

Abuses of controversial religious, quasi- and non-religious movements against individuals and social structures in contemporary Poland.

Do there exist legal instruments and practice enabling effective counteraction, assistance to victims and prophylaxis if they are needed?

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Introductory remarks: destructive character of religious, quasi- and non-religious movements

- The destructive activity related to certain religious or worldview groups in Poland (usually called as sects or destructive sects in the Polish literature) has been the issue frequently present in research and scientific analysis in the field of various disciplines for many years now, although not every aspect of this destructive activity is given equal attention.
- The destructiveness that characterises a social group can be seen through the behaviour of the individuals who create such group. In every community, in every social group, cases of destructiveness can be found, but it seems that a given community (group) can be described as destructive one when destructive behaviours are the norm rather than the exception, and therefore when destruction within it is of a 'programmatic' nature, tolerated or accepted by those who make up the group, thanks to whom a particular group entity exists and functions.
- The feature of such group which is a destructiveness is linked to the fact that those undesirable behaviours are not subject to stigmatisation (based on in-group instruments and mechanisms aimed at limiting and eliminating them), and sometimes even on the contrary, they are considered appropriate, worthy of praise and promotion.

Introductory remarks: destructive character of religious, quasi- and non-religious movements

- Naming of a given social group (including a religious or worldview group) as destructive one requires great care. It should not be the result of spontaneity stemming from some controversy aroused by the functioning of the group in question, or be rooted in pejorative emotions that may arise in relation to the group in question based on some stereotypical ideas and myths.
- Destructive behaviour is not only a behaviour that has resulted in 'tangible' damage. Destructive behaviours are also those behaviours that are capable to cause a specific damage.
- It becomes problematic to label already in a more concrete form the behaviours that are considered destructive. In turn, this issue is of considerable methodological importance (for example, a given group may be perceived as destructive one due to the nature of its behaviour on the grounds of considerations from the area of, for example, theology and moral and moral sciences of a specific traditional religious denomination, whereas - from the point of view of legal considerations - a specific type of behaviour does not evoke reflection on its destructiveness, as such behaviour is within the limits set by the law and is subject to its protection.
- In the literature we can meet reflections about two levels of destruction caused by the activities of certain groups, which are called as sects: psycho-physical or psycho-sociological destruction, linked to the issue of a person's health, and spiritual-religious or worldview-initiation destruction, linked to the issue of a person's worldview.

Introductory remarks: destructive character of religious, quasi- and non-religious movements

- The destructive character of a given religious or worldview group, its social harm, can be viewed through the prism of its tensions with society and the state, which give rise to conflicts with the applicable law. Destructive behaviours are undoubtedly criminal offences. Destructive behaviours should also include behaviours from the area of so-called psychomanipulation, but only some of them can currently be interpreted as criminal behaviours in the context of the patterns of prohibited behaviours present in the current Polish criminal law (in the Polish criminal law there doesn't exist, as a separate category of criminal behaviour, the so-called crime of psychomanipulation).

Controversial religious, quasi- or non-religious movements: problems with a precise definition of the phenomena

- Collective religious or worldview entities, including those that are described as destructive ones, are collectives (communities) or social groups in the sociological sense.
- Such organisations - drawing attention to aspects of their destructiveness - are sometimes called as sects (in the negative sense of the word); often also as „destructive sects“. „Sect“ is a term used by many authors as denoting a threatening, dangerous, unpredictable group.
- In considering such groups or collectives (communities), the element of using by them of manipulative techniques in connection with their various activities (e.g. in recruiting new members) is often and explicitly emphasised.
- **Proposal of a definition:** A destructive sect is a group of people united by a common worldview and by permanent or periodic cult or pseudo-cult and organisational forms, whose aims and forms of their implementation are against the law or undermine the social order through a pathological way of functioning, especially due to the totalitarian and exclusive nature of the ideology, activities aimed at enforcing hierarchical subordination and strict obedience through the use of psychomanipulation techniques.

Controversial religious, quasi- or non-religious movements: problems with a precise definition of the phenomena

- Religious or worldview organisations which are suspected of being destructive, i.e. organisations whose activities are questionable from the point of view of their compliance with generally applicable law and which are accused of generating various threats to public order and security (including, in addition to crime, other harmful interference in the sphere of human rights and freedoms, in the sphere of the proper functioning of state institutions or in the sphere of public morality and morality), are a widespread and internally diverse phenomena, located in the area of social pathology.
- In destructive religious or worldview organisations, religion or another worldview is used - in internal relations (in relation to the individuals who make up those groups but are subject to the authority of others in the group) and in external relations (in relation to those outside the group) - purely instrumentally.
- Activities of a religious nature or activities manifesting the values of a particular worldview, if they are not intrinsically, and therefore programmatically, destructive, can be a camouflage under which the groups concerned hide their real objectives, which are contrary to social norms - customary, ethical/moral or legal.

