

FRENCH REPUBLIC GOVERNMENT GAZETTE

LAW n° 2001-504 of June 12, 2001 for the prevention and repression of sects interfering with the enjoyment of human rights and fundamental freedoms.[1]

NOR :JUSX9903887L

Passed by the National Assembly and the Senate,  
Be it enacted by The President of the Republic as follows ::

Part I

**WINDING UP PROSCRIBED LEGAL ENTITIES**

**Article 1**

An order may be made pursuant to the procedure prescribed in this Article for the winding up of any legal entity, whatever its legal form or purpose, pursuing activities the aim or effect of which is to create, maintain or exploit the psychological or physical dependence of persons taking part in the said activities, when the legal entity itself or members of its legal or de facto leadership have been convicted of any of the following offences ::

1° Intentional or unintentional attacks upon life or physical or psychological well-being of any person or persons, placing any person in a position of danger, attacks on personal freedom, or dignity trespass to the person imperilling minors or damage to property pursuant to 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 illegal practice of medicine or pharmacy pursuant to Articles L. 4161-5 and L. 4223-1 of the Public Health Code;

3° Deceptive advertising, fraud and falsification pursuant to Articles L. 121-6 and L. 213-1 to L. 213-4 of the Consumer Code.

The winding up procedure shall be filed before the Court of First Instance by the Public Prosecutor, acting on its own accord or on the application of any interested party.

The application shall be made, heard and judged in accordance with the fast-track (fixed date) procedure.

Appeal must be made within fifteen days. The President of the Court hearing the matter shall fix an early hearing-date

On the set date, the proceedings shall be conducted in accordance with Articles 760 to 762 of the New Code of Civil Procedure.

Overt or covert maintenance or revival of a legal entity wound up in application of the terms of this Article shall be an offence under the second paragraph of Article 434-43 of the Criminal Code.

The Court of First Instance may order in the course of the same procedure the winding-up of several different legal entities referred to in the first paragraph hereof provided that the said legal entities pursue the same aims and share common interests and provided that at least one criminal conviction for any of the offences referred to in 1° to 3° has been recorded against each of them or their respective legal or de facto leaders. The said different legal entities must be parties to the proceedings.

Part II

**INCREASES TO CRIMINAL LIABILITY OF LEGAL ENTITIES IN RESPECT OF CERTAIN OFFENCES**

**Article 2**

I. - After the words "is sentenced", the end of the first paragraph of Article L. 4161-5 of the Public Health Code the following words shall be inserted : "to imprisonment for a term of one year and a fine of 100,000 Francs."

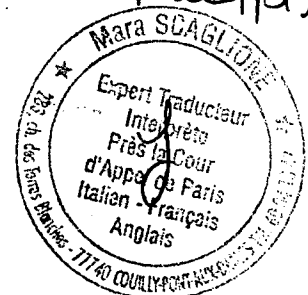
II. - After Article L. 4161-5 of the Public Health Code, Article L. 4161-6 shall be inserted:

"Article. L. 4161-6. - Legal entities may be declared criminally liable in the circumstances set out in Article 121-2 of the Criminal Code for offences under Article L. 4161-5.

"The penalties incurred by the legal entities shall be

"1° Fines, according to the provisions of Article 131-38 of the Criminal Code;

"2° The penalties specified in Paragraphs 2nd to 9th of Article 131-39 of the Criminal Code.



"The prohibition referred to in the 2nd Paragraph of Article 131-39 of the Criminal Code applies to the activity by or on the occasion of which the offence was committed."

III. - In Article L. 4223-1 of the same Code, the words: "to a fine of 30,000 Francs and, in the event of a subsequent offence, to a term of imprisonment of six months and a fine of 60,000 Francs" are replaced by the words: "to a term of imprisonment of one year and a fine of 100,000 Francs".

### Article 3

I. -After Article L.213-5 of the Consumer Protection Code shall be inserted Article L.213-6:

II. An

"Article L.213-6 - Legal entities may be adjudged criminally liable, pursuant to the conditions in 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 any such legal entity are:

"1) A fine determined pursuant to the terms of Article 131-38 of the Criminal Code;

"2) The penalties provided by paragraphs 2 to 9 of Article 131-39 of the Criminal Code.

