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## Repression of groups that promote “sacred eroticism”. A collective exercise in cruelty, contempt and hypocrisy<sup>1</sup>

The study makes an assessment of the repression of some spiritual and religious movements that practice sacred eroticism<sup>2</sup>. I borrowed the term “sacred eroticism” from a book by Massimo Introvigne published in 2022<sup>3</sup>. An important resource for the analysis were the investigations of the Center for the Study on New Religions (CESNUR), among which the contribution of Introvigne and his collaborators stands out. This text capitalizes on the research I have done on the “case” of the Movement for Spiritual Integration into the Absolute (MISA) over about two decades<sup>4</sup>. In analyzing and interpreting the repression to which the followers of sacred eroticism were subjected, I consider the political and institutional framework of the events, but the emphasis was placed on the violation of fundamental rights and freedoms guaranteed by national legislation and international human rights law. The study evolves from a presentation of the attacks against communities practicing sacred eroticism in Romania, the Czech Republic, Italy, Argentina, France, to the doctrinal arguments that highlight the denial of the rights of

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- 1 A first part of this article has appeared, with a different structure, under the title “Repression of groups that promote “sacred eroticism” – the international pattern of an injustice (I)”, in *Noua Revistă de Drepturile Omului* nr. 2, 2024, pp. 37-56 – in Romanian.
- 2 The title “new religious movements” was given to the Schools of Yoga that practice sacred eroticism without analyzing their nature. They are all under the protection of the freedom of thought, conscience and religion, but the three dimensions of freedom have a different weight for each of them. At BAYS there is a dominant preoccupation with philosophical thought (see Massimo Introvigne “The Great Cult Scare in Argentina and the Buenos Aires Yoga School. 4. “The Most Dangerous Cult of Them All,” *Bitter Winter*, 04/06/2023 - 04/06/2023 - <https://bitterwinter.org/buenos-aires-yoga-school-4-most-dangerous-cult/>). The Path of Guru Jára began teaching spirituality and mysticism. MISA gathered syncretic religious elements. The movement gathers members of different faiths and non-theists. Among the main “community rules” are non-violence, refusal to consume alcoholic beverages or drugs, helping each other. Relative to these practices, MISA appears as a community of conscience. This is probably why, despite its demonization, the Movement was not treated in public opinion and by the authorities as a cult – except as an additional insult. I have also followed the recent “political” drifts of some MISA members that have come to influence the very identity of the community.
- 3 Massimo Introvigne, *Sacred Eroticism: Tantra and Eros in the Movement for Spiritual Integration Into the Absolute (MISA)*, Mimesis International, Milano și Udine, 2022, p. 8.
- 4 The main results were published in: Gabriel Andreescu, “Refuzul extrădării lui Gregorian Bivolaru. Dincolo de decizia judecătorilor suedezi” (Denying Gregorian Bivolaru’s Extradition. Beyond the judges opinion), in *Noua Revistă de Drepturile Omului* nr. 3-4, 2005, pp. 71-89; Gabriel Andreescu, “Rechizitoriul DIICOT în cazul MISA: prezumția de vinovăție” (The DIICOT Indictment in the MISA Case: The Presumption of Guilt), in *Noua Revistă de Drepturile Omului* nr. 2, 2007, pp. 15-36; Gabriel Andreescu, *Reprimarea mișcării yoga în anii ‘80* (Yoga Repression during the ‘80s), Polirom, Iași, 2008; Gabriel Andreescu, *MISA. Radiografia unei represiumi* (MISA. A Scrutiny of the Repression), Polirom, Iași, 2013.

discerning adults, the discrimination and the cruel actions to which the followers of sacred eroticism have been subjected<sup>5</sup>.

## 1. CESNUR panel on militarized raids and the resurgence of the brainwashing theory<sup>6</sup>

Wikipedia gives CESNUR<sup>7</sup> a problematized presentation<sup>8</sup>. It quotes the characterization: “CESNUR is the highest lobbying and information group for controversial religions”. It notes some opinions: the organization “is too friendly”, has not made “enough critical commentary on the contributions of new religious movements and cults”, and quotes sociologist Stephen A. Kent: “many scholars view CESNUR in a favorable light”. Criticism of the Centre for the Study of New Religions relates to the Centre’s studies’ negative view of anti-cults movements, including governmental and non-

5 In the first part of the study, I present the role of CESNUR in creating academic knowledge regarding new religious movements, in particular movements that practice sacred eroticism. (A shortened version of the first part of this study was published in Romanian in *NRDO* no. 2/2024, pp. 37-57.) I critically analyze the use of force by the authorities in Romania, the Czech Republic, Italy, Argentina and France against yogis who are followers of sacred eroticism. I considered the implications of the fact that police interventions in these cases have reached the level of inhuman and degrading treatment. I believe that the marginalization of the issue of discrimination in the case of practitioners of sacred eroticism is a key tool in removing from the protection of national and international legislation the rights of adherents to the new Yoga Schools. I raised the issue of the legitimacy of the state’s intervention in the private space of these movements with special emphasis on the child protection system. I questioned the non-legal arguments used by the authorities who repressed the yoga movements practicing sacred eroticism: mind control, brainwashing, ideas differing from the social consensus. I documented the legislative legitimization of these labels in France.

I considered the system of human rights protection developed by the Council of Europe as the main reference for evaluating forceful actions against new religious movements. I believe that this system underpins the doctrine to be followed in the case of those states outside the Council, such as those in Latin America, which follow the pattern of repression of sacred eroticism groups. I also discussed the resolutions of the Parliamentary Assembly of the Council of Europe and the European Parliament of the European Union on “illegal activities of sects” and their teachings to emphasize the elements of consensus among parliamentarians. They do not legitimize the repression of movements that promote sacred eroticism.

Last, I analyzed the doctrine of the main authorities in the field of new religious movements: the epistemic one, having as a first reference the American Psychological Association, and the legal one, of the European Court of Human Rights. I concluded that the denial of discrimination, the denial of discernment, the denial of the personality of sacred eroticism practitioners challenge professional deontologies and the values of human rights protection systems. The actions of the authorities in Romania, the Czech Republic, Italy, Argentina and France against the yogis who are followers of sacred eroticism are an exercise in cruelty, contempt and hypocrisy incompatible with the respect for the human being that is the foundation of modern democracies, but not without similarities with other betrayals of humanism in recent European history.

6 “Storming Zion” : Revisited: Militarized Raids and the Resurgence of Brainwashing Theory—Emic and Etic Perspectives.

7 The CESNUR organization was founded in Turin in 1988 by Massimo Introvigne, Jean-François Mayer and Ernesto Zucchini. In 1996, CESNUR was declared a non-profit public organization. Since then, the Italian state has funded some of the Center’s projects. CESNUR defines its identity as “a network of independent but related organizations of scholars from various countries, dedicated to the promotion of academic research in the field of new religious consciousness, the dissemination of reliable and responsible information, and the exposure of the real problems of some movements, while defending, everywhere, the principles of religious freedom”.(<https://www.cesnur.org/about.htm>.)

8 The research is based mainly on the panel “Militarized Raids and the Resurgence of brainwashing theory – Emic and ethical perspectives”, part of the CESNUR (Centre of Studies on New Religions) conference in June 2024, dedicated to the repressive actions taken against members of groups that follow “sacred eroticism” practices.

governmental organizations that aim to control new religious organizations<sup>9</sup>. In France, where there are several bodies dedicated to the fight against cults<sup>10</sup>, the authorities have been involved in campaigns against CESNUR<sup>11</sup>.

Relevant in the context of the analysis is the good collaboration between the Centre for Studies on New Religions and the organization Human Rights Without Frontiers. The relationship between the two organizations emphasizes the Centre's activism in the defense of human rights with a focus on the exercise of freedom of thought, conscience and religion<sup>12</sup>.

Part of CESNUR's activity consists of organizing an annual conference. In 2024, the Conference was held in Bordeaux and had the theme "The Contribution of New Religious Movements to Society"<sup>13</sup>. The authors of these studies pointed out that the practices and goals of the yoga groups that were the subject of the panel are diverse and only include sacred eroticism, in some cases marginally. However, in the context of the argument, I repeatedly referred to "communities that practice sacred eroticism", to "followers of sacred eroticism", to "groups of sacred eroticism", simplifying while focusing on what appears to be the main motivation of their repression.

The nature of the knowledge that CESNUR promotes has led to accusations of militancy in defense of cults. The discussion about the epistemic neutrality of the studies developed under the auspices of the Centre is part of a broad debate on the relationship between *scholactivism*<sup>14</sup> and *scholarship*<sup>15</sup>.

- 9 Measures and organizations against cults have been adopted and set up in France, Belgium, Germany and Switzerland. Regarding the accusations brought against CESNUR and its leader, it would be worth reading Massimo Introvigne, "Liar, Liar": Brainwashing, CESNUR and APA," Center for Studies on New Religions, July 25, 2005 - [https://www.cesnur.org/testi/gandow\\_eng.htm](https://www.cesnur.org/testi/gandow_eng.htm).
- 10 Parliamentary Commission on Cults in France, MIVILUDES (Inter-ministerial mission to monitor and combat sectarian drifts), FECRIS (Fédération Européenne des Centres de Recherche et d'Information sur le Sectarisme), etc.
- 11 One article on the "logic" of France's anti-cults policy: Massimo Introvigne, "Why France? Historical and Ideological Roots of the French Anti-Cult Scare," A paper presented at the 2001 Conference in London - <https://www.cesnur.org/2001/london2001/introvigne.htm>.
- 12 Human Rights Without Frontiers recently picked up Massimo Introvigne's June 19, 2024, article titled "Administrative court finds MIVILUDES' statements about Jehovah's Witnesses defamatory" on the condemnation of MIVILUDES by the Paris Administrative Court for defamatory claims about Jehovah's Witnesses (<https://bit.ly/3SFAst5/>).
- 13 The panel on the afternoon of June 12, 2024 moderated by sociologist Susan J. Palmer focused on repressive actions against members of groups advocating what Massimo Introvigne called "sacred eroticism." The titles of the papers summarize the topics: "Government Raids on Yoga Students? What were they thinking! A comparative analysis of the 2022 BAYS case in Argentina and the 2023 MISA case" (Susan J. PALMER); "Anti-Cult Theories in Discourses on Human Trafficking in Argentina: Some Discussions" (Maria VARDÉ); "Strange Victims: Should Sacred Eroticism Be Outlawed?" (Massimo INTROVIGNE); "Tantra, Yoga and Sacred Sexuality: Spirituality, Enlightenment and Controversy" (Alessandro AMICARELLI). The analysis of the academics was complemented by the testimonies of victims: Diana Cacciali, member of BAYS, Camelia Marin, member of MISA and Martin Krajca, member of the Path of Guru Rāja community.
- 14 Rebecca Farnum: "...`scholactivism` in an umbrella word for the approach taken by a growing number of academics who believe they have a role to play in creating social justice – and doing something about it. (Rebecca Farnum, "Scholactivism – A growing movement of scholar-activists," University World News, June 03, 2016 - <https://www.universityworldnews.com/post.php?story=20160530142606345>).
- 15 Tarunabh Khaitan expounds the skeptical position: "Like many limited-role actors, who best accomplish certain extraneous goals only indirectly, a scholar is more likely to contribute to a more just world by avoiding the direct pursuit of specific material outcomes" (Tarunabh Khaitan, "On scholactivism in constitutional studies: Skeptical

The choice of the CESNUR academic community to use the terminology “new religious movements”<sup>16</sup> instead of “cults” is relevant in this regard. The latter, pejorative term refers to small groups that excessively control their members, share a set of acts and practices that require unwavering devotion, are considered deviant in relation to societal norms, and are usually led by a charismatic leader<sup>17</sup>. There are numerous religious movements that fall within the bounds of this term, but others do not. Does this choice of terminology correspond to the *free-value* standard of epistemic neutrality?

CESNUR research combines sociological investigation with normative approaches: political science and Ethics, Law and Human Rights doctrine. Its results are imbued with values, and naturally so. The desideratum of epistemic neutrality, as an expression of *free-value*, is not commensurate with the object under research. More relevant are the standards of empirical rigor, consistency of reasoning, and quality of ethos.

In the context of my research, the analysis of CESNUR’s academic performance seemed necessary since the investigations and studies developed under the auspices of the Centre constitute the richest source of knowledge regarding new religious movements of the sacred eroticism type. It is the reason why CESNUR literature dominates the references in this paper.

## **2. Police actions in Romania, Italy, Czech Republic, Argentina and France against groups practicing sacred eroticism.**

Police actions against “sacred eroticism” groups have been documented by researchers, described in detail by witnesses, and summarized by some courts. They follow a strikingly similar pattern, a pattern that raises the question of whether the repressive scenarios were inspired by others. Today, as a result of parallel investigations, there is no doubt whatsoever as to how the facts unfolded in all five cases.

*Romania.* In its depiction of the police raid in Bucharest targeting MISA followers, the European Court of Human Rights described the main events that took place on March 18, 2004. The action involved approximately 130 members of an elite unit of the Gendarmerie, specialized in the fight against terrorism. They were under the coordination of the prosecutors and were accompanied by witnesses recruited from among the Law students at the University of Bucharest. The European judges listed the facts: the doors and windows of the ashrams where the yogis were staying were destroyed; the yogis were kept on the floor, face down, at gunpoint, and were forced, after just being woken up, to remain as they were, scantily clad or partially naked; they were threatened to be shoot at the slightest movement; mobile phones and personal belongings were confiscated, they were insulted and humiliated; they were filmed and the recordings were spread in the written and broadcast media; the yogis were taken under armed escort to the public

thoughts.” *International Journal of Constitutional Law*, August 8, 2022, moac039 - <https://doi.org/10.1093/icon/moac039>.)

16 Defined as religious communities or spiritual groups of modern origins, peripheral to the dominant religious culture of society (see among others, Peter B. Clarke, 2006. *New Religions in Global Perspective: A Study of Religious Change in the Modern World*. New York: Routledge, 2006).

17 *Open Education Sociology Dictionary* - [https://sociologydictionary.org/cult/#definitions\\_of\\_cult](https://sociologydictionary.org/cult/#definitions_of_cult).

prosecutor's office, where they were interrogated without being informed of the reasons for their deprivation of liberty and were denied access to a lawyer<sup>18</sup>. Journalists were called to film the raids, and the prosecutor handling the case gave slanderous statements regarding drug use and human trafficking. The unrestrained vilification of MISA preceded the March 18 raids and would continue for weeks, months and years after.

*Czech Republic.* On October 19, 2010, the elite security force of the Czech Police (SROC), in cooperation with the Zlín branch of the Brno Regional Court, raided the headquarters of the Path of Guru Jára movement and the homes of important members in the Czech Republic. Thirteen female mentors were detained, and 200,000 euros were confiscated. The involvement of the media and the fact that the raids were carried out in the early hours of the morning by elite police forces, as if they were dealing with terrorists, is similar to what happened in the cases of other "cults"<sup>19</sup>.

Czech police allegations of human trafficking were picked up and expanded on by the media between 2011 and 2024. The anti-cult discourse was accepted by the media as the most likely explanation for bringing the Path of Guru Jára group before the courts. Lacking the necessary knowledge, none of the victimized Path members has filed a lawsuit against the unlawful police procedures, based on the intimidation, humiliation and sexual harassment they were subjected to<sup>20</sup>. A significant number of the key lecturers of the Path of Guru Jára affected by the raid, the investigation and the subsequent campaign in the Czech Republic still have serious psychological problems today (clinical symptoms of PTSD, depression, anxiety, wish to emigrate). Czech state bodies responsible for the protection of human rights refused to see any violation of rights in this case. Only the long-term activism (between 2014 and 2024) at the international level of some members of the Path and the support of international organizations specialized in new religious movements managed to change the point of view of Czech officials. In the Czech media and society the anti-cult rhetoric, initially imposed by the police, has become consolidated and perceived as obvious<sup>21</sup>.

*Italy.* On December 6 and 7, 2012, 25 raids took place in Italy at the headquarters of the Italian branches of the Atman Federation (to which MISA also belongs) and in the homes of some members, with the involvement of the anti-cult police. The prosecutor who ordered the investigations accused the yogis of conspiracy, enslavement, human trafficking and sexual violence. Managers and instructors of that structure were „suspected of carrying out a sort of *mental manipulation* of the young women or part of the young women enrolled there, so as to lead them into prostitution"<sup>22</sup>. The authorities confiscated computers, diaries, documents, and CDs.

