

# EUROPEAN PARLIAMENT



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## CULTS IN EUROPE

*People's Europe Series*

W-10

3367 EN

DA DE EL EN ES FR IT NL PT FI SV

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FR (original)

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PUBLISHER

EUROPEAN PARLIAMENT  
DIRECTORATE GENERAL FOR RESEARCH  
DIVISION FOR BUDGETARY AFFAIRS, CIVIL LIBERTIES AND  
INTERNAL AFFAIRS, RULES OF PROCEDURE, PETITIONS  
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Manuscript completed in March 1997

# EUROPEAN PARLIAMENT



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## CULTS IN EUROPE

**JOINT MEETING ON CULTS HELD BY THE EUROPEAN PARLIAMENT COMMITTEE  
ON CIVIL LIBERTIES AND INTERNAL AFFAIRS AND REPRESENTATIVES OF THE  
RELEVANT NATIONAL PARLIAMENTARY COMMITTEES,**

**BRUSSELS, 21 NOVEMBER 1996**

*People's Europe Series*

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*W-10*

3-97

Brussels, 21 November 1996

Joint meeting on cults of the European Parliament's Committee on Civil Liberties and Internal Affairs and representatives of the corresponding national parliamentary committees

PARTICIPANTS

1

BELGIUM

Chambre des Représentants

Mr CH. JANSSENS,

chairman,

Committee on Home and General  
Affairs and the Civil Service

Mr A DUQUESNE,

rapporteur,

Parliamentary Committee of Inquiry  
responsible for drawing up a policy to  
combat illegal practices by cults and  
the dangers they present to society and  
the public, particularly minors

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2.

DENMARK

Folketing

Mrs Else Marie MORTENSEN,

member,

Committee on Legal Affairs

Mr Svend Erik HOVMAND,

member,

Committee on European Affairs

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3. GERMANY

Bundestag

Mrs Ortrun **SCHÄTZLE**,

chairman,

Committee of Inquiry on cults  
and psycho groups

Mrs Gisela **SCHRÖTER**,

member,

Committee on Internal Affairs

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4. SPAIN

Senado

Mr D. José **CANELLAS FONS**,

chairman,

Mr D. Juan Antonio **AREVALO SANTIAGO**

spokesman for the Socialist  
group,

Committee on Internal Affairs  
and the Civil Service

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5 GREECE

Vouli ton Hellinon

Mr. Evangelos **STAÏKOS**

member,

Committee on Public  
Administration, Public Order  
and Justice

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9. PORTUGAL
- Assembleia da República
- Dr CALVAO DA SILVA, member  
Dr Osvaldo DE CASTRO, member
- Committee on Constitutional  
Affairs, Rights, Liberties and  
Guarantees
- .....
10. UNITED KINGDOM
- House of Lords
- The Lord HACKING, member
- Committee on European  
Affairs
- House of Commons
- Mr John GREENWAY, member  
Mr John HUTTON, member
- Committee on Home Affairs
- .....
11. SWEDEN
- Sveriges Riksdag
- Mrs Gun HELLSVIK, chairman,  
Committee on Justice
- Mr Pär-Axel SAHLBERG, chairman,  
Committee on the Constitution
- .....

**Mrs Maria Paola Colombo Svevo** (EPP, Italy), vice-chairman of the European Parliament Committee on Civil Liberties and Internal Affairs, recalled that Parliament had adopted a resolution in February 1996 on cults in Europe (see Annex). In this resolution, Parliament called for a meeting to be held with the national parliaments of the Union Member States, with two objectives:

1. **to exchange information on the organization, working methods and conduct of sects in each Member State;**
2. **to draw conclusions on the best way to restrain their undesirable activities and on strategies to raise public awareness about them.**

These issues were being discussed in Belgium, Germany and France<sup>(1)</sup>; parliamentary committees of inquiry had been set up

Legally, there was no such thing as a 'cult'. The laws on associations and those guaranteeing freedom of religion, freedom of conscience and the right of association were applicable to cults, and should be adhered to. These laws were the foundation of our democracies, enshrined in all our legal systems and all our constitutions. Mrs Colombo Svevo preferred, instead of the term 'cult', to use 'new religious movements', as the word 'cult' carried a pejorative meaning in many countries. Questions should focus on what could be called the 'deviant' aspects of these new religious movements. Which of their activities broke the law? Violated human rights? Threatened public order and individuals' independence? Entailed mass murder and suicide? The problems had to be identified and an analysis conducted of the best means of combating them. In recent years the number of devotees of new religious movements had increased. Why? What were the methods used? The economic and financial aspects should be considered, as well as the ramifications which led into the world of work, business and recruitment. Finally, there was the question of **cooperation** between different countries: what form should it take? Should there be a joint databank or observatory or joint action? It was hoped that participation at this meeting would enable a new balance to be established between freedom and respect for citizens' rights in this area.

**Mr Evangelos Staïkos** spoke on the behalf of the Committee on Public Administration, Public Order and Justice of the **Greek Chamber of Deputies**. The importance and seriousness of the issue of religious or para-religious cults was clearly shown by the fact that the European Parliament - which had demonstrated its sensitivity in matters of human rights and political and religious freedoms - was sounding the alarm at the uncontrolled working methods and activities of organizations which, on the pretext of religion, devoted themselves to murky or criminal activities and aimed to pervert the values and ideas which had built up and developed European societies. Paragraph 4 of the resolution adopted by the European Parliament - which called on the governments of the Member States not to make the granting of religious status to these organizations automatic and to consider, in the case of sects involved in undercover or criminal activity, withdrawing their status as religious communities - imposed an obligation to carry out a systematic and thorough study of the sociological, legal and also theological aspects of the question. Greece held a firmly entrenched position supporting protection of and respect for religious freedom; a line should be drawn, however, after serious study and in a responsible manner, between divine inspiration, which was the mark of a religion, and the

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<sup>(1)</sup> A summary of the report on cults by the French National Assembly Committee of Inquiry is at Annex II.

obscure references on which cults were based, between freedom of religion and criminal activity. The second aspect was perhaps simple, as study of the law could supply the answer, the first aspect, however, was problematic.

For this reason, closer **cooperation** between the Member States and the relevant EU Institutions was essential; this cooperation should foster the creation of a European coordination body responsible for studying these questions, exchanging information and coordinating initiatives and action in this area. With regard to specific action, priority should be given to setting up cultural and educational programmes particularly targeted at the more susceptible social groups such as young people. These programmes should contain serious and factual information to enable individuals freely to make up their own minds.