"The disqualification set out in paragraph 2 of Article 131-39 of the Criminal Code applies to the activity by or on the occasion of which the offence was committed."

III. - A paragraph worded as follows shall be added to Article L.121-6 of the same code:

"The provisions of Article L.213-6 providing for the criminal liability of legal entities shall apply to such offences."

### Article 4

After Article 221-5 of the Criminal Code shall be inserted Article 221-5-1 :

"Article 221-5-1. - Legal entities may be found criminally liable pursuant to the conditions prescribed in Article 121-2, for the offences provided in this article.

"Legal entities shall be liable to the following penalties:

"1) The fine provided by Article 131-38;

"2) The penalties set out in Article 131-39.

"The prohibition in paragraph (2) of Article 131-39 applies to the activity by which or as a result of which the offence was committed."

### Article 5

After Article 222-6 of the same Code shall be inserted Article 222-6-1 :

"Article 222-6-1. - Legal entities, may be found criminally liable pursuant to the conditions prescribed in Article 121-2, for the offences provided in this paragraph.

"Legal entities shall be liable to the following penalties:

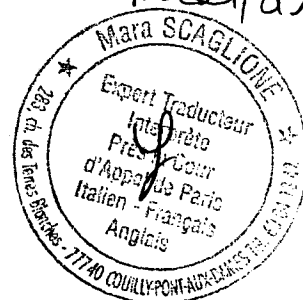
"1) The fine provided by Article 131-38;

"2) The penalties set out in Article 131-39.

"The prohibition in paragraph (2) of Article 131-39 applies to the activity by which or as a result of which the offence was committed."

### Article 6

Article 222-16-1 shall be inserted after Article 222-16 of the same Code, reading as follows:



"Article 222-16-1. - Legal entities may be found criminally liable pursuant to the conditions prescribed in Article 121-2, for the offences provided in this paragraph.

"Legal entities shall be liable to the following penalties:

- "1) The fine provided by Article 131-38;
- "2) The penalties set out in paragraphs (2) to (9) of Article 131-39.

"The prohibition in paragraph (2) of Article 131-39 applies to the activity by which or as a result of which the offence was committed."

**Article 7**

Article 222-18-1 shall be inserted after Article 222-18 of the same Code, reading as follows:

"Article 222-18-1. - Legal entities may be found criminally liable pursuant to the conditions prescribed in Article 121-2, for the offences provided in this paragraph.

"Legal entities shall be liable to the following penalties:

- "1) The fine provided by Article 131-38;
- "2) The penalties set out in paragraphs (2) to (9) of Article 131-39;
- "3) "The penalty set out in paragraph (1) of Article 131-39 for the offences provided by Articles 222-17 (2nd paragraph) and 222-18.

"The prohibition in paragraph (2) of Article 131-39 applies to the activity by which or as a result of which the offence was committed."

**Article 8**

Article 222-33-1 shall be inserted after Article 222-33 of the same Code. Reading as follows:

"Article 222-33-1. - Legal entities may be found criminally liable pursuant to the conditions prescribed in Article 121-2, for the offences provided in Articles 222-22 to 222-31.

"Legal entities shall be liable to the following penalties:

- "1) The fine provided by Article 131-38;
- "2) The penalties set out in Article 131-39.

"The prohibition in paragraph (2) of Article 131-39 applies to the activity by which or as a result of which the offence was committed."

**Article 9**

Article 223-7-1 shall be inserted after Article 223-7 of the same Code, reading as follows:

"Article 223-7-1. - Legal entities may be found criminally liable pursuant to the conditions prescribed in Article 121-2, for the offences provided in this Article.

"Legal entities shall be liable to the following penalties:

- "1) The fine provided by Article 131-38;
- "2) The penalties set out in paragraphs (2) to (9) of Article 131-39;



"3) "The penalty set out in paragraph (1) of Article 131-39 for the offences provided by Articles 223-5 and 223-6.

"The prohibition in paragraph (2) of Article 131-39 applies to the activity by which or as a result of which the offence was committed."

#### Article 10

Article 223-15-1 shall be inserted after Article 223-15 of the same Code, reading as follows:

"Article 223-15-1. - Legal entities may be found criminally liable pursuant to the conditions prescribed in Article 121-2, for the offences provided in this Article.