18 *Amarandei and Others v. România* (no. 1443/10), pp. 18, 23, 23 and 24.

19 For a more detailed description of the Brno police raid, see Massimo Introvigne and Alessandro Amicarelli, "Guru Jára: The Czech Court Case," *Bitter Winter*, 08/04/2021 - <https://bitterwinter.org/guru-jara-the-czech-court-case/>.

20 The police have officially denied any responsibility for the raid. The special police unit responsible was "reorganized" in 2016 due to several scandals.

21 Martin Krajča's presentation of the events during the panel "Storming Zion": Revisited: Militarized Raids and the Resurgence of Brainwashing Theory - Emic and Etic Perspectives" on 12 June 2024, Bordeaux.

22 Citate din documentul aflat în Arhiva Soteria International.

After 11 years of investigations, the judge of the Court of Florence stopped the investigations against Atman members who had been harassed for more than a decade. Her decision states that “a large number of cases have been identified in which it is not easy to determine whether this condition [of participation in community life] is the result of a free choice on the part of the females or if this choice is only apparently free, in the sense that it is the result of subjugation and manipulation of personality or if it is, in any case, a voluntary adherence to a certain, albeit not agreeable, lifestyle”<sup>23</sup>. The doubt expressed in the decision, the stigmatizing suggestions, represent a denial of the presumption of innocence that points to a lack of good faith on the judge’s part.

*Argentine.* Willy Fautré, director of Human Rights Without Frontiers, investigated and wrote about the events in Argentina<sup>24</sup>. On August 12, 2022, in the evening, about sixty elderly people were quietly attending a philosophy class in a cafe located on the ground floor of a building in Buenos Aires. Suddenly, a fully armed SWAT team broke down the door of the room and forced their way into the premises, the headquarters of BAYS Yoga School. They then forced open all the other doors, seriously damaging them, although some of those present invited them to take and use the keys. They were doing this on the orders of PROTEX, a state agency that deals with human trafficking, labor and sexual exploitation of people.

For six to seven hours, the officers searched the building and took with them the money, jewelry, cameras and printers they found. Outside, reporters were taking pictures of the handcuffed people being dragged out of the building one by one. They were most likely journalists tipped off by the prosecutor’s office. A video of the prosecutor’s incriminating statement was uploaded to YouTube. Other raids, also unnecessarily violent, were conducted in about 50 places around the Argentinian capital during the night.

Argentine mass-media labeled the BAYS yoga school “la secta del horror” (“the cult of horror”), accusing it of running an international prostitution ring for 30 years<sup>25</sup>.

*France.* Willy Fautré also documented the French police’s raid against MISA members<sup>26</sup>. On the morning of November 28, 2023, a SWAT team of approximately 175 police officers wearing black masks, helmets, bulletproof vests and semi-automatic rifles stormed eight houses and apartments in Paris, the surrounding area and Nice. Inside were practitioners of the MISA yoga school from Romania. The SWAT members broke down the front doors and ran up and down the stairs shouting. Most of the yogis were still in bed, a few had gone into the kitchen to brew herbal tea. The masked police handcuffed several of them, took them outside on that cold November day, without clothes or shoes,

23 DECREE OF DISMISSAL signed by Preliminary Investigations Judge Agnese Di Girolamo on the basis of the Request for Dismissal of Prosecutor Leopoldo De Gregorio (Soteria International Archive).

24 Willy Fautré, “ARGENTINA: A yoga school in the eye of a media cyclone and police abuse Freedom of Religion and Belief,” *The European Times*, 8 June 2023 - <https://europeantimes.news/2023/06/argentina-yoga-school-media/#gsc.tab=0>. See also Massimo Introvigne’s article cited above.

25 In 1993, the stepfather of a female BAYS member filed a complaint against those who ran the yoga school, but all defendants were found not guilty in 2000.

26 Willy Fautré, “FRANCE: Spectacular simultaneous SWAT raids on Romanian yoga centers in France: Fact checking (I)”, *The European Times*, 16 April 2024 - <https://europeantimes.news/2024/04/swat-raids-yoga-france-fact-checking/>.

and took them by bus to the police station.

Several dozen people were arrested, among them 11 men and 4 women of Romanian nationality who were charged with “trafficking in human beings”, “forced confinement” and “abuse of vulnerability”, as part of an organized gang.

Willy Fautré’s interviews added to the information about the brutality of the intervention of the SWAT forces data about the treatment of the arrested once in detention: insufficient water and food, difficult living conditions, refusal to explain the reasons for the arrest, humiliations. Those for whom grounds for indictment could not be found were released from the police stations without money, without phones, without adequate clothes, prey to those who wanted to exploit their vulnerability<sup>27</sup>.

An indication of the nature of the above-mentioned police interventions can be found in the table prepared by Martin Krajca for the panel of June 12, 2024 (CESNUR Bordeaux Conference). He looks at “Similarities and Differences Between Raids by Anti-Mafia Police Squads and Raids Targeting Practitioners of the Path of Guru Rája”<sup>28</sup>:

	Heavily armed police unit	Lack of respect for people and faith	Pretexts for unfounded raids	Blaming the whole community	Media neutrality	Support from politicians	Support from human rights organizations
Raid on Path of Guru Rája in 2010	✓	✓	✓	✓	✗	✗	✗
Raid on a mosque in 2014	✓	✓	✓	✗	✓	✓	✓

In May 2014, the Czech police searched the headquarters of the Islamic Foundation of Prague and a mosque on the outskirts of the city based on accusations that a book published by the Czech Muslim Community was inciting racism, xenophobia and anti-Semitism - which it was<sup>29</sup>. What followed were international protests, attentive and defensive, elaborate explanations by the authorities, and criticism from the Czech press and some politicians that said the intervention was excessive.

Martin Krajca’s table depicts the unfair, in his view, asymmetry of institutional

<sup>27</sup> See also the interview with Crina Calek, from the Documentary in this issue.

<sup>28</sup> ✓ for Yes, ✗ for No.

<sup>29</sup> “Czech Muslims complain about police raid,” 04/28/2014 - <https://english.radio.cz/czech-muslims-complain-about-police-raid-8297334>.

and social attitudes towards the case of Path of Guru Rāja, in 2010, compared to what happened to the Islamic Foundation and the mosque in 2014. Not only have there been no protests against the first raid on the Path, but human rights organizations in the Czech Republic refused to investigate the case or show concern about the authorities' behavior. A similar situation existed in Romania, where only the Romanian Helsinki Committee took a critical stance towards the violent raid on 18 March 2004 against MISA practitioners, although other human rights organizations and state agencies with competence in the field were asked to do so (the same in Italy, Argentina and France).

Krajca's table holds true in other respects as well for all groups practicing sacred eroticism which were subject to police raids. In Romania, the press has colluded with the police (the same in Italy, Argentina, France), sometimes spontaneously, sometimes mobilized by the authorities, in creating a public image based on falsehoods that incited to hatred. In Argentina also, the courts have had to admit that the accusations were unfounded<sup>30</sup> (as have the authorities in Italy, the European judges in the case of the complaints against Romania - in France the court case is only just beginning), but the press has remained hostile.

### **3. Police repression assisted by the press. Brutality reaching the level of inhuman and degrading treatments**

Common in the behavior of the police forces in Romania, Czech Republic, Italy, Argentina and France was the forceful intervention on practitioners using excessive means. The authorities brought in special units trained for dealing with dangerous, armed groups in order to arrest practitioners who believed in non-violence, had no means of defense, no criminal record, and were mostly middle class<sup>31</sup>. The implicit message of Krajca's table is this: the use of anti-organized crime forces to detain peaceful men and women goes against common sense; society's indifference to such serious abuses by the authorities has also hurt the victims. The police brutality came after years of surveillance of the yoga groups. There was no way the authorities could have been unaware of the practitioners' activities or of how they would react to a police investigation ordered by the judicial authorities.

In the cases that took place in the Czech Republic, Romania, Italy, Argentina and France, the behavior of the authorities was contrary to the principles of the European

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30 On June 5, 2024, the National Chamber of Cassation in Criminal and Correctional Matters confirmed the annulment of the elevation to trial of the defendants in the case known as "Buenos Aires Yoga School" / BAYS - a decision that is not yet final (Willy Fautre, "Argentina - BAYS Yoga School, Nullity of elevation to trial confirmed by the Cassation Court," The European Journal, July 9, 2024 - <https://europeantimes.news/2024/07/argentina-bays-yoga-nullity-trial-cassation/>).

31 Here is the assessment of the ECHR regarding the MISA members who were the target of the police raid in Bucharest on March 18, 2004: "As regards the applicants' personality, the Court notes that they are young people, mostly women, integrated into society and working in various trades. As to their way of life, they freely chose to live in the community, permanently or temporarily, in buildings belonging to the MISA association or to its members. There was nothing in the case file to suggest that they had a history of violence or any conduct which might have posed a danger to the officers called to search the buildings in question" (Amarandei and Others v. Romania, § 156).



and global human rights protection system. The following passage from the Resolution of the Parliamentary Assembly of the Council of Europe on Combating and preventing excessive and unjustified use of force by law enforcement officials (2022)<sup>32</sup> also leads to this conclusion:

The Assembly recalls that national and international law prohibits any acts of torture and inhuman or degrading treatment, without exception. This includes the excessive use of force during arrests or the dispersal of assemblies, unnecessarily harsh restraint measures and the forcible extraction of confessions during criminal investigations and security operations. In accordance with international legal instruments and the case law of international courts, law-enforcement officers may use force only to the extent of achieving a legitimate objective and when strictly necessary. The use of potentially lethal force may only be permitted for very specific purposes in cases of absolute necessity. Any use of force that violates these principles is unnecessary and excessive, therefore prohibited (§ 3).

Excessive force violates the principles of necessity, proportionality, precaution and non-discrimination. Admitting that these standards would sometimes be difficult to apply in practice, the MEPs' document insists that "the prohibition of excessive and unnecessary force is absolute" and that "nothing can justify impunity and lawlessness". The resolution gives an explanation for the violation of standards: "in some Member States, law enforcement agencies consider relevant international standards in this area as non-binding"; "the most important factor contributing to the use of excessive force" is "impunity for violations of the law and international standards"<sup>33</sup>.

The text of resolution 2435 (2022) sets out an operational framework for determining when the use of force is excessive. It is useful for pleading before a court adjudicating complaints against the use of excessive force by authorities. But it is not a tool. The case law of the European Court of Human Rights has this role.

There is already a judgment of the ECHR, invoked above to describe the possibly most extensive and brutal police raid of all the cases of aggression against groups associated with sacred eroticism. The *Amarandei and Others. v. Romania*<sup>34</sup> judgment enumerates what we might call *the doctrinal elements of violent police raids*.

When does police conduct rise to the level of inhuman and degrading treatment (in violation of Article 3 of the European Convention)? The Court has established that the treatment must reach a minimum level of severity, that depends on its duration, its physical or psychological effects, gender, age and state of health of the person concerned. Consideration must be given to whether the treatment was intended to humiliate or degrade the victim, but the absence of such an aim does not exclude a violation of Article 3 (§ 135). A treatment is "degrading" if it humiliates or degrades the person, if it shows disrespect and diminishes one's dignity, if it causes feelings of fear, anxiety or inferiority capable of destroying one's moral and physical resistance. An affront to dignity in public

32 Resolution 2435 (2022): Fighting and preventing excessive and unjustified use of force by law-enforcement officers - <https://pace.coe.int/en/files/30021/html>.

33 Resolution 2435 (2022) § 4.

34 The principles in the judgment are also found in other decisions of the ECHR.

is an aggravating circumstance (§ 136). The use of physical force against the person during detention and investigation (§ 138) and discrimination on grounds of religious belief (§ 139) are also aggravating consequences.

The European Court confirmed the *Amarandei* and 25 other ECHR applicants were subjected to inhuman and degrading treatment. The images broadcasted by national television news channels showing young women, dressed in skimpy clothing, lying on the ground with their hands behind their heads while masked special agents pointed their guns at them were compelling (§ 153). The Court held that the manner in which the officers stormed the targeted buildings and treated the applicants caused them feelings of fear, anxiety and helplessness, which could demean them in their own eyes and in the eyes of those close to them (§ 164).

The intense media coverage of the operation aggravated these feelings, a situation which led the Court to find that the police raid of 18 March 2004 (Bucharest) subjected the Yogis to inhuman and degrading treatment and that the Romanian State violated their rights protected by Article 3. The behavior of the police forces during the attacks against groups of yogis in their own establishments in the Czech Republic (2010), Italy (2012), Argentina (2022)<sup>35</sup> and France (2023)<sup>36</sup> is very similar. An analysis of the Court's case law suggests that, although less violent and less present in the press, the treatment applied by the law enforcement forces to the yogis in the four countries falls within the pattern of inhuman and degrading behavior described in *Amarandei and Others. v. Romania*<sup>37</sup>. Add to that the fact that in all five situations<sup>38</sup>, when complaints of violations of Art. 3 arise, the State has a general obligation to conduct an effective official investigation into the allegations<sup>39</sup>. I quote again from the same case:

It is necessary that this investigation should be capable of leading to the identification and, where appropriate, the punishment of the persons responsible [...]. Without this, the general legal prohibition of torture and inhuman or degrading treatment or punishment would be ineffective in practice, and it would be possible, in certain cases, for State agents, enjoying quasi-impunity, to violate the rights of those under their control [...]. In particular, the Court deplores the lack of any attempt to adduce evidence and hear witnesses in order to verify the course of events, the exact circumstances in which the applicants were detained and the possible discriminatory connotation of the alleged ill-treatment (§ 170).

The Court concluded that the Romanian State had violated Article 3 of the European Convention (also) from a procedural point of view (§ 176).

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35 Although Argentina is not under the protection of the European Convention on Human Rights, Argentinian courts can use the arguments of other national or international courts in their decisions - which is sometimes the case with the ECHR.

36 In France, at the time of this writing, the case had not yet been brought before the courts.

37 ECHR decision of April 26, 2019, Case *Amarandei and Others v. Romania* .

38 In France, the conditions are not yet met. In Argentina it remains to be seen whether the obligation is imposed by national law or by the American Convention on Human Rights.

39 The obligation follows from the established interpretation of Article 1 of the Convention.

The case of *Amarandei and Others v. Romania* is the main reference for assessing when groups practicing sacred eroticism have been subject to police attacks<sup>40</sup>. Since, however, the events in Argentina, the Czech Republic, Italy and France do not look like a copy-paste of what happened in Bucharest in 2004, a complementary source can be found in the more general case-law of the European Court of Human Rights on violations by states of Article 3 of the Convention.

The following two cases are representative for the European Court of Human Rights' approach to cases involving the abusive use of force. They list what the Court has found to be actions by the authorities reaching the level of inhuman or degrading treatment and give an indication of the intensity of the conditions inflicted on the victim which the European judges considered to be the sufficient degree of mental suffering within the scope of Art. 3. The arguments of the ECHR in the two cases may guide complaints concerning the police raids in the Czech Republic, Italy, Romania, France and even Argentina.

*Lingurar v. Romania*<sup>41</sup>. According to the applicants, on the morning of December 15th, 2011 several police officers and gendarmes knocked on the applicants' door. Because the door was not opened, they forced their way in and beat the two women and two men found in the house. The police officers, wearing balaclavas, dragged the men out into the yard, beat them again, and the violence continued inside the police car that took them to the police station. The men gave statements, were fined and sent back home. According to the Romanian government, the two men had stolen wood from the forest and had brought it to their yard. The County Police Inspectorate had planned the raid on December 15th, 2011, in which 85 armed officers took part, arguing that it was necessary due to the following circumstances: of the 4311 inhabitants (including 2902 Romani people) of the village where the applicants lived, 826 had been released on parole, 432 had criminal records and 600 had been found guilty of violent crimes.

