to bring into common use in their inquiries the notion of ‘mind control’: “*Inquiries which have taken place allow us to characterize offences and crimes - such as rape, sexual assaults of all sorts in relation sometimes with children, violence, confinement, fraud -, using ‘mind control’*”<sup>48</sup>. To pretend, as the investigating officers of this unit do, that: “*What we do is relatively simple, but when we have to prove mind control, then it calls upon very precise notions, very technical, requiring special training*”<sup>49</sup>, verges on charlatanism.
15. **The Ministry of Health has sided automatically against alternative therapies:** On February 2009, a ‘group for technical assistance on non conventional practises with therapeutic aims’ was created within the ministry. In charge of the evaluation of these practices, its membership includes one MIVILUDES representative<sup>50</sup> and members belonging exclusively to the conventional medicine world<sup>51</sup>.
16. **Each region has its ‘Mr or Mrs sectarian abuse’:** These correspondents can be reached, with that title, whether at the Prefecture, or at the police force head quarters, at the chief education officer, at the health agency, at the DIRECCTE<sup>52</sup>, at the doctors’ association (‘*Ordre des médecins*’), at the pharmacists’ association (‘*Ordre des pharmaciens*’), at the physical therapists’ association (‘*Ordre des kinésithérapeutes*’)<sup>53</sup>. MIVILUDES has signed more than thirty partnerships (with ministries, mayors, regional authorities, doctors association, National school for magistracy (ENM), National school for administration (ENA) etc.)<sup>54</sup>.
17. **A list of cults disguised as a ‘directory of movements and practises’:** MIVILUDES created a directory of movements and practices that should be accessible to “*professionals of the legal system, associations, [listed] movements themselves, public authorities, ministries and local representatives which are often asking us [MIVILUDES] about the use of public facilities free of charge for conferences etc or to grant someone the agreement to become a nursery school assistant*”<sup>55</sup>. In practice, minorities have great difficulties accessing their file and have no means getting alternative information published in that file<sup>56</sup>.
18. **An online denunciation form:** This form, put online on the new MIVILUDES web site in 2012 and entitled ‘report a sectarian abuse’, is but another means to impose in the population, by promoting their use, the anti-cult vocabulary and automatism<sup>57</sup>.
19. **An academic diploma on ‘sectarian control and the process of vulnerability’:** MIVILUDES has turned its back to academic research<sup>58</sup> but does not hesitate proposing its pseudo science in tertiary curriculum “*to bring an in depth complementary theoretical training on ‘control’ and sectarian processes, to develop the ability to spot in one’s daily professional environment victims of cults and the trauma they have undergone*”<sup>59</sup>.

## F. Faked common law

20. **2001 About-Picard law:** On 26 October 2011, MIVILUDES ‘celebrated’ with great pomp at the parliament (National Assembly)<sup>60</sup> the 10 year anniversary of the About-Picard law, although severely criticized by the Council of Europe<sup>61</sup>, although reaching a height in parliamentary hypocrisy<sup>62</sup>, and obtaining only one publicized precedent despite a pressing and constant lobbying by MIVILUDES president<sup>63</sup>.
21. **Immunity for witnesses in parliamentary enquiry commissions:** The 2008-1187 14 November 2008 law<sup>64</sup> is another example of parliamentary hypocrisy. Although intended in its wording for a general use, it has been explicitly conceived to prevent so called ‘cults’<sup>65</sup>, (already deprived of any right of reply in these commissions<sup>66</sup>) from prosecuting witnesses who give public testimony with media coverage<sup>67</sup>.
22. **An attempt to obtain immunity for MIVILUDES staff:** February 2012, following a request by one of its own Orientation Council member and MP<sup>68</sup>, MIVILUDES seeks to obtain immunity for its staff with an article of law stating that “*they [MIVILUDES staff] cannot be wanted by the police, prosecuted, arrested, detained or condemned for their opinions stated in the annual report*”<sup>69</sup>. The National Assembly passed the article of law; the Senate rejected it, not on its content, but because it was deemed out of scope in the set of bills reviewed.

## G. France: contempt and denial in international bodies

23. **International bodies infiltrated by sock-puppets for ‘cults’:** That is what MIVILUDES president Georges Fenech claimed with obvious contempt for the NGOs he had in mind and for accrediting bodies<sup>70</sup>.
24. **French Public Authorities denial at OSCE:** CICNS took part in 2009<sup>71</sup> and 2011<sup>72</sup> HDIM events. France’s response to criticism on its anti-cult policy has been sheer denial, particularly ironic in 2011 as it followed a reminder of its condemnation by ECHR for violation of the European convention’s article 9 on religious freedom in the trial against Jehovah’s witnesses<sup>73</sup>.
25. **France insularity on the ‘cults’ issue:** French authorities remain deaf to other Western Europe countries’ stance, which are more respectful of fundamental rights and answering the same questions<sup>74</sup>. They are still trying to export their anti-cult model to other international bodies<sup>75</sup> or within governments in need of information<sup>76</sup>.
26. **MIVILUDES president convicted for public defamation:** On 1st June 2012, Paris criminal court convicted Georges Fenech for public defamation for comments published in MIVILUDES 2008 annual report. Asked to react to his conviction the mission’s president, who intends to appeal against this court decision, answered: “*We are not impressed by this devious use of the judicial circuit. As such, to be convicted on a cult initiative proves that I bother these people, that the work accomplished during all these twenty years of struggle bears fruit*”<sup>77</sup>.