Although every society had to protect itself against illicit and criminal activities, it was equally important to preserve religious freedom. In this area any measures had to be taken prudently and circumspectly, taking account of the specific nature of religious feeling. There should be no question of measures against criminal deviations from the religious phenomenon casting doubt on the right to religious practice and the protection of established religions. This was the steadfast position of the State and society in Greece. Greek law also took this line. The law did not define cults as 'new religious movements', 'new heresies' or 'destructive sects', it did not elucidate the phenomenon either, as its philosophy and policy were based on the 'known religions' pursuant to Article 13 of the Greek Constitution<sup>(2)</sup>. All the 'known religions' were protected in the context of religious freedom. The competent authorities could act against those deviant activities of the new religious movements which were economic and financial, social or otherwise non-religious in character, as they infringed existing legislation. However, the fact that these movements claimed to be religions made it difficult, if not impossible, to bring prosecutions and penalize offences in the context of respect for freedom of religion. It might appear that there were loopholes in Greek law in this area, this was because Greece had to date not had to face the disturbing consequences of these movements' activities and methods of operation. The problem was tackled from the religious and theological point of view, not in legal terms. This situation, of a lack of legislation and also of experience in this area, prevented or at least hindered information-gathering, particularly as the Greek State was very sensitive to respect for and protection of human rights.

In her contribution to the discussion, **Mrs Irini Lambraki** (MEP, PES, Greece) added that the only sect which was known in Greek society was the Jehovah's Witnesses, which respected the national law. Problems arose only when Jehovah's Witness parents refused blood transfusions for their children. When this occurred, doctors were authorized to carry out blood transfusions with the consent of the courts. If a minor died for lack of a transfusion the parents would be prosecuted, not

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<sup>(2)</sup> Article 13 of the Greek Constitution provides that

1. Freedom of religious conscience is inviolable. The exercise of personal and civil rights does not depend on individuals' religious beliefs.
2. All known religions may be freely practised without hindrance and are protected by law. The practice of a religion must not disturb public order or decency. Proselytism is prohibited.
3. The ministers of all the known religions are subject to the same State control and to the same obligations to the State as are the ministers of the official religion.
4. People may not be exempted from their obligations to the State or refuse to obey the law on the grounds of religious belief.
5. No oaths may be sworn except pursuant to the law, which lays down the types of oath.

for their religious beliefs but because they had not fulfilled their obligation as parents to care for the child.

For all these reasons, cooperation between countries and coordination of activities to identify these movements and carry out a thorough study of the problem and ways of tackling it were extremely important

**Mr Pär-Axel Sahlberg**, chairman of the Committee on Constitutional Affairs of the **Swedish Parliament**, said that freedom of opinion, expression, association, meetings and religion were enshrined in the Swedish constitution, freedom of religion was the only one of these fundamental freedoms which could not be limited in any way. Certainly, freedom of association could be limited by the law and this itself could limit freedom of religion but there was no particular legal provision concerning religious associations. In recent years the Swedish Parliament had considered this question, particularly the aspect of psychological damage, and proposed that the Government take preventive measures and conduct information campaigns in schools, social services and hospitals. The matter was under consideration at present.

**Mr Calvao da Silva**, member of the Committee on Constitutional Affairs, Rights, Liberties and Guarantees of the **Portuguese Parliament** began by saying that the new religious movements or cults were not a great problem in Portugal. There was the case of the Universal Church of the Kingdom of God, which originated in Brazil and had rapidly grown in influence and power, particularly in the media as the cult had bought local radio stations and advertising time on television. Some of its practices were on the limit of legality, but both the public and the authorities had reacted, which had caused the cult to go into a rapid decline. Religious freedom should certainly not be allowed to provide a screen for illicit or criminal activities. **Collaboration at European level:** Europol could serve as a databank for the dubious activities of cults in Europe.

The authority responsible for these matters was the Federal Ministry for Youth, Culture and Education. There were also some institutions concerned with documentation and information on cults: church associations, mutual help groups and other documentation offices. The Federal Ministry had recently published an information brochure on cults; the stock of 50 000 copies had run out in two weeks! Although there was no particular legislation on cults there were general provisions which could be applied to them, particularly in the laws on consumer protection and associations, the trade and industry code and the penal code.

**Mrs Sonja Moser**, Member of the Committee on the Family of the **National Council of Austria**, considered that these instruments were sufficient to combat the damaging effects of the proliferation of cults.

An index of cults, still at the embryonic stage, should make it possible to classify the various groups according to the dangers they presented and other criteria. A parliamentary hearing devoted to cults and the risks they presented to the public had reached the following conclusions. In contrast to other kinds of association, cults insisted on total commitment from their members and attempted to govern all aspects of their lives. It was very difficult to leave a cult because of the strong pressure it exerted.

**Madeleine Petrovic**, member of the Committee on the Family of the National Council of Austria, considered that one of the causes of the growing success of cults and similar groups in recent decades was that our society and European policy emphasized economic interests and neglected social problems. The Austrian Constitution guaranteed freedom of religion for every religion recognized by the law (12 at present). There were also a great many cults and communities which were in a grey area from the legal point of view. In Austria some 50 000 people at present were members of cults and 200 000 others were to some extent involved in them. There had been a real explosion in the range of religions on offer in recent years, to the extent that there had been talk of a 'faith supermarket'

**Mr Koekkoek** (second chamber, Netherlands) said that the views he would express during the meeting were not necessarily those of his parliamentary institution. In 1984 a report on the 'new religious movements' had appeared in the Netherlands and concluded that there was no major problem. The Netherlands Constitution recommended vigilance; associations were treated in the same way whether or not they were religious. It was up to criminal law to draw the line between what was authorized and what was not. The internal security services monitored the situation and to date there had not been any disturbing developments.

**Mrs Rosa Russo Jervolino**, chairman of the Committee on Constitutional Affairs of the Chamber of Deputies (Italy), considered that **cooperation** at European level was absolutely vital. In Italy, 'cults' did not exist as a legal entity but case-law, particularly an appeal court ruling of February 1995<sup>(3)</sup>, was very instructive. The cult phenomenon was growing in Italy, but was not a problem in the opinion of the public or the authorities, as Italy had not experienced spectacular events such as mass suicide, for example. There were 400 'new religious movements' in Italy, involving 600 000 people, the Jehovah's Witnesses being the most numerous, according to the Bologna Research Centre on cults. Priorities were preventive information campaigns to raise public and institutional awareness of the dangers of the cult phenomenon and better cooperation at European level, for example by setting up an observatory.

