

**CONTROLLING OR COERCIVE
BEHAVIOUR IN THE WIDER
COMMUNITY:**

PROPOSAL FOR NEW LEGISLATION

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The Family Survival Trust is a registered charity (no. 1121388) whose mission is to prevent and provide information on coercive control, cultic behaviour and psychological manipulation. We support those affected by groups that use these techniques. We educate regarding the risks these groups pose to individuals and society and seek appropriate controls on these groups' activities

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EXECUTIVE SUMMARY



Currently, society's ability to control extremist groups, cults and similar groups usually depends on either

- identifying the group and making it illegal (this is difficult, so not very common); or
- monitoring the group and waiting for it to undertake illegal behaviour.

The problem with these and similar approaches is that, in the meantime, these groups destroy lives and put huge burdens on taxpayers.

Coercive control is the process by which the leadership of these groups control and manipulate members. Once controlled, members can be made to give financially to the group beyond their means; undertake degrading or sexual rituals; act violently or fraudulently; or deny their children an education. This list is far from exhaustive.

One thing such groups have in common is that, to recruit, retain and control members, they invariably use coercive control. Coercive control is already a criminal offence in the United Kingdom when it takes place between individuals in an intimate or familial relationship.

This proposal is to make it a criminal offence for anyone to coercively control any individual or any group of people.

THE PROPOSAL



The proposal put forward by The Family Survival Trust is **to amend existing, or create alternative, legislation and associated guidance, so as to remove the current limitation of the law to intimate or family relationships.**

The current offence of ‘controlling or coercive behaviour in an intimate or family relationship’ under the Serious Crime Act 2015, Chapter 9, Part 5, Section 76 (see Appendix I) is part of domestic abuse legislation.

In the associated document *Controlling or Coercive Behaviour in an Intimate or Family Relationship: Statutory Guidance Framework*¹ (‘the Guidance Framework’), the Home Office states that the legislation does not apply if the victim and the perpetrator were not ‘personally connected’ at the time the behaviour occurred.

WHY MAKE THIS LEGISLATION CHANGE?

It is already accepted that this behaviour is a criminal offence in a close familial relationship. There should be cross-party acceptance that anyone exhibiting this same behaviour to unrelated individuals or groups of individuals also constitutes a criminal offence.

- ▶ There is no good reason that it should be legal for any adult to coerce another, subsequently controlling their behaviour in this insidious way.
- ▶ This legislation would be a useful addition to the tools available to those countering extremism or high-control/cultic organisations.
- ▶ By targeting the behaviour, as opposed to groups, classification of organisations or groupings is avoided. Arguments about whether a group is a cult, a religion, a company, a gang, a political party or a family will be irrelevant. It will be illegal to coercively control other human beings whatever the circumstances, in any organisation or grouping or on an individual level.
- ▶ The Guidance Framework already recognises that victims of coercive control may not have ‘the ability and willingness . . . to recognise or report abusive behaviour. Perpetrators may try to exploit such vulnerabilities in order to maintain control, or try to prevent the victim from seeking help.’² This emphasises why it is imperative that victims have the protection of the proposed legislation.
- ▶ Where the victim and the perpetrator were not ‘personally connected’ at the time the behaviour occurred, the Guidance Framework suggests considering whether it would be appropriate to bring charges under existing stalking and harassment legislation. However, the harassment legislation³ addresses quite different harmful behaviour. The associated legal guidance⁴ defines harassment as ‘causing alarm or distress’ or ‘putting people in fear of violence’. Coercion is a different phenomenon, as described below. Many of the behaviours that constitute coercive control would likely not be considered harassment according to the current guidance.

THE MECHANISMS OF COERCIVE CONTROL

The mechanisms of entrapment and psychological coercion have long been recognised. Studying techniques used in China in the 1950s, Robert Jay Lifton⁵ identified eight social-psychological influence techniques. An examination of these techniques shows that they actually employ many of the types of behaviour listed in the Guidance Framework.⁶

The most important technique Lifton discusses is ‘Milieu Control’, or control of the victim’s environment. This refers to the isolating strategy of controlling communication with others and communication with oneself. Within the Framework Guidance one may see discussed:

- isolating a person from their friends and family;
- monitoring their time;
- monitoring a person via online communication tools or using spyware; and
- taking control over aspects of a person’s everyday life, such as where they can go, who they can see, what they may wear and when they can sleep.