## H. Summary

27. **Summary table of non effective UPR recommendations:** The table below lists for each relevant UPR recommendation, the paragraph number of the statement of facts, constituting in our view an infringement of that recommendation. The term ‘minorities’ is taken as meaning ‘spiritual, educational or therapeutic minorities’.

<b>Consider how best the specific needs of individuals belonging to minorities could be addressed in order to ensure their equal enjoyment of all human rights, as provided for in the Constitution.</b>
<u>Infringement:</u> 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25
<b>Adopt a law banning incitement to religious and racial hatred.</b>
<u>Infringement:</u> 20-21-22
<b>Actively consider reviewing its position on minorities by recognizing and protecting them as minority groups.</b>
<u>Infringement:</u> 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26
<b>Find effective ways of realizing the rights of individuals belonging to ethnic, religious and linguistic minorities.</b>
<u>Infringement:</u> 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25

## I. Our recommendations

28. **Put an end to the propaganda ostracizing spiritual, educational or therapeutic minorities:** Victimized or slandering these citizens is no longer acceptable. Presenting these groups as a source of misdeed and mind control is unsubstantiated. French society as a whole has a lot to gain in understanding if not inspiration from alternative choices of life.
29. **Handle possible abuse in those minorities on the basis of “concrete elements, established facts punishable under criminal law”:** That has been the consistent stance of the Ministry of the Interior<sup>78</sup>, but it has been without influence as the deleterious language of MIVILUDES prevails. The notion of ‘sectarian abuse’ has been perverted from the start and should be discarded as well as the now insulting anti-cult vocabulary.
30. **Create an independent and competent observatory of these minorities:** MIVILUDES cannot put forward any sensible methodology; it has deliberately discarded any contradictory contribution; it has not produced one single serious independent study to back up its allegations. An official body, with the sole purpose of pointing the finger at alleged ‘sectarian abuse’ among citizens placed by default in the big bag of ‘cults’, will inevitably generate in the public a suspicious feeling toward these citizens<sup>79</sup>. We ask for the dismantling of MIVILUDES, to be replaced by an independent and competent observatory on spiritual, educational or therapeutic minorities<sup>80</sup>.

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<sup>1</sup> See our contribution at UPR 2008 on UPR-info web site ([source](#)).

<sup>2</sup> See a recent court decision condemning Google for linking the term 'cult' with the name of an enterprise through its algorithm for automatic search suggestion ([source](#)).

<sup>3</sup> The transition from a 'fight against cults' at the time of MILS (Inter-ministerial mission to combat cults), explicitly targeting groups, to a 'fight against sectarian abuse', with the creation of MIVILUDES in 2002, targeting behaviours, was not effective and turned out to be a showcase to comply in appearance with constitutional values. The use of the term 'cult' and its pejorative connotation is recurrent among members of the executive and legislative authorities; the pejorative connotation has been heavily emphasized on a large scale by the media ([source](#)). See another example at a debate in the Senate ([source](#)). The anti-cult vocabulary and automatic labelling often interfere in court cases ([source1](#), [source2](#), [source3](#), [source4](#)). Incidentally the strong power for disrepute conveyed by the anti-cult rhetoric has been taken advantage of in most domains of society, notably in the political world ([source](#)). See as well our analysis of the parliamentary debate on the full-face veil ([source](#)).

<sup>4</sup> The list of behaviours used to decide about a 'sectarian abuse' is ([source](#)) : "mental destabilizing, outrageous funds requirement, separation with one's own original environment, physical duress, child indoctrination, anti-social discourse, trouble to public order, involvement in legal cases, embezzlement of traditional economic circuits, attempt at infiltrating public authorities". To illustrate their inanity we used it on the financial system ([source](#)), on the enterprise France Telecom ([source](#)), on Free masonry ([source](#)), one of the major anti-cult proponent in France.

<sup>5</sup> A recent example of the difficulty to get rid of the rumour of 'being a cult', taken in its pejorative sense, is given by Steiner schools. In 1999 they were opposed in a court case to MP Jacques Guyard, president of the parliamentary enquiry commission entitled 'cults and money' (1998-1999), who had publicly taken position on a TV channel on Steiner schools, accusing them among other things "to embezzle money, or to enforce absolute power on people to use them" ([source](#)). The slanderous character of MP Guyard words had been retained in the first instance trial verdict as well as in appeal, but 'his good faith' as an MP was also recognized allowing him to escape any indictment. On this occasion Steiner schools had received the support from Jack Lang, then minister of culture. Twelve years later, a town councilman uses the old accusations of 'sectarian abuse' to refuse the installation of a Steiner school in his commune ([source](#)). Another example is Doctor Guéniot's case, February 2009; accused of non assistance to a person in peril, he will be discharged by the court, but nevertheless pursued his whole life by the accusations of sectarian abuse ([source](#)), see our video clip ([source](#)).