**Mr John Hutton**, member of the House of Commons Committee on Home Affairs (United Kingdom), said that neither 'cults' nor 'new religious movements' existed as legal entities in the United Kingdom but only the concept of terrorist organizations. Successive governments had considered the existing legal instruments sufficient to preserve the rights of citizens with regard to cults. The Committee on Home Affairs had not included this subject in its programme of work but was planning a study in 1997 on the influence of freemasons in the police and the judiciary. Legal provisions making it possible to refuse entry onto British territory to people would endanger public order had been applied to the Reverend Moon, the status of the Church of Scientology had fluctuated as it had initially been considered dangerous - and Scientologists had been refused student status or work permits - but this prohibition had been lifted following a new report. Scientologists, however, were not authorized to carry out religious functions. This question was still under discussion. The United Kingdom did not have constitutional provisions guaranteeing individual rights and freedoms but these were broadly covered by the Convention of Human Rights. With regard to cooperation, Europol could cover cooperation on criminal activities, but it would be well to avoid creating new European bureaucracies.

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<sup>(3)</sup> *Cornere Juridico* 1995, p. 707 a petition for divorce on the grounds that the husband had joined the Jehovah's Witnesses

**Mr D. José Canellas Fons**, chairman of the Parliamentary Committee on Internal Affairs and the Civil Service of the **Spanish Senate**, said that Spanish legislation did not define 'cults', because 'in an effort to dot the i's, there was a risk of missing the point altogether'. Moreover, cults did not currently present a real problem in Spain. **Mr Juan Antonio Arevalo Santiago**, spokesman for the Socialist Group, added that the new Spanish penal code of May 1996 considered it an offence for associations to use violence to control personality. The leaders of such associations were liable to a prison term of two to four years and their collaborators liable to one to three years' imprisonment. A parliamentary committee had considered the question of cults and had drawn up a pragmatic definition of a 'cult' as a group organized on the basis of a religious or other doctrine. The number of cults in Spain varied between 40 and 50; the number of their devotees was impossible to quantify. With regard to cooperation, he was in favour of a survey of the existing cross-border links between cults which did not always have the same name; such a survey could be carried out within the framework of *Europol*.

**Mrs Ortrun Schätzle**, chairman of the **Bundestag Committee of Inquiry on Cults (Germany)** said that cults were a growing phenomenon in Germany. The number of petitions from citizens under threat from deviant cults was on the increase, as was the number of citizens concerned at seeing public money intended for religious or philosophical associations being diverted by cults. This was what had led to the committee of inquiry being set up. As there was no definition of the concept of a 'cult', the committee of inquiry had been entitled 'Committee on Cults and Psycho-Groups'. It was due to conclude its work in 1988. Its mandate was to study the information held by regional parliaments, churches, associations, etc, to investigate the reasons for the recent proliferation of sects, to ascertain whether the legal apparatus was sufficient to respond to the dangers of cults, having first defined the nature of these dangers, the groups' hidden objectives and their international ramifications, and to analyse their recruitment strategies and their influence on all their followers, including their staff, who also found themselves involved in a situation of conflict.

Care should be taken to manage these conflicts, particularly with regard to children and reintegrating into the job market those wishing to leave cult movements. At federal level, information and warning brochures had been produced; the same should be done at regional level. It was hoped that the committee's work would contribute to common endeavours.

**Mrs Else Marie Mortensen**, member of the Committee on Legal Affairs of the **Danish Folketing**, said that the Danish Constitution guaranteed freedom of faith and religion (Article 67) and included an article on deviant religious organizations (Article 99 of the Constitution, 1849) which had never been used. Eleven religious communities were recognized in Denmark and as such could, for example, celebrate marriages and hold municipal registers. In addition, 36 religious communities were authorized to hold religious services. There had been no significant increase in the number of cults recently and the problems which could arise were isolated. One example was a young woman who died in childbirth after refusing a blood transfusion. In these cases it was possible for the Danish courts to remove children from their parents to carry out transfusions against the wishes of the parents, but this possibility existed only for minors. There was another phenomenon in Denmark: that of **rockers**. Gangs of rockers indulged in furious fights, which had resulted in the adoption of a special law, not to limit the freedom of these gangs of rockers but to protect the public from violence. Another case had caused the authorities to take exceptional measures; this was embezzlement of funds by an educational institution. With regard to cooperation, *Europol* could restrict itself to action against crime, but it was vital to preserve fundamental freedoms.

**Mr Duquesne**, rapporteur for the Parliamentary Committee of Inquiry on Cults of the **Belgian Chamber of Representatives**, had tabled a proposal in 1993 to set up a parliamentary committee of inquiry to draw up a policy to combat the illegal practices of cults and the dangers they presented to society and the public, particularly minors. He had done so for three reasons: firstly because European Parliament and Council of Europe resolutions had emphasized the seriousness of the phenomenon, the dangers it could present for individuals and public safety and the need for Member States to exercise vigilance; secondly, he had heard a number of personal stories, some of them tragic, each of them illustrating an extraordinary level of indifference on the part of the national authorities, particularly the police and the courts; thirdly, of course, current dramatic events in connection with the Order of the Sun Temple as one of the gurus was a Belgian national, as were some of the victims.

Mr Duquesne said it had been quite difficult to convince his colleagues and this pleased him, as it showed that people were very aware of respect for constitutional freedoms, freedom of religion and its practice, freedom of association and thought and freedom to hold meetings. But after a very useful discussion they had succeeded in convincing doubters that freedom was not freedom to do absolutely anything, and certainly not to hide behind a screen of freedom and idealism in order to reduce a number of citizens to a real state of slavery or exploitation.