Another of Lifton’s influencing techniques is ‘The Demand for Purity’. As he describes:

Since ideological totalists become the ultimate judges of good and evil within their world, they are able to use universal tendencies toward guilt and shame as emotional levers for their controlling and manipulative influences.⁷

Within the behaviours listed in the Guidance Framework (see Appendix II) are found, among many others, the following types of behaviour:

- repeatedly putting a person down by, for example, telling them they are worthless; and
- enforcing rules and activities that humiliate, degrade or dehumanise the victim.

More recently, Dr Alexandra Stein wrote:

Coercive persuasion within the closed domain controlled by the charismatic and authoritarian leader leads to the triple isolation of the follower. [Isolation from the outside world; isolation from authentic relationships to others; isolation from his or her self and hence the ability to think clearly about the situation.] . . .

A recent MI5 report confirmed what many scholars of terrorist and cultic groups have long known: there is no single, or simple, demographic or psychological profile of those likely to be indoctrinated. From the adherents of David Koresh and Jim Jones who followed (or were forced to follow) their leaders to their deaths, to contemporary suicide bombers, and to highly controlling personal growth groups, a range of persons across nationalities, age, class and racial categories have been successfully [manipulated to act against their own survival interests]. The toll in lost and wasted lives, in shattered relationships and communities and in broken beliefs continues to grow.⁸

The detection of coercive or controlling behaviour (as described in the current Guidance Framework) is a very strong indicator that one or more individuals are being/have been drawn into, or are being kept in, what we would now call an extremist, totalist or cultic organisation or grouping. They are, at that moment, being denied the liberal values and choices all should enjoy in Britain today. In the worst cases, they are being abused or abusing others. They are under the coercive control of the charismatic and psychologically manipulative leader or leadership group.

The Family Survival Trust believes that making it a criminal offence to undertake the activities required to implement coercive control, thought reform, resocialisation, total conversion, mind control, brainwashing, bounded choice – or whatever term is the flavour of the day – will at last make it illegal to take away others' freedom in this insidious (and currently legal) way.

CHILDREN

The Serious Crime Act 2015, Chapter 9, Part 5, Section 76 (see Appendix I) excludes child victims under the age of 16 who are the responsibility of the perpetrator, for the purposes of Part 1 of the Children and Young Persons Act 1933 (see Section 17 of that act). The Guidance Framework says, ‘This is because the criminal law, in particular the child cruelty/neglect offence in Section 1 of the Children and Young Persons Act 1933, as amended by Section 66 of the 2015 Act, already covers such behaviour.’⁹ The amendment adds the words ‘whether physically or otherwise’ to the offence of cruelty to persons under 16: ‘[W]ilfully assaults, ill-treats (whether physically or otherwise), neglects’

The assumption that coercive control is already covered is not immediately apparent when reading the Crown Prosecution’s Child Abuse (Non-Sexual) Prosecution Guidance.¹⁰ This document does not mention coercive control, nor does it have a list of types of behaviour similar to that in the Guidance Framework. It also lacks understanding that, in the context of these groups, parents will not have autonomy over decisions regarding their children.

Janja Lalich writes:

Children are especially vulnerable to systems of influence because their selves are not fully formed and therefore uniquely susceptible to influence and persuasion. Parents in cults do not provide much protection, given that they’re often entrapped themselves. In many cases, cult parents are not really parents in the classic sense; instead they are pawns or instruments of the leader and the transcendental belief system.¹¹

The impact of coercive control on children is particularly severe. A child’s early years are critical to a lifetime of mental health and wellbeing. We would seek to include in the list of behaviours those that specifically impact children; for example:

- denying a modern education;
- denying access to toys;
- time to play and explore;
- access to playmates or friends;
- desensitisation to violence;
- indoctrination with racial or political hatred; and
- isolation.

This list is a work in progress, but it is imperative that it ultimately encompasses all aspects of an upbringing intended to limit choice in ways that will deny the child their human rights, choices and self-determination in adulthood.

To quote researchers Mia Bloom and John Horgan:

PATHWAYS TO INVOLVEMENT. Coercion: Violence is a slippery concept – nonlinear, destructive, and reproductive Violence can never be understood solely in terms of its physicality – force, assault, or the infliction of pain – alone. Violence also includes assaults on the person, dignity, sense of worth or value of the victim. The social and cultural dimensions of violence are what gives violence its power and meaning . . . many of these tactics mirror those used by pedophiles to recruit victims for sexual exploitation.¹²

Despite numerous reports from survivors of abusive behaviour towards children having been published in the press and in academic research, there are relatively few judgments from the Family Court removing children from high-control organisations. This is indicative of the lack of safeguarding in and access to these secretive groups. The Family Court has, however, over the years identified particular organisations as ‘corrupt, sinister and dangerous’¹³ (Scientology) and ‘a cult with some potentially harmful and sinister elements’¹⁴ (Universal Medicine). In both these cases, a child was moved to the care of a parent who had left the organisation. The decisions were upheld on appeal. We can only speculate how many thousands of other children remain, to be raised within these and similar extremist organisations.

