



Centre for Information and Advice on Harmful Sectarian Organizations

*Challenges in the fight against undue influence
in the health field
- Legal aspects -*

Marseilles – 25/03/2023



Programme



- I. Legal limits of CIAOSN and observations from 25 years of activity
- II. Healthcare professionals
 1. Medical ethics – disciplinary action
 2. Illegal practice of medicine
 3. Psychologist, psychotherapist?
- III. Other relevant offences
& alternatives to criminal proceedings
- IV. New challenges
 - Increasingly virtual organisations
 - The explosion of fake news
 - The dangers of Artificial Intelligence



Law of 02 June 1998, article 2



A harmful sectarian or cultic organisation is any **group with a philosophical or religious vocation**, or claiming to be one, which, in its organisation or practice, engages in **harmful illegal activities**, harms individuals or society or undermines human dignity.

The harmful nature of a cultic organisation is examined on the basis **of the principles contained in** the Constitution, laws, decrees and ordinances and the international human rights conventions ratified by Belgium.

CIAOSN jurisdiction if 2 criteria met

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- 1) a "grouping"
 - 2) philosophical or religious vocation, or claiming to be such



CIAOSN's legal missions



Independent body created by the **law of 02 June 1998**,
following a parliamentary inquiry into undue influence
Legal missions (art. 6) are:



Information
Public/Authorities

Opinion at the
request/initiative
of the authorities

Recommendation
to the authorities

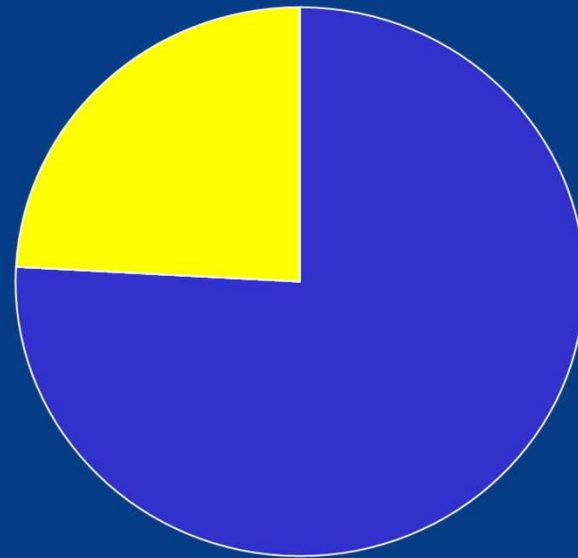
Collaboration
with CAC/VSSE



- Public notes on an organisation or phenomenon
 - Legal information including fact sheets
 - Reporting to the relevant public authorities where appropriate
- (Art. 422 Penal Code = assistance to persons in danger / art. 29 CICR = obligation to report offences)

NB – Not authorised to take legal action (neutrality + absence of legal personality)
But information passed on to the authorities can be used for investigations

Demandes sur la santé/bien-être sur l'ensemble des demandes



- A theme that has been present throughout CIAOSN's 25 years of activity
- +/- ¼ of information requests are related to health and well-being => in **2nd position**

1. Medical ethics – disciplinary plan

- Illustrations in Belgian disciplinary case law
- Problem: lack of transparency

2. Illegal practice of medicine

3. Psychologist, psychotherapist?

- The problem of "therapists"
- Frequent confusion
- Legal uncertainty surrounding psychotherapists



<https://groupechd.fr/blog/coronavirus-covid-19-et-reconfinement-un-point-sur-la-justice-penale/>

IV. Other relevant offences

- Failure to assist a person in danger
- Manslaughter
- Exploitation of vulnerability
- Financial offences



<http://dessinsmisslilou.over-blog.com/2016/02/non-assistance-a-personne-en-danger.html>