This committee's objectives could be summed up under five headings:

1. an in-depth study in Belgium on the basis of interviews with the competent authorities, experts, victims' defence associations, victims' families and any other relevant people;
2. a more specialized study of methods of recruitment and practices within cults, to discover possible abuses and gain more information on their organizations, the resources at their disposal and in particular practices which violated social and fiscal legislation;
3. a report on the legal remedies available, including jurisprudence enabling sanctions to be imposed for illegal acts committed by cults,
4. proposals for changes to federal law with a view to restraining illegal action by cults against both adults and minors,
5. any useful recommendations, at both federal and national level, with regard to measures to draw the attention of those involved to the extent of the phenomenon, the forms it took, its dangers, the means to combat it and the care to be given to victims and their families

Work was in progress, Mr Duquesne was therefore not prepared to prejudge the committee's conclusions, but he could give some indications.

(1) The committee had decided not to define a cult or what constituted a cult. The main questions were methods of recruitment and conduct which could endanger individuals or public safety or which could have political repercussions, such as possible subversion. They had preferred to define a number of criteria of danger, danger for individuals as well as for society.

(2) As there had not been an evaluation of the cult phenomenon in Belgium, it was impossible to say precisely whether the phenomenon was increasing, but they felt that it was. There were in Belgium

approximately 150 cults which should be regarded with attention, if not suspicion. To give an example, one of them had told the committee that it had more than 10 000 devotees. Clearly, the committee in its work would attempt to analyse the situation in greater depth. Once the committee of inquiry's work was concluded, it would probably be necessary to continue this work by setting up an observatory as their French colleagues had proposed.

(3) The most dangerous cults targeted the personality of individuals. The committee had noted that often, people were manipulated to the extent that their personality was destabilized, family, social and professional links were cut off and there was a great deal of financial manipulation, because it also appeared that the main, real object of some of these cults was financial gain. The information available at present came from the police, the gendarmerie, the State criminal investigation department and military intelligence. It had to be recognized that to date these bodies had scarcely concerned themselves with the phenomenon and justified this attitude on the grounds that it was a free country and it would be very dangerous to be too suspicious. It was evident that, since the committee of inquiry had been set up, things had changed and a more suspicious attitude had already revealed conduct which gave grounds for concern at least.

(4) It was clear that Belgian law at present provided a good number of ways to suppress criminal activities or violations of fiscal or social law, for example acts of violence, sexual abuse, illegal practice of medicine, tax and social security fraud etc. What was more worrying was that although these provisions existed they were rarely applied. There were wide variations between particular courts, but it was never a priority. Moreover in some cases there were problems with proof when freely consenting adults were concerned. It was very difficult to provide proof when those who had been victims of manipulation thought that the people who wanted to help them were the real aggressors and not the people who were exploiting them. For this reason the committee was wondering whether there should not be **additional legislation to redefine organized crime, to make it possible for victims' defence associations to bring civil actions, possibly to make manipulation a crime, or at all events, as in France, abuse of an individual's weak state, to reverse the burden of proof for some offences, to make changes in the law on protection of privacy, to regulate home schooling, to introduce measures against incitement to suicide, to require greater transparency in associations and better supervision of their members and financial movements, to improve measures to prevent money laundering and perhaps to provide that, when certain offences were committed in the context of cult movements, membership of a cult could constitute an aggravating circumstance, and to provide better safeguards for maintaining contact with families and the social and professional environment.** Finally it was clear that these associations were extremely mobile, that there were considerable financial movements, that they operated more easily in Europe now there were no frontiers, and that they took many forms.

**International cooperation** seemed absolutely essential. In fact many of the cults which were active in Belgium were connected with similar associations abroad, either hierarchically or through mutual assistance agreements. The EU was the first level of multilateral cooperation which made it possible to combat deviant groups but if this was to be done the essential exchange of information could not be limited to Europol, as some threats such as infiltration of various levels of power would be beyond the remit of that body. Mr Duquesne added, with a smile, that there had been some disquiet within the committee of inquiry as they had been informed that there had been attempts to infiltrate the European Parliament. A common European policy was desirable to avoid one or other Member

States becoming a sanctuary for cults which were thought to be dangerous. But to raise this problem was also to raise the problem of the European legal area, i.e. to go further than exchanging information, as far as measures to suppress criminal activities which were covered by the laws of each Member State.

**Mr Luis Marinho**, chairman of the European Parliament Committee on Civil Liberties and Internal Affairs, observed that the problem of cults was a serious one, more serious than had been thought at first sight, and worse in some countries than others for historical, economic and social reasons. He noted that, to date, it had not been possible to discover how the phenomenon had originated. Was it a religious crisis, had the role of the traditional churches become weaker? Was it a consequence of the weakness of our social security systems? Was it connected with the development of European integration? Did cults provide a protection which was not to be found elsewhere? Did they sometimes fulfil a healing function in a world which was becoming more and more technological? Were we confronting a crisis of scientific thought? Was our European positivist model being called into question?

**Mr Pierre Pradier** (Group of the European Radical Alliance, France) said he had been struck by the concern expressed by our colleagues at the proliferation of cults. Nobody had thought to say that our societies provided no answer to the irresistible need for transcendence or to the metaphysical angst which was a constituent part of the human condition. The future which was offered to us did not meet any of these requirements: it offered only the chance to buy another car or become a bit more efficient on the job market. Mr Pradier was prepared to be outspoken as he was active in an organization which for centuries had been pursued and persecuted as a particularly dangerous cult but which nevertheless had shaped the face of the West; this was a cult which had succeeded, it was called Christianity. He wanted to address his remarks to our German colleagues as he had obtained a decision of the Bavarian Council of Ministers requiring that everyone wishing to apply for a public, civil service position, had to fill in a questionnaire. If this questionnaire did not show that the applicant was opposed to or had no connections whatever with the Church of Scientology, the official would not be engaged or, even worse, if he had already been engaged he would be fired. Mr Pradier could make the original of the Bavarian Council of Ministers' document available for consultation. He thought that there was - and of course he was not in the pay of the Church of Scientology - a witch-hunt which was beginning to take on worrying dimensions. He was a fanatical partisan of freedom and an extremist of moderation, if those two things could go together! It seemed that if we were not very careful, this could have considerable repercussions. If there were cults who were murdering children during their religious ceremonies there were laws, regulations and governments to deal with everyone, whether they belonged to a cult or not, who committed illegal, criminal or immoral acts. They had to be prosecuted, tried and found guilty. Meanwhile, he was slightly concerned that 'political correctness' would lead to oppression and to tarring everyone with the same brush. This was a concern for freedom which he wished to share.