The European Court of Human Rights found that the injuries alleged by the victims (bruising on the chest, arm and eye), as established in the forensic medical reports, reached the minimum level of seriousness required by Article 3 of the Convention. The Court considered it relevant that the applicants were unarmed and not wanted by the police for any violent crime. The European judges rejected the Government's contention that the use of force had been necessary and proportionate, on the grounds of the absence of any

40 Although the Court made important points in assessing the Romanian State's violation of the applicants' right not to be subjected to inhuman and degrading treatment and right to liberty and to privacy, the text of the decision adopted and thus legitimized some disconcerting claims made by the Romanian authorities. Thus, in its presentation of the facts, the Court states that "Because of suspicions that G.B. and other members of MISA were promoting ideas hostile to Romania's integration into the European Union and the North Atlantic Treaty Organization ('NATO') and disseminating false information concerning the alleged membership of certain politicians in Freemasonry, MISA's activity was the subject of close monitoring by the Romanian Intelligence Service (SRI)" (*Amarandei and Others v. Romania*, §8). If this claim were to be taken seriously, it would mean that in 2004, when the events in question took place, the SRI would have been following hundreds of thousands or millions of people who were grouped in associations or political parties or were public figures, because they were promoting ideas of the same type. In order to be a danger that would justify the pursuit of MISA practitioners by the SRI, conditions imposed by law and inapplicable in the case of MISA would have had to be met.

41 *Lingurar v. Romania* (nr. 48474/14) - <http://ier.gov.ro/wp-content/uploads/2020/03/Lingurar-impotriva-Romaniei.pdf>.

action, whether criminal, administrative or civil, against the applicants for their alleged unlawful conduct<sup>42</sup>.

*Aghdgomelashvili and Japaridze v. Georgia*<sup>43</sup>. On the evening of December 15, 2009, the staff of the Foundation for Inclusion in Tbilisi, Georgia, and members of the LGBT community were on the premises to prepare for an upcoming art exhibition. Someone rang the doorbell, the door was opened and a group of people who introduced themselves as police officers rushed into the office. When the police officers realized that this was a LGBT organization, they became extremely aggressive, uttered homophobic slurs (“sick people”, “perverts”...) and mocked the people in the Foundation’s office.

Shortly afterwards, the co-founder of the Foundation, Ekaterine Aghdgomelashvili, arrived at the headquarters. She was pushed into a meeting room, her request to see the search warrant was denied, she was grabbed by the hand and her arm was violently twisted in order to confiscate her phone. The police threatened to reveal the sexual orientation of those present to the public and their families. They moved the furniture, dismantled the piano, created chaos in the workplace, and scattered other items on the floor. The second co-founder found his colleagues “crying in terror”. There followed a humiliating strip search conducted in the office restroom on a cold, filthy floor, where women were forced to strip while being verbally insulted by female police officers.

The European judges found that the police action on the evening of December 15, 2009 was in the nature of inhuman and degrading treatment. The Georgian state violated its obligation to guarantee the rights set out in Article 3 of the Convention on procedural grounds by failing to ensure an effective investigation of the plaintiffs’ complaint.

#### **4. Is suspicion towards new religious movements by state authorities legitimate? The special case of child protection**

The new religious movements pejoratively called “cults” are all expressions of the exercise of certain rights: the right to privacy, freedom of thought, conscience and religion, freedom of expression and information, freedom of association. These are not absolute freedoms. When their exercise affects other beings, it may be subject to formalities, conditions, restrictions or sanctions. A democratic state has the responsibility to preserve the balance between the rights of various social entities, private or public, small or large.

42 The criterion that persons subject to police interventions do not possess weapons and are not wanted by the police for violent crimes is a constant argument in the analyses of European judges (*Petruş Iacob v. Romania* (no. 13524/05), §36 - <http://ier.gov.ro/wp-content/uploads/cedo/Petruş-Iacob-impotriva-Romaniei.pdf>). The Court has reaffirmed as an “essential attribute of the protection conferred by the Convention in respect of credible allegations of treatment contrary to Article 3 of the Convention the duty of the authorities to act of their own motion” when alleged victims invoke it (*Adam v. Slovakia* (no. 68066/12), § 78 - <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%222001-165230%22%5D%7D>}) The Government is found responsible if it fails to establish an adequate legislative and administrative framework capable of protecting citizens from arbitrary acts and abuse of force (*Pärvu v. Romania* (no. 13326/18) - <http://ier.gov.ro/wp-content/uploads/2023/02/Parvu-impotriva-Romaniei-1.pdf>). All these requirements are key points in challenging the necessity of large police raids against peaceful people and in adjudicating the claims of those who have suffered an abuse of force.

43 *Aghdgomelashvili and Japaridze v. Georgia*, no. 7224/11 - <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%222001-204815%22%5D%7D>.

Religious terrorist groups, religious racist groups, those “groups that have caused or are likely to cause loss of life among their members or the general public” (“destructive cults”<sup>44</sup>) are an extreme example of dangerous communities. Those communities referred to by the Swedish expert Karl Eric Nylund as “manipulative cults” are also a reason for worry. A religious group falls into this category if it meets three of the following four criteria: (a) it practices aggression by punishing members who criticize the leader or movement; (b) it practices aversion, which means criticizing and persecuting those outside the group; (c) it creates alienation by locking up members inside the cult, which becomes the new family; (d) by embracing an absolute truth, which exists only within the cult, the leader having the absolute right to interpret the truth<sup>45</sup>.

None of the sacred eroticism groups that have been the subject of police raids in Romania, the Czech Republic, Italy, Argentina, and France fall into the category of manipulative cults. The idiosyncrasies of the majority cannot be a reason for the restriction of the exercise of fundamental rights such as the freedom of conscience, the freedom of expression and association, the right to privacy and family life. The conditions for limitations must be and are clearly stated by the protective instruments.

The only criteria among accepted restrictions that could be relevant in the case of the practices of some yoga schools are the protection of health and morality<sup>46</sup>. The topic of the protection of health requires a discussion in itself<sup>47</sup>. The protection of morality is also a nuanced and very context-dependent requirement. Polygamous cults are the major example from this category. The United States Supreme Court has denied the right of Mormons (The Church of Jesus Christ of Latter-day Saints) to have multiple marriages<sup>48</sup>.

Personal or group attitudes towards sexuality and eroticism are protected by the right to privacy. This right also applies to the social private life, in the sense of a right to go out of the personal universe “towards other members of society”<sup>49</sup>. The European Court of Human Rights has distinguished several situations where nudity is protected by the

44 B.A. Robinson, „Doomsday, destructive religious cults,” *Ontario Consultants on Religious Tolerance*, July 25, 2007.

45 Gabriel Andreescu, „Refuzul extrădării lui Gregorian Bivolaru. Dincolo de decizia judecătorilor suedezi” (Refusal to extradite Gregorian Bivolaru. Beyond the decision of the Swedish judges), *Noua Revistă de Drepturile Omului (New Journal for Human Rights)* nr. 3-4, 2005, p. 74.

46 Regarding the freedom of expression and information, the European Convention (and the Charter of Fundamental Rights of the European Union) states that it “carries duties and responsibilities” and “may be subject to such formalities, conditions, restrictions penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals (our emphasis), for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.” (Art. 10 European Convention on Human Rights).

47 A classic example is the refusal of blood transfusions by members of the Jehovah’s Witnesses. Massimo Introvigne has analyzed the reaction of MISA and the Movement’s leader to Covid-19 (Massimo Introvigne, *Sacred Eroticism...*, pp. 37-49).

48 See *Raynolds v. United States* (1879) and *Davis v. Beason* (1890). The U.S. Supreme Court based its decision on interpreting the First Amendment by distinguishing between religious belief and religious conduct, the latter less protected by the First Amendment.

49 Corneliu Bîrsan, *Convenția europeană a drepturilor omului. Comentariu pe articole. Vol.1. Drepturi și libertăți (European Convention on Human Rights. Commentary by articles. Vol.1. Rights and freedoms)*, Publisher C.H. Beck, București (Bucharest), 2005, p. 619.

European Convention on Human Rights.<sup>50</sup> The sexualization of pamphlets that are part of the public debate also enjoys protection.<sup>51</sup> At the same time, sexual violence, from abuse and harassment to rape and human trafficking, which have been all too widespread, have coalesced public opinion and institutions against them in recent decades. The movements associated with sacred eroticism are not even compatible with sexual violence due to their very teachings. Repressive actions against them were often based on such accusations, but the accusations could not be legally substantiated<sup>52</sup>. Researchers who have criticized the violation of the rights of some practitioners of sacred eroticism have felt the need to make their position explicit. I quote Massimo Introvigne: “I fully believe that sexual abuse should not be tolerated, under any pretext. Religious freedom is not a legitimate defense for rapists, and the perpetrators should be prosecuted and punished.”<sup>53</sup>.

### **The negative emotions inspired by the “strange” beliefs of the new religious movements**

The strong negative reaction of public opinion and people within state authority bodies towards the groups practicing sacred eroticism can also be explained by the antipathy towards some of their beliefs and practices. They may seem to most people “abnormal”, “surprising”, “weird”, “mortifying”, “repulsive”, “wacky”, “irrational” and so on.

The paradigm of the international human rights system guarantees people to express their opinions on the strangeness, awkwardness or irrationality of religious ideas and behaviors.

An essential attribute of freedom of expression is the dissemination of negative ideas about the choices of other people and groups of people, including their religious choices. This analysis doesn’t condemn criticism of new religious movements and in particular of groups that practice sacred eroticism. But it is necessary to appreciate the limits of the manifestation of antipathy according to the international human rights system. Freedom of expression does not protect slander, hate speech and incitement to violence and discrimination.

The defense against slander and hatred towards new religious movements is a component of the international system of protection of minorities and of freedom of thought, belief and religion. This system rejects distinctions such as “normal religious beliefs” - “abnormal religious ideas”. However, states may hierarchize religious communities. Where a number of religious communities are considered important for social well-being, they can benefit from additional rights, such as funding from the public budget. Some democracies still have “state religions”<sup>54</sup>. The establishment of a “privileged” relation

50 See *Bouton v France*. The plaintiff, a member of the “Femen” movement, protested on December 20, 2013 in the Madeleine Church in Paris (no mass was being held at the time), by standing at the altar with her bare chest and body covered in slogans and using a choreography that suggested an abortion. Bouton was denouncing the Church’s opposition to the voluntary termination of pregnancy.

51 See *Vereinigung Bildender Künstler v. Austria* (no. 68354/01), April 25, 2007.

52 In the BAYS, MISA and ATMAN cases, domestic courts in Argentina and Romania and the ECHR have recognized the absence of abuse and trafficking. Other cases in which the facts do not differ essentially from these three are now undergoing legal investigations.

53 Massimo Introvigne, *Sacred Eroticism...*, p. 22.

54 There are currently three state religions in the European Union: the Evangelical-Lutheran Church in Denmark,

between some religions and the state does not affect or should not affect the freedom of thought, belief and religion of other communities, large or small.

Freedom of thought, belief and religion is a centerpiece of human freedom. The safety of the lawful new religious movements that are not liked by the majority is a basic test of democracy, even more so in Europe<sup>55</sup>. A special case is that of “border” religious groups, with beliefs that hold an aggressive potential. Satanic sects are an example of such. They generated an outpour of public emotion in the United States in the 1980s and 1990s that spread to other parts of the world. During those two decades, 12,000 unfounded legal actions alleging satanic ritual abuse have been filed in the United States alone. This example highlights the danger that the moral panic aroused by a religious actor may distort his actions, criminal or not.

The social background of the adherents and criminal history of some Satanists motivated their surveillance by specialized institutions. On the other hand, public opinion had its own dynamics that strayed from a point on from real events. The Satanist phenomenon has evolved and reached a complexity not captured by the label “evil groups.” In her 2022 interview, La Carmina, author of an overview of the phenomenon, *The Little Book of Satanism. A Guide to Satanic History, Culture, and Wisdom*<sup>56</sup>, showed that according to her research, the past decade of “socially engaged Satanism” has helped in re-framing Satanists as “the good guys.” Satanists, she explained, “are becoming known for engaging in community good works like food and menstruation product collections, and standing up for free speech, reproductive rights, and equal representation.”<sup>57</sup>

The case of the Satanists highlights the artificiality of the punitive campaigns against the followers of sacred eroticism. The communities that practice sacred eroticism are all composed of members who are well-integrated in society and generally belong to the middle class. The philosophy of non-violence that they practice would constitute, in principle, an argument for more sympathy towards them. This is the reason why punitive campaigns against them had to rely on *fake news* and *fake* meanings: the erroneous interpretation of real facts<sup>58</sup>.

The fact remains that those communities that we analyze here, from Romania, the Czech Republic, Italy, Argentina and France, practice unconventional lifestyles or promote

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the Roman Catholic Archdiocese in Malta and the Church of Greece (Orthodox) in Greece. The Swedish state decided that official churches create a friction with democracy, which is why in 2000 it stopped recognizing the Swedish Evangelical-Lutheran Church as a state church.

55 A quote from John Witte Jr and Andrea P (“Faith in Strasbourg and Luxembourg? The Fresh Rise of Religious Freedom Litigation in the Pan-European Courts, 70 *Emory L. J.* 587, 2021 - <https://scholarlycommons.law.emory.edu/elj/vol70/iss3/2>): “These new religious movements have reshaped the religious freedom law not only of individual European states but also of the European Court of Human Rights sitting in Strasbourg and the Court of Justice of the European Union sitting in Luxembourg. These two pan-European Courts have become new hotspots for religious freedom claimants from all over Europe.”

56 *The Little Book of Satanism. A Guide to Satanic History, Culture, and Wisdom*, Ulysses Press, Distributed by Simon & Schuster, 2022.

57 The comment goes on: “On the other hand, the Satanic Panic persists, and anti-Satanic rhetoric is prevalent in ‘fake news’...” (Interlocutor, “LA CARMINA sheds some light on Lucifer”, <https://bit.ly/3YtzMuh>)

58 Regarding the term “fake meanings”, see Gabriel Andreescu, *Globalizarea ipocriziei. Pentru o abordare umanistă a eticii memoriei (The globalization of hypocrisy. For a humanistic approach to the ethics of memory)*, Polirom, Iași, 2023.

disconcerting ideas. Some of them are connected to ancient esoteric traditions, but this aspect does not make them any less strange to the modern man. Path of Guru Jára's ideas about "hooks" and "thorns" as psychic residues of past sexual relationships the ejection of which is possible by the sexual penetration of the women by a highly experienced Tantric guru come from traditions in Tantrism and esoteric Buddhism and Taoism<sup>59</sup>. What relevance does this connection have for the modern people? The techniques and philosophy of traditional Yoga are well received in the West. But the variants practiced by the several Yoga Schools listed here are syncretic.

The fact that in a democracy public comfort with certain ideas and practices cannot be a legitimate criterion for limiting the freedom of thought, belief and religion is a consequence of the fact that the very idea of natural-unnatural, normal-abnormal, common-strange, reasonable-unreasonable, in matters of religious beliefs is vulnerable. From the perspective of rational knowledge, the majority religions are no less bizarre than those of some exotic religious groups. To quote Richard Dawkins:

All religious beliefs seem weird to those not brought up in them. Boyer did research on the Fang people of Cameroon, who believe

...that witches have an extra internal animal-like organ that flies away at night and ruins other people's crops or poisons their blood. [...]

Boyer continues with a personal anecdote:

[...] one of our guests, a prominent Cambridge theologian, turned to me and said: 'That is what makes anthropology so fascinating and so difficult too. You have to explain how people can believe such nonsense.' Which left me dumbfounded.[...]

