

*[Unofficial translation]*

**ACT No. 2001-504 of 12 June 2001 to reinforce the prevention and suppression of sects which infringe human rights and fundamental freedoms**

NOR: JUSX9903887L

The National Assembly and the Senate have adopted,

The President of the Republic hereby promulgates the following Act:

Chapter I

Civil dissolution of certain legal entities

Section 1

Any legal entity, irrespective of its legal form or purpose, which pursues activities with the objective or effect of achieving, maintaining or exploiting the psychological or physical subjection of persons participating in those activities, may be dissolved under the conditions laid down in this section, where the legal entity itself or its managers, in law or in fact, have been finally convicted of one or more of the offences listed below:

1. The offences of deliberately or unintentionally killing or causing physical or mental harm to others, of endangering others, of infringing personal freedoms, of violating human dignity, of interfering with privacy and personal rights, of imperilling minors or the offences against property provided for in Articles 221-1 to 221-6, 222-1 to 222-40, 223-1 to 223-15, 223-15-2, 224-1 to 224-4, 225-5 to 225-15, 225-17 and 225-18, 226-1 to 226-23, 227-1 to 227-27, 311-1 to 311-13, 312-1 to 312-12, 313-1 to 313-3, 314-1 to 314-3 and 324-1 to 324-6 of the Criminal Code;
2. The offences of unlawfully practising medicine or pharmacy provided for in Articles L. 4161-5 and L. 4223-1 of the Code of Public Health;
3. The offences of misleading advertising, fraud or forgery provided for in Articles L. 121-6 and L. 213-1 to L. 213-4 of the Code of Consumption.

Dissolution proceedings shall be instituted before the *Tribunal de Grande Instance* at the request of the public prosecutor, acting *ex officio*, or on an application by any interested party. The application shall be lodged, investigated, heard and determined in accordance with the expedited "fixed-date" procedure. The time-limit for filing an appeal shall be fifteen days. The President of the division to which the case is allocated shall promptly

set the date of the hearing at which the presentation of the case is to be discussed with counsel. On the specified date the procedure followed shall be that set out in Articles 760 to 762 of the New Code of Civil Procedure.

Maintaining or openly or covertly reconstituting a legal entity which has been dissolved under this section shall constitute commission of the offence provided for in the second paragraph of Article 434-43 of the Criminal Code.

The *Tribunal de Grande Instance* may pronounce the dissolution of a number of legal entities, as referred to in the first paragraph, during the same proceedings, where those legal entities pursue the same objective and are united by common interests and where at least one final conviction of an offence mentioned in indents 1 to 3 above has been pronounced against each legal entity or its managers in law or in fact. The legal entities concerned must be parties to the proceedings.

## Chapter II

Extension of legal entities' criminal liability to certain offences

### Section 2

I. After the words "shall be punished" the end of the first paragraph of Article

L. 4161-5 of the Code of Public Health shall read "with one-year's imprisonment and a fine of FRF 100,000."

II. After Article L. 4161-5 of the same code an Article L. 4161-6 shall be inserted, worded as follows:

"Art. L. 4161-6 - Legal entities may be held criminally liable, in accordance with Article 121-2 of the Criminal Code, for the offences set out in Article L. 4161-5.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38 of the Criminal Code;
2. the penalties specified in indents 2 to 9 of Article 131-39 of the Criminal Code.

The ban referred to in indent 2 of Article 131-39 of the Criminal Code shall relate to the activity in the performance of which or in connection with which the offence was committed."

III. In Article L. 4223-1 of the same code the words "with a fine of FRF 30,000 and, for a repeat offence, six-months' imprisonment and a fine of FRF 60,000" shall be replaced by "with one year's imprisonment and a fine of FRF 100,000".

### Section 3

1. After Article L. 213-5 of the Code of Consumption an Article L. 213-6 shall be inserted, worded as follows:

"Art. L. 213-6 - Legal entities may be held criminally liable, in accordance with Article 121-2 of the Criminal Code, for the offences set out in Articles L. 213-1 to L. 213-4.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38 of the Criminal Code;
2. the penalties specified in indents 2 to 9 of Article 131-39 of the Criminal Code.

The ban referred to in indent 2 of Article 131-39 of the Criminal Code shall relate to the activity in the performance of which or in connection with which the offence was committed."

II. Article L. 121-6 of the same code shall be supplemented with a paragraph worded as follows:

"The provisions of Article L. 213-6, whereby legal entities may be held criminally liable, shall be applicable to these offences."