"Legal entities shall be liable to the following penalties:

"1) The fine provided by Article 131-38;

"2) The penalties set out in paragraphs (2) to (9) of Article 131-39.

"3) "The penalty set out in paragraph (1) of Article 131-39 for the offence provided by the 2nd paragraph of Article 223-13.

"The prohibition in paragraph (2) of Article 131-39 applies to the activity by which or as a result of which the offence was committed."

#### Article 11

Article 4 of Part V, Title II, Book II of the same Code shall be supplemented by Article 225-18-1, reading as follows:

"Article 225-18-1. - Legal entities may be found criminally liable pursuant to the conditions prescribed in Article 121-2, for the offences provided in Articles 225-17 and 225-18.

"Legal entities shall be liable to the following penalties:

"1) The fine provided by Article 131-38;

"2) The penalties set out in paragraphs (2) to (9) of Article 131-39;

"3) "The penalty set out in paragraph (1) of Article 131-39 for the offences provided by Article 225-18.

"The prohibition in paragraph (2) of Article 131-39 applies to the activity by which or as a result of which the offence was committed."

#### Article 12

Article 227-4-1 shall be inserted after Article 227-4 of the same Code, reading as follows:

"Article 227-4-1. - Legal entities may be found criminally liable pursuant to the conditions prescribed in Article 121-2, for the offences provided in this Article.

"Legal entities shall be liable to the following penalties:

"1) The fine provided by Article 131-38;

"2) The penalties set out in paragraphs (2) to (9) of Article 131-39.

"The prohibition in paragraph (2) of Article 131-39 applies to the activity by which or as a result of which the offence was committed."

#### Article 13



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

- 1) In the first sentence, the words: "for the offence created in the second paragraph of Article 227-17-1" are replaced by the words: "for the offences created in Articles 227-15 to 227-17-1";
- 2) In paragraph (2), the words: "in paragraphs (1), (2), (4), (8) and (9) of" are replaced by the word: "in".

#### Article 14

In the second paragraph (1) of Article 131-39 of the same Code, the words: "to five years" are replaced by the words: "or equal to three years".

#### Article 15

I - Article 132-13 of the same Code shall be supplemented by a new paragraph worded as follows:

"In the cases provided by the two preceding paragraphs, the legal entity shall further be liable to the penalties set out in Article 131-39, subject to the provisions of the last paragraph of this Article."

II - In the last paragraph of the same Article, the words: "more than 100,000 francs" are replaced by the words: "at least 100,000 francs".

### Part III

#### PROVISIONS CONCERNING WINDING UP ORDERS AGAINST CRIMINALLY LIABLE LEGAL ENTITIES

#### Article 16

In the second paragraph of Article 8 of the Associations Law of July 1, 1901, the words: "by a fine of 30,000 francs and one year of imprisonment" are replaced by the words: "by three years of imprisonment and a fine of 300,000 francs."

#### Article 17

Article 434-43 of the Criminal Code shall be supplemented by two new paragraphs worded as follows: "Anyone taking part in the overt or covert maintenance or revival of a legal entity which was ordered to be wound up pursuant to the provisions of

paragraph (1) of Article 131-39 shall be guilty of an offence.

Penalty: three year's imprisonment and a fine of 300,000 francs.

"Where winding up has been ordered for a second offence or for the offence provided in the preceding paragraph, the penalty shall be increased to five years' imprisonment and a fine of 500,000 francs."

#### Article 18

Paragraph (5) shall be inserted before the last paragraph of Article 434-47 of the same code, as follows:

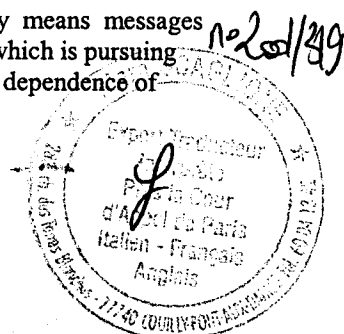
"5) The penalty for offences under the second and third paragraphs of Article 434-43 shall be winding up as set out in paragraph (1) of Article 131-39."