Assuming that the Cambridge theologian was a mainstream Christian, he probably believed some combination of the following:

- In the time of the ancestors, a man was born to a virgin mother with no biological father being involved.
- The same fatherless man called out to a friend called Lazarus, who had been dead long enough to stink, and Lazarus promptly came back to life.
- The fatherless man himself came alive after being dead and buried three days.
- Forty days later, the fatherless man went up to the top of a hill and then disappeared bodily into the sky.
- If you murmur thoughts privately in your head, the fatherless man, and his 'father' (who is also himself) will hear your thoughts and may act upon them. He is simultaneously able to hear the thoughts of everybody else in the world.
- If you do something bad, or something good, the same fatherless man sees all, even if nobody else does. You may be rewarded or punished accordingly, including after your death.
- The fatherless man's virgin mother never died but 'ascended' bodily into heaven.
- Bread and wine, if blessed by a priest (who must have testicles), 'become' the body and

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59 Massimo Introvigne, *Sacred Eroticism...*, p. 18.



blood of the fatherless man.”<sup>60</sup>

Thus described, the fundamental narrative of Christianity appears to the man of modern rationality as unreasonable as the founding stories of exotic religious minorities. However, beyond the shaky ontology and epistemology to which they resort, the different faiths have the essential role of creating the unifying foundations of communities, among them, their moral matrix. Jonathan Haidt drew attention to the relativity of different moral matrices and consequently the requirement

[to be suspicious] of moral monists. Beware of anyone who insists that there is one true morality for all people, times, and places —particularly if that morality is founded upon a single moral foundation. Human societies are complex; their needs and challenges are variable. Our minds contain a toolbox of psychological systems, including the six moral foundations, which can be used to meet those challenges and construct effective moral communities. You don’t need to use all six, and there may be certain organizations or subcultures that can thrive with just one. But anyone who tells you that all societies, in all eras, should be using one particular moral matrix, resting on one particular configuration of moral foundations, is a fundamentalist of one sort or another.<sup>61</sup>

In the quoted passage, Jonathan Haidt explains the need to respect religious pluralism from the perspective of social and moral psychology. His theses explain the value of freedom of thought, faith and religion that also guarantees the right to existence of groups practicing sacred eroticism.

**The test of the social legitimacy of new religious movements (of “cults”) is the status of children, their rights and the principle of the best interests of the child.**

With the adoption of the UN Convention on the Rights of the Child (which entered into force in 1990), the most important agreement signed by the states that promised to protect children’s rights, the international system imposed two new principles for interpreting situations in which the will of children and the will of parents may be divergent: the best interests of the child and the need for parents to guide their children while taking into account their evolving capacities<sup>62</sup>. Governments have a responsibility to ensure that “the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities “ and “shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention”<sup>63</sup>.

60 Richard Dawkins, *The God Delusion*, Bantam Press, 2006, pp. 174-176.

61 Jonathan Haidt, *The righteous mind: why good people are divided by politics and religion*, Pantheon Books, New York, 2012, p. 336.

62 These would be the “umbrella principles” underpinning the exercise of children’s rights (Geraldine van Bueren, *The international law on the rights of the child*, Martinus Nijhoff Publishers, London 1998).

63 See Articles 3 and 5 respectively of the UN Convention on the Rights of the Child.

The above ideas, which reinforce the active role of the state, are not widely accepted norms of the international system only because they have gained political support. They represent the fulfillment of a long humanist tradition and do justice to the most vulnerable among us. Invoking the right to religion *against* the best interests of the child is a lost cause. It remains to be seen to what extent governments adequately apply the principles intended to protect children.

The subject of child protection has come up several times in the debates within European intergovernmental structures. In 2014, the Committee on Legal Affairs and Human Rights of the Council of Europe proposed a resolution calling for member States to step up their efforts to protect minors against the excesses of cults, and punish the latter<sup>64</sup>.

One concern raised by state authorities regarding some religious minorities has to do with the denial of standard medical care within certain communities, including for children. The best-known case is that of Jehovah's Witnesses, whose members refuse to undergo blood transfusions. When negotiating with governments about receiving "recognized denomination" status, Jehovah's Witnesses agreed to accept blood transfusions for children<sup>65</sup>.

One issue that must be addressed by both the state and the religious communities is the child's right to freedom of thought, conscience and religion<sup>66</sup>. This must be distinguished from the parents' freedom of belief. "The right of any child to be brought up unhindered as an independent, autonomous actor in the matrix of parents, religious community and society"<sup>67</sup> is at odds with the mentality of strict religious communities. Believers in one truth do not accept a conversion of religion by their underage children<sup>68</sup>. The autonomy of children is at odds with the right of parents to raise their children in their own faith. When states had to decide on this friction, they considered their constitutional framework and their social ethos.

There are two preeminent cases that showcase the range of interactions between the right to religion and the best interest of the child. In *Wisconsin v. Jonas Yoder* (1972), the parents, members of the Amish community, obtained an exemption for their children from

64 Parliamentary Assembly, "The protection of minors against excesses of sects," 17 March 2014 - <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20544&lang=en>.

65 The case of Jehovah's Witnesses in Romania and Bulgaria.

66 According to Emil Moise's investigations, in Romania at least, the right of the child to freedom of thought, conscience and religion seems to be most often the target of infringement (PhD thesis, "Evoluții juridice privind drepturile copilului la libertatea de gândire, de conștiință și de religie și la nediscriminare în România") (Legal developments concerning the rights of the child to freedom of thought, conscience and religion and non-discrimination in Romania), West Timisoara University, 2021, p. 7 - [https://www.revistadrepturileomului.ro/assets/books/Emil\\_Teza%20doctorat.pdf](https://www.revistadrepturileomului.ro/assets/books/Emil_Teza%20doctorat.pdf).

67 Sylvie Langlaude, *The Right of the Child to Religious Freedom in International Law*, Martinus Nijhoff Publishers, Leiden, 2007, p. 54.

68 At the time of signing the Convention on the Rights of Children, a number of states had reservations about Article 14 of the convention, which spells out the child's right to religious freedom: Algeria, Bangladesh, Iraq, Jordan, Kiribati, Malaysia, Morocco, Poland, Singapore. The right of minors to choose their religion is not regulated in most democratic countries. This right is guaranteed in Austria, Germany and Romania from the age of 14, in Estonia, Finland and Slovenia from the age of 15 and in Cyprus, Switzerland and Portugal from the age of 16.

compulsory mainstream public or private education after the completion of 8th grade. The United States Supreme Court argued that the Amish way of life responds to deeply held religious beliefs, and modern compulsory secondary education conflicts with that way of life. The Amish community provides their children a continuing informal vocational education designed to prepare them for life in the community. An additional year or two of compulsory education would not affect the physical or mental health of the child and would not result in an inability to support oneself. For the judges, the peaceful nature of the community and the caring attitude of the parents towards the children also mattered<sup>69</sup>. In *Wisconsin v. Jonas Yoder*, the Supreme Court justices balanced the parents' religious choice, upheld by their decision, against the best interests of the child<sup>70</sup>.

In the second case, the European Court of Human Rights had to rule on the refusal of a Swiss school to allow a female teacher to wear the Muslim veil during class (*Dahlab v. Switzerland, 2001*).<sup>71</sup> The Court took into account the fact that the applicant's students were aged between four and eight, an age at which they are easily influenced and tend to identify with their teacher. Wearing the veil could have a subtle proselytizing effect on them. The European judges upheld the need to protect the right of students in state schools to grow up in a climate of denominational neutrality. The purpose of these considerations is that students *should have a free conscience* when they reach adulthood and choose their religion.

The proper application of child protection principles by the authorities remains a sensitive issue. When governments take children from their parents because the latter are in an ideological conflict with the state, or they applied corrective, minor, punishments, they create dramatic consequences for the family members. In many cases, the suffering of the separated children and parents belies the *best interests* with which governments justify their actions<sup>72</sup>. The legal proceedings invoke facts that are often overemphasized. Referencing the investigations of Susan J. Palmer and Charlotte E. Hardman, Nathalie Luca lists four categories of collective child abuse: religious education at home, corporal punishment, a substandard lifestyle, and sexual abuse<sup>73</sup>, and concludes: "On all these

69 *Wisconsin v. Yoder*, 406 U.S. 205 (1972) - <https://supreme.justia.com/cases/federal/us/406/205/>.

70 At a time when the best interests of the child were not internationally recognized.

71 *Dahlab v. Switzerland* (no. 42393/98) - <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-22643%22%7D>.

72 Situations differ from case to case and can only be settled in the courts. In 2018, the European Court of Human Rights (ECHR), ruling on a complaint by parents belonging to the Church of the Twelve Tribes against the German government regarding the withdrawal of their parental rights, held that parents "may not expose their children to dangerous practices or physical or psychological harm" in the name of "transmitting moral convictions". In this decision the ECHR found the German authorities' measure to be legitimate (*Case of Wetjen and Others against Germany*, no. 68125/14 and no. 72204/14, Judgement of 22.3.2018 - <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%22002-11868%22%7D>).

In 1991, the New South Wales Police launched an investigation into The Family (formerly Children of the God) community, and on 15 May 1992, police and other officials raided residences, taking 65 children from Sydney in state custody. All children were found to be healthy. No abuse or other criminal wrongdoing was identified. On May 21, all the children were returned to their parents. The case went to mediation and on November 2, 1993 the New South Wales Supreme Court ordered the Children's Court Magistrate to dismiss the case. A final settlement was reached in 1994 (*The Children of God/The Family Court Case in Australia, 1992* - <https://www.cesnur.org/testi/TheFamily/australia.htm>).

73 A distinction must be drawn between the responsibility of the religious organization and the individual responsibility of members. For an argument to this effect, see Massimo Introvigne, "Ontario Superior Court

points, the case studies show that we need to be vigilant. But we must be careful not to generalize. All the authors in fact show the rapidity of the evolution of groups [...] and the essential concern of most parents for the welfare of their children”<sup>74</sup>.

In the cases of the groups practicing sacred eroticism in Romania, the Czech Republic, Italy, Argentina and France, there was no specific issue of children’s rights - or at most it was a marginal issue. In order to build a case against MISA, prosecutors in Romania tried to intimidate minors attending MISA Yoga School sessions by suggesting that they were the subject of abuse. These attempts were stopped by the protest of the children and their parents<sup>75</sup>.

### **A reasonable fear: the intersection of new religious movements with politics. The special case of MISA**

New religious movements and exotic forms of spirituality have a small number of members. The hostile social attitude towards them and their focus on exotic beliefs and rituals placed them outside political life<sup>76</sup>. The situation seems to be changing in recent years as a result of the attraction such movements show for conspiracy theories. In a few countries, conspiracy theories fuel political competitions. The major example is the involvement of the masses of conspiracy theorists in supporting Donald Trump in 2024. Thus, in an unforeseen way, the new religious movements interested in conspiracy theories find a place in political life.

The first impact on political life occurs when the religious group creates pressure on public policies. This issue has gained more evidence with the emergence and spread of Covid 19. MISA was among the groups that rejected vaccination<sup>77</sup>. Some positions of the spiritual leader of MISA, Gregorian Bivolaru, such as treating the policies to protect against Covid 19 as „the tyrannical side of mainstream science”, or mainstream science as ”a false and bizarre new religion without God”<sup>78</sup> had consequences for MISA members.

MISA is also an example of involvement in the more common type of political manifestations. Some of its members have propagated over time nationalist messages<sup>79</sup>.

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of Justice States Jehovah’s Witnesses Have No ‘Systemic’ Problem of Child Sexual Abuse,” *Bitter Winter*, 08/02/2024 - <https://bit.ly/3WCje0U>.

74 Nathalie Luca, ”Review: Susan J. Palmer, Charlotte E. Hardman (eds.), *Children in New Religions*, Rutgers University Press, New Brunswick-New Jersey-Londres, 1999,” *Archives De Sciences Sociales Des Religions*, 2003 (<https://bit.ly/3WGSHe>), p. 129.

75 For details, see Gabriel Andreescu, *MISA. Radiografia unei represii...*, pp. 181-186. The indictment of MISA leader Gregorian Bivolaru was fabricated. He was convicted for an alleged sexual relationship with a 16-year-old girl he didn’t teach, who had reached the age of sexual consent in Romania and who denied such a relationship in court and publicly.

76 It is a simplified statement and must be put into context. Freemasonry has played an important political role over the centuries, at both the national and international level, to the point of having a say in the drawing of European borders.

77 It was not the case of BAYS. The rejection of anti-Covid vaccination was a relatively broad social attitude.

78 *Idem*, p. 40.

79 Gabriel Andreescu, *MISA. Radiografia unei represii...*, pp. 228-237. Several years ago, the International Yoga Federation and the European Yoga Alliance severed ties with the Spiritual Movement for Integration into the Absolute.

More recently, the MISA leader has written texts in favor of Trump that are read by his followers. MISA has also propagated conspiracy theories that represent anti-Western propaganda.

Some members of MISA have entered directly into the political game. Calistrat M. Atudorei wrote a book on “America’s Plans for World Hegemony”, published in both Romanian and English. The title summarizes the author’s ideology<sup>80</sup>. At the Global News television station, where he is part of several shows, Atudorei makes propaganda against liberal democracy, converses with former officers who support an anti-European and anti-Euro-Atlantic discourse. He described the system of protection of rights as an instrument of domination of the West over national sovereignty. Global News was fined by the National Audiovisual Council for a show in which Atudorei supported, through a falsifying speech, an end to aid for Ukraine. Atudorei ran in the autumn of 2024 on the list of a pro-Russian party<sup>81</sup>.

His case is exceptional because Calistrat M. Atudorei is the husband of Dana Crăescu, a student at the MISA Yoga School sent to a psychiatric hospital because of her association with the Movement. Dana Crăescu was one of the emblematic victims from MISA, and the serious abuses she was subjected to were recognized by the ECHR. Calistrat M. Atudorei dedicated years of his life to supporting his girlfriend by invoking and setting in motion the national and European human rights system. The fact that today he denies the values that defended him and the community to which he belongs is a paradox that can be treated as a “personal story”.

But Calistrat M. Atudorei also makes this propaganda representing the MISA community at large traditional gatherings, such as the S.O.S. Summer School in 2024<sup>82</sup>. Diana Șoșoacă, a pro-Putin extremist, a source of scandal in the national and European Parliament, was the kee figure of the meeting, which gathered a hall full of SOS party members, and also followers.

The organization’s website, Yogaesoteric, finds space for articles by supporters of Romanian and Russian nationalism such as Ilie Bădescu. This sociologist invited Aleksandr Dugin, considered “the key ideologue of the aggressive policy of the Russian Federation and the genocide of the Ukrainian people”, to hold conferences in Bucharest<sup>83</sup>. The Shambala Publishing House, other instrument through which MISA expresses its ideas, chose to publish the anti-American pamphlet *Trance Formation of America*<sup>84</sup> and

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80 Calistrat M. Atudorei, *Planurile Americii pentru Hegemonia Mondială* (America’s Plans for World Hegemony), EPUBLISHERS, 2020 agent. The presentation of the book was written by Iurie Rosca, convicted of influence peddling in the Republic of Moldova, former KGB agent, one of Moscow’s agents in that country.

81 The POT Party, which supported the presidential candidate Calin Georgescu. Georgescu was the subject of a major political crisis, after it was discovered that he was a pawn in the hybrid war launched by the Putin regime against Romania.

82 See “Calistrat Marvin Atudorei’s speech at the S.O.S 2024 Summer School”, where the speaker described Mikhail Gorbachev and Boris Yeltsin as traitors in the service of the West, and Putin as a patriot (<https://www.youtube.com/watch?v=E5ojp-tC2e0>). S.O.S. Romania is a far-right political party that was founded in 2021.

83 Ilie Bădescu: „« Revoluția mondială » a națiunilor. Revoluția neptică. Valul suveranist european sub amenințare” (The ‘world revolution’ of nations. The neptic revolution. The European sovereignist wave under threat), 6 decembrie 2024 - <https://bit.ly/3P0rCnz>.

84 Cathy O’Brien, Mark Philips, *America în plină transă malefică* (*Trance Formation of America*), Shambala, 2020

fantasies without any spiritual relevance<sup>85</sup>.

Developments within MISA suggest that, from a certain point onwards, the “political” drifts of some members begin to influence the very identity of the community. Such behaviors, at the individual and group level, are not protected by freedom of thought, conscience and religion. In the exercise of these “drifts”, its members enjoy fundamental rights, the most relevant being the freedom of expression and association. It would be wrong to consider public criticism, investigations and prosecutions involving yoga practitioners for alleged crimes related to their political activity as an attack on the rights associated with freedom of conscience and religion<sup>86</sup>.