Controversial religious, quasi- or non-religious movements and the public order and security

- The protection of public order and security may justify the interference of the state authority in the sphere of certain human rights and freedoms, the exercise of which may be subject to limitation only in statutory regulations and when it's a necessity in a given democratic state (the protection of public order and security is a component of the constitutional imitative clauses - general and special).
- The anticipated risk of a breach of public safety and order justifies the obligation to take reactive and preventive measures, which is already anchored in the constitution, by the prohibition of any organisation that refers by its programmes to practices and methods characteristic for totalitarian systems, or which in its programmes or in its operational practices presupposes or permits racial or national hatred, the use of violence to gain power or influence over state policy, or provides for the secrecy of its structures or its membership.

Controversial religious, quasi- or non-religious movements and the public order and security

- The illegality of organisations with certain features of destructiveness, determining their hostile attitude towards the constitutional values of the state and society, is therefore unquestionably assumed. This, in turn, means that it is legitimate and necessary for a democratic state to have control and reactionary mechanisms and instruments in place, on the one hand preventing the emergence of such organisations, and on the other hand - which can be used as an effective antidote with regard to existing organisations (which, from the point of view of their programme or practical activities in the social space, have become radicalised, taking a direction that is forbidden by law), allowing their delegation, dismantling and thus neutralising the threats they generate, which are clear destabilisers of public order and security.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- Presenting or reconstructing a clear picture of crime connected with the activities of destructive religious or worldview groups in Poland doesn't seem feasible at the moment (or at least it is an extremely complicated undertaking).
- It's difficult to operate with concrete and reliable numbers illustrating the state of criminality connected with the activities of at least some of the religious or worldview groups that could be described as destructive ones, and in this way to try to show - even only indicatively, i.e. approximately - the level of intensity of the threat to public order and security generated by the functioning of such groups.
- The relevant data aren't always reliable (they don't always reliably reflect reality), they are generally fragmentary and selective, they are not collected systematically and, even if they are obtained when needed on an *ad hoc* basis, it's difficult to ascertain the methodological validity of their selection.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- Persons who are associated with religious or worldview groups with recognised destructive features (or whose activities in religious or worldview groups are of such a nature that they influence the assessment of such groups as destructive) may commit various offences described both in the Polish Criminal Code of the 6th of June, 1997 and in other laws, i.e. offences that are in correlation with or are a consequence of the group's forms of action, doctrine or ideology.
- Such persons may also commit offences unrelated to their membership of a particular group, their faith or worldview.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- The literature indicates that, globally, the most frequent crimes in the context of this activity are those which concern genre-specific groups of offences:
 - against sexual freedom and morality,
 - against life and health and
 - against property.
- In Poland, satanists or pseudo-satanists are perhaps best known for their criminal activities resulting from their involvement in a destructive peculiarity of religion or worldview, thanks to cases publicised by the media. Their activities are associated with the perpetration of crimes against public order, freedom of conscience and religion or against life and health.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- These crimes included, for example: insulting a corpse, human ashes or a resting place of a deceased person, and robbing a corpse, grave or other resting place of a deceased person; insulting religious feelings, also in connection with a previous theft of objects of worship, which were then profanely used in satanic rites; damaging or destroying objects of worship, ecclesiastical or non-ecclesiastical property, including, for example, arson of religious buildings; murder, also in connection with the performance of rituals, abuse and cruelty; and acts leading a person to suicide (by persuasion or by providing assistance), as well as abuse and unlawful killing of animals.
- The criminal behaviour of satanists (pseudo-satanists) was often characterised by its drastic nature and was particularly shocking to society because of the role of young people (sometimes very young - children) as perpetrators as well as victims and, moreover, because it was accompanied by an aura of breaking a certain taboo and imaginative symbolism.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- Among criminal acts related to the activities of certain religious or worldview groups, the following occurred: forgery of documents and usage of forged documents, abduction or detention without the consent of parents or guardians of minors, active resistance to public officials, violations of bodily inviolability of officials (policemen) and active assault on them. Sporadic cases of criminal behaviour were: illegal possession of weapons, giving false testimony, usage of criminal threats, theft and unlawful provision of medical services. There was a case of sexual intercourse with a minor under 15 years of age. Also, the evasion of military service, cases of extortionate exemption from customs duties and extortionate certification of untruths were observed. Among the suspected criminal activities of members of controversial religious and worldview organisations were also suspicions of trespassing, bodily harm, exposing a person to immediate danger of loss of life or causing grievous bodily harm, trafficking in human organs, possession and trafficking in narcotic substances.
- It should be noted that the relation of certain criminal events with the activities of certain religious or worldview groups is not strictly defined, which opens up the possibility of a far-reaching subjectivity of the assessments made.
- Generally, the behaviour deemed pathological by persons affiliated with certain religious or worldwide groups doesn't take the form of more or less serious crimes (i.e. crimes or misdemeanours), but constitutes an abuse of family law, petty offences, violations of administrative or labour law norms or it is sometimes qualified as abuses of a financial nature.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- Most of the accusations made in society against various controversial religious or worldview groups relate to behaviours of individuals which, from a legal point of view, remain indifferent (their occurrence doesn't give rise to the possibility of using legal measures and procedures). Such behaviours include, for example, an individual changing of a person's previous lifestyle and interests or leaving by a person the family (kins) to join a particular group.
- These behaviours - evidencing the exercise of strong control over a person within a given religious or worldview group by its leader or another person or persons endowed with certain powers of authority within the group by a person who is its leader - are derived from the use of psychomanipulation techniques (and, it should be emphasised, these are varieties and forms of psychomanipulation which *per se* are not prohibited by criminal law or cannot be identified with the elements comprising the statutory description of behaviour deemed criminal).

