



PREMIER MINISTRE

Interministerial Mission for Monitoring and Combatting Sectarian Deviances



## SECTS AND CULTS CONTRAVENING HUMAN RIGHTS AND THE RULE OF LAW

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I am very pleased to be with you today on the occasion of this 20th anniversary. I would like to thank FECRIS for asking me to come and discuss with you a topic at the centre of our joint concerns.

Far from being anecdotal, awareness of the risk of sectarian indoctrination and mind control constitutes a major challenge for our modern democracies.

As you know, cultism feeds on human aspirations. These days, each and every one of us finds himself bombarded by spiritual, therapeutic, professional and educational offerings, all aimed at personal development and self-realisation. Cultism thus finds a fertile feeding ground: alongside the large and easily identifiable groupings with their clear structures and hierarchies we knew about twenty years ago, we have now seen a diffuse set of micro-groups appear, nebulous groupings of people more or less linked together by certain methods, doctrines or practices, only meeting sporadically and sometimes not even knowing each other.

Though cultism has changed its face through supporting an ever-growing individualism, this evolution is being accelerated by new ICT technologies, and in particular the development of the Internet.

Looking at this phenomenon, I would use the term “fuzzy” as a label for such groups or sects: though they definitely exist, they are mobile, ever-changing, you can't put your finger on them. Members come and go, dependent on what they read into the doctrinal material, and whether they are going to import it or spread it in an identical or different form. This transformation of cultism is making it less

noticeable, less obvious, even though its influence is just as strong and the harm it causes to individuals and society as a whole is just as great.

This is why having the right perception of the phenomenon is of great importance for our democracies: the rise of individualism does not go hand in hand with a withdrawal of the State. Quite the opposite, the State must step up its monitoring in order to guarantee every individual optimal conditions for exercising his or her freedom.

As you may know, the term “sect” or “cult” is not defined in French law, and, as the successor to MILS, it is the task of Miviludes to clarify France's field of action.

In migrating from the term “cult” to “cultist movement”, France has reaffirmed the principle of secularism, though stressing its purpose: cultism is not something specific to certain religious minorities, as not only are the historically recognized major religions not exempt from it, but above all because it goes far beyond the sphere of religion. This we now know, and the organisations which you represent have been the first to observe it: cultist behaviour is to be found in all types of groups in ideological underpinnings as diverse as spirituality, philosophy, but also humanitarianism, personal development, medicine or

pseudo-medicine, education, culture, vocational training, etc.

Deviance occurs when public law and order or human rights are infringed, and in most cases, in France as in the majority of European countries, the excesses committed in a cultic context are punishable by law. So why try to highlight cultic deviance, why not just carry on prosecuting such offences as fraud, failure to assist a person in danger, rape or child abuse? Because the government wanted to highlight “mind control” as a specific aspect, an aspect which, in the unanimous opinion of both French chambers in 2001, needed to be included in criminal legislation. The result was the new offence of “abuse of weakness through psychological subjection”. The renowned About-Picard Act allows the judiciary to take the cultic context into account when prosecuting this new offence alongside other common law offences, or even to just punish it alone when no other offences are obvious. The Act clearly stipulates that it is a criminal offence to psychologically manipulate someone through encouraging him to commit acts harmful to himself.

The concept of cultic deviance that we have coined is an operative, pragmatic concept which draws its legitimacy

from the reports collected and observations made by MIVILUDES: cultic deviance is defined as the use of pressure or of certain techniques, by an organised group or an individual, whatever its nature or business, with the aim of creating, maintaining or exploiting a person's state of psychological or physical subjection, depriving him of part of his free will, with damaging consequences for that person, those around him or society in general.

Regardless of the doctrinal underpinning of the group or movement behind such deviance: when certain criteria are met, the first being subjection, the State will take criminal action against it.

Let me now turn to the issue of political philosophy: on whose behalf does the State take situations initially based on an individual's free will into account? When deviant behaviour occurs, be it as a result of a person's free-will membership of a group, adherence to a doctrine or even to a therapeutic practice, how can the State intervene and how far can it go?

What I would like to show you here is that this major issue needs to be seen not in terms of restricting, but instead of defending certain freedoms. And though history of the French Republic helps explain the uniqueness of the French

position in Europe, the fact remains that the principles leading France to take action in this field are not based on any specific circumstance or feature, but on values shared by the major democracies of Europe and America.

As a rule-of-law State, France has the duty to respect the principles and values enshrined in the Constitution, and in particular the rights and freedoms set forth therein. It therefore has an obligation not to interfere in the exercise of individual and collective freedoms. This of course applies particularly to freedom of thought and religious freedom. This obligation constitutes a fundamental duty of public authority, a duty of utmost importance.

Relations between private individuals constitute a further field highlighting the tension between authority and freedom, between weak and strong. As Marcel Waline put it, “public freedoms create private powers”. Every individual has the power given to him by public freedom, but not all are able to make the most of it. For instance, the possibility to travel anywhere in France is a public freedom available to all French citizens, yet only those citizens physically, mentally and financially in a position to do so can actually exercise it. We thus find ourselves affirming the paradox that “public freedom lends itself to

the abuse of that power by the strongest, and to the seizing of freedom by the latter, to the detriment of the weakest”<sup>1</sup>.

From this angle, it must be stressed that mind control establishes a very much individual power relationship, of an extreme nature and often hidden. The control does not necessarily extend to the individual in question being absorbed into a structure controlling him, but can occur within a simple relationship between individuals. Mind control affects the independence of will, the ability to think for oneself and consequently the free exercise of fundamental rights. It weakens people at a vulnerable moment in their lives, transforming them into captives.

Moreover, it is not surprising that phenomena of mind control and manipulation develop these days deep within the intimate sphere, there where freedom of choice and decision-making freedom are most protected: health (whether physical or mental), via courses in personal

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<sup>1</sup> *ibidem*, p. 394.

development or unconventional practices in the health field, as underlined by the Senate in a recent report<sup>2</sup>.

In the face of cultic movements developing in the private sphere and threatening the weakest members of society, the State has a duty to protect these people, doing everything to help them be able to fully exercise their rights. It follows that the State, with its tradition of upholding freedoms, must more than ever take on the role of a State protecting fundamental rights. Such state protection of freedoms in private relationships is the concrete expression of the right of the weakest, as seen in all democratic countries, where the State plays a dominant role in protecting the handicapped, people with reduced capabilities on account of their age, and of course children. In this vein, we will need to keep close track of the feedback to Mr Rudy SALLES' report on the protection of minors against sectarian movements which will be discussed in the Parliamentary Assembly of the Council of Europe on 10 April.

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<sup>2</sup> A. Milon et J. Mézard, *Dérives sectaires et dérives thérapeutiques : la santé en danger*, rapport de la Commission d'enquête sur l'influence des mouvements à caractère sectaire dans le domaine de la santé, Sénat, No. 480, 3 April 2013.



We must therefore put an end to the misunderstanding that led to linking cultic deviance with the question of religion in order to reach agreement on a social conception of freedom where any situation of control or subjection is *per se* a serious violation of its very foundations and constitutes a breach of our democratic political order.

The principle of freedom of thought imposes a positive obligation on the State, as affirmed on several occasions by the European Court of Human Rights. And though the State has a duty to uphold freedom of thought, a State's neutrality towards the religious convictions of its citizens cannot be seen in terms of passive indifference: quite the opposite, a State must do everything to guarantee the conditions allowing everyone to exercise freedom of thought, while opposing those who use freedom of speech, freedom of religion and freedom of association to undermine the very foundations of these freedoms.