## 5. Mental manipulation, brainwashing, ideas differing from the social consensus

In June 2007, the Directorate for the Investigation of Organized Crime and Terrorism (DIICOT) in Romania filed the indictment against 21 members and sympathizers of MISA, whom it accused of “exploiting people”<sup>87</sup>. Romanian prosecutors accused MISA of having created a pseudo-culture predominantly oriented against the generally accepted norms of social coexistence. The followers of the Movement had adopted practices and concepts from Eastern spirituality together with elements of Christianity, generating a doctrinal system that society ridicules and rejects. The practitioners of MISA had been “depersonalized”, had been indoctrinated, isolated from family and society, they had been “recruited” because of dissatisfaction and hardships<sup>88</sup>. Their activity in the ashrams where they lived – cleaning, preparing meals – was equated by prosecutors with exploitation<sup>89</sup>.

The DIICOT indictment against the 21 MISA followers involved, in different formulations, the idea that the MISA yogis, all adults, all well integrated into society, were manipulated, lost their identity, became incapable of expressing their will within the organization. Their ideas are rejected by society.

85 See, among others, Gregorian Bivolaru, *Secretele dezvăluite ale tărâmului ascuns ce există în cavitatea enigmatică din centrul Pământului* (The secrets revealed of the hidden realm that exists in the enigmatic cavity at the center of the Earth), Shambala, 2013.

86 In the autumn of 2024, investigations began in Romania into election fraud by groups and social networks that favored the pro-Russian candidate Călin Georgescu.

87 For details, Gabriel Andreescu, „Rechizitoriul DIICOT în cazul MISA...”... Six women involved in MISA’s activities accepted the status of victims because of threats or the temptation to obtain substantial damages. They were brought before prosecutors initially as witnesses, then they filed complaints for facts that allegedly happened three years earlier while they were living in MISA ashrams. Quoting from the judgment of the Cluj Court of February 11, 2015: „The applicants asked for large sums in compensation, claiming that they had been trafficked. However, they were free to leave those residences whenever they wanted. There is no evidence whatsoever that they were forced to carry out any activity. In one case, it is „particularly eloquent that this civil party decided to file a criminal complaint [...] more than 3 years after the alleged acts that she claims to be a victim of. Correlated with the fact that she declared before the criminal investigation bodies that after September 2001 she no longer lived and worked in the “ashram”, we cannot help but wonder how this person came to be assigned by the Prosecutor’s Office the quality of injured party and then of civil party in the case”?

88 *Idem*, p. 22.

89 The indictment was based on a few, downright comical, so-called expert opinions: that the followers of MISA had been socially isolated by accepting to be “subject to ridicule”, by “speculating the inflation of their egos”, through the “abuse of authority exercised by the organization’s leadership” (*Idem*, p. 31).

The accusations levelled by the Romanian prosecutors against the 21 defendants associated with MISA lacked legal consistency. Romanian criminal law did not criminalize depersonalization nor indoctrination, it did not punish people whose ideas society ridicules and rejects. The Romanian Criminal Code did not include the crimes of psychological pressure and mind control techniques.

On February 11, 2015, the Criminal Section of the Cluj Court judged the DIICOT case and decided to acquit all the defendants<sup>90</sup>. The court considered that in this case it was dealing with “the fabrication of a serious repressive action against MISA members and sympathizers”, who were accused of human trafficking with the aim of prohibiting voluntary activity and the right of groups to define their own community life”<sup>91</sup>.

Romania, the Czech Republic, Italy, Argentina are states governed by the rule of law, even if at least two of them are insufficiently mature. This fact explains why the courts in these countries did not convict, after years of investigations, people who practice sacred eroticism on the grounds that they had abused the mental weakness of their partners when involving them in esoteric techniques<sup>92</sup>.

In an authoritarian system, the letter and spirit of the law cannot withstand the political will. A criminal court in Russia has dissolved the association Jehovah’s Witnesses of Moscow on the grounds that members of this religious minority were subjected to “psychological pressure” and “mind control” techniques<sup>93</sup>. This, even though Russian legislation did not specify such crimes at the time of the court decision<sup>94</sup>.

Mental manipulation and abuse of weakness have however found their place in the French legislation. The About-Pickard Law was passed on June 12, 2001 with the goal of *strengthening the prevention and suppression of sectarian movements that violate human rights and fundamental freedoms*. Some provisions covered situations traditionally under the remit of criminal law: abuse against minors, persons with disabilities, etc. The novelty consisted in the excessive expansion of the categories “protected by the law”, including „abusing the ignorance or state of weakness of ... a person in a state of ... psychological

90 The ECHR decision in the case of *Amarandei and Others v. Romania* had been adopted two months before.

91 The president of the court, Judge Ariana-Lăcrimioara Ilieș, was later sanctioned by the Superior Council of Magistracy not for this decision, because it was not possible, but for the lack of celerity of the trials she administered, although the lack of celerity is a generalized phenomenon in the Romanian legal system.

92 Which does not mean that the effects on the accused were not dramatic: kept in prison (members of BAYS), in centers for emigrants (two leaders of the Path of Guru Jára), facing an accusation (of human trafficking) that is difficult to bear (the case of MISA followers). The spiritual leader of MISA, Gregorian Bivolaru, was sentenced. The artificiality of the accusations against them and their mediocrity in relation to the huge deployment of forces and years of investigations that cost the Romanian state more than 2 million euros, suggests the “fabrication of a MISA case”.

93 The use by the Russian authorities in their action to dissolve the association Jehovah’s Witnesses of identical terms to those in the French legislation can be explained by the long-standing collaboration between MIVILUDES and FECRIS, the latter being close to the Putin regime. One member of the FECRIS board is the fanatical supporters of Putin’s invasion of Ukraine, Alexander Dvorkin (Massimo Introvigne, “A Bitter Winter for MIVILUDES,” *Bitter Winter*, 12/26/2022 - <https://bitterwinter.org/a-bitter-winter-for-miviludes/>), MIVILUDES also slandered Jehovah’s Witnesses and was forced by the French justice system to delete the incorrect statements (Massimo Introvigne, “France, Administrative Court Finds MIVILUDES’s Statements About Jehovah’s Witnesses Defamatory,” *Bitter Winter*, 06/19/2024 - <https://bit.ly/40gk2w2>).

94 The Russian judges’ indictments against Jehovah’s Witnesses of Moscow are also not part of the Criminal international law.

dependency resulting from serious or repeated pressure or from techniques used to affect his judgement...”<sup>95</sup>. The labels ”state of weakness”, ”psychological dependency techniques used to affect his judgement” are problematic from the perspective of building a case.

In 2024, a new rule was added to the About-Pickard law addressing sectarian drift (“*dérive sectaire*”)<sup>96</sup>. The French Criminal Code (Article 223-15-3) criminalized “psychological subjugation”<sup>97</sup>. Today, the French legislation provides the police, prosecutors’ offices and courts the necessary tools to legalize their abuses directed against groups considered cults.

Amendments to anti-cult legislation broaden the range of organizations that can become legally involved against a group perceived as a cult. This mechanism strengthens both the activism against new religious movements, and the overinterpretation of the legislative text.

The steps towards serious interpretative abuses can be discerned in the dialogue between MIVILUDES and the Prime Minister’s Office aimed at defining a doctrine of “sectarian abuses”. According to it, ”consenting adult members of movements characterized as `sectarian` should be considered victims under subjugation and their consent considered null and void, even though those followers are mentally competent under civil law<sup>98</sup>.”

The Ministry of Internal Affairs added other criteria for identifying mental subjugation. I quote: “The specific context of mental subjugation is characteristic of sectarian abuses. Repression should be initiated by the State when a number of criteria are met: – One or more individuals start to adhere to ideas differing from those which are usually shared by social consensus. The individual who adopts them is led to change his/her references, relations and actions. His/her life gets out of hand, being thereafter

95 The full article: ”Fraudulently abusing the ignorance or state of weakness of a minor, or of a person whose particular vulnerability, due to age, sickness, infirmity, to a physical or psychological disability or to pregnancy, is apparent or known to the offender, or abusing a person in a state of physical or psychological dependency resulting from serious or repeated pressure or from techniques used to affect his judgement, in order to induce the minor or other person to act or abstain from acting in any way seriously harmful to him, is punished by three years’ imprisonment and a fine of €375,000. Where the offence is committed by the legal or de facto manager of a group that carries out activities the aim or effect of which is to create, maintain or exploit the psychological or physical dependency of those who participate in them, the penalty is increased to five years’ imprisonment and to a fine of €750,000.”

96 The French interdepartmental task force of surveillance and combat against sectarian drift (Miviludes) defined a *sectarian drift* as follows: “This is an abuse of the freedom of thought, opinion, or religion that infringes on public order, laws or regulations, fundamental rights, security, or the integrity of individuals. It is characterized by the implementation, by an organized group or an isolated individual, regardless of its nature or activity, of pressures or techniques aimed at creating, maintaining, or exploiting in a person a state of psychological or physical subjection, depriving them of part of their free will, with harmful consequences for that person, their entourage, or for society.”

97 Code Pénal ([https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000049531597](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000049531597)). Another controversial addition is ”the offence of incitement to refuse treatment or to adhere to non-conventional practices” (Patricia Duval, ”New law on ,sectarian abuses’ under review by the Constitutional Council,” April 30 - 2024<https://bit.ly/40oWAwO>).

98 Report submitted to the Prime Minister in July 2008 by Mr. George Fenech, former President of the Interministerial Mission for Monitoring and Combating Sectarian Abuses (MIVILUDES) - *La justice face aux dérives sectaires*, p. 42.



directed and conditioned by the psycho-sectarian manipulator<sup>99</sup>.”

The series of provisions and principles of interpretation of the state of weakness and psychological subjugation allows the French authorities to weaken the status of citizen or national in a democracy. The provisions deny “the right of individuals to have their discernment recognized,” a component of the right to privacy. The provisions of the French Criminal Code, together with the doctrine of the French Government, also have consequences for the exercise of freedom of expression and freedom of association. Therefore, anti-cult norms go against the rights guaranteed by the European Convention on Human Rights. The lawsuits started in 2023 against MISA followers offer the opportunity to bring before European judges the normative anomaly erected in France over recent decades.

Specialists have long challenged the notion of “mind control” and its more impetuous counterpart, “brainwashing”<sup>100</sup>. The European Court of Human Rights also ruled on them in the case *Jehovah’s Witnesses of Moscow v. Russia*, mentioned above<sup>101</sup>. The Court ruled that the Russian Federation violated the rights of the members of Jehovah’s Witnesses, who “had made a free and voluntary choice of their religion and therefore followed its precepts of their own will”. To quote the European judges: “there is no generally accepted and scientific definition of what constitutes “mind control”<sup>102</sup>.

## 6. PACE resolutions on “illegal activities of sects” and their teachings

The resolutions of the Parliamentary Assembly of the Council of Europe (PACE) summarize the political perspective of the organization dedicated to guaranteeing human rights on the European continent and, in this sense, although so little emphasized, to managing the balance between these rights. Following complaints sent to the Council of Europe by several associations and families, in 1992, PACE raised the subject of sects and new religious movements and adopted Recommendation 1178 (1992)<sup>103</sup>. At that time, the parliamentarians of the Council of Europe considered that the freedom of conscience and religion guaranteed by Article 9 of the European Convention on Human Rights makes major legislation on sects undesirable (§ 5). They recommended that member states to research the activities of sects, provide education about religious organizations and take measures aimed at making the child protection system effective.

99 Contribution to the MIVILUDES Report for 2008 (p. 59) - [https://www.miviludes.interieur.gouv.fr/sites/default/files/publications/anglais/report\\_miviludes\\_2008.pdf](https://www.miviludes.interieur.gouv.fr/sites/default/files/publications/anglais/report_miviludes_2008.pdf).

100 See James T. Richardson, Massimo Introvigne, „Brainwashing` Theories in European Parliamentary and Administrative Reports on `Cults` and `Sects`,`” *Journal for the Scientific Study of Religion* 40(2), 2001, pp. 143 – 168 - Susan J. Palmer, „`Cults` and Enslavement via Brainwashing in Israeli Justice: The Case of Daniel Ambash,” *The journal of CESNUR*, Vol. 2, No. 6, 2018.

101 See “France, the new law to fight against “sectarian abuses” in the field of health, subject to the control of the Constitutional Council”, *Newsroom*, 29 April 2024 (with contributions from **Patricia Duval**, Attorney at the Paris Bar) - <https://bit.ly/4f4TrGE>.

102 *Jehovah’s Witnesses of Moscow v. Russia* (C-302/02, 10 June 2010), § 128 et 129.

103 Parliamentary Assembly, “Sects and new religious movements,” 5 February 1992 - <https://pace.coe.int/en/files/15212/html>.

Following a “number of serious incidents” in previous years, PACE returned in 1999 to the subject of sects and adopted its Recommendation 1412 (1999) on illegal activities of sects. The document was proposed and voted on following a campaign by anti-cult organizations and sparked controversy during the debate and after its adoption<sup>104</sup>.

Of note among the recommendations:

- the importance to have reliable information on these groups and to circulate it widely among the general public (§ 7);
- the need to protect those most vulnerable, and particularly the children of members of religious, esoteric or spiritual groups, particularly, *indoctrination through brainwashing* (my emphasis) and non-enrolment in school (§ 9);
- the request that states set up or support independent national or regional information centres on groups of a religious, esoteric or spiritual nature” (§ 10.1); to encourage the setting-up of non-governmental organizations for the victims, or the families of victims” (§ 10.5); to set up a European observatory on groups of a religious, esoteric or spiritual nature” (§ 11.2).

It is worth noting the invocation by parliamentarians of *brainwashing*. They reaffirmed the principle of religious pluralism as a natural consequence of freedom of religion and the fact that “It regards state neutrality and equal protection before the law as fundamental safeguards against any form of discrimination and therefore calls upon state authorities to refrain from taking measures based on a value judgment concerning beliefs” (§ 2). Also: “it takes the view that it is essential to ensure that the activities of these groups, be they of a religious, esoteric or spiritual nature, are in keeping with the principles of our democratic societies” (§ 6)<sup>105</sup>.

Following critical reactions to the Parliamentary Assembly document, in 2001 The Committee of Ministers of the Council of Europe adopted a reply in which it stressed the obligation of states to ensure democratic guarantees in dealing with the illegal activity of sects<sup>106</sup>. I quote:

The Committee underlines in this context that for their part, Governments are under an obligation, in their dealings with such groups, to remain in conformity not only with Article 9 but with all the provisions of the European Convention on Human Rights and other relevant instruments [protecting different aspects of human dignity]. This entails, *inter alia*, a duty to respect the principles of religious freedom and non-discrimination” (§ 2); legal measures in this area should be applied vis-à-vis illegal practices carried out in the name of and by such groups, using ordinarily available procedures of criminal and civil law (§ 3).

The debate within the main European institutions continued . In 2014, PACE was again called upon to adopt a resolution on sects following French Deputy Rudy Salles’

104 It is interesting that the Parliamentary Assembly rapporteur on Recommendation 1412(1999) was Adrian Nastase, who was at the time in contact with the network of authorities in the country that controlled the actions against MISA. As Prime Minister of Romania, he was responsible for the brutal actions against MISA in 2004. In his Memorandum on Recommendation 1412 (1999) he proposed the criminalization of the indoctrination of members of sects and “mental manipulation” - [https://www.cesnur.org/testi/eur130499\\_eng.htm](https://www.cesnur.org/testi/eur130499_eng.htm).

105 Parliamentary Assembly on 22 June 1999 (18th Sitting) - <https://pace.coe.int/en/files/16713/html>.

106 Committee of Ministers, 765th meeting – 19 September 2001 - <https://rm.coe.int/16804ea79c>.

Report on “The Protection of Minors against Excesses of Sects”<sup>107</sup>. Parliamentary Assembly rejected what represented the “French model for the treatment of sects”, among other things, with an argument centered on the idea of non-discrimination:

The Assembly believes that any religious or quasi-religious organisation should be accountable in the public sphere for any contraventions of the criminal law and welcomes announcements by established religious organisations that reports of child abuse within those organisations should be reported for investigation to the police. *The Assembly does not believe that there are any grounds for discriminating between established and other religions, including minority religions and faiths, in the application of these principles* (my emphasis)<sup>108</sup>.