**Mrs Irini Lambraki** (PPE, Greece) noted, as did the chairman, that there were countries where cults were a serious problem while other countries such as Spain, Portugal and Greece did not have this problem. Everyone agreed that it was very difficult to draw the line between freedom of conscience on the one hand and the criminally reprehensible nature of certain actions on the other. In Greece, the constitution provided for freedom of religion; most people adhered to the Greek Orthodox faith. The Orthodox Church had never been fanatical. Greece had never known fanaticism or religious persecution, in contrast to other countries, for example through the Roman Catholic Church. The

Greek Constitution and the Greek laws and mentality upheld freedom of religion and freedom of conscience. The Greek Constitution was one of the most democratic with regard to religious freedom, and the Greek Church also contributed to this situation as it was a liberal and progressive church in comparison with others.

**Mr Hartmut Nassauer** (EPP, Germany) said there should be no cause for concern with cults as associations, to the extent that they were exercising their right to the free practice of religion. They were a matter of concern when they intruded into the fundamental rights of others. This was what was happening with the Church of Scientology. It was anything but a church. Calling oneself a church opened the way to a number of privileges in many countries, but one should listen to the victims of this church! It used totalitarian methods. There had always been cults throughout history and in most cases the established church had defended itself against them to settle the question of the good or bad way towards faith. When cults and criminal associations went together, one had to take precautions and face up to the available information.

**Mrs Michèle Lindeperg** (Socialist, France) greatly regretted that the French Parliament was not represented, particularly as after two parliamentary reports on cults, the French Government had just set up an **observatory on cults**. This was an extremely difficult problem as it was a matter of people's freedom which had to be protected without being smothered. The difficulty began with the vocabulary, the word 'cult' meant different things in different countries: in the United Kingdom, for example, the word had neutral connotations, that is to say that drawing the line was a matter of deciding which cults operated honourably and which carried out illegal and reprehensible practices. In France this was not where the line was drawn: in the minds of those who used this vocabulary, it was a question of deciding whether these were minority, religious, philosophical or ideological groupings or whether they were 'sectes'. Therefore there was already a problem with the vocabulary. A definition was practically impossible!

In a changing world where some people had completely lost their bearings, some sought apparent safety in an association or religious or ideological group, they believed that this gave meaning to their lives and they were free to do so. This freedom had to be preserved totally and it was in line with international conventions and Member States' declarations and constitutions. Here, too, the problem was one of where to draw the line. The expression 'recognized religion' raised a problem because by whom was it recognized? How? On what criteria? Did those who were not recognized have problems with regard to the free expression and free practice of their religion? As Mr Pradier had said, Christianity was a cult which had succeeded! At what stage was recognition achieved? These were problems which appeared very serious and very difficult to resolve.

On the other hand and, as a Frenchwoman Mrs Lindeperg was in a position to know, all cults presented the honourable face of freedom of conscience and freedom of expression. Some of them had a hidden face which was much less luminous and threatened the freedom of the individual and democracy itself! If this happened, the State had to play its protective and repressive role. There were three things to be done: information and prevention, caring and listening - which was rarely done; there had been talk of indifference in Belgium; in fact those who were victims of cults' illegal activities did not know where to turn, how to press their case for something to be done; this was really something which had to be set up in a much more institutionalized way - thirdly, repression of illegal activities. There was also a role for exchanging information, which many people had mentioned; this was where the European Union had a part to play.

**Mr Martin Schulz** (Socialist, Germany) did not want a strict distinction between the things which were better discussed within the Committee on Civil Liberties and those which had to be discussed with colleagues in the national parliaments. The two were interconnected. If the European Parliament considered the question of cults, it was because practically all the Member States were sending signals urging us to discuss it, because it was being discussed in these countries. Perhaps not always at parliament level but in practically all the countries of the EU a similar debate was going on. Mr Nassauer had said rightly that it was extremely difficult to define what was a cult, where truth faith began, where the State was under threat, where the State had to take action. It was difficult to draw the line. It was very slippery ground. He had read in the press the previous day that three German State prosecutors who were to conduct a trial following a bomb attack in a Berlin dance hall, the Mykonos case, had had a 'fatwa' imposed on them because an Iranian was involved. It was certain that there were people in Germany who, because of their faith, were ready to carry out this 'fatwa', which meant that there were cases like that of Salman Rushdie, who had had to live in hiding for years. In fact it was immaterial whether one was dealing with a cult or not. Perhaps a cult was a religious community, but it was defined as a cult because it flouted fundamental freedoms. We had to concentrate on cases where we knew that there had been repeated criminal acts. They had been enumerated in the resolution: physical maltreatment, sexual abuse, unlawful detention, slavery, the encouragement of aggressive behaviour or propagation of racist ideologies, tax fraud, illegal transfers of funds, trafficking in arms and the illegal practice of medicine. These characteristics were found repeatedly when dealing with cults.

A representative of the Scientologists was taking note of everything that was being said in the room and one day we would be confronted with it: you said this and that on this and that point. And if those present invoked their right to criticize Scientology because it was an organization whose objective was financial gain and it used deprivation of liberty as a means to that end, they would be threatened.

It was not important to look at the religious aspects. When an organization for whatever reason deliberately attempted to increase its financial resources by illegal means, was it not necessary to monitor it at European level and possibly to take measures against it? Our debate should concentrate not on religion but on crime, because the organizations in question belonged to the family of criminal organizations.

**Mrs Hedy d'Ancona** (Socialist, Netherlands) concluded, having listened to all the contributions, that:

- (1) in most of the Member States the problem of cults was regulated at national level; there were all kinds of categories of legislation and in many cases the constitution itself provided the answer;
- (2) there was no perception that the number of cults or religious movements was increasing to a disturbing degree; with regard to this last point, she had certain doubts; sometimes no attention was paid to these kinds of movements unless there were reasons to be worried or offences were committed, there was little reason to worry about or monitor religious or other movements which were not very active; she personally considered that the number of cults was increasing; as the chairman had said, such movements existed for two reasons: either because people hoped to have a better life within the organization or because their lives at present were unsatisfactory because material conditions were deteriorating;

- (3) if it was true that the situation was 'acceptable' and was under control at national level, was this type of meeting superfluous? she considered that it was worth having a meeting and finding out about the situation, it should not be forgotten that children were often exploited and abused in cults, the rights of parents were sometimes limited in some cults, we should also reflect on the rights of children not to take part in these kinds of cults;
- (4) there was much concern regarding cults and religious movements in the new democracies in Central and Eastern Europe; Mrs d'Ancona had been contacted, as chairman of the Delegation to Romania, to assist Jehovah's Witnesses who had been banned from a large international meeting in Romania; she had not been able to do very much, but was worried by this attitude of countries who were candidates for membership of the EU.