<sup>6</sup> Examples: "Let us not forget that the money they [the cults] use to try to get their religious status recognition is none other than the money they have extorted from weak persons, either disoriented if not desperate. That money accumulated through manipulation does not give credit in any case to the cause or the metaphysical ideal put forward by these organizations" (MIVILUDES 2008 annual report, p.188, extract from a question to the Government by MP Jean-Pierre Kucheida, [source](#)). "(...) Sectarian organizations are often tempted, we observe it, to couple their mind control activity on people with diverse frauds to make the whole business more profitable: illegal work, tax fraud, frauds in relation with diverse benefits and public allowances notably (*ibid.*)".

<sup>7</sup> No study with a robust methodology, led independently, peer reviewed and published has been produced to back up the figures broadcasted by MIVILUDES. As an example the fluctuating number of allegedly under 18 victims of sectarian abuse is an illustration of MIVILUDES unreliability ([source](#)).

<sup>8</sup> Georges Fenech, MIVILUDES president, TV program 'C à dire', France 5, 2 October 2008.

<sup>9</sup> Georges Fenech, MIVILUDES president, TV program 'C à dire', France 5, 2 October 2008.

<sup>10</sup> Georges Fenech, MIVILUDES president, VSD, 19 December 2008 ([source](#)).

<sup>11</sup> Georges Fenech, MIVILUDES president, radio Europe1.

<sup>12</sup> Georges Fenech, MIVILUDES president, Le Figaro, 8 February 2012 ([source](#)).

<sup>13</sup> No study with a robust methodology, led independently, peer-reviewed and published has been produced to back up the annual reports allegations. Ad-hoc scientific communities' contributions are absent. See the contents of the

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reports ([source](#)). See our commentary on MIVILUDES 2008 annual report ([source](#)), on 2009 annual report ([source1](#), [source2](#), [source3](#)), on 2010 annual report ([source](#)).

<sup>14</sup> No study with a robust methodology, led independently, peer-reviewed and published has been produced to back up the guides allegations. Ad-hoc scientific communities' contributions are absent. See the contents of the guides 'Regional authorities facing sectarian abuse', 'The protection of under 18 against sectarian abuse', 'Knowing how to detect sectarian abuse in vocational training', 'Health and sectarian abuse': ([source](#)). See our commentary on the guide 'Regional authorities facing sectarian abuse' ([source](#)). See our commentary on the guide 'The protection of under 18 against sectarian abuse' ([source1](#), [source2](#)).

<sup>15</sup> 'The legal system facing sectarian abuse', Georges Fenech: "*Facing some organizations with the ambition of enforcing their own laws, society could not stay impervious to that endemic disease affecting some 500,000 of our citizens*", p.12 ([source](#)).

<sup>16</sup> MIVILUDES national colloquium - Lyon 26 November 2009, Intervention of M. Bockel, then secretary of State for Justice: "*All the contributions we have heard during this day are much valuable to understand sectarian abuse which is similar to mutant viruses, diffusing through often insidious ways the poison of manipulation of human behaviours and minds detrimental to the dignity of people and to fundamental freedoms.*" ([source](#)).

<sup>17</sup> Quote by Laurent Wauquiez, then secretary of state for employment, at the Senate 23 September 2009: "*For year 2010, the main stake will be to purge vocational training from the cancer of cults, a situation tolerated for too many years. The Government will lead a relentless hunt down on that matter!*" ([source](#)).

<sup>18</sup> Quote by Jacques Miquel, then president of the anti-cult state sponsored association CCMM and member of MIVILUDES orientation council, during TV program 'C dans l'air', France5, 3 August 2009, on the theme 'cult or not cult'; Georges Fenech, MIVILUDES president was participating: "*At one moment the question of a directory of movements with sectarian abuse has been raised and I heard that unfortunately it would not be published for access by the public at large; I would like to make a remark that puzzles me quite a lot: in this country nobody would go to pick up mushrooms without a botanical handbook and believe me, I am a connoisseur in mycology, movements with sectarian abuse, they are much more toxic than mushrooms*" ([source](#)).

<sup>19</sup> See our summary on 'secularity' ([source](#)).

<sup>20</sup> We have extensively documented the refusal of the main media to step back and engage a genuine reflection on the cult issue: see our three parts documentary 'anti-cult France: current status – plea for fundamental freedoms' ([source](#)). Other examples: at MIVILUDES 2009 annual report release ([source](#)), at MIVILUDES 2010 annual report release ([source](#)).

<sup>21</sup> See for example in December 2011 how MIVILUDES, helped by the media, launched an alarmist campaign against 'apocalyptic movements' in the wake of 2012, notably in relation with the Bugarach site in south of France ([source1](#), [source2](#), [source3](#), [source4](#)). See, by contrast, our interview of sociologist Raphaël Liogier considering that serious researchers in social sciences are not afraid of minorities labelled 'cults' ([source](#)).