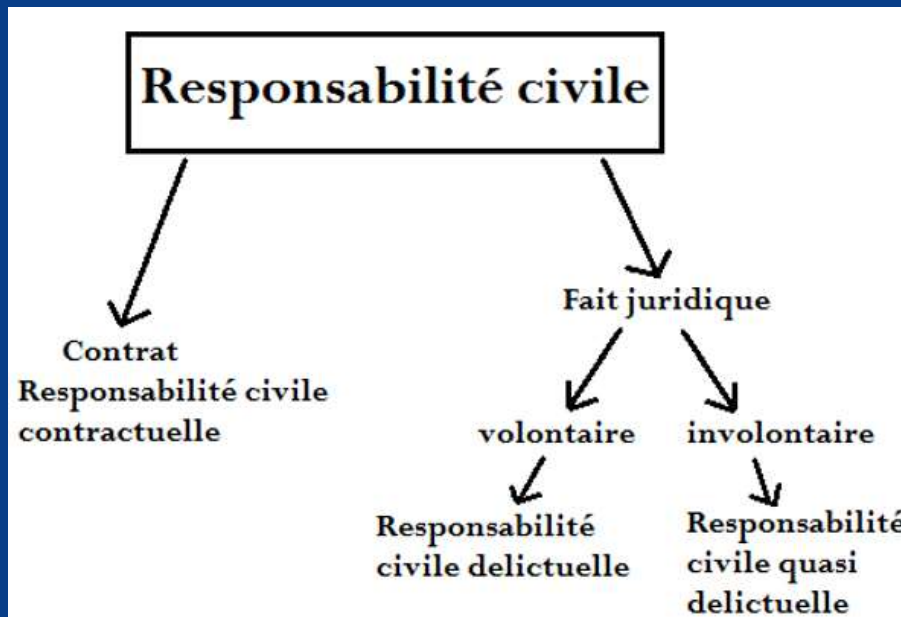


<https://www.justifit.fr/b/guides/droit-penal/abus-de-faiblesse/>



https://www.lemonde.fr/les-decodeurs/article/2022/09/16/derriere-les-medecines-alternatives-et-les-discours-antivax-un-certain-sens-des-affaires_6141838_4355770.html

- Traditional civil liability
- Consumer protection



<https://aidebtscg.fr/evolution-responsabilite/>



www.protegez-vous.ca/partenaires/office-de-la-protection-du-consommateur/10-jours-pour-annuler-deboulonner-le-mythe

1° Virtual organisations

→ The explosion of religious and spiritual organisations, or those that consider themselves to be such, active online

→ Challenges

- Problems with locating content
- Content inaccessible on closed sites/networks and secure messaging app
- International private law issues (applicable law/jurisdiction?)



<https://winsiders.fr/les-communautes-virtuelles/>

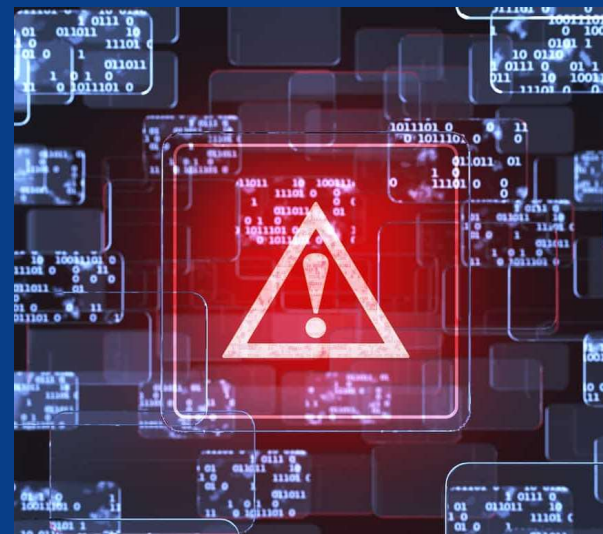
2° How to tackle the issue of the uncontrolled spread of fake news in the health field?

- No offence of disseminating fake news in BE
- Possibility of imposing sanctions for existing offences in certain situations
- Position of the ECHR concerning the media – imposition of sanctions that may be compatible with art. 10 ECHR ("responsible journalism" criteria) – Requirements not applicable to private individuals.

(https://www.obs.coe.int/fr/web/observatoire/home/-/asset_publisher/9iKCxBYgiO6S/content/how-does-europe-fight-fake-news-)

3° The rise of Artificial Intelligence (AI)

- Risks associated with the use of AI in healthcare
- The issue of sources and algorithms (e.g. recommendation algorithms.)
- Targeting susceptible/vulnerable persons after metadata profiling
- (...)





Contact us



www.ciaosn.be

info@ciaosn.be

Rue Haute, 139

B-1000 Brussels

Tel +32 2 504 91 68 29 80



Monday to Friday from 09:00 to 17:00

Library catalogue: <https://www.juridat.be/>

Booklet "les dérives sectaires en matière de santé"
("sectarian abuse in the healthcare industry"):

https://www.ciaosn.be/sectes_et_sante.pdf

Thank you for your attention

Questions?



<https://www.la-croix.com/Sciences-et-ethique/Discuter-ChatGPT-lintelligence-artificielle-concue-imiter-conversation-entre-humains-2022-12-08-1201245626>