### Section 4

After Article 221-5 of the Criminal Code an Article 221-5-1 shall be inserted, worded as follows:

"Art. 221-5-1 - Legal entities may be held criminally liable, in accordance with Article 121-2, for the offences defined in this section.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38;
2. the penalties specified in Article 131-39.

The ban referred to in indent 2 of Article 131-39 shall relate to the activity in the performance of which or in connection with which the offence was committed."

## Section 5

After Article 222-6 of the Criminal Code an Article 222-6-1 shall be inserted, worded as follows:

"Art. 222-6-1 - Legal entities may be held criminally liable, in accordance with Article 121-2, for the offences defined in this paragraph.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38;
2. the penalties specified in Article 131-39.

The ban referred to in indent 2 of Article 131-39 shall relate to the activity in the performance of which or in connection with which the offence was committed."

## Section 6

After Article 222-16 of the Criminal Code an Article 222-16-1 shall be inserted, worded as follows:

"Art. 222-16-1 - Legal entities may be held criminally liable, in accordance with Article 121-2, for the offences defined in this paragraph.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38;
2. the penalties specified in Article 131-39.

The ban referred to in indent 2 of Article 131-39 shall relate to the activity in the performance of which or in connection with which the offence was committed."

## Section 7

After Article 222-18 of the Criminal Code an Article 222-18-1 shall be inserted, worded as follows:

"Art. 222-18-1 - Legal entities may be held criminally liable, in accordance with Article 121-2, for the offences defined in this paragraph.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38;
2. the penalties specified in indents 2 to 9 of Article 131-39;
3. the penalty specified in indent 1 of Article 131-39 for the offences defined in Articles 222-17 (second paragraph) and 222-18.

The ban referred to in indent 2 of Article 131-39 shall relate to the activity in the performance of which or in connection with which the offence was committed."

## Section 8

After Article 222-33 of the Criminal Code an Article 222-33-1 shall be inserted, worded as follows:

"Art. 222-33-1 - Legal entities may be held criminally liable, in accordance with Article 121-2, for the offences defined in Articles 222-22 to 222-31.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38;
2. the penalties specified in Article 131-39.

The ban referred to in indent 2 of Article 131-39 shall relate to the activity in the performance of which or in connection with which the offence was committed."

## Section 9

After Article 223-7 of the Criminal Code an Article 223-7-1 shall be inserted, worded as follows:

"Art. 223-7-1 - Legal entities may be held criminally liable, in accordance with Article 121-2, for the offences defined in this section.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38;

2. the penalties specified in indents 2 to 9 of Article 131-39;
3. the penalty specified in indent 1 of Article 131-39 for the offences defined in Articles 223-5 and 223-6.

The ban referred to in indent 2 of Article 131-39 shall relate to the activity in the performance of which or in connection with which the offence was committed."

#### Section 10

After Article 223-15 of the Criminal Code an Article 223-15-1 shall be inserted, worded as follows:

"Art. 223-15-1 - Legal entities may be held criminally liable, in accordance with Article 121-2, for the offences defined in this section.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38;
2. the penalties specified in indents 2 to 9 of Article 131-39;
3. the penalty specified in indent 1 of Article 131-39 for the offence defined in the second paragraph of Article 223-13.

The ban referred to in indent 2 of Article 131-39 shall relate to the activity in the performance of which or in connection with which the offence was committed."

#### Section 11

Section 4 of chapter V of title II of book II of the Criminal Code shall be supplemented with an Article 225-18-1, worded as follows:

"Art. 225-18-1 - Legal entities may be held criminally liable, in accordance with Article 121-2, for the offences defined in Articles 225-17 and 225-18.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38;
2. the penalties specified in indents 2 to 9 of Article 131-39;
3. the penalty specified in indent 1 of Article 131-39 for the offences defined in

## Article 225-18.

The ban referred to in indent 2 of Article 131-39 shall relate to the activity in the performance of which or in connection with which the offence was committed."

## Section 12

After Article 227-4 of the Criminal Code an Article 227-4-1 shall be inserted, worded as follows:

"Art. 227-4-1 - Legal entities may be held criminally liable, in accordance with Article 121-2, for the offences defined in this section.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38;
2. the penalties specified in indents 2 to 9 of Article 131-39;

The ban referred to in indent 2 of Article 131-39 shall relate to the activity in the performance of which or in connection with which the offence was committed."

## Section 13

Article 227-17-2 of the Criminal Code shall be amended as follows:

1. In the first sentence the words "for the offence defined in the second paragraph of Article 227-17-1" shall be replaced by "for the offences defined in Articles 227-15 to 227-17-1";
2. In the second indent the words "in indents 1, 2, 4, 8 and 9 of" shall be replaced by the word "in".

