

Jackson TAYLOR: Just a brief question, my last question, if that is okay, Chair. What definitional evidentiary challenges do you foresee in applying coercive control legislation to religious or spiritual groups?

A primary issue is the definition of a cult and the difference between a cult and a religion

The issue of an informed decision. Cults will argue that the fact that its membership is voluntary and the absence of any physical coercion to maintain its members' allegiance should ensure its protection under the law.

Cults will bring a host of followers who will attest to the legitimacy and value of its operations and the benefits they have derived from their involvement in the group.

Who would be the subjects of any prosecution?

- Numerous cults operate under international offshore leadership structures.
- Cults may not have any formal legal status in Australia

The cults will argue that any coercive activities are the work of a particular teacher or guide and not representative of the group as a whole. In a school, for example, if a student is abused by a teacher, then the school is held responsible, because there is a contractual relationship between the school and the teacher. There may no contractual relationship between the cult and the teacher or guide.

Rachel WESTAWAY: Thank you, Chair. Raphael, thank you so much for your insights. It is fascinating and sad all at once. I am wondering if you can provide us with your insight into any international models of regulation or monitoring of cults that you have seen to be something that we could consider – regulation and monitoring but also support systems as well. Is there anything being done in the international space?

There is no consistent pattern around the world relating to the banning of cults or even the restriction of their activities. Various governments have investigated this issue with differing results.

Several governments around the world have officially banned or restricted certain cults or cult-like religious movements, usually on grounds of public safety, fraud, human rights violations, or extremism. However, the legality of a group often depends on how a country defines "cult", which varies widely.

Of note, is an in-depth investigation regarding this issue carried out by the European Parliament and published as a working paper in 1996. While, somewhat dated, the issues canvassed in the investigation remain as relevant today as they were then.

https://www.europarl.europa.eu/workingpapers/cito/w10/page1_en.htm

Below is a summary of measures taken around the world to ban or restrict the activities of cults thought to be harmful.

China

1. **Falun Gong**
 - **Banned:** 1999
 - **Reason:** Labelled a "heretical cult" and accused of spreading anti-government messages and "superstition."
 - **Status:** Illegal in China; members face arrest, though it's legal in many other countries.
2. **The Church of Almighty God (Eastern Lightning)**

- **Banned:** 1995
 - **Reason:** Considered an evil cult that deceives followers and encourages defiance against the government.
 - **Status:** Heavily persecuted; operates underground in China.
3. **Guanyin Method (Quan Yin Famen)**
- **Banned:** 1996
 - **Reason:** Labelled a “heretical sect” due to claims of supernatural powers and alleged exploitation of followers.
 - **Status:** Still banned; legal in some Western countries.

Japan

1. **Aum Shinrikyo (Supreme Truth)**
- **Banned:** 1995 (after the Tokyo subway sarin gas attack that killed 13 and injured over 6,000).
 - **Reason:** Acts of terrorism and murder.
 - **Status:** Officially dissolved; successors (Aleph, Hikari no Wa*) are under government surveillance.

Russia

1. **Jehovah’s Witnesses**
- **Banned:** 2017
 - **Reason:** Declared an “extremist organization” under Russia’s broad anti-extremism laws.
 - **Status:** Outlawed; thousands of adherents have faced raids and imprisonment.
2. **Scientology Moscow & St. Petersburg Orgs**
- **Partially banned/deregistered:** 2015–2021
 - **Reason:** Failure to meet registration requirements; accused of “illegal business” and “extremism.”
 - **Status:** Some branches closed; others operate unofficially.

France

(France rarely “bans” but legally dissolves organizations found guilty of exploitation.)

1. **Order of the Solar Temple (Ordre du Temple Solaire)**
- **Dissolved:** 1990s (after mass murder-suicides in France, Switzerland, and Canada, killing over 70).
 - **Reason:** Cultic control and ritual killings.
 - **Status:** Defunct; members either dead or dispersed.
2. **Scientology Church of France (Paris branch)**
- **Convicted:** 2009 (for organized fraud and illegal practice of pharmacy).
 - **Status:** Not banned nationally but under constant monitoring; France classifies Scientology as a “secte.”

Germany

1. **Scientology**
- **Monitored:** Since 1997
 - **Reason:** Considered a threat to democracy due to manipulation and coercive practices.
 - **Status:** Not banned, but members face legal scrutiny; government may restrict certain activities.

South Korea

1. **Shincheonji Church of Jesus**
- **Restricted/Investigated:** 2020 (after COVID-19 outbreak linked to its congregation).

- **Reason:** Public health violations and obstruction of government investigation.
- **Status:** Not banned nationally but heavily monitored; several leaders prosecuted.
- 2. **JMS (Jesus Morning Star / Providence)**
 - **Leader arrested:** 2023 (for sexual assault and coercive control).
 - **Status:** Organization under investigation; no national ban but widespread condemnation.

Canada & Switzerland

1. **Order of the Solar Temple**
 - **Crimes:** Mass murders and suicides (1994–1997).
 - **Status:** Internationally defunct; members died or left.

Australia

1. **The Family (Anne Hamilton-Byrne's cult)**
 - **Dismantled:** Late 1980s–1990s
 - **Reason:** Child abuse, psychological manipulation, fraud.
 - **Status:** Disbanded after arrests; Hamilton-Byrne died in 2019.
2. **Universal Medicine**
 - **Court ruling:** 2018 (New South Wales Supreme Court)
 - **Reason:** Declared a “socially harmful cult” for exploiting followers financially and psychologically.
 - **Status:** Still operates in limited form; court judgments prevent many activities.

United States

Cults are not banned in America because religious groups are protected under the First Amendment, which guarantees freedom of religion. However, while a group cannot be outlawed simply for its beliefs, it can be prosecuted for illegal activities, such as fraud, assault, or murder.

1. **NXIVM**
 - **Leader convicted:** 2019 (sex trafficking, racketeering, coercive control).
 - **Status:** Organization dismantled; members imprisoned.
2. **Heaven's Gate**
 - **Ended:** 1997 (mass suicide of 39 members).
 - **Status:** Defunct; not banned because survivors ceased activities.

Singapore

1. **Shincheonji Church of Jesus**
 - Under investigation; *see information previously emailed to the Inquiry*

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*Hikari no Wa or The Circle of Rainbow Light is a Japanese new religious movement started in 2007. It was founded by Fumihiro Joyu, the previous spokesperson and public relations manager of the Japanese Buddhist new religious group and doomsday cult Aum Shinrikyo.