<sup>22</sup> Survey by IPSOS/SIG June 2011. The survey was conducted a few days after the release of MIVILUDES annual report (granted the usual media coverage), at IPSOS institute initiative. 968 individuals were interrogated on 17 and 18 June 2011 ([source](#)).

<sup>23</sup> With synonym expressions like: 'mental destabilization'.

<sup>24</sup> See the book by sociologist Arnaud Esquerré: 'Mental manipulation – Sociology of cults in France', Éditions Fayard, 2009 : "*The 'cult' as a totalitarian organization with therapeutic, spiritual, philosophical or religious aim and in which adepts are mentally manipulated is a French collective construction of the 70's and 80's*" ([source](#)).

<sup>25</sup> "(...) Manipulation and (...) mind control, driving subjects to find themselves captured to the point that they lose their free will on family, professional, sexual or financial matters" D.Picotin, lawyer ([source](#)). "*Nobody is safe from the mental manipulation endeavours of cults to deprive people of their free will*", Psychothérapie Vigilance ([source](#)).



<sup>26</sup> “We need ‘mind control’ (mental manipulation) to be considered as an offence and possibly a crime, (...) so that mind control be considered resulting in flawed consent”, D.Picotin, lawyer, interviewed in radio program *Café crimes*, 25 November 2009, Europe 1. See also our synthesis on the notion of ‘mind control/mental manipulation’ ([source](#)).

<sup>27</sup> The concept of ‘loss of free will’ is considered as pseudoscientific by many researchers; see on that subject ‘*Misunderstanding cults–Searching for objectivity in a controversial field*’, Benjamin Zablocki, Thomas Robbins ([source](#)). Concerning ‘flawed consent’, Patrice Rolland, professor at Paris XII university, reminds us rightfully that: “The principle, in the field of relationships where private law prevails or in the field of law on freedoms, is that the value of consent of the adult cannot be discarded except on exceptional grounds” ([source](#)).

<sup>28</sup> **Disempowerment** : The notion of mind control denies an individual possession of any self-determinism or any responsibility, considering he/she can simply be controlled against his/her will, as a brainless victim. It suggests that any offence, any ill-will expressed or ‘strange’ behaviour observed amidst ‘cults’ is the result of ‘mind control’: “Another frequently used concept which has been more obfuscating or misleading than enlightening is that of ‘brainwashing’. This, obviously enough, is a metaphor rather than a scientific term. People using the term are often more likely to be expressing disapproval of the end result (‘incredible beliefs’ and/or ‘incomprehensible behaviour’), rather than describing the process leading to the outcome. It may also be that the concept of brainwashing is being used to absolve anyone but the movement from responsibility for the unacceptable outcome. It is not being denied that the outcome may not be of our liking, but it is being suggested that it is more useful to understand how the convert (recruit) actually came to join the movement than merely to proclaim that s/he must have been brainwashed.”, Eileen Barker in Nathalie Luca ‘Which regulations for new religious movements and sectarian abuse in European Union?’, Presses universitaires d’Aix-Marseille ([source](#)).

**Gullibility or cynicism**: The notion of mind control implies that ‘cults’ are using sophisticated persuasion techniques that are seemingly absent from other parts of society: “*gurus and other psychological manipulators often pulling ahead in human sciences*”, D.Picotin, lawyer ([source](#)). This is at best very naïve and at worst, a blatant show of cynicism. David Bromley (in *Misunderstanding cults*, *ibid.*) notes that: “There are numerous institutions arenas through the social order in which high control, encapsulation, and identity transformation occur that do not evoke a brainwashing designation”.

**No comparative study**: “A further error encouraged by the media’s coverage of the movements is the assumption that a particular type of behaviour which has been brought to one’s attention is typical of the movement but not of the rest of society. If, for example, one learns from the media on three separate occasions that members of a movement have committed suicide, one might start to wonder what it is about the movement that makes people kill themselves. One may, however, be forgetting that the media are unlikely to file a report when a Catholic has committed suicide – that would just not make a newsworthy story. The social scientist would want to compare the rate of suicide in the movement with the rate among the general population and may well find that the latter is twice that of the former. One might then wonder what it was about the movement that prevented people committing suicide. Of course, there may be numerous reasons that have little to do with the movement one way or the other that are responsible for the different suicide rates, but at least it would no longer be assumed that visibility alone reflects typicality.”, Eileen Barker in Nathalie Luca, *ibid.*.

**Legislation specifically targeting ‘cults’**: The notion of mind control has led France to adopt a legislation targeting specifically cults. In three domains – the enterprise, the family environment, the ‘cults’ -, comparable in terms of possible conflicts between individuals due to influence, financial, sexual issues and where the notion of manipulation can be invoked, the French legislation handles differently the case of cults using only for them the notion of ‘psychological subjection’, notably in the About-Picard law.