The Family Survival Trust believes that the legislation proposed in this document will, at the very least, be a formidable message that society considers these practices child cruelty and that, if they are not reformed, the tools to prosecute the leaders of these organisations will be available.

IMPLEMENTATION

This modification to the law related to coercive control could be implemented either through changes to the law, guidance to existing law(s) or both.

The current domestic abuse legislation¹⁵ (reproduced in Appendix I) is short and could be used as a basis for the new legislation. The associated guidance would be similar in many respects to the Guidance Framework for the current coercive-control law. We would expect additional guidance may be required to cover children and cases in which coercive control appears to be organisation wide. That is, who would be the criminally responsible individual(s) when many members conspire together? The details will be the responsibility of the Home Office's drafting professionals; however, The Family Survival Trust imagines something along the following lines.

Controlling or coercive behaviour

- (1) A person or group of people or those acting on behalf of an organisation ('A') commits an offence if—
 - (a) A repeatedly or continuously engages in behaviour towards another person or group of people ('B') that is controlling or coercive;
 - (b) the behaviour has a serious effect on B; and
 - (c) A knows or ought to know that the behaviour will have a serious effect on B.
- (2) A's behaviour has a 'serious effect' on B if—
 - (a) it causes B to fear, on at least two occasions, that violence will be used against B; or
 - (b) it causes B serious alarm or distress that has a substantial adverse effect on B's usual day-to-day activities.
- (3) For the purposes of subsection (1)(c) A 'ought to know' that which a reasonable person in possession of the same information would know.
- (4) In proceedings for an offence under this section it is a defence for A to show that—
 - (a) in engaging in the behaviour in question, A believed that he or she was acting in B's best interests; and
 - (b) the behaviour was in all the circumstances reasonable.
- (5) A is to be taken to have shown the facts mentioned in subsection (4) if—
 - (a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and

- (b) the contrary is not proved beyond reasonable doubt.
- (6) The defence in subsection (4) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.
- (7) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding [N] years, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding [M] months, or a fine, or both.

Guidance about investigation of offences under the above section

- (1) The Secretary of State may issue guidance about the investigation of offences under section [XX] to whatever persons the Secretary of State considers appropriate.
 - (2) The Secretary of State may revise any guidance issued under this section.
 - (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.
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This text is presented here for readers who find it useful to imagine what a new law might ‘feel’ like. It is quite possible that considered legal opinion may result in significant changes to the text. However, the goal remains criminalising these objectionable, detrimental and life-changing behaviours.

Note on This Version

This version (v.1.1) has not been scrutinised by any legal authority, but represents the ‘spirit’ and direction that The Family Survival Trust: Action Against Cultic Abuse sees as essential for legislation the control of damaging extremist and cultic activity in the UK.

If you have comments or would like to support our campaign efforts, please contact Tom Sackville, Chair of Trustees at The Family Survival Trust: Action Against Cultic Abuse at TomSackville@outlook.com.

APPENDIX I

Serious Crime Act 2015, Chapter 9, Part 5, Section 76¹⁶

76 Controlling or coercive behaviour in an intimate or family relationship

- (1) A person (A) commits an offence if—
 - (a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,
 - (b) at the time of the behaviour, A and B are personally connected,
 - (c) the behaviour has a serious effect on B, and
 - (d) A knows or ought to know that the behaviour will have a serious effect on B.
- (2) A and B are “personally connected” if—
 - (a) A is in an intimate personal relationship with B, or
 - (b) A and B live together and—
 - (i) they are members of the same family, or
 - (ii) they have previously been in an intimate personal relationship with each other.
- (3) But A does not commit an offence under this section if at the time of the behaviour in question—
 - (a) A has responsibility for B, for the purposes of Part 1 of the Children and Young Persons Act 1933 (see section 17 of that Act), and
 - (b) B is under 16.
- (4) A’s behaviour has a “serious effect” on B if—
 - (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
 - (b) it causes B serious alarm or distress which has a substantial adverse effect on B’s usual day-to-day activities.
- (5) For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.
- (6) For the purposes of subsection (2)(b)(i) A and B are members of the same family if—
 - (a) they are, or have been, married to each other;
 - (b) they are, or have been, civil partners of each other;
 - (c) they are relatives;
 - (d) they have agreed to marry one another (whether or not the agreement has been terminated);