The issue of “sects” and “cults” has been discussed in European Union institutions since the 1980s. In 1984, the European Parliament adopted a resolution without impact, according to the initiators themselves<sup>109</sup>. Another resolution from 1996 called for a meeting to be held with the national parliaments of the Union Member States, with the outcome that in 1997, the Committee on Civil Liberties and Internal Affairs prepared the text which was originally to be voted on by the European Parliament during the session of January 12-16, 1998. The text with the title “Resolution on Cults in the European Union”, was rejected by the plenary of the European Parliament in July 1998 “by a strange coalition of anti-cultists regarding it as too weak and religious liberty activists considering that this is not a matter for the European Parliament to decide”<sup>110</sup>. Every time, the debates have showcased the difficulties of finding a consensus among European parliamentarians on the issue of new religious minorities<sup>111</sup>, except for the need to obtain more information, to ensure respect for freedom of thought, conscience and religion and to ensure the protection of children. The European Parliament has not developed a doctrine on accusations of brainwashing and psychological subordination, although some of the MEPs have used these terms<sup>112</sup>.

## 7. Marginalizing the issue of discrimination against people who practice sacred eroticism

There are new religious movements that are not destructive, are not manipulative, but provoke moral suspicion and social antipathy, such as “apocalypse cults”, those belonging to the category of “conspirituality”<sup>113</sup>, or some identified by rationally

107 Committee on Legal Affairs and Human Rights, “The protection of minors against excesses of sects,” 17 March 2014 - <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20544&lang=en>.

108 For a detailed presentation of the debate, see Human Rights Without Frontiers Int’l Newsletter „Intolerance and Discrimination Based on Religion or Belief” - <https://classic.iclrs.org/content/blurbs/files/PACE%20on%20Sects.pdf>.

109 David Wilshire, „Cults and the European Parliament: A Practical Political Response To An International Problem,” *Cultic Studies Journal*, 1990, Vol. 7, No. 1, pp. 1-14 (<https://articles1.icsahome.com/articles/cults-and-the-european-parliament-csj-7-1-1990>).

110 <https://www.cesnur.org/testi/Europe.htm>.

111 Relevant, among others, “Cults in Europe” (Directorate-General for Research, Working Paper.), March 1997 - [https://www.europarl.europa.eu/workingpapers/cito/w10/page1\\_en.htm](https://www.europarl.europa.eu/workingpapers/cito/w10/page1_en.htm).

112 On the main topics of the debates, see Sabrina Pastorelli, “The European Union and the New Religious Movements,” *Religion, State and Society*, 37(1-2), 2009, pp. 193-206 - <https://doi.org/10.1080/09637490802694039>.

113 The term introduced by Charlotte Ward and David Voas (“The Emergency of Conspirituality,” *Journal of*

embarrassing conceptions<sup>114</sup>. The fact cannot legitimize discrimination against members and organizations of these movements<sup>115</sup>. At the same time, in a democracy, the manifestation of suspicion and antipathy are legitimate up to a certain point. “Up to that point”, disturbing formulations are protected not only by freedom of expression but also by the right to dignity: you cannot assert your dignity if you are forbidden to express what you think<sup>116</sup>. The boundary between what is acceptable and what is not for public speech depends on the constitutional construct - which makes the United States the model for freedom of expression - on the culture of the society and the international system to which the state has adhered. It matters whether the various criticisms and accusations come from the state or private individuals<sup>117</sup>. The vulnerability of communities under discriminatory pressures also matters.

Jurisprudence and literature that have commented on the unlawfulness of repressive actions (violation of liberty, deprivation of liberty, invasion of privacy and flagrant limitation of due process requirements) in the case of groups with practices of the nature of sacred eroticism have marginalized the role of the real motivation in launching police raids and their identity nature. The ECHR decision in *Amarandei and Others v. Romania* is also a landmark in this respect, but one of error. The 26 members of MISA who appealed to the ECHR also complained of being prevented from expressing their beliefs, an act which violates Article 9 of the Convention in conjunction with Article 14: discrimination based on their membership of MISA. One of the applicants’ arguments was the vast and widely publicized campaign of vilification and persecution orchestrated by senior officials and politicians, including the Prime Minister (§ 239). The Court’s reply was as follows:

... it is apparent from the evidence on file, however, that the police operation of 18 March 2004 was prompted by indications that criminal offences had been committed in some of the properties belonging to MISA” (§ 243). “Accordingly, the Court considers that, in the present case, there is no strong, clear and consistent evidence to support the conclusion that the initiation of criminal proceedings against G.B. and other members of MISA and the authorization of the search of those properties were aimed at a discriminatory purpose” (§ 244). “Lastly, as regards the echo which the case has had in the press, the Court considers that, in a democratic society, it is inevitable that journalists will comment, sometimes severely, on

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*Contemporary Religion* (26)1, 2011.

114 Like UFO religions whose adherents believe in the existence of extraterrestrial entities operating unidentified flying objects.

115 Discrimination starts with the insulting language used in public against some of the new religious movements. Some authors note that the insulting language starts with the very use of the word “cult”. The term has a clearly pejorative connotation. At the same time, it is also a sociological term.

116 Gabriel Andreescu, „Liberalismul împotriva lui însuși”/”Liberalism against itself”, in the book of Sorin Adam Matei, Caius Dobrescu, Emanuel Copilaș, *Liberalismul, pro și contra. O carte ce încearcă să conserve diversitatea de idei/ Liberalism, pro and con. A book trying to preserve the diversity of ideas*, Adenium, Iași, 2017, pp. 219-257.

117 Public life benefits when people do not feel obliged to censor themselves. Instead, state authorities are asked to avoid partisan interpretations. The German government has called the Osho movement a “destructive cult” without any factual basis. In 2002, the Federal Constitutional Court found the German government guilty of defamation of the Osho movement (Hubert Seiwert, “Freedom and Control in the Unified Germany: Governmental Approaches to Alternative Religions Since 1989.” *Sociology of Religion* 64(3), 2003, p. 370.).

sensitive cases” (§ 247). Conclusion: “Having regard to all the material before it and in so far as it has jurisdiction to rule on the claims submitted, the Court finds no apparent violation of the rights and freedoms guaranteed by Articles 9 and 14 of the Convention” and therefore this head of claim must be dismissed (§ 248).

This view contrasts with the extensive case-law on the corroboration of brutal actions, deprivation of liberty and violations of the right to privacy with the identity of those who have become the victims of violent attacks. The fact that discrimination is a major cause of human rights violations is a theme of great importance for the transformation of the European Convention and the work of its implementing institution, the ECHR, into an effective system of protection. The European Convention on Human Rights system has enshrined the need to pursue violations of rights in conjunction with Article 14 of the Convention.

The case law has enshrined a set of principles governing the conjunction between Article 14 and other articles of the Convention - particularly relevant here, the conjunction with Articles 3, 5(1), 8 and 9. The European Court of Human Rights has held that a difference in treatment is discriminatory if it “lacks an objective and reasonable justification” or if there is no “reasonable relationship of proportionality” between the means employed and the aim to be achieved<sup>118</sup>. In the *Lingurar v. Romania* case, one of the Court’s arguments was that in the plan of intervention on a Romani people community, the authorities identified the ethnic composition of the targeted community and referred to the alleged anti-social behavior of the Romani people and the alleged high level of criminality among the Romani people<sup>119</sup>. The conjunction of Article 3 and Article 14 was the keystone of the case.

It is true that the case law of the ECHR is dominated by situations in which the difference in treatment was motivated by race, color or ethnic origin, as these identity elements have proven to be the main sources of discrimination. In such cases, the notion of objective and reasonable justification has been required to be interpreted as narrowly as possible<sup>120</sup>. Moreover, the European Court has emphasized that when investigating violent incidents, state authorities have an additional duty to take all reasonable steps to disclose any racist motives and to establish whether or not ethnic hatred or prejudice may have played a role in the events<sup>121</sup>.

The special status accorded to the criteria of race, color or ethnic origin cannot be legitimized, in Law, for an immanent reason; a kind of divine motivation that makes race, color or ethnicity the “chosen” among other criteria. The three attributes (most often intersecting) have over time been the major source of social instability, of violent clashes to the point of horror. This is an explicable reason for applying the law, in the specified cases, as strictly as possible. The same argument can be valid for other criteria that prove

118 *Bouyid v. Belgium* [GC], no. 23380/09, §§ 81-90 and 114-23; *Boacă and Others v. Romania*, no. 40355/11, §§ 66-67, 74-75 and 81-84; and *Samachișă v. Romania*, no. 57467/10, §§ 59-64, *Lingurar v. Romania*, § 68)

119 *Lingurar v. Romania*, § 75.

120 *D.H. and Others v. Czech Republic* [GC], no. 57325/00, § 196 - <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-119539%22%7D>

121 *Ciorcan and Others v. Romania* (nos. 29414/09 and 44841/09), §§ 156-59.

to be a major source for the multiplication of social injustice and cruelty. The European Court of Human Rights today also gives such “special status” to sexual orientation.

And in the case of *Aghdgomelashvili and Japaridze v. Georgia* mentioned above, the European judges emphasized that the violation of Art. 3 is to be read in conjunction with the violation of Art. 14: “In the light of the conduct of the police officers, the Court did not hesitate to find that [...] (ii) homophobic and/or transphobic hatred was a causal factor in the conduct of the police officers”. The judges returned to this idea by rephrasing it, thus showing its central role in the decision: “the wholly inappropriate conduct of the police officers during the search of the Inclusion Foundation office was motivated by homophobic and/or transphobic hatred and must have aroused in the plaintiffs feelings of fear, anxiety and insecurity that were incompatible with respect for their human dignity”<sup>122</sup>.

All the violations of the complainants’ rights in the case of *Amarandei and Others v. Romania* are to be corroborated by the discrimination to which they were subjected. It is surprising that the European judges left aside facts that clearly proved the role played by the identity of the yogis, despite the systematic practice of paying attention to it. The authorities constantly referred to the applicants’ membership of MISA and to details of the discipline they followed, thus defining their identity.

The Court begins its justification of the absence of discrimination by arguing that the police operation took place as a result of indications of criminal offenses. However, none of the applicants had been found responsible for any crime. Even if they had been the perpetrators of offences, that fact could have no bearing on whether or not discrimination had been recognized. In *Lingurar v. Romania*, the applicants had been wanted by the police because there were indications that they had stolen timber from the forest. When referring to the discrimination against the applicants in that case, the European judges did not raise the question of the crime, as offenders do not lose their right not to be discriminated against.

In the *Aghdgomelashvili and Japaridze v. Georgia* case, the European judges emphasized the use of insults directed at LGBTQ people (“sick people”, “perverts”), but did not show any concern about the terms “prostitutes” (which was pure slander) and “urine drinkers” (this derogatory term referred to one of the techniques of the MISA school) that various officials and the media used to refer to yogis.

The Court found that there was no clear and consistent evidence from which it could deduce that the initiation of criminal proceedings against MISA members and the authorization to search their properties had a discriminatory purpose, i.e., that it was motivated by their identity. At the same time, the European judges state in their reasoning that the persons in question have been subjected to systematic persecution for years by the Romanian Intelligence Service (SRI) (§ 177). They noted that the SRI had twice requested the opening of an investigation on charges of trafficking in and consumption of illegal substances, which had been refused. When the public prosecutor’s office finally came back and asked the Ministry of the Interior to provide special agents, they indicated that it was an operation to “combat drug trafficking and prostitution”. During the raid conducted by special troops, staged acts such as bringing in a syringe and filming it as “evidence”

<sup>122</sup> *Aghdgomelashvili and Japaridze v. Georgia*.

of drug use took place. The prosecutors broadcast images of the yogis shown in very vulnerable situations and reported on TV channels that after breaking into the ashrams prosecutors found weapons, drugs and evidence of prostitution. The Court also noted that the plaintiffs prosecuted in 2004 were acquitted by the judgment of February 11, 2015 of the Cluj Court. By this enumeration, the European judges have precisely specified the clear and consistent facts of the fabrication of the charges.

Many of the facts so numerous that speak of discrimination against MISA members and the organization as such were not included into the documents sent to the ECHR and did not reach the European judges in *Amarandei and Others v. Romania*. However, those to which they did have access gave reasons for declaring discrimination against the complainants. The corroboration of the facts with the case law of the European Court of Human Rights convincingly demonstrated the violation of Article 14 of the European Convention.

The respect shown to the Court and the decisions taken under its aegis is the main capital of the protection of human rights and freedoms in the Council of Europe community. On the other hand, European judges are not infallible<sup>123</sup>. At the same time, jurisprudence is dynamic. The conclusion of this sub-chapter would be that, in all the cases of police raids against groups practicing sacred eroticism, the victims' right not to be discriminated against, in addition to other rights and freedoms enshrined in the European Convention, has been violated. In legal logic, this right is not one among others. The confirmation of discrimination gives the violations a unifying meaning that enhances the visibility of each one. The theme may play a practical role in the lawsuits that the victims of the police raid of November 28, 2023, in France<sup>124</sup> are about to open. The corroboration of the violations on the different articles of the Convention with article 14 of discrimination will shed a more vivid light on the illegalities of the law enforcement authorities in France.

## **8. Conclusions. The two authorities. The collective mobilization of cruelty, contempt and hypocrisy**

In terms of relevance, the debate held in European parliaments on brainwashing, psychological and mind control is outclassed by judgment of the two main authorities: the epistemic authority - American Psychological Association – and the legal authority - the

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123 There are several cases in which the decision of the European judges has astounded some specialists. To my taste, I would put at the top of this series the case of *E.S. v. Austria* (no. 38450/12). The European judges found no violation of E.S.'s freedom of expression when the Austrian state fined her with the reason: E.S. claimed in front of an audience that Mohamed's sexual relationship (at 56) with his wife of 6 years constituted pedophilia.

124 The cases in which race, color, ethnicity, sexual orientation has been found to be a source of discrimination give a measure of the severity of the standards. According to *Ciorcan and Others v. Romania* (No 29414/09 and No 44841/09 - <https://hudoc.echr.coe.int/eng/#%7B%22itemid%22:%5B%22001-150648%22%5D%7D>), the use of rubber bullets by police officers to remove a threatening crowd of Romani people was discriminatory. The European judges held that the ethnic origin of the plaintiffs was the sole, or at least the decisive, reason for sending a special police service to investigate a minor offense.

In all the interventions motivated by the practice of sacred eroticism, the plans of attack started from the group identity of the targets. Yogis were targeted because they belonged to communities with unconventional practices that the authorities perceived, without any reasonable basis, as anti-social and criminal.

European Court of Human Rights.

The American Psychological Association (APA) initiated in 1983 research on cult methods and tactics, including the allegation of brainwashing, as a result of the dramatic events in the cases of the Manson Family murders, Patty Hearst kidnapping and the Jonestown massacre. In 1987, the APA Board of Social and Ethical Responsibility for Psychology rejected the report of the Task Force created for the purpose of the investigation because it used the notion of brainwashing, which “lacks scientific rigor.” One of the two external experts found that “the term ‘brainwashing’ is not a recognized theoretical concept, and is just a sensationalist ‘explanation’ more suitable to ‘cultists’ and revival preachers. It should not be used by psychologists, since it does not explain anything”<sup>125</sup>.

In 1987, the American Psychological Association expressed its opinion on “coercive persuasion theory” on the occasion of its involvement as *amicus curiae* in the case *David Molko and Tracy Leal vs Holy Spirit Association for the Unification of World Christianity, et al.* Plaintiffs asserted that by a process of coercive persuasion they were deprived of the capacity to think and choose (my emphasis). The idea that people who join a religious organization did not freely choose to adopt an unconventional way of life, but were psychologically coerced to join, was considered by the APA to be of no scientific value<sup>126</sup>.

In established literature, the „self-determination theory” has highlighted three basics psychological needs that foster psychological well-being and intrinsic motivation: (a) autonomy, i.e., having a sense of personal control over life circumstances; (b) competence, i.e., having sufficient skill and knowledge to handle life circumstances; (c) relatedness, i.e., having at least some warm, positive, supportive relationships<sup>127</sup>. For communities rooted in the Yoga philosophy, one characteristic is the importance of intrinsic motivation, i.e., the absence of extrinsic factors such as external reward or punishment. *I find their resistance to losses and punishments, endured for years, to be a strong test of their intrinsic motivation, passed by all the communities studied as part of this research.*

Strong intrinsic motivation is the opposite of vulnerability. A key aspiration of yoga groups is autonomy. This goal results from the fact that the discipline of yoga is one of liberation<sup>128</sup>. Another element of yoga that supports intrinsic motivation is its practical character. Yoga does not consist of an exercise of devotion (except for Bahti Yoga), but of verifiable progress. Even in the case of large movements devoted to sacred eroticism, such as MISA, the groups in which the followers study are small. Such characteristics nourish

125 The expert was Benjamin Beit-Hallahmi of the University of Haifa (Center for Studies on New Religions, May 11, 1987 - <https://www.cesnur.org/testi/APA.htm>).