<sup>29</sup> About-Picard law (12 June 2001) ([source](#)), the high point of the fight against cults at the time of MILS (which incidentally prompted its dismantling and replacement by MIVILUDES) was explicitly designed to dismantle cults supposedly committing a crime of ‘mind control’; see a description of the legislative work on the bill’s content by Professor Patrice Rolland ([source](#)), as well as by Arnaud Esquerré (*ibid.*). Creating a new crime/offence named ‘mind control’ was finally considered a bit farfetched to be included in the penal vocabulary, the lawmakers preferred to come back to the classical crime/offense ‘abuse of the state of weakness’ replacing the notion of ‘mind control’ by ‘psychological subjection’ without defining it; a close analysis of the texts before and after shows nevertheless that the described crime/offenses are similar, only the names have been changed, see the contribution by P.Pérollier, lawyer ([source](#)).

<sup>30</sup> See MIVILUDES website ([source](#)).

<sup>31</sup> Cameramen were present onsite but did not declare their credentials before the end of the intervention, acting as if they were part of MIVILUDES staff. They actually worked for channel TV France2.

<sup>32</sup> Georges Fenech, current MIVILUDES president.

<sup>33</sup> *“Looking back, a feeling of having been harassed, of having been abused, remains. We witnessed, dumbfounded and helpless, that outrageous intrusion: We see that kind of intervention as a rape, so brutal MIVILUDES takeover has been. We were stunned to see that kind of methods used in the name of the inter-ministerial commission to fight sectarian abuse. We underwent a heavy barrage of questions that we chose to answer with care based on Mr Fenech’s alleged credentials and we have been especially shocked by his insinuations of sectarian abuse, while interrupting us constantly. None of our answers were given any credit: we were judged and condemned in advance. Indeed, with a succession of assimilations, insinuations and inaccuracies, our choice of life has been denigrated and compared to movements the principles of which are in complete opposition to our values. Why Mr Fenech, acting as ministerial representative, was he accompanied by journalists to lead an official enquiry?”* Extract Moulin des Vallées letter to the Prefect. See the detail of MIVILUDES intervention and our interview of members of the community on our website ([source](#)).

<sup>34</sup> As a reminder: in France, prosecutors belong to the ‘parquet’ (standing magistrates) and are hierarchically attached to the Ministry of Justice, that means the Government; half of the judicial authority is still not independent in France. The other half is constituted by the ‘juges du siège’ (sitting judges) hierarchically attached to the ‘Conseil supérieur de la magistrature’ (Superior council of magistracy).

<sup>35</sup> See the sequence of events at Terre du Ciel and its consequences ([source](#)).

<sup>36</sup> Press release by Terre du Ciel ([source](#)).

<sup>37</sup> CAIMADES: ‘Cellule d’assistance et d’intervention en matière de dérives sectaires’ created in September 2009 within the Ministry of the Interior, at the ‘Direction centrale de la police judiciaire’ (DCPJ). It is placed under the authority of the central office for repression of violence on persons (OCRVP).

<sup>38</sup> *“An association for the defence of cults victims warned us of the practices in that centre based in Hérault department”, explains the general secretary of the inter-ministerial mission to monitor and combat sectarian abuse (MIVILUDES), Hervé Machi. He goes on: “After verification, Valence prosecutor was seized, because the centre had moved to Nyons. And according to gathered information in 2009, the founder of the centre seems to have exerted mind control on trainees with an induced breaking-off of family and professional ties”,* Le Dauphiné, 2 February 2011 ([source](#)). The legal enquiry is still on. See our interviews of some members of the centre ([source](#)).

<sup>39</sup> Another example, March 2011: A ‘spiritual healer’ course is cancelled; the event’s organizer has received an official mail warning her that the anti-cult squad would step in her premises, should this course be maintained. Destabilized by such an intimidating threat, the organizer chose to cancel the course ([source](#)).

<sup>40</sup> See some testimonies of people having undergone the technique of ‘deprogramming’ ([source](#)).

<sup>41</sup> The technique of ‘exit counseling’ was mentioned in a visible way in the media towards the end of year 2009.

<sup>42</sup> **Exit counselling and mind control are linked:** If indeed the value of consent of the adult cannot be discarded except on exceptional grounds in the field of relationships where private law prevails or in the field of law on freedoms, the only potential justification for an ‘exfiltration’ operation would rely on the relevance of the three notions: ‘mind control’, ‘loss of free will’, ‘flawed consent’. As shown above, such validation is lacking. And if by chance, as unlikely as it may be, it is obtained in the future, the whole of society would be impacted; the ‘exit counselling’ technique would have then to be generalized. This raises a serious question: How would established religions, convents and monasteries, the army, political parties, publicists, corporations, clubs of supporters, etc. react?