**Mr Koekkoek** (Second Chamber, Netherlands) did not think that problems with cults would increase as a country's economy developed. The Netherlands, Denmark and Sweden were some of the most developed countries in the EU; it was precisely in those countries where cults were not considered a great problem. If there was a crisis in Western society, the question of the proper role of the State arose. Our leaders should encourage organizations which supported people. He was thinking of current family policy and education in Germany and Austria. Young people had to be prepared for a society where values would be given greater priority. Europol could provide an exchange of information with regard to people who disappeared, but beyond that role the means available to the national authorities of the Member States were sufficient.

**Lord Hacking** (House of Lords, United Kingdom) considered that each Member State should consider its criminal law and ask itself some questions. Were the police, or those responsible for law enforcement, carrying out this task? Did they need more information with regard to money-laundering, for example? Were there laws to protect children from sexual abuse? This was the case in the United Kingdom, outside its borders as well (sex tourism was an offence).

**Mr John Greenway** (House of Commons, United Kingdom) pointed out that Article 2.2 of the Europol Convention listed the tasks of Europol and that criminal activities, including sexual abuse, were already listed<sup>(4)</sup>. The best step would be to enable information to be exchanged between police forces bilaterally and that was already happening, particularly in the area of terrorism. Another factor was that apparently there was a danger that these organizations would start off in one or two countries and suddenly become operational in other countries. What the European Parliament could

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<sup>(4)</sup> Article 2.2 of the Europol Convention reads "In order to achieve progressively the objective mentioned in paragraph 1, Europol shall initially act to prevent and combat unlawful drug trafficking, trafficking in nuclear and radioactive substances, illegal immigrant smuggling, **trade in human beings** and motor vehicle crime." By "trade in human beings" the Convention means subjection of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of authority or intrigue with a view to the exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children.

do in this area was to support the extension of Europol's mandate to include the crimes listed in the annex to the Convention<sup>(5)</sup> and encourage the national governments to ensure that their criminal law was adequate. In fact it mattered little what these criminals were called, what should concern us was the crimes they were committing.

**Mr Duquesne** (Chamber of Representatives, Belgium) said he had heard a number of colleagues expressing their concern with regard to what was happening in Belgium in the area of cults. He wanted to reassure them that there was no particular cause for concern in Belgium, but before deciding that everything was fine, we needed a clear vision of the size of the phenomenon and the dangers it represented, in line with the European Parliament's resolutions. In a Europe without frontiers it would be hard to believe that a country such as his would be a small sanctuary where all the dangers of the cult phenomenon were concentrated, while the rest of Europe was untouched. This would be an extraordinary failure of Europe without frontiers and he would be very surprised, as the financial aspect of capital mobility in all the countries of Europe was a very important factor in the deviant cult phenomenon. It seemed to him important to investigate and see the situation clearly before making a judgment, as there was a risk of being dazzled by the notion of freedom. Of course it was everybody's ideal, but freedom was not without risks and Belgium, being realistic, did not think it was enough to call oneself a church to be safe from every kind of deviant behaviour. Similarly, the fact of being called a church did not signify responsibility for every sin and every threat. What we were trying to do was to look at the phenomenon more closely. Purely general analyses were interesting, and could explain a context, to what extent and why our populations could be exposed to the activities of a number of bandits, who could also be found in the political environment. There

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<sup>(5)</sup> List of other serious forms of international crime which Europol could deal with in addition to those already provided for in Article 2(2) in compliance with Europol's objective as set out in Article 2(1).

Against life, limb or personal freedom

- murder, grievous bodily injury
- illicit trade in human organs and tissue
- kidnapping, illegal restraint and hostage-taking
- racism and xenophobia

Against property or public goods including fraud

- organized robbery
- illicit trafficking in cultural goods, including antiquities and works of art
- swindling and fraud
- racketeering and extortion
- counterfeiting and product piracy
- forgery of administrative documents and trafficking therein
- forgery of money and means of payment
- computer crime
- corruption

Illegal trading and harm to the environment:

- illicit trafficking in arms, ammunition and explosives
- illicit trafficking in endangered animal species
- illicit trafficking in endangered plant species and varieties
- environmental crime
- illicit trafficking in hormonal substances and other growth promoters

In addition, in accordance with Article 2(2), the act of instructing Europol to deal with one of the forms of crime listed above implies that it is also competent to deal with the related money-laundering activities and the related criminal offences.

were political currents of opinion which could attempt to profit from the existing anxieties, just as there were organized movements, not only churches, which could profit from it. We certainly needed moral support. If a member of a national parliament could be permitted to say so, here at the European Parliament there was serious work to be done on this subject, even if we were convinced of the importance of growth curves and percentages, even if it was 3% (EMU criteria). The effort to inspire a little confidence and a little optimism and meet the need for fellowship and humanity which was developing in Europe would not be in vain. But this was not the question. An analysis of the situation showed that indeed there were some people who were sometimes but perhaps not always more vulnerable, who had a need for ideals, values, points of reference and more social contact and were targeted as victims by a number of movements who had understood this very well and wanted to turn it to criminal advantage. In the Belgian Parliament, although initially there had been a certain amount of scepticism as to the usefulness of this type of research, a whole world had already been discovered which was extremely worrying, not only at the level of ordinary crime, against which in principle we had weapons, although the authorities did not always act. The courts in particular showed an extraordinary indifference. The Belgian Parliament had also begun to discover new forms of crime which were not covered by existing laws. Young people and minors in particular had been victims, in Belgium in any case. The State was not sufficiently well equipped to protect them from a number of dangers. There was of course the aspect of crime and its punishment but there was also, and this seemed vital, a role to be played in information and education. They had wanted the committee to be public, for two reasons: first of all to show that there was no witch-hunt. They had received evidence from victims but also evidence from the representatives of a number of these churches and new movements which were not exclusively religious. And an open debate would conclude this inquiry which had been public and during which everyone would have been able to see the extent to which Belgian national representatives were careful to respect freedom. After that, there was also a role to inform, with media participation. It was essential that the media reported how terrible dangers could lurk behind many fine-sounding words. Freedom was the most perfect ideal but it was a hard taskmaster and required large measures of vigilance, information, effort and critical understanding. Apart from this educational aspect there was also the aspect of caring for those who were trying with difficulty to escape from this type of situation. They should not be left by the wayside for the sake of freedom, they should be helped to rediscover their own truth, because if their personality had been totally destabilized, they might be condemned to despair.

