

CIFS Conference:
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CANBERRA, Parliament House
CIFS (Translation from French)
November 2 2011

[Conference Report and Video](#)

National Cult Information and Family Support (CIFS) Conference
"Cults in Australia: Facing the Realities"

Speech by Georges FENECH, President of MIVILUDES

Honourable Senators,
President of CIFS Victoria, Mr. Peter Flinn,
President of FECRIS, Mr. Tom Sackville,
Ladies and Gentlemen,

I am delighted, Mr. President, to be among you today in Canberra, at Parliament House, and I thank you very warmly for allowing me to speak at your Annual Conference on cults in Australia.

I am also greatly pleased to appear before you with my friend Tom Sackville, former British minister and president of FECRIS (European Federation of Centres of Research and Information on Sectarianism).

I especially thank Senator Nick XENOPHON for his invitation, and I wish at the outset to salute his commitment to defending the victims of cults in Australia. This personal fight — I believe the term is not too strong — is encapsulated by the words that you, Mr. Senator, used in the message that you accepted to record and which was delivered during a symposium held at France's National Assembly only a few days ago:

It is primarily the
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liberties

"In Australia there are no limits on what you can believe, but there are limits on how you can behave. It's called the law, and no one is above it."

Well, Mr. Senator, what is true for Australia is true for France! I totally agree with this statement, and, like you, I wish this approach to be the one that defines the action of all democratic states. Rest assured that MIVILUDES wholeheartedly supports your efforts in this regard.

I would like to preface my remarks with a reminder that, whenever the question of cults is approached in terms of human rights violations, these groups are prompt to change the subject to the question of religious freedom and to turn the tables by posing as victims of assaults against this freedom.

It is as "new religious movements" or "minority belief groups" that they set themselves up as defenders of fundamental freedoms before international bodies. At the UN, at the OSCE [Organisation for Security and Co-operation in Europe] annual Human Dimension Implementation Meeting, directly or through allies of convenience, they conduct fanatical lobbying that would not fool anyone in this audience.

On this subject, I can do no better than to quote these thoughts by Jean-Paul COSTA, who retires today as President of the European Court of Human Rights, after 5 years at the helm of this European institution:

"The Court must continue to effectively protect freedom of conscience and religious pluralism, but the Court will also certainly be called upon to hear cases of abuse committed in the name of religion (in the most noble sense of the word) or in the name of pseudo-religions that don a religious mantle solely to facilitate activities that are harmful or even abominable. Just as freedom of association must not serve to protect criminal organisations, religious freedom must not provide impunity to persons who are guilty of illegal or criminal actions performed in the name of this freedom."

Personally, I would add:

The rule of law cannot tolerate that, in the name of religious liberty, certain groups be allowed impunity to infringe upon other fundamental liberties.

Whenever the fundamental rights of the individual are violated, it is legitimate for public authorities to intervene. It is primarily the role of justice to guarantee individual liberties, but this is also the role of public authority in all its areas of responsibility. This, at least, is France's vision.

This is why the French Government established an interministerial body — which to date is unique in the world — to monitor developments and coordinate the action of public authorities in the fight against infringements of basic freedoms. This entity, MIVILUDES, which I chair, is now fifteen years old. The creation of MIVILUDES reflects the government's determination not to leave responsibility for dealing with this issue solely to private initiative.

In many countries, action in this area rests almost exclusively with associations, most of which are affiliated with FECRIS. In France, too, there are associations dedicated to defending victims and their families and to exposing cult abuses (UNADFI and CCMM, for example). The work they accomplish is remarkable.

But French political officials, across both the legislative branch and the executive branch, regardless of political affiliation, have decided that public authorities cannot shirk their responsibilities and duties when citizens may be at risk.

The 1995 tragedy of the Order of the Solar Temple, in which 74 persons perished in France, Switzerland, and Canada, victims of a self-destructive folly that convinced them of an imminent apocalypse, led to a first parliamentary commission of inquiry that advocated the creation of an interministerial observatory to monitor cults. The observatory became a reality in 1996, and it was transformed in 1999 into the "Interministerial Mission against Cults" (MILS), which in 2002 became the "Interministerial Mission of Vigilance and Combat against Sectarian Abuses" (MIVILUDES).

