

The 20th Knesset

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Law Proposal for the Handling of Harmful Cults – 2015 (proposal 1810/20/9)

Definitions:

1. In this law –

A "Harmful Cult" – a group of people, incorporated or not, coming together around an idea or person, in a way that exploitation of a relationship of dependence, authority or mental distress takes place of one or more of its members by the use of methods of control over thought processes and behavioral patterns, acting in an organized, systematic and ongoing fashion while committing felonies which are defined by the laws of the State of Israel as crimes or sexual offenses or

severe violence as stated by the Law of the Rights of Victims of Felony – 2001.

"The Minister" – The Minister of Welfare and Social Services

Head of a Harmful Cult

2. The person who heads a Harmful Cult or a person who manages or organizes the activity in a Harmful Cult will be sentenced to 10 years in prison.

Confiscation of Property

3. Should a person be convicted in a felony according to article 2, the court will order, unless it reaches a different conclusion out of special considerations which it will then specify, that in addition to any punishment any property related to the offense and held by said person, under his control or in his bank account, will be confiscated; Said confiscation will be done under the directions of chapters C and E through G as stated by the Law for the Fight against Criminal Organizations – 2003.

Establishment of a Data Base

4. (a) The Minister will publish in the Ministry of Welfare and Social Services' website information on the subject of Harmful Cults which will include, inter alia, the following specified data:

- (1) Name of the head of the cult;
- (2) Name of person managing or organizing activity in the cult;
- (3) Address where the activity of the cult takes place.

(b) Before publication of data specified by article (a) above, the person will be notified about the intent to publish data which might lead to his identification, providing it will be possible to locate him with reasonable effort and under the circumstances of the matter, and he will be given a possibility to supply his arguments.

Establishment of a Treatment Infrastructure

5. The Minister will establish an infrastructure which will provide

mental care for the victims of cults and their family members, as the Minister will see fit.

Correction to the Law of Legal Capacity and Guardianship

6. In the Law of Legal Capacity and Guardianship 1962, in article 33(a), after paragraph (6), will be added:

(7) For a person under the influence of a Harmful Cult as defined in the Law for the Handling of Harmful Cults – 2015".

Explanatory Remarks

In the last few years we have witnessed a number of cases of harmful cults in Israel. In some of the cases membership in the cult was, for the victim and members of his family, a deeply rooted crisis in the social, financial and mental aspects, which called for broad assistance.

The characteristics of the phenomenon, as viewed from the cases that were exposed, point to the fact that those recruited into cults undergo a conversion process that has as its purpose control, loyalty and complete commitment to the cult leadership. The gamut of possible injuries stemming from membership in a harmful cult is wide, and includes mental harm, physical harm, sexual harm, social harm and financial harm. In light of this, there is a need to formulate legislative policy on this subject.

The awareness of a need for a law to handle this phenomenon grew over the years. The conclusions of an Inter-Ministerial Committee, headed by Member of Knesset Miryam Tassa-Glazer, to investigate the phenomena of cults were published already in 1987. The committee was appointed by the Minister of Education at the time, the late Zvulun Hamer, and it investigated, for five years, 10 cults operating in Israel. The conclusions of the committee were that some of the cults are harmful and dangerous and that the unlawful activities taking place inside cults touches upon a number of areas, including tax evasion, violation of immigration laws, trafficking and consumption of drugs, stocking up and training in weapons without a license, fraud in the fundraising process and other monies, and violence used against those opposing the group or its members. Its recommendations focused on four main points: Collection, concentration and dissemination of information; helping at-risk populations; Education; and Legislation.

In 2011, Member of Knesset Itzhak Herzog, the Minister of Welfare and Social Services at the time, a ministerial team to formulate criteria to examine the subject of cults in order for a policy to be set on this subject.

In line with the 1987 committee, the team reached conclusions that indicated a general policy needs to be formulated regarding several areas. The team recommended the establishment of a data base on the subject of cults that will concentrate all information regarding the phenomenon in Israel; the creation of a unit to treat the victims of cults and their family members; Legislation of a law against cults.

As opposed to other existing negative phenomena, the public discourse in Israel, including the political arena, third sector organizations and the media, hardly debated broadly and consistently this phenomenon – due both to the difficulty of locating cults and victims and due to the lack of will on the side of cult victims to confront the cult leaders and their members.

This law proposal comes to order the legislation surrounding this undefined area of harmful cults, which often causes difficulty in proving the connection between the heads and leaders of organizations of this kind and the commitment of offenses. While doing so, this law proposal defines what is a harmful cult while balancing and distinguishing between legitimate cults with religious characteristics and cults characterized by relationships of control and authority and operate while committing legal felonies. In addition, due to the difficulty to prove the connection between the heads of the cult and the felonies committed in the framework of the cult, it is proposed that holding significant posts in the cult will in itself be defines as a criminal offense punishable with 10 years in prison. The law proposal also creates a mechanism of confiscation of property that was accumulated as a result of the activity within the harmful cult, similarly to the mechanism which exists in the Law for the Fight against Criminal Organizations, 2002.

It is further proposed that the Ministry of Welfare and Social Services establish a data base that will concentrate all the information surrounding the activity of Harmful Cults in Israel. This data base will include, inter alia, information regarding the heads and executives of the cult as well as information about its areas of operation. Further, as listed in the law proposal, the Minister of Welfare and Social Services will create an infrastructure for the treatment of the victims of the cults and their family members. This infrastructure will be responsible for formulating policy and prevention and intervention methods in this area, will accumulate information and knowledge on the subject of the treatment of victims of cults and will direct the field units in a way that will ensure professional and uniform handling on all levels.

This law proposal is a first step in the formulation of a general policy and proper tools for dealing with this phenomenon, in all of its complexity.

An identical law proposal was handed to the 19th Knesset by Knesset Members Yariv Levin and Orly Levi-Abekasis (2246/19/9).

Law proposal handed to the Chairman of the Knesset and his Deputies
And put upon the Knesset's table on July 20th, 2015.

[Unofficial translation by Dr. Adam Klin-Oron]