### Part IV

#### RESTRICTIONS ON ADVERTISING OF SECTS

#### Article 19

It shall be an offence under this Act punishable by a fine of 50,000 Francs to disseminate by any means messages aimed at young persons for the promotion of a legal entity of whatsoever legal form or purpose which is pursuing activities the aim or effect of which is to create, maintain or exploit the psychological or physical dependence of



persons taking part in the said activities, when the legal entity itself or members of its legal or de facto leadership have repeatedly been convicted of any, of the following offences

1° Intentional or unintentional attacks upon life or physical or psychological well-being of any person or persons, placing any person in a position of danger, attacks on personal freedom, or dignity trespass to the person imperilling minors or damage to property pursuant to 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 illegal practice of medicine or pharmacy pursuant to Articles L. 4161-5 and L. 4223-1 of the Public Health Code;

3° Deceptive advertising, fraud and falsification pursuant to Articles L. 121-6 and L. 213-1 to L. 213-4 of the Consumer Code.

The same sanctions are applicable when the messages referred to in the first paragraph of this Article are an invitation to join such a legal entity.

The legal entities may be declared liable to penalties in accordance with the provisions of Article 121-2 of the Criminal Code for the commission of offences defined in this Article.

The penalty imposed upon legal entities shall be a fine, according to the provisions of Article 131-38 of the Criminal Code.

## Part V

### PROVISIONS CONCERNING FRAUDULENT ABUSE OF IGNORANCE OR DISABILITY

#### Article 20

After Article 223-15 of the Criminal Code, new Section 6 bis shall be inserted, reading as follows:

#### "Section 6 bis Fraudulent abuse of ignorance or disability

"Sect. 223-15-2. - There shall be a penalty of three years' imprisonment or a fine of 2,500,000 francs in respect of the fraudulent abuse of ignorance or disability of a minor or a person whose specific vulnerability, due to his or her age, illness, disability, physical or psychological handicap, or pregnancy, is apparent and known to the perpetrator of the said abuse, or of a person in a state of psychological or physical dependency resulting from serious or repeated pressure or from techniques likely to impair his or her judgment, leading the said minor or other person to an act or omission which are seriously harmful to him or her, "When the offence is committed by the legal or de facto leader of a group which is pursuing activities with the aim or effect of creating, maintaining or exploiting the psychological or physical dependence of persons taking part in these activities, the penalties shall be increased to five years' imprisonment and a fine of 5,000,000 Francs.

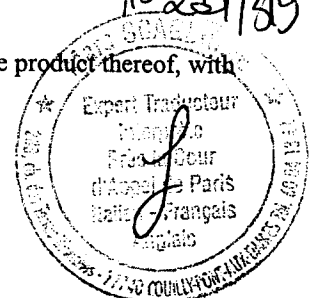
"Article. 223-15-3. - Individuals guilty of the offence provided for in this Article shall also incur the following additional penalties :

"1° Deprivation of political, civil and family rights, according to the provisions of Article 131-26;

"2° Exclusion in accordance with the provisions of Article 131-27, from public office or the exercise of the professional or social activity by or on the occasion of which the offence was committed, for a maximum period of five years;

"3° Closure, for a maximum period of five years of the establishments or of one or several establishments of the entity serving to commit the incriminated facts;

"4° Seizure of the thing which was used or was intended to be used to commit the offence or the product thereof, with the exception of objects susceptible of restitution;



"5° Prohibition against residence in France or in certain French departments, according to the provisions of Article 131-31;

"6° Prohibition for a maximum period of five years against the drawing of checks other than those which enable the withdrawal of funds by the drawer from the drawee or certified cheques ;

"7° Posting bills or circulating the pronounced decision, in conditions pursuant to Article 131-35.

"Art. 223-15-4. - Legal entities may be declared criminally liable , pursuant to Article 121-2, for the offence defined in this Article.

"The sentences incurred by the legal entities shall be :

"1° A fine, according to the provisions of Article 131-38;

"2° Penalties referred to in Article 131-39.

"The prohibition referred to in 2° of Article 131-39 concerns the activity in the exercise of which or on the occasion of the exercise of which the offence was committed."