126 Center for Studies on New Religions, December 10, 1999 - [https://www.cesnur.org/testi/molko\\_brief.htm#Anchor-CONCLUSION-59125](https://www.cesnur.org/testi/molko_brief.htm#Anchor-CONCLUSION-59125).

127 Richard M., Edward L. Deci, “Self-determination theory and the facilitation of intrinsic motivation, social development, and well-being.” *American Psychologist*, Vol. 55, no. 1, 2000, p. 71 - [https://selfdeterminationtheory.org/SDT/documents/2000\\_RyanDeci\\_SDT.pdf](https://selfdeterminationtheory.org/SDT/documents/2000_RyanDeci_SDT.pdf).

128 There was some criticism regarding the extent to which the various Yoga Schools that practice sacred eroticism (especially MISA) respect the “authentic discipline of yoga”. Some of it came from within Yoga associations. The hostile statements of Sorin Mario Vasilescu, yoga instructor and the leader of the Romanian Yoga Federation received a lot of public attention. (The author’s credibility is questionable, because Mario Vasilescu was a paid informant for the communist Securitate - CNSAS Archive, R243569, f. 39). Whether or not the critics are correct, the discipline of yoga feeds the life of these communities.



competences and relatedness.

There is little research into intrinsic motivation within groups practicing sacred eroticism. A few investigations on MISA, however, have brought to light relevant aspects regarding the criteria of autonomy, competence, and relatedness. The investigation carried out by Karl Nylund (a priest in the church of Sweden specialized in sects and cults), in 2004, at the request of the Supreme Court of Sweden, showed that members of the Movement for Spiritual Integration into the Absolute join MISA "through free will and that is their way of trying to fulfill themselves"; "practitioners do not isolate themselves from society or family"; within the Movement, "relationships between people are close [...], even between instructors and students"<sup>129</sup>. As for the rules of behavior of MISA members, common to those who live in ashrams and those who live independently, they are: (1) the consumption of meat, alcohol or coffee is not allowed; (2) two hours of daily yoga practice are recommended, outside of yoga classes. It makes no sense to consider the observance of such rules as an expression of coercion.

Raffaella Di Marzio has published in 2024 the results of her research on the spiritual explorations and experiences of members affiliated with the International Federation of Yoga and Meditation ATMAN<sup>130</sup>. The narratives of 10 interviewees (Italians) proves that the spiritual journey undertaken in the ATMAN school is perceived as "a personal transformation that occurred gradually," as a result of a "continuous interaction with a community that was able to offer them a new, different, and original experience"<sup>131</sup>. In the case of the those interviewed in this survey, "no evidence emerges to suggest manipulative mechanisms put in place to 'induce' them to make 'non-conscious' choices. Both the nonverbal attitudes and the verbalization of lived experiences and choices hint at a deep awareness of the decisions they made, even those they evaluated in a negative sense, referring to the past or the present"<sup>132</sup>.

Also in 2024, a sociological study of the female yoga students in MISA in Romania was initiated<sup>133</sup>. These investigations into communities practicing sacred eroticism are still small in scope and arrived too late. The process of demonizing these communities began more than two decades ago, and public opinion and the authorities, including the justice system, would probably have had a more cautious attitude if the results of academic investigations had been known.

129 Author's archive. At the request of the Swedish Supreme Court, Nylund made an assessment of the MISA leader, Gregorian Bivolaru : "I learned to know that he is a man in message and in his task and he does not have any subversive thoughts in his activities. He felt from himself to be more enlightenment to find peace of mind, peace with the universal mind and this is what he wants to help people also to find. He founded MISA school in January 1990 in order to show people what he has found to help him to find peace of mind tranquility [...] As I found out anyway he has no political thoughts or bad thoughts, he wants people to find themselves to find peace with themselves through the method of yoga."

130 Raffaella Di Marzio, "MISA: Spiritual Explorations and Experiences in the Practice of Esoteric Yoga," *The Journal of CESNUR*, Vol. 8, no. 6, 2024, p. 50. The International Federation of Yoga and Meditation ATMAN recognizes Gregorian Bivolaru as a master.

The research followed the methods of the psychology of religion that refrains from making judgments about truths of faith.

131 *Ibidem*, pp. 107-108.

132 *Ibidem*, p. 109.

133 The title of the research is: "Women in Sacred Eroticism in MISA: A 2024 Survey."

## The Issue of Discernment and the Similarity to the Condemnation of Proselytism

In the context of the repression directed against the followers of sacred eroticism, the themes of brainwashing and mind control have a legal relevance. The rights of vulnerable people need to be protected (persons suffering from mental health issues, or young children) by protecting people's minds against the manipulation of their mental capacities and activity<sup>134</sup>.

I mentioned the ECHR's position in the case *Jehovah's Witnesses of Moscow v. Russia*, where it rejected the "mind control" argument. Another case on which the Court ruled about two decades earlier is relevant to the same issue: the case of *Kokkinakis v. Greece*<sup>135</sup>. The applicant had been convicted in Greece on the charge of proselytism, provided for in the Greek Constitution and legislation. The Greek government legitimized the punishment of the applicant by differentiating between "bearing witness<sup>136</sup>" and "proselytism that is not respectable", the kind that consists in using deceitful, unworthy and immoral means, such as exploiting the destitution, low intellect and inexperience of one's fellow beings" (§ 30). The Court delegitimized this argument and established that in that case there has been a breach of Article 9 of the European Convention on Human Rights<sup>137</sup>.

The arguments used to convict Mr. Minos Kokkinakis in Greece mentioned "using deceitful, unworthy and immoral means," "taking advantage of [the victim's] inexperience in matters of doctrine and by exploiting [the victim's] low intellect," "exploiting the destitution of one's fellow beings." These arguments, rejected by the European judges, are similar to those that refer to brainwashing, psychological subordination and mental control<sup>138</sup>. The two categories of incriminating labels are meant to legitimize the refusal of the State authorities to recognize the discernment of people in following the religious/spiritual path they have chosen. It prevents these individuals from being credible witnesses in lawsuits involving followers of such paths. But the recognition of the discernment of

134 Successful mental manipulation would be the situation in which the coercive persuasion succeeds in depriving people of their capacity to think and choose. The abused persons would have their mental autonomy affected. Although there is no explicit right to mental autonomy within human rights law, it is guaranteed by existing rights: the right to human dignity, the right to freedom of thought and opinion, and the right to private life, including the right to privacy, the right to mental integrity, and the right to personal autonomy and identity (Timo Istace, "Protecting the mental realm: What does human rights law bring to the table?," *Netherlands Quarterly of Human Rights*, Vol. 41, Issue 4, pp. 214-234 - <https://journals.sagepub.com/doi/10.1177/09240519231211823?icid=int.sj-full-text.similar-articles.2>.)

135 Case of *Kokkinakis v. Greece* (no. 14307/88) - <https://bit.ly/3Ai7WYL>. The ECHR decision was adopted on 25 May 1993.

136 "Christian witness being a duty of all Churches and all Christians."

137 Judge Petiti added a few observations in his Partly concurring opinion. According to the European judge, the expression itself "proselytism that is not respectable", which is a criterion used by the Greek courts when applying the Law, "is sufficient for the enactment and the case-law applying it to be regarded as contrary to Article 9." The fact that the applicant "had been prosecuted because he had tried to influence the person he was talking to by taking advantage of her inexperience in matters of doctrine and by exploiting her low intellect" violates his freedom of religion. The state gave itself "the right to assess a person's weakness (my emphasis) in order to punish a proselytizer."

138 At the same time, Judge Petiti argues that "The other types of unacceptable behaviour - such as brainwashing, breaches of labour law, endangering of public health and incitement to immorality, which are found in the practices of certain pseudo-religious groups" must be punished in positive law as ordinary criminal offences. The use of the term "brainwashing" in this context, however, seems unintentional.

persons who are not placed under guardianship is a component of the right to private and family life. Not recognizing their discernment undermines rights such as the freedom of expression and the freedom of association of persons considered to be in “psychological subordination.”

The jurisprudence on proselytism is relevant to cases involving sacred eroticism even when the proselytism has consisted of practices which are not covered by Article 9 of the European Convention. The case of *Larissis and Others v. Greece* dealt with three military officers (followers of the Pentecostal Church) who tried to influence the religious opinions (also) of some soldiers under their command. The subordinate airmen felt under pressure to take part in religious conversations with their commanders. The ECHR found that the interference of the State in such a case is justified because of the special character of the relationship between a superior and a subordinate in the armed forces, ”which rendered the subordinate more susceptible to influence in a variety of matters including religious beliefs” (§ 49)<sup>139</sup>.

The “vulnerability of the subordinates” in the case of *Larissis and Others v. Greece* was real. Those subjected to proselytizing religious actions had entered into rigorous relations of authority with their military commander. The discernment of the military subordinates was recognized, but they did not have the power to use it. Formal relationships of authority imposed by the state in institutions or protected by the state (as in the case of state churches) can lead to the inability of individuals to express their opposition<sup>140</sup>.

Among the followers of sacred eroticism in Romania, the Czech Republic, Argentina, Italy and France, an informal authority at most has been established based on charisma, affection or status acquired within the communities. The followers were not forced to join the group, they were not forced to stay in the group, they were not constrained by any external authority to subject themselves to the group’s norms against their will<sup>141</sup>. The use of their discernment was confirmed by investigations. For the trials going on in France, the jurisprudence on proselytism demonstrates how important it is to invoke the right to recognition of discernment in the legal battle<sup>142</sup>.

Jehovah’s Witnesses are an apocalyptic religious organization. Community members are required to abide by a rule with possible fatal consequences for them, the refusal of blood transfusions. However, the European and American judges considered that the freedom of religion of Jehovah’s Witnesses takes precedence over the consideration of the security of the members. This opinion represents the recognition of the right to discernment of the members of the religious group. A state that recognizes Jehovah’s Witnesses discernment has no grounds for denying it in the case of religious communities practicing sacred eroticism.

139 *Larissis and Others v. Greece* (140/1996/759/958–960) - <https://bit.ly/48BLy9y>.

140 The authority of the leader within public institutions is achieved through the control of behavior and not through “mind control”.

141 Paradoxically, relative to the way in which sects are treated today, in the traditional dichotomy between “churches” and “sects” developed by Max Weber (1904) and standardized by Ernst Troeltsch (1911), one characteristic of sects is their establishment through the voluntary decision of the members.

142 For an analysis of the two cases regarding proselytism, *Kokkinakis v. Greece* and *Larissis and Others v. Greece*, see Leticia Machado Haertel, „DRAWING THE LINE BETWEEN PROPER AND IMPROPER PROSELYTISM: THE RIGHT TO ATTEMPT TO CONVINC ONE’S NEIGHBOR IN EUROPE,” *Revista Direito UFMS*, Vol. 3 no. 1, 2017, pp. 91-106.

## Denial of discrimination, denial of discernment. The exercise of cruelty and hypocrisy

*Denial of discrimination despite its systematic nature.* Members of yoga communities that follow sacred eroticism have been subjected to public contempt and threats in Romania, the Czech Republic, Argentina, Italy and France. These states should have protected them from hate speech, from incitement to discrimination against them. Not only did they not protect them, but the public authorities also discriminated against them: they incited their social marginalization, they used coercive means that went as far as physical violence, they violated their right to enjoy fair treatment in the courts.

The best documented case of discrimination against followers of sacred eroticism is that of yogis in Romania. The students of the MISA Yoga School were subjected in view of public opinion to distinctions, exclusions, restrictions and preferences which had the purpose or effect of nullifying or impairing the recognition, their enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life<sup>143</sup>.

The absence of an objective and reasonable justification for the police raid on March 18, 2004 and the lack of proportionality between the means used and the aim pursued by the intervention of law enforcement agents prove, according to the case law, the discrimination of MISA members in relation to other communities that share religious practices<sup>144</sup>. No other community suffered anything like the treatment to which the Yogis were subjected in 2004. Police teams have never been sent to the monasteries to assess the situation of the monks and nuns who have surrendered all their belongings and become totally dependent on the monastery and their superiors<sup>145</sup>. There have been no raids in the monasteries from where rumors, some verified over time, that the young refugees there, completely vulnerable, are enduring sexual abuse. No mass investigations have been conducted in the convents to prevent atrocious, religiously motivated murders, such as what happened in 2000 at the Tanacu Convent, where a nun was crucified on a cross and died<sup>146</sup>.

The fact that the identity of MISA members as practitioners of a non-conventional discipline has been the cause of police actions is also evident from the fact that the media, some civic organizations and authorities have been working together for years to demonize the Movement. The events of 2004 were just a small part of the formidable, constant pressure on MISA members. The pressure continued thereafter. There were also individual cases of discrimination, such as the dismissal of people whose colleagues found

143 This statement references the UN International Convention on the Elimination of All Forms of Racial Discrimination which refers to distinctions, exclusions, restrictions or preferences “based on race, colour, descent, or national or ethnic origin.” (Art. 1 (1)). European conventions for the protection of human rights also guarantee protection against discrimination based on thought, conscience and religious belief.

144 In his separate decision in *Amarandei ...*, Judge Sajó reasoned that „in so far as the applicants are members of a movement which they regard as religious, the consequences for the freedom to manifest religious beliefs are not negligible”.

145 This was not the case with the practitioners of the MISA Yoga School.

146 Gabriel Andreescu, „The Tanacu Case: the need to amend the criminal law on torture, inhuman or degrading treatment”, *New Journal of Human Rights*, no. 1, 2008, pp. 30-47.

out about their membership in the Movement; or denials of employment; or difficulties in finding housing; or court measures such as taking away custody from a mother and giving the custody to a violent father.

Despite so many clear facts, the complaints of the yogis demanding recognition of their discrimination were systematically rejected by national and international courts.

### **Denial of autonomy, the primary criterion for challenging discernment.**

It is significant that the original group of yogis that would establish MISA practiced this discipline in communist Romania, in the 1980s, when Yoga was banned. The members of the small community were threatened, they were brutalized when their meetings were discovered, they lost their jobs, some members were imprisoned and tortured. Their leader, Gregorian Bivolaru, was committed to a psychiatric hospital that he was able to leave only after the December 1989 revolution<sup>147</sup>. The community did not disperse despite the formidable pressure exerted by the communist political police (Securitate). The original group and the much broader community resulting from the establishment of MISA were again the target of repression, through the persecutions and denigrations that began in 1993-1994 and continued with the police interventions and criminal prosecutions in 2000-2010. Despite everything that happened, MISA continues to exist today.

A proof of their autonomous spirit are the testimonies of yogis who fell victim to police raids; the testimonies of MISA members subjected to prolonged brutality including attacks, the destruction of their families, social marginalization and forced internment in psychiatric hospitals<sup>148</sup>. They impress through their dignity and expressivity<sup>149</sup>.

This resistance can be found into BAYS, in Argentina, among the members of the Path of Guru Jára, into the communities practicing sacred eroticism that had to face adversity in several other European states. The obsessive emphasis on the idea of vulnerable members who would have been subjected to mental control denotes the lack of interest of public opinion and of the authorities in the motivations of the members of these groups. Self-determination theory is just the conceptual platform that gives meaning to the obvious fact that the decision to join a community that practices sacred eroticism is not the result of a brainwashing process, but of intrinsic motivation<sup>150</sup>.

In her testimony<sup>151</sup>, Diana Cacciali, member of BAYS, refers to the guidance that "has empowered us" and expresses this power through *what* she writes and *how* she writes. In his insider's perspective of the Czech Police Raid on the Path of Guru Jára, in 2010,

147 Gabriel Andreescu, *Radiografia unei represiuni ...*, pp. 35-39.

148 Gabriel Andreescu, *MISA. Radiografia unei represiuni ...*, Partea a IV-a, pp. 103-158.

149 I have noticed a newer trend that affects the style of the testimonies of people sent to trial on trumped-up charges. On the advice of the lawyers, they borrowed a style of lamentation that contradicts their style as yoga practitioners.