**A non violent method?:** If, in theory, ‘exit counselling’ no longer uses visible violence - abduction, confinement, which rendered illegal its ancestor ‘deprogramming’-, some anti-cult activists think otherwise. According to Sonia Jouglu, clinical psychologist specialized in the support to victims of ‘cults’ for thirty five years, commenting ‘exfiltration’: *“This method seems inappropriate to us, because by using violence there is a risk to strengthen adherence to the group”,* La Croix, 10 January 2010 ([source](#)). According to Rick Ross, former American

'deprogrammer' (condemned for that practice): "*Deprogramming and exit counselling rely on the same principles*" ([source](#)). It is also worth noting that some of the journalists who covered corresponding news items mentioned 'commando-like operations': Le Figaro, 'Liberated from family guru', 19 December 2009, "*Aristocrats from Bordeaux, under influence for eight years, have been 'exfiltrated' from Oxford. A true commando operation*" ([source](#)). Telegraph, 2 December 2009, "*Daniel Picotin, a lawyer acting for the freed family members, mounted two 'exit counselling' commando operations*" ([source](#)). In a country which has legislated on workplace harassment, on psychological violence (in the family environment), on psychological subjection (About-Picard law aiming 'cults'), how is it that 'exit counselling' psychological violence cannot be legally questioned? What difference is there between an 'exit counsellor' who would succeed in convincing an individual to quit a group through the technique of 'exit counselling' and the persuasion skills granted to the 'guru' (those one seen as harmful), as in both cases, it targets the same people said to be responsive to manipulation?

**A non trustworthy supervision:** 'Exit counselling' technique supervision is supposed to be certified in the presence of a lawyer and psychologists. Some lawyers and psychologists are actively involved in the virulent French anti-cult fight and do not hesitate proposing actions and legislation that other citizens consider contrary to liberties; therefore their professional title is not a guarantee. Assuming that legality (in the penal sense) was definitively acquired, the only way to validate the operational mode of the 'exit counselling' technique – potentially impacting several hundred of thousands of citizens - would be to obtain a methodological consensus on the part of lawyers and psyche professionals (among their representative structures). To the best of our knowledge, this consensus does not exist.

<sup>43</sup> See MIVILUDES organization chart ([source](#)).

<sup>44</sup> See circular letter n° 2012-051 du 22-3-2012 by the Ministry of Education ([source](#)).

<sup>45</sup> Audition of MM. Dupuy and Polivka, general inspectors at 'Education Nationale' and representatives for the prevention unit on the sectarian phenomenon within Education Nationale, performed during the parliamentary enquiry commission entitled 'stolen childhood' and presided by Georges Fenech, 2005-2006 ([source](#)).

<sup>46</sup> MIVILUDES 2010 annual report, p216 ([source](#)).

<sup>47</sup> Concerning the ministry for youth and associative life (secrétariat chargé de la Jeunesse et de la vie associative), following its enquiry on under 18 collective caring centers on the subject of sectarian abuse, it states: "*In 2010, no report was forwarded by the delegated services in charge of youth*". MIVILUDES 2010 annual report, p217 ([source](#)).

<sup>48</sup> Rapport 2010 de la MIVILUDES, p220 ([source](#)).

<sup>49</sup> Parliamentary channel LCP, TV program 'L'Echo des Lois', title: 'Sectarian abuse, beware of gurus !', 18 October 2011 ([source](#)).

<sup>50</sup> As an example, MIVILUDES, promoter of the 'group for technical assistance on non conventional practices with therapeutic aim' within the ministry of Health, publishes ten recommendations to parents to protect them from sectarian abuse in the domain of health. Example of a criterion to become suspicious: "*Does the practitioner criticize the services of the State in charge of minors?*". See the complete list of recommendations on MIVILUDES guides 'Health and sectarian abuse', p151 ([source](#)).

<sup>51</sup> See the ruling for the creation of this group ([source](#)).

<sup>52</sup> DIRECCTE : 'Direction régionale des entreprises, de la concurrence, de la consommation, du travail et de l'emploi' (Regional Office for enterprises, trading, consumption, work and employment).

<sup>53</sup> Without forgetting the anti-cult associations ADFI ([source](#)) and CCMM ([source](#)) financed more than 90% by the state. See MIVILUDES website for the details of regional correspondents ([source](#)).

<sup>54</sup> See MIVILUDES website. Partnerships have been signed with: - Secrétariat d'Etat à la Famille - Protection judiciaire de la jeunesse, ministère de la Justice et des Libertés - Cellule de prévention du phénomène sectaire (CPPS), ministère de l'Education nationale, de la Jeunesse et de la Vie associative - Pôle Santé du Défenseur des droits - Direction générale du Travail, ministère du Travail, de l'Emploi et de la Santé - Direction générale de la Santé, ministère du Travail, de l'Emploi et de la Santé - Institut national du Travail, de l'Emploi et de la Formation professionnelle (INTEFP) - Délégation générale à l'Emploi et à la Formation professionnelle (DGEFP), ministère du