- (e) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
 - (f) they are both parents of the same child;
 - (g) they have, or have had, parental responsibility for the same child.
- (7) In subsection (6)—
- “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
- “child” means a person under the age of 18 years;
- “parental responsibility” has the same meaning as in the Children Act 1989;
- “relative” has the meaning given by section 63(1) of the Family Law Act 1996.
- (8) In proceedings for an offence under this section it is a defence for A to show that—
- (a) in engaging in the behaviour in question, A believed that he or she was acting in B’s best interests, and
 - (b) the behaviour was in all the circumstances reasonable.
- (9) A is to be taken to have shown the facts mentioned in subsection (8) if—
- (a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (10) The defence in subsection (8) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.
- (11) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.

77 Guidance about investigation of offences under section 76

- (1) The Secretary of State may issue guidance about the investigation of offences under section 76 to whatever persons the Secretary of State considers appropriate.
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

APPENDIX II

Types of behaviour

[Excerpt from *Controlling or Coercive Behaviour in an Intimate or Family Relationship Statutory Guidance Framework*, Home Office, December 2015¹⁷]

The types of behaviour associated with coercion or control may or may not constitute a criminal offence in their own right. It is important to remember that the presence of controlling or coercive behaviour does not mean that no other offence has been committed or cannot be charged. However, the perpetrator may limit space for action and exhibit a story of ownership and entitlement over the victim. Such behaviours might include:

- isolating a person from their friends and family;
- depriving them of their basic needs;
- monitoring their time;
- monitoring a person via online communication tools or using spyware;
- taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep;
- depriving them of access to support services, such as specialist support or medical services;
- repeatedly putting them down such as telling them they are worthless;
- enforcing rules and activity which humiliate, degrade or dehumanise the victim;
- forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities;
- financial abuse including control of finances, such as only allowing a person a punitive allowance;
- threats to hurt or kill;
- threats to a child;
- threats to reveal or publish private information (e.g. threatening to 'out' someone);
- assault;
- criminal damage (such as destruction of household goods);
- rape;
- preventing a person from having access to transport or from working.

This is not an exhaustive list.

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- 1 Home Office (2015) *Controlling or Coercive Behaviour in an Intimate or Family Relationship: Statutory Guidance Framework*. Available at <https://www.gov.uk/government/publications/statutory-guidance-framework-controlling-or-coercive-behaviour-in-an-intimate-or-family-relationship>.
 - 2 *Ibid.*
 - 3 *Protection from Harassment Act 1997* (1997) Available at <https://www.legislation.gov.uk/ukpga/1997/40/contents>.
 - 4 Crown Prosecution Service (2018) *Stalking and Harassment*. Available at <https://www.cps.gov.uk/legal-guidance/stalking-and-harassment>.
 - 5 Robert Jay Lifton (1961) *Thought Reform and the Psychology of Totalism: A Study of 'Brainwashing' in China*. New York: Norton.
 - 6 Home Office (2015), *op. cit.*
 - 7 Robert Jay Lifton (1961), *op. cit.*, p.424.
 - 8 Alexandra Stein (2021) *Terror, Love and Brainwashing: Attachment in Cults and Totalitarian Systems*, pp.21–22. London: Routledge.
 - 9 *We would require further guidance for cases in which an individual is in a close family relationship with a child, but is not responsible for the child, and would be 'caught' under the current law.*
 - 10 Crown Prosecution Service (2022) *Child Abuse (non-sexual) – Prosecution guidance*. Available at <https://www.cps.gov.uk/legal-guidance/child-abuse-non-sexual-prosecution-guidance>.
 - 11 Janja Lalich and Karla McLaren (2018) *Escaping Utopia: Growing Up in a Cult, Getting Out, and Starting Over*, pp.95–96). Routledge.
 - 12 Nancy Scheper-Hughes and Philippe I. Bourgeois cited in Mia Bloom with John Horgan (2019) *Small Arms: Children and Terrorism*, p.74. Cornell University Press.
 - 13 Latey J in *Re B and G (Minors) (Custody)* [1985].
 - 14 *S (Parental Alienation: Cult: Transfer of Primary Care)* [2020] EWHC 1940 (Fam) (15 July 2020).
 - 15 *Serious Crime Act 2015, Chapter 9, Part 5, Section 76*. Available at <https://www.legislation.gov.uk/ukpga/2015/9/section/76>.
 - 16 *Serious Crime Act 2015* (2015) Available at <https://www.legislation.gov.uk/ukpga/2015/9/section/76>.
 - 17 Home Office (2015), *op. cit.*