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- This what constitutes a characteristic feature in the groups in question here, and at the same time provokes public opposition, is something what sometimes in the literature is referred to as „fundamental deception”.
- Those who are in positions of power in the group in question violate - outside the consciousness of the group's member - his or her fundamental human rights, doing so under the pretense of honestly declared religious goals or those arising from another proclaimed worldview, presented as beneficial to the member. Taking action (for the real good of such a person) may prove ineffective if this person „behind the facade of smiling faces of co-religionists” discovers too late „the dark world of psychological addiction, manipulation, often also violence”.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- It can be pointed out that as early as 1997, the Inter-Ministerial Team for New Religious Movements was established in Poland, as an opinion and advisory body to the Prime Minister of the Polish Government. Under the auspices of this team, the Report on Certain Phenomena Associated with the Activities of Sects in Poland was published in 2000. This document was the first attempt to illustrate –in a more fully way - the issue of sect activities in Poland and was part of the ongoing discussion in society on the dangers posed by mentioned phenomena. The team was abolished completely in 2001 and since then there has been no special mode of monitoring the activity of controversial religious or worldview organisations in Poland.
- Currently, the lack of such a specific official institution and mode of proceedings undoubtedly limits the possibilities to obtain and reliably process data allowing to determine the destructiveness attributes of various aspects of the functioning of certain groups or communities, religious or worldview, suspected of applying practices controversial from the point of view of the problem of protection of public order and security.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- It should be noted that in the Ministry of Interior and Administration - over the past quarter of a century, over the course of several years - comprehensive, summary reports on the state of security in Poland have been prepared and published annually. The reports for the years 2008, 2011, 2012, 2013, 2014, 2015 and 2016 are silent about threats (of any kind) from any controversial religious or worldview organisations. These documents do not even mention - with minor exceptions - the terms „destructive religious or worldview organization”, „sect” or „destructive sect”. Only once does the term appear in the 2014 report. Besides, the term „sect” is mentioned (also only once) in the 2015 report. In contrast, in the earlier published reports - for 2009 and 2010. - there were even separate chapters entitled „Threats from destructive activities of sects”.
- The social threat, of which „sects” are generally a certain manifestation, occurs alongside other undesirable phenomena, e.g. cyberbullying, online-inspired suicides, online paedophilia, pornography, sexting, stalking, addiction to computer games, infoholism and threats to privacy.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- The intensity of interest on the part of state authorities and related institutions in certain religious or worldview organisations and the symptoms of their activity in society, assessed through the prism of universally applicable law and the rules of social coexistence, is variable over time.
- Thus, in Poland - if we consider official documents (i.e. the reports indicated above) - over the last quarter of a century we have observed the effect of „appearing” and „disappearing” threats from so-called „sects” (resulting from the analysis of concretised data), relevant in terms of population and state security. This effect may also reflect the volatility or lability of the policy pursued by the relevant entities from the public order and security protection sector, in relation to specific social phenomena and the threats associated with them.
- In Poland, the phenomenon of so-called controversial religious or worldview groups - as a source of specific threats - and the threats themselves associated with the activity of such groups, have not been important and attractive subjects of analysis relevant to the evaluation of the state of internal security and observance of public order for many years.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- Controversial religious or worldview groups in society and the general assumption that their activities may be carriers of threats to individuals, society and the state are treated as a phenomenon to be prevented.
- In the area of preventive or prophylactic measures implemented in relation to the phenomenon in question by social control agencies (in particular by the police), one can encounter various undertakings of an informational, educational or training nature.
- However, it seems that currently organised preventive and prophylactic activities with regard to controversial religious or worldview groups don't receive much attention and one may even get the impression - when searching for data on them - that they are carried out at a minimum level.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- The police generally inform the public about the attributes of destructive groups and the risks associated with such groups, also about this who may come into contact with such groups and when, and what should be done if professional help or support is needed in connection with the activities of a destructive group.
- Lectures or training seminars are sometimes organised for police officers, in which knowledge is disseminated among the audience about religious or worldview groups that cause concerns in the society and are destructive, about the methods and techniques they use to build their structures and extend their influence (including their recruitment and control activities), and about other threats that are associated with their activity in the society.
- In the course of training initiatives, attention is also paid to the practical aspects of the methodology of police officers in situations where they are confronted with the problem of a destructive religious or worldview group, including also issue of victimisation by behaviours or events resulting from the activity of such a group.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- The legal system in force in Poland - as it seems - makes it possible, principally, to prevent the emergence and expansion of many religious or worldview organisations considered to be destructive, whose activities could threaten not only individual safety, but also public order and security.
- Within this system, the criminal law with its characteristic instruments of reaction to a criminal act doesn't play a primary role, but rather the norms of other branches of law seem to play a fundamental role in preventing the growth of influence of so-called destructive religious or worldview organisations.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- The sources for appropriate legal solutions and thus assistance in limiting or eliminating the effects of the destructive impact of the controversial religious, quasi- or non-religious organisations on the life of individuals and the functioning of the society may be sought already at the level of constitutional law norms, which formulate a general prohibition of the existence of organisations of a totalitarian nature, destructive for important democratic values or keeping in secrecy their structures or membership (see Art. 13 of the Constitution of the Republic of Poland of 2 April, 1997), prohibit forcing participation or non-participation in religious practices (Article 53(6) of the Constitution of the Republic of Poland), define the prohibition of the functioning of associations whose aim or activities are contrary to the Constitution or ordinary laws (Article 58(2) of the Constitution of the Republic of Poland).
- It is also worth mentioning the constitutional norms that authorise the competent state bodies to introduce and apply limitations to the constitutional scope of protection of some human rights and freedoms due to certain „higher reasons” (such as security, public order, morality), i.e. the so-called limitation clauses.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- To counteract the harmful risks or consequences of destructive religious or worldview organisations, it is possible to use effectively the relevant regulations of the law on religion or relating to associations, contained in the following normative acts: in the Law on Guarantees of Freedom of Conscience and Religion of 17 May 1989 and in the Law on Associations of 7 April 1989 (we will find there prohibition to discriminate or privilege anyone on the grounds of religion or belief in matters of religion, prohibition to compel to participate or not to participate in religious activities or rites, prohibition to create associations adopting the principle of absolute obedience of their members to the authorities of the association, prohibition to compel anyone to participate in the association, prohibition to limit the right to withdraw from the association and prohibition to suffer negative consequences due to membership in the association or to remain outside the association).
- The usage of measures and mechanisms provided for in other areas of the legal system: in the law on juvenile matters (involving the application of care and educational or therapeutic measures), in civil law (i.e. the use of provisions concerning the validity of legal transactions, defects in a declaration of intent or tort liability), in family and guardianship law, as well as in the law relating to the support of the family and to the issue of foster care, in the law on the protection of mental health.
- Measures allowing to counteract harmful risks and consequences of activity of certain religious or worldview organisations (containing sanctions of varying degrees of severity, including those most severely interfering with the most valuable goods of an individual or organisation) may be regulations in the sphere of petty offences law, criminal law and law on quasi-criminal (repressive) liability of collective entities.
- The effective usage of the mentioned instruments will depend, in many situations (if not in most cases), on the determination of those who decide to use them, and - last but not least - on the imagination, will, competence and a certain sensitivity of the entities authorised to take decisions producing certain effects in the social and legal reality (i.e. administrative bodies, police, public prosecutors, courts - judges).