Travail, de l'Emploi et de la Santé - Pôle Emploi - Direction générale de la Cohésion sociale, ministère des Solidarités et de la Cohésion sociale - SNATED-ONED (Allô 119), Service national d'accueil téléphonique pour l'enfance en danger - INAVEM (Fédération nationale d'aide aux victimes et de médiation) - Union nationale des associations de défense des familles et de l'individu victimes de sectes (UNADFI) - Centre contre les manipulations mentales-Centre Roger Ikor (CCMM) - Association des Maires de France - Mairie de Paris - Ordre national des médecins - Ordre national des pharmaciens - Ordre national des chirurgiens dentistes - Ordre national des sages-femmes - Ordre national des masseurs-kinésithérapeutes - Ordre national des infirmiers - Ordre national des pédicures-podologues - Agence nationale d'évaluation des établissements sociaux et médicaux - Haute Autorité de Santé - Agence française de sécurité sanitaire des produits de santé (AFSSAPS) - Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail - Université de Paris V René Descartes, ministère de l'Enseignement supérieur et de la recherche - Ecole nationale d'administration - Ecole nationale de la magistrature - Ecole de formation du Barreau de Paris EFB - Ecole des commissaires de police - Ecole nationale supérieure des officiers de police - Ecole des officiers de la gendarmerie nationale ([source](#)).

<sup>55</sup> Quote by Georges Fenech, answering a question of newspaper Libération, 3 August 2009: "*Who will have access to the files [of the directory]?*" ([source](#)).

<sup>56</sup> Since the publication, on May 27 2005, of a bill by the Prime Minister pertaining to the 'fight against sectarian abuse' ([source](#)), it is not appropriate to mention 'lists of cults' in France; therefore MIVILUDES has replaced the term 'list' by the term 'Directory'. Georges Fenech, interviewed on the parliamentary channel LCP on 16 June 2011, in the TV program '*Ça vous regarde*', states: "*It is a sensitive subject. (...) What we are interested in are the movements bearing danger, that's it. And for those, I can assure you that at MIVILUDES we have a filing cabinet, each time we consider that there is danger somewhere, not just denouncement, we open a file and based on that file we inform Public Authorities, citizens, associations, that's our role. So, call it a list, as you wish, in any case we have in our premises files referenced according to hazard*". Georges Fenech had claimed that MIVILUDES directory would be open to contradictory sources: "*We will include victims' statements, but also those from communities' leaders in order to respect contradictory views*", in Le Figaro, 19 May 2009, ([source](#)). Several spiritual minorities informed us of their difficulties to access their file. On 16 June 2011, in the TV program '*Ca vous regarde*', LCP, Catherine Picard, president of the anti-cult association UNADFI, member of MIVILUDES Orientation Council: "*As for myself, I would favour a new list, for prevention and education*" ([source](#)).

<sup>57</sup> See the form on MIVILUDES website ([source](#)).

<sup>58</sup> In MIVILUDES 2008 annual report, p.51 and 52, putting aside the possibility of working with academics, the authors state: "*(...) It is suggested to recommend an objectivity and a neutrality that MIVILUDES and intelligence services would lack and to rely on the expertise of academics, experts on religions, the very persons, referenced by the sectarian groups themselves, who keep on denigrating the personnel involved in monitoring and combating sectarian abuse and questioning the reliability of ex-adepts testimonies*" ([source](#)). In the TV program '*Les Infiltrés*', France 2, 17 December 2008, Nathalie Luca, sociologist, suggests that MIVILUDES should use the work of scientists and have spiritual minorities at the table of discussion, something which is done in other European countries. For Georges Fenech, the scientists' 'theoretical' work does not fit his mission: "*I am not as intelligent and brilliant as they are (...) My only job, it is not to make academic studies, it is to denounce that which troubles public order, that which is an offence with regard to law, that which constitutes a danger to public health (...) and to fight against everything which is contrary to the interest of the individual and society; to each one his job.*" ([source](#)).

<sup>59</sup> See the diploma complete description ([source](#)).

<sup>60</sup> See an article in newspaper '*20 minutes*' interviewing Georges Fenech, 'the president of the mission fighting cults' (sic.) ([source](#)).

<sup>61</sup> About-Picard law was severely criticized by the Council of Europe: "*The Council of Europe showed strong suspicion towards the passed law. Without concluding that it was a characterized violation of the European Convention on human rights, the adopted Resolution relied back on a possible ruling by the European Court and invited the French Government "to reassess that law and clarify the terms 'infraction' and 'author of the infraction'". Cf. Resolution 1309 (2002), adopted on 18 November 2002 by the permanent Commission of the parliamentary Assembly of the Council of Europe, following the report Akçali. The expert (Mr Voyame) did a very mild report on the French law and concluded, depending on the way it would be applied and despite the imprecision of the notion of 'psychological subjection', that it was compatible with the European Convention, Patrice Rolland*" ([source](#)).