## Section 14

In the second paragraph (indent 1) of Article 131-39 of the Criminal Code the words "more than five years" shall be replaced by the words "more than or equal to three years".

## Section 15

I. Article 132-13 of the Criminal Code shall be supplemented with a paragraph worded as follows:

"In the cases provided for in the preceding two paragraphs the legal entity shall in addition incur the penalties mentioned in Article 131-39, subject to the provisions of the last paragraph of that article."

II. In the last paragraph of the same article the words "of more than FRF 100,000" shall be replaced by the words "of at least FRF 100,000".

### Chapter III

Provisions relating to the penalty of dissolution incurred by criminally liable legal entities

#### Section 16

In the second paragraph of section 8 of the Act of 1 July 1901 on association contracts the words "with a fine of FRF 30,000 and one year's imprisonment" shall be replaced by the words "with three years' imprisonment and a fine of FRF 300,000".

#### Section 17

Article 434-43 of the Criminal Code shall be supplemented with two paragraphs, worded as follows:

"Any individual who participates in maintaining or openly or covertly reconstituting a legal entity which has been dissolved in accordance with indent 1 of Article 131-39 shall be liable to three years' imprisonment and a fine of FRF 300,000.

Where dissolution was pronounced in respect of a repeat offence or the offence provided for in the preceding paragraph, the penalty shall be increased to five years' imprisonment and a fine of FRF 500,000."

#### Section 18

Before the last paragraph of Article 434-47 of the Criminal Code an indent 5 shall be inserted, worded as follows:

"5. For the offences provided for in the second and third paragraphs of Article 434-43, the penalty of dissolution mentioned in indent 1 of Article 131-39."

### Chapter IV

Provisions restricting advertising by sects

## Section 19

A fine of FRF 50,000 shall be incurred for distributing, by any means whatsoever, messages targeted at young people, seeking to promote a legal entity, irrespective of its legal form or purpose, which pursues activities with the objective or effect of achieving, maintaining or exploiting the psychological or physical subjection of persons participating in those activities, where the legal entity itself or its managers, in law or in fact, have been finally convicted on a number of occasions of one or more of the listed below:

1. The offences of deliberately or unintentionally killing or causing physical or mental harm to others, of endangering others, of infringing personal freedoms, of violating human dignity, of interfering with privacy and personal rights, of imperilling minors or the offences against property provided for in Articles 221-1 to 221-6, 222-1 to 222-40, 223-1 to 223-15, 223-15-2, 224-1 to 224-4, 225-5 to 225-15, 225-17 and 225-18, 226-1 to 226-23, 227-1 to 227-27, 311-1 to 311-13, 312-1 to 312-12, 313-1 to 313-3, 314-1 to 314-3 and 324-1 to 324-6 of the Criminal Code;
2. The offences of unlawfully practising medicine or pharmacy provided for in Articles L. 4161-5 and L. 4223-1 of the Code of Public Health;
3. The offences of misleading advertising, fraud or forgery provided for in Articles L. 121-6 and L. 213-1 to L. 213-4 of the Code of Consumption.

The same penalties shall apply where the messages referred to in the first paragraph of this section constitute an invitation to join such a legal entity.

Legal entities may be held criminally liable, in accordance with Article 121-12 of the Criminal Code, for the offences defined in this section. The penalty incurred by legal entities shall be a fine in accordance with the provisions of Article 131-38 of the Criminal Code.

## Chapter V

### Provisions on fraudulent abuse of a state of ignorance or weakness

## Section 20

After Article 223-15 of the Criminal Code, a new section 6 bis shall be added, worded as follows:

"Section 6 bis

Fraudulent abuse of a state of ignorance or weakness

Art. 223-15-2 - A penalty of three years' imprisonment and a fine of FRF 2,500,000 shall be incurred for fraudulent abuse of the state of ignorance or weakness of a minor, a person whose particular vulnerability on account of age, illness, infirmity, a physical or mental disability or pregnancy is apparent and known to the perpetrator, or a person in a state of psychological or physical subjection resulting from the use of severe or repeated pressures or of techniques such as to impair that person's judgment, with the aim of inducing that minor or person to commit an act or omission seriously harmful to his or her interests.

Where the offence is perpetrated by the manager in law or in fact of a grouping pursuing activities which have the objective or effect of achieving, maintaining or exploiting the psychological or physical subjection of persons participating in those activities, the penalties shall be increased to five years' imprisonment and a fine of FRF 5,000,000.