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- It seems that calls for the criminalisation of psychomanipulation, or more precisely – the coercion through the use of psychomanipulation, should also be addressed separately.
- Specific criminalisation initiatives in relation to the phenomenon of psychomanipulation appeared in Poland in the past, when information on pathological activities related to alternative religious or worldview groups was intensified in the mass media, creating in the society an aura of serious threat and a sense of fear of such groups.
- The concept of psychomanipulation, if it were to find its representation in the criminal law, cannot be left undefined (it would need to be duly defined).
- Psychomanipulation, considered as a form of psychological violence, is not a homogenous phenomenon and includes many behaviours of varying degrees of harmfulness or destructiveness, which, moreover, in many cases would be easier to presume or suspect, and more difficult to demonstrate and prove.
- Despite the existence of several ideas and political initiatives in the past for the criminalisation of psychomanipulation, none of them have taken hold – psychomanipulation still remains only a component of certain types of criminal act, if it consists, for example, of „misleading”, „mental abuse” or „persistent harassment”.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- Religious or worldview groups that cause controversy in the society and the general assumption that their activities may cause threats to individuals, the society and the state are treated as phenomena that should be prevented, and therefore initiatives of a preventive and prophylactic nature should be taken with regard to them, including information, education and training measures.
- Four sectors of activities of state institutions and bodies in the field of the functioning of certain controversial religious or worldview groups can be distinguished: 1) activities in the field of diagnosis of threats from such groups and the consequences of their activities; 2) activities in the field of assistance to victims of such groups and their families; 3) activities in the field of combating criminal and harmful activities connected with the activity of such groups; 4) activities in the field of raising public awareness of threats from such groups.