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<sup>62</sup> Targeting explicitly 'cults' in its original version, the text of About-Picard law was modified to target any 'legal person' and be in conformance with common law, while reminding in the title of the law (non applicable therefore non opposable in a court of law) that the objective of the law is the 'repression against sectarian movements'. Worried by the very broad notion of 'legal person', some MP will be reassured in session by the law rapporteur MP - none other than Catherine Picard, now president of the anti-cult association UNADFI and member of MIVILUDES orientation council -: "*In no circumstances would unions, professional structures or political movements be targeted*", C. Picard, AN I, p. 5721 ; she reminds that fact a little later (p. 5751) : excerpt from Patrice Rolland ([source](#)).

<sup>63</sup> It is remarkable to note that About-Picard law got only one publicized precedent, after ten years of existence, on the 'Néophare' case ([source](#)). If it is regularly invoked by prosecutors, ruling judges ('juges du siege') have up to now considered it impractical. Nevertheless, all MIVILUDES guides, reports, conferences promote the use of About-Picard law and the intensification of the fight against sectarian abuse. As a former 'juge d'instruction', Georges Fenech, current MIVILUDES president, has a privileged access to magistracy. See an effect of his lobbying on the 19 September 2011 circular letter sent by the Ministry of Justice to prosecutors ([source](#)). We find in that note all the doublespeak elements of the French anti-cult fight.

<sup>64</sup> See the text of the law n° 2008-1187 14 November 2008 ([source](#)).

<sup>65</sup> See the minutes of the discussion ([source](#)).

<sup>66</sup> A non-biased and balanced debate has been refused to minorities in all three French parliamentary enquiry commissions on 'cults': 1995 ([source](#)), 1999 ([source](#)), 2006 ([source](#)).

<sup>67</sup> See our video clip on the law relative to the status of witnesses in front of parliamentary enquiry commissions ([source](#)).

<sup>68</sup> MP Philippe Vuilque ([source](#)).

<sup>69</sup> See article 134 of the law proposal ([source](#)).

<sup>70</sup> Journalist Robert Ménard, I>télé, on June 15 2011, draws Georges Fenech's attention on the fact that UNO criticizes France's stance on cults; - G. Fenech: "*This is because of these NGOs which are sock puppets for sectarian organizations and are registered at the United Nations*" - R. Ménard: "*My!, this is too easy when it's UNO challenging you*" - G. Fenech: "*No, it's not the United Nations...*" - R. Ménard: "*What, they are infiltrated by cults?*" - G. Fenech: "*... It's these NGOs which are sock-puppets once again and are registered at the Council of Europe, at UNO, among international instances; they are doing a significant lobbying (...)*" ([source](#)).

<sup>71</sup> See our contribution to OSCE Human Dimension Implementation Meeting in Warsaw 2009 ([source](#)).

<sup>72</sup> See our contribution to OSCE Human Dimension Implementation Meeting in Warsaw 2011 ([source](#)).

<sup>73</sup> "*For the first time, the European Court on Human Right (ECHR) has ruled, Thursday 30 June, that the French Government had violated article 9 of the European Convention on religious freedom. Even more significant, this verdict takes place in a case opposing the State to Jehovah's witnesses, whose qualification as a religious association is regularly questioned by the French administration, despite law rulings granting them that qualification*", Le Monde, 30 June 2011 ([source](#)).

<sup>74</sup> See Nathalie Luca (ibid).

<sup>75</sup> MP Rudy Salles has been appointed rapporteur on '*the protection of under 18 against the influence of cults*' within the Council of Europe ([source](#)). Moreover, one can question the relevance of that position with such a title, the use of the term 'cult' being recognized as pejorative in a majority of Western European countries, furthermore in a body hosting ECHR.

<sup>76</sup> Georges Fenech went for example in Australia where some MPs question the opportunity to have an Australian MIVILUDES ([source](#)).

<sup>77</sup> See newspaper 'Le Progrès' 8 June 2012 ([source](#)).

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<sup>78</sup> See the book by Claude Guéant, then Minister of the Interior, 'Secularity and religious freedom', Les éditions des Journaux Officiels: *"Facing the evolution of the sectarian abuse phenomenon, it appears necessary to boost public authorities action adapting our means for that fight to the mentioned evolution. The legal means available to conduct this fight seem adequate, whether it be the corpus of texts or jurisprudence. The difficulty resides in the way it is implemented, which can only be grounded on concrete elements, established facts punishable under criminal law"* (p.405). See our commentary of that section of the book ([source](#)).

<sup>79</sup> Let us imagine (although quite improbable) an inter-ministerial mission for the monitoring and the fight against any abuse by political personnel – renamed for example 'fight against embezzlement in the political world' - armed with a nominative directory of individuals and political organizations; a directory which would be put at the disposal of the associations fighting against such deviations or any organization (including media) asking to protect itself or society against the abuse of some party or representative. A few commentators would popularize the term 'crook' and following its successful use, it would finally replace the other words like 'politician'. Of course, on TV sets, these commentators would concede that the term 'crook' is a bit 'loaded' but facing its generalized use, they would agree to go on using it. Would we accept this? No. Then why do we accept it for another category of citizens, namely the groups called 'cults'?

<sup>80</sup> See our proposal to create an independent Observatory on spiritual, educational or therapeutic minorities ([source](#)).