The change in terminology also reflected a change in the definition of public policy in this area. The focus went from a fight against cults, in the sense of movements or organisations, to a fight against sectarian abuses, that is to say, against actions and behaviours that have harmful effects on people, that disturb public order or are contrary to laws and regulations, regardless of the context in which they occur; whether by a group or an organisation, whatever its nature (philosophical, social, professional, religious, or educational), and even by an individual. I note also that in France, today, most sectarian abuses take place in the areas of health, employment, professional training, and youth care. Although they still exist, sectarian abuses in a strictly religious context make up a very small minority of the cases we come across in our everyday monitoring and information gathering.

The political consensus in France has always firmly supported this action because it touches upon the core values of the Republic.

It is this same political consensus that also led to the adoption of the About-Picard Law on June 12, 2001. This law, whose tenth anniversary was celebrated during the symposium at the French Parliament that I mentioned earlier, aims to strengthen prevention and law enforcement actions concerning sectarian movements that threaten human rights and fundamental liberties. It established, as a separate offence, the fraudulent abuse of a person's state of ignorance or weakness. It specifically covers the situation of persons placed in a state of psychological or physical subjection due to serious or repeated pressure or to techniques liable to affect their judgment. The law also provides the possibility for the dissolution of legal entities.

Since this law came into force, there have been nearly 40 convictions for abuse of weakness committed against a person in a state of psychological or physical subjection due to serious or repeated pressure or to techniques liable to affect their judgment. Some one hundred legal proceedings are currently at the investigation or inquiry stage.

In France, quite demonstrably, the fight against sectarian abuses has never abated. There has always been a political will, even though we've gone through periods of turbulence.

MIVILUDES is very much alive! It has concrete governmental means of action under the authority of the Prime Minister, and it reaches a very wide audience in France and even abroad. In this regard, I thank you, Mr. Senator, for stating, in the recently published report by the Economics Committee of the Australian Senate on the review

of the tax system, that the establishment of MIVILUDES was, I quote: "an appropriate response by the French Government to the problem of cults, and Australia should follow its example, beyond just the taxation issue." I would also like to mention here that Belgium has just adopted, last June, a law against the abuse of weakness that is very specifically based on the French About-Picard Law that I alluded to earlier. My understanding is that Argentina is also considering the implementation of a legislative framework to raise awareness and to prevent any situation characterised by psychological manipulation.

What is the role of MIVILUDES?

The purpose of MIVILUDES is not to define what a cult is, or to maintain a registry of cults. This concept is non-existent and undefined in legal terms, as is the concept of religion, for that matter. France is, in fact, a secular state. Its operating principle is based on this magnificent phrase taken from Article 10 of the 1789 Declaration of the Rights of Man and of the Citizen and fully incorporated into the Constitution of October 4, 1958, which currently governs our Fifth Republic: "No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law." Article 1 of the 1958 Constitution is very clear: "France is a secular Republic (...) it shall respect all beliefs."

In accordance with the principle of secularism, MIVILUDES refrains from making any value judgment whatsoever about doctrines, theories, or beliefs, as such. It is not the beliefs that are of concern. Everyone is free to believe what they want and to join any cult or school of thought or religious movement, if they wish. The yellow line that must not be crossed is infringement of basic human rights, violation of the law, or disturbance of public order.

Therefore, the purpose of MIVILUDES is to systematically denounce sectarian abuses and to fight against them.

What is sectarian abuse? There is no definition for this in the law either.

We can nevertheless attempt to define the concept of sectarian abuse from statutory instruments (such as the decree that established MIVILUDES in 2002 or an important circular that the Prime Minister issued to all ministers in 2005). Sectarian abuses are offenses that may be perpetrated, by any group or individual, against public order, against laws and regulations, against fundamental liberties and against the safety and integrity of individuals, through techniques of subjection, pressures, threats, and practices that are based on mind control and deprive individuals of part of their free will.

To perform its mission of vigilance, MIVILUDES applies a number of criteria of dangerousness that are based on the findings of parliamentary commissions of inquiry and on MIVILUDES' own experience:

- Mental destabilisation,
- Exorbitant financial demands,
- Cutting individuals off from their personal environment,
- Harm to physical integrity,
- Regimentation of children,
- Antisocial discourse,
- Disturbances of public order,
- Record of legal troubles,
- Circumvention of traditional economic channels,
- Attempts to infiltrate public authorities.

One single criterion is not sufficient to demonstrate a risk of sectarian abuse, and the criteria do not all carry equal weight. However, the first criterion (mental destabilisation) is always present in cases of sectarian abuse.

How does MIVILUDES work?