**Mrs Colombo Svevo** (EPP, Italy) asked the German representative exactly what was meant by the term 'psycho-group'.

**Mrs Schätzle** replied that in the absence of a definition of 'cult', this term had been used to describe groups which worked with particular psychological techniques. Germany did not discriminate against Scientology. It wanted to defend democracy and the rule of law and the free will, fundamental freedoms and individual rights of mankind. These were values which Germany had no wish to call into question. The German committee's work was based on a Supreme Court judgment concerned with labour law (Judgment 2194 of 1995). This judgment had shown clearly that the Church of Scientology was not just a church but also a profit-making organization. In other countries Scientologists worked wearing different hats and different labels. The Conference of Interior Ministers of the Länder held on 6 May 1996 had decided that the authorities should study the ways in which the Church of Scientology combined methods of psychological manipulation and profit-making operations. The Bavarian decision to ban members of the Scientology Church from the civil service was not a central government decision. It was important, however, to remember that there

could be a contradiction between the aspirations of Scientology and the smooth operation of institutions. It could not be taken for granted that a civil servant who was a Scientologist would be faithful to the constitution, and this was the background to the Bavarian decision with regard to Scientology.

**Mrs Russo Jervolino** (Camera dei Deputati, Italy) remarked that citizens' freedom, freedom of association and religious freedom had to be respected and there were to be no witch-hunts. We could not mount opposition to new religious movements. Our concern was to respect individual rights and punish crimes. Secondly, was the increase in the number of cults a result of a crisis of values? Was it because of a weakness of the traditional churches? All these questions were legitimate but in this area neither the European nor the national parliaments could intervene. Thirdly, there were weaknesses in education: information certainly had to be provided, but young people should also receive better instruction in the exercise of freedom and their critical faculties.

**Mrs Colombo Svevo** (EPP, Italy) presented her preliminary conclusions. The committee needed to a certain extent to step back from the problem but had a better view of the limits of the context within which it could work. Everyone was working on the basis of the same vision of respect for fundamental freedoms.

Not enough was known about the phenomenon of cults. As the Belgian representative had said, with some phenomena it was only after digging below the surface that dangers were revealed. Some form of cooperation at European level should be set up. In the final section of the French National Assembly report, the Committee of Inquiry rightly regretted that nothing had been done in the EU. The Committee also indicated avenues which could be explored: intergovernmental cooperation, concentrating on exchange of information, and the creation of a databank.

Which points were common to all?

- (1) Everyone said that a legal definition of cults or ad hoc legislation were unnecessary, as there were already sufficient legal instruments. However, some participants had revealed that these provisions were not always applied. It could be interesting to study this aspect, which was essential to identify problems in the various Member States with regard to the application of laws and possible gaps in the law.
- (2) There should be an analysis of what the first committees of inquiry had done, to identify characteristic illegal activities. If there was tax fraud, violation of labour laws, if it was difficult to maintain contact with families, if there were attempts to recruit children, which were one of the weakest links, we had the right and the duty to say that all these elements taken together could be dangerous.
- (3) Prevention: how to talk about the 'new religious movements'? By emphasizing their potential for danger? How to support those who risked letting themselves be convinced by the charisma and the techniques of organizations with dubious practices?
- (4) Reintegration: assistance to be given to people who chose of their own volition to leave a cult.
- (5) Europol: there had been talk of an exchange of information, if this information concerned criminal activities, this could come within the remit of Europol.

Mrs Colombo Svevo hoped, in conclusion, that all the various reports by the national parliaments and the summary record of this hearing would be forwarded to all present.

**Mr Luis Marinho**, chairman, added that in addition to being legislators, politicians and representatives, we were above all opinion-formers in these areas which affected the everyday life of society - drug trafficking, money-laundering and cults. These problems were common to all, although there were nuances of interpretation. These were the problems of all Europeans. Members of the European Parliament were certainly legislators, but did not have much power. More power was held by parliamentarians at national level. It should be possible to compare legal systems. There were differences of emphasis. The problem was more acute in some places than others, but at all events it was always a matter of studying the everyday political reality of society and providing information. Then there should be regulation if there were common problems. There should be coordination between parliaments, which was what we had begun to do. We had tried to find solutions to common problems.

**B4-0259, B4-0264, B4-0266, B4-0271 and B4-0274/96**

**Resolution on cults in Europe**

**The European Parliament,**

- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950,
  - having regard to the Treaty on European Union, and in particular Article F(2), Article K.1, points 2, 5, 6, 7 and 9, and Article K.3 thereof,
  - having regard to its resolution of 8 July 1992 on a European Charter of the Rights of the Child<sup>(1)</sup>,
  - having regard to Recommendation 1178 (1992) of the Council of Europe on cults and new religious movements,
- A reaffirming its attachment to the basic principles of democracy and the rule of law, such as tolerance, and freedom of conscience, religion, thought, association and assembly,
- B whereas recent events in France, and in particular the deaths of 16 people, three of them children, in the Vercors on 23 December 1995, have drawn attention to the dangerous activities of certain organizations commonly known as 'cults',
- C whereas the activities of groups of cults or cult-type associations are a phenomenon that is rapidly proliferating, and taking increasingly diverse forms, throughout the world,
- D whereas many religious and other sects are perfectly legitimate and are therefore entitled to have their organizations and activities protected under the guarantees of individual and religious freedom enshrined in the European Convention of Human Rights,
- E. whereas, however, some cults operating through a cross-frontier network within the European Union are engaging in activities of an illicit or criminal nature and in violations of human rights, such as maltreatment, sexual abuse, unlawful detention, slavery, the encouragement of aggressive behaviour or propagation of racist ideologies, tax fraud, illegal transfers of funds, trafficking in arms or drugs, violation of labour laws, the illegal practice of medicine, and so on,

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<sup>(1)</sup> OJ C 241, 21 9.1992, p 67

