



# France: Anti-Sect Law: A Summary

June 2001

LL File No. 2001-11157  
LRA-D-PUB-001546

This report is provided for reference purposes only.  
It does not constitute legal advice and does not represent the official  
opinion of the United States Government. The information provided  
reflects research undertaken as of the date of writing.  
It has not been updated.

**LAW LIBRARY OF CONGRESS**

**FRANCE**

**ANTI - SECT LAW: A SUMMARY**

On June 12, 2001, the National Assembly adopted “Law No. 2001-504 Towards Reinforcing the Prevention and the Deterrence of Sectarian Movements Infringing Human Rights and Fundamental Liberties.”<sup>1</sup> The Law allows judges from the *Tribunal de grande instance* (court of general jurisdiction) to dissolve legal entities which pursue activities the goal or the result of which is to create or exploit their members’ psychological or physical state of dependency when such entities or their leaders have been the subject of final convictions on charges such as endangering lives, endangering the physical or psychological integrity of a person, infringing the liberty of a person, infringing the dignity of the person, endangering minors, illegal practice of medicine, illegal practice of the profession of pharmacist, false advertising or consumer fraud. The request for dissolution is made by the Prosecutor’ office, either *ex officio* or at the request of any interested party.<sup>2</sup>

Any individual who participates in the continuance or resumption, overtly or covertly, of a legal entity dissolved under the provisions of article 131-39 of the Penal Code<sup>3</sup> may be sentenced to a prison term of three years and a 300,000 *francs* fine [about US\$ 45,000].<sup>4</sup> This penalty may be increased to five years and 500,000 *francs* [about US\$ 67,000] when the dissolution is pronounced for a repeated offense.<sup>5</sup>

In addition, the Law establishes the criminal liability of legal entities in relation to certain offenses which before could only be committed by an individual. These offenses include illegal practice of medicine, consumer fraud, willful infringement on the life of a person, torture and barbarous acts, violence against a person, threats, sexual assaults, hindering assistance to or failure to render aid, incitement to suicide, infringement of the respect due to the dead and neglect of family.<sup>6</sup>

Furthermore, it is prohibited to distribute to minors by any means messages promoting a legal entity which pursues activities the goal or the result of which is to create or exploit its members’ psychological or physical state of dependency when such entity or its leaders have been convicted on several occasions on charges such as endangering lives, endangering the physical or psychological integrity of a person, infringing on the liberty of the person, infringing on the dignity of the person, endangering minors, illegal

---

<sup>1</sup> JOURNAL OFFICIEL [official Gazette], June 13, 2001 at 9337.

<sup>2</sup> *Id.*, art 1

<sup>3</sup> CODE PENAL, (Ed. Dalloz 2001). Article 131-39 states that when the law so provides with respect to legal entities, a felony or misdemeanor may be punished by one or more penalties, including dissolution when the legal entity was created to commit the incriminated conduct or, in the case of a felony or a misdemeanor punishable by a penalty of imprisonment for more than five years [three year minimum as amended by art. 14 of Law 2001-504] in cases involving natural persons, when the legal entity was diverted from its object to commit the incriminated conduct.

<sup>4</sup> *Supra* note 1, art 17.

<sup>5</sup> *Id.*

<sup>6</sup> *Supra* note 1, arts. 2 through 14.

practice of medicine, illegal practice of the profession of pharmacist, false advertising or consumer fraud.<sup>7</sup>

Finally, the Law creates a new criminal offense “fraudulently abusing [another’s] state of ignorance or weakness.” It provides:<sup>8</sup>

Fraudulently abusing the state of ignorance or weakness either of a minor or a person whose special vulnerability due to age, sickness, infirmity, physical or psychological deficiency, or pregnancy is apparent and known to the perpetrator, or of a person in a state of psychological or psychic dependency resulting from grave and repeated pressure or from techniques aimed at altering his/her judgment, to drive that minor or that person to act or to fail to act in a way which is highly damaging to her /him is punishable by three years in prison and a maximum fine of 2,500,000 *francs* [about US\$335,000].

The penalty is increased to five years in prison and to a maximum fine of 5,000,000 *francs* [about US\$ 675,000] when the perpetrator is the leader of a group which pursues activities the goal or the result of which is to create, maintain, or exploit its members’ psychological or physical state of dependency.

Associations officially acknowledged as serving public purposes and having the goal of defending individuals or individual liberties may be civil parties in the case against either an individual or a legal entity whose aim is to create or exploit its members’ psychological or physical state of dependency when such individual or entity is charged with either one of the following offenses: endangering lives, endangering the physical or psychological integrity of a person, infringing the liberty of a person, infringing the dignity of a person, endangering minors, illegal practice of medicine, illegal practice of the profession of pharmacist, false advertising or consumer fraud. The association must have been regularly formed for at least five years before the occurrence of the facts.<sup>9</sup>

Prepared by Nicole Atwill  
Senior Legal Specialist  
Western Law Division  
Law Library of Congress  
June 2001

---

<sup>7</sup> *Id.*, art. 19.

<sup>8</sup> *Id.*, art. 20.

<sup>9</sup> *Id.*, art. 22.