Art. 223-15-3 - Individuals guilty of the offence provided for in this section shall also incur the following additional penalties:

1. deprivation of civic, civil and family rights, in accordance with Article 131-26;
2. disqualification for five years at most, in accordance with Article 131-27, from holding public office or carrying on the occupational or social activity in the course or on the occasion of which the offence was committed;
3. closure, for five years at most, of the place of business or of one or more places of business of a company used to commit the offences charged;
4. confiscation of property used in or intended for use in committing the offence or constituting the proceeds of the offence, with the exception of objects that might be restored to a rightful owner;
5. a ban on being present in certain places, in accordance with Article 131-31;
6. a ban, lasting five years at most, on issuing cheques other than those permitting the drawer to obtain funds from the drawee or certified cheques;
7. posting or publication of the judgment, in accordance with Article 131-35.

Art. 223-15-4 - Legal entities may be held criminally liable, in accordance with Article 121-2, for the offence defined in this section.

The penalties incurred by legal entities shall be:

1. a fine as provided for in Article 131-38;
2. the penalties set out in Article 131-39.

The ban referred to in indent 2 of Article 131-39 shall relate to the activity in the performance of which or in connection with which the offence was committed."

## Section 21

- I. Article 313-4 of the Criminal Code shall be repealed.
- II. The reference ", 313-4" shall be deleted from the first paragraph of Article 313-7 of the same code.
- III. At the end of the first paragraph of Article 313-9 of the same code the words "to 313-4" shall be replaced by the words "to 313-3".

## Chapter VI

### Miscellaneous provisions

## Section 22

Article 2-17 of the Code of Criminal Procedure shall be worded as follows:

"Art. 2-17 - Any association recognised as being in the public interest, which has been lawfully registered for at least five years at the material time and which states in its articles of association that its intended purpose is to defend and assist individuals or to defend individual and collective rights and freedoms may, on the commission of an offence by any individual or legal entity through a movement or organisation which has the objective or effect of achieving, maintaining or exploiting the psychological or physical subjection of others, assert the rights conferred on civil parties with regard to the offences of deliberately or unintentionally killing or causing physical or mental harm to others, of endangering others, of infringing personal freedoms, of violating human dignity, of interfering with privacy and personal rights, of imperilling minors or the offences against property provided for in Articles 221-1 to 221-6, 222-1 to 222-40, 223-1 to 223-15, 223-15-2, 224-1 to 224-4, 225-5 to 225-15, 225-17 and 225-18, 226-1 to 226-23, 227-1 to 227-27, 311-1 to 311-13, 312-1 to 312-12, 313-1 to 313-3, 314-1 to 314-3 and 324-1 to 324-6 of the Criminal Code, the offences of unlawfully practising medicine or pharmacy provided for in Articles L. 4161-5 and L. 4223-1 of the Code of Public Health, and the offences of

misleading advertising, fraud or forgery provided for in Articles L. 121-6 and L. 213-1 to L. 213-4 of the Code of Consumption."

## Section 23

Article 706-45 of the Code of Criminal Procedure shall be amended as follows:

1. After the fifth paragraph (indent 4) an indent 5, worded as follows, shall be inserted:

"5. Placing under the supervision of an administrator appointed by the investigating judge for a renewable six-month period, as regards the activity in the performance of which or in connection with which the offence was committed."

2. The following sentence shall be added to the penultimate paragraph:

"The measure provided for in indent 5 may be ordered by the investigating judge only where the legal entity cannot be sentenced to the penalty provided for in indent 3 of Article 131-39 of the Criminal Code."

## Section 24

This Act shall be applicable in New Caledonia, French Polynesia, the Wallis and Futuna Islands and the Territorial Community of Mayotte.

For the purpose of applying this Act in New Caledonia, French Polynesia, Wallis and Futuna, the Territorial Community of Mayotte and Saint-Pierre-et-Miquelon, the words "*Tribunal de Grande Instance*" shall be replaced by the words "*Tribunal de Première Instance*".

For the purpose of applying this Act in New Caledonia, French Polynesia, Wallis and Futuna and the Territorial Community of Mayotte, the references to the legislative provisions of the Code of Public Health, the Code of Consumption and the Code of Civil Procedure shall be replaced, if necessary, by references to the locally applicable legislation on the same subjects.

This Act shall be enforced as a law of the State.

Done in Paris, on 12 June 2001

by the President of the Republic,

Jacques Chirac,

the Prime Minister,

Lionel Jospin,

the Minister for Justice,

Marylise Lebranchu,

the Minister of the Interior,

Daniel Vaillant,

the State Secretary with

responsibility for Overseas

Territories,

Christian Paul

(1) *Travaux prépar*