150 Studies on intrinsic motivation consist of empirical research on specific communities. I did not find any investigation of intrinsic motivation in the case of groups practicing sacred eroticism. The closest in relevance would be the research on groups identified by physical activity (see Christina M Frederick-Recascino, Hana Schuster-Smith, "Competition and Intrinsic Motivation in Physical Activity: A comparison of Two Groups," *Journal of Sport Behavior*, Vol. 26, no. 3, 2003, pp. 240-254).

151 See the Documentary in this issue of *NRDO*.

Martin Krajča makes the connection between his involvement with the meditation and tantric practices and his background in psychology, sociology, and psychotherapy, as well as a decade of human rights advocacy in the field of Freedom of Religion or Belief. Krajča discusses his experience with negotiating with government bodies, media, politicians, and human rights institutions in the Czech Republic, the Philippines, and across the OSCE region<sup>152</sup>. The idea that self-styled gurus take advantage of the mental weakness of such adults defies common sense.

It is worth noting in particular the strong personality of the women who joined the Movement for Spiritual Integration into the Absolute. Researchers who studied the MISA community for a long time have been impressed by this aspect<sup>153</sup>. The cliché that dominates the newspaper articles and the indictments regarding the „abuse of the weakness of the women in MISA” is in flagrant opposition to reality. The testimonies of those who were subjected to repression are proof by themselves of their authentic autonomy.

### **Not recognizing the discernment of persons endowed with discernment is a denial of their human dignity**

Recognizing a person’s discernment means recognizing that he is able to advocate for himself or herself, his/her family, or his/her community; that he or she can take actions on his/her own behalf to advance his/her interests or secure his/her needs; it means recognizing that he or she feels a sense of agency and control over his or her life. All these attributes equally represent the exercise of human dignity. In this sense, to deny a person’s discernment is to deny his or her dignity.

The principle of human dignity is referential for the international system of human rights. It is drawn from the Universal Declaration of Human Rights (“the basis for freedom, justice and peace is founded on the recognition of the inherent dignity and equality of human beings”) and is found in the regional instruments. The principle of human dignity was transformed by the European Charter of Fundamental Rights and Freedoms into a right<sup>154</sup>.

Respect for individuals, as a subject of national and international human rights protection instruments, incorporates two ethical convictions: (1) that individuals should be treated as autonomous agents, and (2) that persons with diminished autonomy are entitled to protection. Although the principle of human dignity is inviolable, because it reflects the intrinsic value of every human being, the exercise of some of its attributes such as agency and control over his or her life can be limited.

The limitation does not negate the principle of dignity, as this also means the protection of persons with diminished autonomy. But to limit the agency and the control of an individual, their diminished autonomy must be already established. The absence of discernment cannot be assumed. It must be proved before any action can be taken to limit the

<sup>152</sup> See the Documentary in this issue of *NRDO*.

<sup>153</sup> The testimonies of female members of MISA who became victims are relevant in this regard (See Gabriel Andreescu, *Reprimarea mișcării yoga ... and Gabriel Andreescu, MISA. Radiografia unei repressiuni...*

<sup>154</sup> Article 1 of the Charter: Human dignity is inviolable. It must be respected and protected.

exercise of this right. All the jurisprudence of international courts that judge the violation of human rights by states confirms this simple and clear rule. Independent doctors must express their opinion on a person's discernment before the invoking authority interferes with his or her rights. The doctor must be brought in to give a diagnosis immediately after identifying the person whom the authorities suspect of lacking discernment if the person in question has been kidnapped by the perpetrators. The fact that the state authorities refer in public and in internal documents to the lack of agency and control of the members of a community without asking for a specialized verdict from a doctor constitutes in itself a violation of the rights of those they accuse, starting with their right to dignity.

### **The exercise of cruelty and hypocrisy**

The action of the law enforcement agencies on March 18, 2004, against MISA followers in Bucharest, the capital of Romania, was the result of repeated requests by the Romanian Intelligence Service to the Prosecutor's Office to open a criminal case against MISA, based on the Movement's alleged involvement in human trafficking<sup>155</sup>. There had been no individual complaints prior to 18 March 2004. The complaints were obtained later, in order to legitimize the forceful intervention that had already taken place. The prosecutor's office obtained an accusation against the leader of the Movement, Gregorian Bivolaru, after forcing a vulnerable 17-year-old girl to declare that she had sexual relations with the yoga instructor<sup>156</sup>. A „stick and carrot” witness hunt followed: vulnerable people under indictment had the option to become “victims” if they agreed to cooperate, and as a consequence could also receive huge moral damages.

In order to fabricate the indictment, commissions of „experts” were created: psychologists, sociologists, theologians, members of NGOs. Their „expert opinion” were really only statements regarding the enslavement of MISA members and insults, elaborated by illegally hired „specialists”, SRI officers, people close to the intelligence services, informants of the political police during communism<sup>157</sup>. While the state institutions were declaring themselves to be the defenders of the law, they were actually violating it.

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Martin Krajca was struck by the asymmetry between the attitude of the authorities and of society towards the Path of Guru Jára, and the graciousness towards the Islamic Foundation and the mosque involved in inciting to racism, xenophobia and anti-Semitism. Although in 2010 anti-mafia police teams attacked in force, displaying their weapons, young people of the Path of Guru Jára, practitioners of non-violence, the press described the events without any critical nuance. Politicians showed themselves to be insensitive to the excesses of law enforcement. What happened to these followers of non-violence

155 When it was established in 1990, the Romanian Intelligence Service employed officers of the former political police (Securitate). Among them were those who repressed the group of yogis who founded MISA in 1990. See Gabriel Andreescu, *Reprimarea mișcării yoga...*

156 She later retracted her statement, which was obtained under pressure.

157 Statements such as “total annulment of personality”, “moral blindness” and insults such as “perverted adults”, “perverse ways” etc. (Gabriel Andreescu, *MISA. Radiografia unei represiuni...*, pp. 237-256).

wasn't of interest to human rights organizations either, when they were notified.

When in 2014 anti-mafia police teams raided the headquarters of the Islamic Foundation in Prague and the mosque on the outskirts of the city, the Czech police had at least one concrete proof of the accusations: the publication by the Czech Muslim Community of a book inciting to racism, xenophobia and anti-Semitism<sup>158</sup>. The intervention was met with international protests. The Czech press and some politicians criticized the excessive nature of the intervention. The authorities gave elaborate, careful and defensive explanations. At the same time, the destruction of the lives of some members of the Path of Guru Jára and of the community of followers did not arouse the emotions of Czech society.

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It's worth highlighting the end of the 2012 investigation on the Centro Yoga Atman di Firenze<sup>159</sup>: the judge of the Court of Florence stopped the investigations against Atman members who had been harassed for more than a decade. Despite the long time taken by the investigation, the Italian authorities were unable to obtain any evidence of the alleged crimes. In the end, the Prosecutor's Office at the Court of Florence was forced to request that the Judge for Preliminary Investigations at the Court dismiss the proceedings.

In its application, the Prosecutor's Office argued that "the investigations certainly brought to light a situation of psychological subjection on the part of some of its female members", but it was not able to establish to what extent the participation of individual female members in the life of the group was the manifestation of "a free choice", or just of an "only apparently free" choice. And in conclusion: "given the time that has elapsed, no further useful investigative activities seem to be possible, and in any case [they are] precluded by the long-standing expiry of the time limit for completion...". On 28 March 2023, the Judge for Preliminary Investigations, Agnese Di Girolamo, terminated the investigation, ordering the dismissal of the proceedings.

The Italian Prosecutor's Office signed an official document in which it claimed to have identified a situation of psychological subjection without there being any confirmatory medical document. It did not establish whether the followers of the Movement were able to express their voluntary adherence. The ambiguous wording of the Prosecutor's Office statements perpetuated the suspicion towards members of the Centro Yoga Atman, although the Prosecutor's Office's duties were to clarify the situation: either to confirm or to refute the existence of the alleged crimes. Such a statement constitutes in itself a violation of the right to honor of the persons under investigation, a component of the right to privacy (art. 9 of the European Convention).

The investigations, which had lasted for several years, had affected the personal and group lives of yoga followers throughout this long period of time. The people under investigation had the opportunity to request the withdrawal of such a document and its replacement with another clarifying one. The victims did not do so. Like members of

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158 "Czech Muslims complain about police raid," 04/28/2014 - <https://english.radio.cz/czech-muslims-complain-about-police-raid-8297334>.

159 Cronaca Firenze, "Yoga e violenze sessuali, nei guai 'guru' e suoi presunti seguaci", *La Nazione*, 7 dicembre 2012 - <https://bit.ly/4ggMbHV>.



other groups in the same situation<sup>160</sup>, they were not able to find the strength to wage an unequal struggle with the state, although justice was on their side.

In the case of Buenos Aires Yoga School (BAYS), it all started from a family feud. In 1993, the stepfather of a female member of the Buenos Aires Yoga School (BAYS) filed a complaint against the founder of the yoga school and other members of the leadership, accusing them of operating a prostitution network. Attracted by the commercial potential of the subject, the media enthusiastically supported the authorities' action. The allegations could not be proven, and the defendants were all declared innocent in 2000.

The press returned to the same accusations in 2021. Hundreds of articles were published claiming that the organization controlled an international prostitution ring. The Attorney General's Office against Trafficking and Exploitation of Persons issued arrest warrants for 12 men and 7 women who were sent behind bars. The women who were supposed to be victims were subjected to interrogations during the night, surrounded by police officers. All women at BAYS denied being trafficked. The psychological and psychiatric tests determined that all of them were in a normal psychological condition, with no evidence of vulnerability or emotional dependency. The testimony of the BAYS members did not matter, since in Argentina, "when presumed victims of trafficking deny that they are victims, anti-trafficking operators disqualify their statements, arguing that their vulnerability does not allow them to perceive their status as victims<sup>161</sup>." Argentina's anti-trafficking law does not require Force, Fraud or Deception as essential factors of human trafficking.

What stands out about what happened in Argentina is the creation of institutions interested in overstating the criminal phenomenon (the Attorney General's Office against Trafficking and Exploitation of Persons, the National Program for the Rescue of Victims of Trafficking) and the adoption of legislation that denies the discernment of the accused and their right to a *truly fair* trial. The emergence of this "rescue industry" (and I would add, a "doctrine of invalidation"<sup>162</sup>) allowed anti-trafficking agencies to generate a large number of cases in order to increase their visibility and public authority.

The police action in France on November 28, 2023, is related to the efforts of medical researcher Hugues Gascan from the University of Angers. After he had written a number

<sup>160</sup> Perhaps the most obvious example of this weakness is the community of followers of the Path of Guru Jára.

<sup>161</sup> The examinations were conducted by the forensic medical corps of the Supreme Court of Justice (María Vardé, „Anti-cult theories in the discourses on human trafficking in Argentina. Some discussions,” Paper at The 2024 CESNUR Conference, Session “‘Storming Zion’ Revisited: Militarized Raids and the Resurgence of Brainwashing Theory—Emic and Etic Perspectives”, 12 June 2024).

<sup>162</sup> See in this regard the history of the notions of “brainwashing,” “emotional vulnerability,” “psychological manipulation,” “group’s dependence,” etc. in the doctrine of the Argentinian justice system. The “Invalidation” is found in the interpretation of legal activities, such as volunteering and donation, as “trafficking” (Willy Fautre, “Argentina – BAYS Yoga School, Nullity of elevation to trial confirmed by the Cassation Court,” *The European Times*, 9 July, 2024 - <https://europeantimes.news/2024/07/argentina-bays-yoga-nullity-trial-cassation/>.) Exactly the same type of interpretations were used by prosecutors in Romania against MISA members.

of articles with his colleague P.J., divergences arose between the two. Gascan claimed that P.J.'s discernment was impaired by her participation in a „cult” led by a tantric yoga teacher. The conflict led to the closure of the research center where Gascan and P.J. had worked, the latter filed a lawsuit against Gascan, and he was sentenced in 2013 to four months of prison, suspended.

Researcher Willy Fautré credits Gascan's conviction as the reason why the latter declared war on cults. In 2022 he created a small Groupe d'étude du phénomène sectaire<sup>163</sup>, which told the press that it had investigated the activities in France of the MISA Yoga School. In 2023, it claimed to have provided testimonies and documents to the anti-cult agency MIVILUDES proving that several women were held captive in France to be sexually abused by the MISA leader Gregorian Bivolaru. MIVILUDES transferred the materials to the Cellule d'assistance et d'intervention en matière de dérives sectaires (Caimades) and the head of the Office central pour la répression des violences aux personnes. These staged the 2023 police raids on eight separate houses and apartments in and around Paris, as well as in Nice<sup>164</sup>.

Willy Fautré compared the scale of the assault on the ashrams in Paris and Nice on November 23, 2023, to another action by the French security forces: "For comparison, in late August 2024, the French anti-terrorism prosecutor's office engaged about 200 police officers [175 were involved in the assault against the ashrams] to hunt a suspect who had tried to set a synagogue ablaze in the southern French city of la Grande-Motte and caused an explosion wounding a police officer and destroying several cars nearby.

The November 2023 raids were not an operation against a terrorist or armed group or a drug cartel. It was a raid targeting eight private places mainly used by peaceful Romanian yoga practitioners"<sup>165</sup>.

Willy Fautré finds that two phenomena have marked the relations between the communities that practice sacred eroticism, the authorities and the public opinion where these groups live. The hunt for yogis from BAYS, the Path of Guru Jára, Atman Federation and MISA was triggered by personal frustrations, by interests or vengeful impulses dressed up by the perpetrators and the law enforcement agencies in the hypocritical language of caring for vulnerable people. The hypocrisy of the authorities was exposed by the unjustifiable, disproportionate use of extreme force against people who were believers in nonviolence, were integrated into society, and didn't have the means to oppose aggression. In all cases, before the forceful intervention and the investigations, the authorities had these communities under surveillance for a long time. They knew the pointlessness of military actions. And yet, they resorted to means more suitable for the capture of terrorist groups, or of networks of arms and drug traffickers. They insisted on calling in the TV networks to spread the images in a kind of show of glorification of the fighters trained to fight against organized crime. The compromising accusations, the excess and the publication of personal data were obviously illegal. The easy "capture" of people who

<sup>163</sup> Study Group of the Cult Phenomenon.

<sup>164</sup> Hugues Gascan had previously mobilized the press to publicize his sensationalist stories, but his accusations of human trafficking and sexual abuse of women were never confirmed in court.

<sup>165</sup> Willy Fautré, "Yoga: Disproportionate wide-scale police raids with abuses starting from a personal settlement of scores," *The European Times*, 16.09.2024.

lived peacefully, the public display of brutality seem to have produced satisfaction in both the decision-makers and public opinion. In all the situations analyzed here, the law enforcement agencies seem to have felt that they can unleash themselves without self-restraint. They seem to have been sure that they can act with absolute impunity.

The attacks of the security forces against the followers of sacred eroticism in Romania, the Czech Republic, Italy, Argentina, France have displayed a combination of cruelty and hypocrisy. They have also demonstrated the vulnerability of the human rights protection system in democracies that appear to be consolidated. None of the persons involved in the abuses, in a decision-making or execution position, was found guilty. The Romanian state was ordered by the European Court of Human Rights to pay hundreds of thousands of euros to victims of the brutal and unmotivated attacks. Another 2 million euros had to be paid by the Romanian taxpayer for the vast operation against members of the MISA Yoga School, whose only outcome was the conviction of the MISA leader on charges of having had intimate relations with a girl who denies them, and who was also past the age of consent.

The repression of the practitioners of sacred eroticism goes beyond the purely legal aspects. It raises the issue of the quality of our civilization, because the attitude towards cruelty and hypocrisy are the foundation of modern societies. In the long term, a cultural mobilization is also needed so that what happened in Romania, the Czech Republic, Italy, Argentina and France is understood in its profound significance. At this moment, however, the battle for justice is being fought in France, where trials related to the assault on the ashrams in Paris and Nice on November 23, 2023, are underway. It is absolutely necessary that the actions of the French state against yogis are accompanied by lawsuits brought by the victims against the perpetrators, institutional and individual, of the repressive actions.