### Article 21

I. - Article 313-4 of the Criminal Code is repealed.

II. - In the first paragraph of Article 313-7 of the same Code, the reference: ", 313-4" is deleted.

III. - At the end of the first paragraph of Article 313-9 of the same Code, the words: "to 313-4" are replaced by the words: "to 313-3".

### Part VI

### MISCELLANEOUS

#### Article 22

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

"Art. 2-17. - Any association recognized as serving the public interests which has been legally registered for at least five years at the date of the facts and proposing through its memorandum of association to defend and help individuals or to defend individual and public rights and freedoms may, on the occasion of acts committed by any individual or legal entity, in the context of a movement or organization which has as its aim or effect the creation, maintenance or exploitation of a psychological or physical dependency, exercise the recognized civil party rights regarding the offences of intended or unintended attack upon life or physical or psychological well-being, placing a person in a position of danger, attacks against personal freedom or dignity, trespass to the person, placing minors in danger, or damage to property pursuant to

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 illegal practice of medicine or pharmacy pursuant to Articles L. 4161-5 and L. 4223-1 of the Code of Public Health, and the offences of deceptive advertisement, fraud and falsification pursuant to Articles L. 121-6 and L. 213-1 to L. 213-4 of the Consumer Code."

#### Article 23

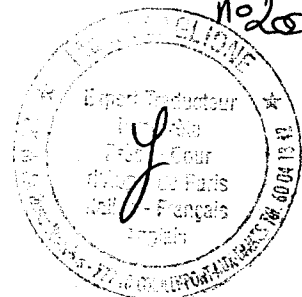
Article 706-45 of the Code of Criminal Procedure shall be amended as follows:

1°. - After the fifth paragraph (4°), a 5° shall be inserted:

"5° Put under the control of an administrator appointed by the examining magistrate for a renewable period of six months, as regards the activity in the exercise of which or on the occasion of which the offence was committed."

2°. - The penultimate paragraph shall be completed as follows:

"The measure pursuant to 5° may not be ordered by the examining magistrate if the legal entity cannot be sentenced to the penalty pursuant to the 3° of Article 131-39 of the Criminal Code."



**Article 24**

This law is applicable in New Caledonia, in French Polynesia, in the Wallis and Futuna Islands and in the Territorial Community of Mayotte. For the application of this law in New Caledonia, in French Polynesia, at Wallis and Futuna, in the Territorial Community of Mayotte and in Saint Pierre et Miquelon, the words: " Tribunal de Grande Instance" are replaced by the words: "Tribunal de Première Instance". For the application of this Act in New Caledonia, in French Polynesia, at Wallis and Futuna and in the Territorial Community of Mayotte, the references to the legislative provisions of the Code of Public Health, the Consumer Code and the Code of Civil Procedure are replaced, if necessary, by the references to provisions locally applicable having the same purpose.

The law will be executed as a state law.

DATED June 12, 2001

AT PARIS

Jacques Chirac

By the President of the Republic

The Prime Minister

Lionel Jospin

The Minister of Justice

Marylise Lebranchu

The Minister for the Interior

Daniel Vaillant

The Secretary for overseas territories

Christian Paul

(1) Preparatory work: Act No. 2001-504.

*Senate:*

Bill No. 79;

Report No. 131 by Mr Nicolas About on behalf of the Law Committee;

Debates and passage of the Bill on 16 December 1999.

*National Assembly:*

Bill No. 2034 passed by the Senate;

Report No. 2472 by Ms Catherine Picard on behalf of the Law Committee;

Debates and passage of the Bill on 22 June 2000.

*Senate:*

Bill No. 431 as amended by the National Assembly (1999-2000);

Report No. 192 by Mr Nicolas About on behalf of the Law Committee (2000-2001);

Debates and passage of the Bill on 3 May 2001.

*National Assembly:*

Bill No. 3040 adopted, as amended by the Senate, on second reading;

Report No. 3083 by Ms Catherine Picard on behalf of the Law Committee;

Debates and passage of the Bill on 30 May 2001.

Je soussigné, Mara SCAGLIONE, traducteur interprète  
assermenté, certifie la traduction qui précède conforme  
l'original en langue ... *français* ... , visé par  
moi-même sous le N° *201/319* " NE VARIETUR " -  
Couilly, le.. *30/07/01*.....