MIVILUDES is an interministerial structure that consists of fifteen officials, all from the ministries involved in the policy to combat sectarian abuse: Justice (two judges and a director of judicial protection for young people), Interior (two civil servants from the police and gendarmerie), Economics and Finance (a director of the customs office), National Education (an associate professor of philosophy), Health (a doctor and a public health inspector). MIVILUDES also has a parliamentary and media advisor and a chief documentalist.

This team makes up the permanent general secretariat that is responsible for MIVILUDES' day-to-day activities.

Two decision-making authorities determine the actions taken at the national level:

- An Executive Operational Control Committee that brings together directors of the stakeholder ministries and ensures the interministerial coordination of proposed intervention programs;
- An Orientation Council, which is open to members of civil society and consists of parliamentarians and representatives of associations and of professional circles (magistrate, lawyer, doctor, experts on sectarian issues), reviews the annual work program and evaluates the actions implemented.

This mobilisation at all levels of government and civil society enables MIVILUDES to accomplish a three-fold mission:

- A mission to inform the public about the risks to which it is exposed because of sectarian abuses. This mission is achieved through the publication of a whole series of official documents: an annual report submitted to the Prime Minister, practical guides, and a bimonthly newsletter. MIVILUDES also responds to requests for information from individuals, governments, and local authorities (approximately 2,000 requests per year).

- A mission to train public agents. A policy of vigilance and combat against sectarian abuses is much more effective when the agents responsible for applying are kept informed about these issues. MIVILUDES organises more than fifty training sessions each year at all level of public authority: magistrates, police and gendarmerie, social workers, local authorities — as well as in civil society: lawyers, doctors, notaries, sensitive businesses, etc.
- A mission to coordinate the prevention and law enforcement actions of public authorities. In addition to the nationwide measures decided by the Executive Operational Control Committee, MIVILUDES coordinates, in the field, in department prefectures, the local action of the government's decentralised services. MIVILUDES also has regional correspondents within different administrations (Interior, Justice, Health, National Education, protection of minors, employment and professional training...). MIVILUDES relays the reports of sectarian abuses that it receives to the competent agencies to enable them to implement appropriate action. Lastly, MIVILUDES can alert judicial authorities about the cases that appear to warrant criminal prosecution. MIVILUDES does not have any inherent power (it cannot order hearings or a search or seizure); it essentially has a monitoring role and it prompts the competent authorities to play their part when necessary.

Which recent tangible achievements by France to better protect individual liberties can be credited to MIVILUDES' efforts?

I will simply list the most significant ones:

- The creation of a judicial police unit specialised in matters of sectarian abuse (the CAIMADES: Assistance and Intervention Unit for Sectarian Abuses), made up of six civil servants from the police and gendarmerie. This is a first in Europe;
- The establishment within the Ministry of Health of a "technical support group" responsible for identifying and evaluating all unconventional purportedly therapeutic practices that can pose a danger to our fellow citizens;
- The development of a legal framework for the title of psychotherapist: to practice this profession now requires very advanced training and registration on a list maintained by the prefect;
- Strengthened control, by legislation, of organisations that provide professional training, in order to exclude potentially harmful content;
- The adoption last April, by the Committee on Legal Affairs and Human Rights of the Council of Europe's Parliamentary Assembly, of a draft resolution regarding "The protection of minors against sectarian influence" on a European level. A member of the French parliament, Mr. Rudy Salles, is currently writing a report on this subject which may lead to the creation of a European observatory on sectarian abuses that affect minors. The observatory's responsibility would be to improve information sharing and cooperation among member states on this issue.

Before I conclude, I would simply like to quote a few numbers from two surveys conducted by the Ipsos Institute in September 2010 and June 2011:

- One quarter of the French population (over 15 million persons) say they have been personally contacted by a cult or by cult members;
- Over 20% of the French population, more than one in five, know, in their circle of family, friends, or coworkers, one person or more who have been victims of sectarian abuses;
- For 66% of the French population, sectarian movements are a threat to democracy;
- Finally, 44% of the French population know about MIVILUDES and its work.

These figures speak for themselves. They show that the French people perfectly understand the phenomenon of cults and the risks involved. They also tell us that we are not mistaken in our common goal to protect the fundamental rights of the individual against recurrent abuses by sectarian organisations. These results are, above all, a very strong encouragement to continue our policy of vigilance and combat.

Ladies and Gentlemen, in conclusion, allow me, here in this stronghold of Australian democracy, to express a wish:

that all democracies be endowed with this same will to fight against sectarian abuses, simply because they concern that which is essential — human dignity! This is a real societal issue, this is a fight! A fight against totalitarianism, against the abuse of those who are most vulnerable, especially children.

Thank you.