Abuses related to the activities of controversial religious, quasi- or non-religious movements: characteristics, instruments of reaction and issues of prophylaxis

- Within the first of these spheres, there are pointed out initiatives undertaken by various entities - within various ministries and inter-ministerial forms of cooperation, with the involvement of the Polish Police Headquarter and its subordinate units, as well as other professional institutions and individuals.
- Within the second sphere there exists the need for promoting effective anti-victimisation prophylaxis and assistance activities. There is emphasised the need to use available assistance and services in the field of mental health and to create specialised programmes of psychosocial education, which would allow individuals, among other things, to cope with the threats of pathological phenomena.
- Within the third sphere there is indicated the need for activities of legal protection institutions which are undertaken „in the normal course” of carrying out their statutory tasks and duties in the field of responding to illegal forms of activity associated with different religious or worldview groups.
- The fourth sphere covers information policy, prevention, prophylaxis and therapeutic services in the broad sense.

Final remarks

- Threats that are linked to the activities of controversial religious, quasi- and non-religious groups may have different specific characteristics.
- Certain behaviours from the sphere of activities of such groups, due to their specificity, may cause controversy as to their nature and the possibility of assessing them as threats.
- Any diagnosed threat should be met with an adequate response that is proportional to its characteristics and legal or social qualification.
- Making a specific diagnosis, the identification of a given behaviour as a threat, should take place after conducting competent, reliable analyses. This is because only such analyses can provide data which make it possible to take measures which are genuinely aimed at protecting socially desirable, valuable goods.

Final remarks

- In Poland, there is no official, coherent and systemic vision to counteract the problems associated with the functioning of controversial religious and worldview groups. There is neither a dedicated criminal policy nor, more broadly, an adequate social policy in this respect.
- However instruments to inhibit the expansion of destructive organisations do exist, but they are scattered in various pieces of legislation. It seems that both in the homeland security and health sectors people with the right imagination and competence are needed to use these instruments effectively. Unfortunately, still there is a lack of such people.
- At present, the information policy and assistance to victims of the activities of controversial religious and worldview organisations are handled by non-governmental organisations using the bases of their specialists. Those organisations and their engaged specialists, in turn, frequently have to fight – using available legal and social tools – against a system in which the problem of sect threats and the aforementioned victimisation is not always well understood.

Thank you for your attention