1. Reaffirms the right to freedom of thought, conscience and religion and to freedom of association, subject to the limits imposed by the need to respect the freedom and privacy of the individual and to provide protection from practices such as torture, inhuman and degrading treatment, slavery, etc.,
2. Calls on the Member States to ensure that the legal and police authorities make effective use of existing legal provisions and instruments at national level and cooperate actively and more closely, particularly within Europol, to combat the attacks on the fundamental rights of individuals of which certain cults are culpable;
3. Calls on the Member States to ascertain whether their judicial, fiscal and penal provisions are adequate to prevent the activities of such cults from resulting in unlawful actions,
4. Calls on the governments of the Member States not to make the granting of religious status automatic and to consider, in the case of sects involved in undercover or criminal activity, withdrawing their status as religious communities, which confers tax advantages and certain legal protection;
5. Calls on the Member States, in this regard, to step up the exchange of information between them so as to coordinate data on the cult phenomenon,
6. Calls on the Council to study, propose and adopt any measures arising from effective implementation of the instruments incorporated in Title VI of the Treaty on European Union and existing Community law in order to control and combat the illegal activities of cults in the European Union, calls on the Council to promote cooperation between the Member States and third countries to trace missing persons and facilitate their reintegration into society,
7. Instructs the Commission and the Member States to show the utmost vigilance to ensure that Community subsidies are not granted to illicit cult-type associations;
8. Calls on its Committee on Civil Liberties and Internal Affairs to propose to the corresponding committees of the national parliaments that their next joint meeting be devoted to the subject of sects, in this way, information on the organization, working methods and conduct of sects in each Member State could be exchanged and conclusions drawn on the best way to restrain undesirable activities by them and on strategies to raise public awareness about them. The conclusions of this meeting should be submitted to the plenary in the form of a report;
9. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Council of Europe.

## Cults in France

Summary of the report of the French National Assembly Committee of Inquiry on Cults - adopted unanimously by the committee in December 1995.

All studies on 'cults' recognize that it is difficult to define the term 'cults' because the phenomenon is difficult to identify

### **(1) The concept of a 'cult' is unknown in French law**

This absence of a legal definition is a consequence of the French concept of **secularity**, as the Declaration of Human Rights and the French Constitution guarantee that all citizens are equal before the law regardless of origin, race or religion, while respecting all beliefs and the neutrality of the State

The principle of neutrality of the State means that the State does not interfere in religious beliefs, subject to restrictions concerned with respect for **public order**

### **(2) The concept adopted by the Committee of Inquiry**

The difficulty of defining the concept of a cult led the Committee of Inquiry to adopt a package of criteria of 'potential for danger', while being aware that each of these criteria is debatable.

The criteria are those used by the 'Renseignements généraux'<sup>(1)</sup> in their analysis of the 'cult phenomenon'

The criteria are

- mental destabilization;
- exorbitant financial demands;
- compulsory severing of links with the original social environment,
- attacks on physical integrity;
- recruitment of children,
- more or less anti-social ideas,
- public order disturbances,
- the number of incidents involving the courts,
- possible diversion of traditional economic cycles,
- attempts to infiltrate public authorities.

Any attempt at a global assessment of the 'cult phenomenon' comes up against a number of difficulties in connection with.

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<sup>(1)</sup> From about 40 general information officers spread throughout France, the Interior Ministry gathers information on the establishment of cults, their members and their activities

- the imprecise nature of the concept;
- the type of activities,
- the link with the cult (devotees, sympathisers, camp followers, etc.);
- the impact of unquantifiable criteria such as the cult's international ramifications, its financial circumstances, its infiltration strategy, etc

According to the French 'Renseignements Généraux', the number of movements counted which meet one of the criteria of potential danger indicated above is 172 for main organizations and 800 including branches. The number of devotees - very difficult to quantify - varies around 160 000, the number of sympathisers around 100 000.

### **(3) New trends appearing over the last ten years**

- Growth in the number of cults and the number of cult members, it is extremely difficult to give precise figures for this development; various factors, however, suggest that this expansion is continuing (financial commitments, need for remedies for affliction, etc ),
- Proliferation of branches and entirely new organizations,
- Changes in the population:  
Since 1968: young, middle-class people of both sexes,  
Before 1968: adults from relatively poor environments, mostly female;
- The pyramid model of power within cults has become more marked,
- The ideas put forward by the new cults largely feature individual self-improvement;
- Increased potential for danger:  
Until the early 1970s, warnings against cults issued primarily from the churches, but the excesses of some organizations have helped to bring about a radical change in the way they are perceived. There is evidence for this phenomenon in the creation of protection associations and a relatively large number of court cases. The serious criminal activities of some cults (attacks, mass suicides and assassinations) has shaken public opinion.

### **(4) Identifying dangerous practices**

- Offences in connection with physical attacks on people: abuse, beating and wounding, detention, failure to assist a person in danger or illegal practice of medicine,
- Violation of certain family obligations, particularly of parents who are members of cults with regard to their children,
- Defamation, slander or violation of privacy;
- Tax fraud, swindling, trickery, abuse of confidence;
- Violations of labour law and social security.

It is impossible to say whether these dangers have increased over the past ten years

**(5) The need for a pragmatic response**

French law provides various means to counteract the various deviations of certain 'cult movements'. The conclusion has to be drawn, however, that these means are only rarely employed.

A radical reform therefore does not seem desirable. To be effective, the instrument to combat the dangers of cults should include three elements:

- **better understanding** of cults and dissemination of this knowledge by **creating a cult observatory**;
- stricter application of **existing law**,
- **reinforcement of certain elements of the existing law**, particularly by studying the deterrent effect of sanctions and whether it is appropriate to increase them, by reviewing the law on defamation, by increasing protection for expert witnesses in court and making it possible for victims' defence associations to bring civil actions

**(6) Increased international cooperation**

Increased international and Community cooperation is essential:

- because many dangerous cults have an international dimension;
- because cults which are prosecuted in one country often decide to transfer their operations abroad (particularly in connection with the illegal practice of medicine, violations of labour law and social security contributions, etc.).

The Committee of Inquiry regrets that the European Union seems to be taking no action in this area.

It proposes that **intergovernmental cooperation** be introduced, based on an **exchange of information**, particularly through a **datbank**; that control measures be coordinated, taking account of differences in judicial systems; that searches for people wanted by the courts or by the administration and searches for missing persons be conducted.