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including the right to development**

Written statement submitted by Coordination des Associations et des Particuliers pour la Liberté de Conscience, a non-governmental organization in special consultative status*

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2026]

* Issued as received, in the language of submission only.

The OneTaste Case and the Expansion of Trafficking Law: A Dangerous Precedent with Global Implications

Coordination des associations et des particuliers pour la liberté de conscience (CAP-LC) submits this statement to highlight the case of Nicole Daedone and Rachel Cherwitz and of the organization known as OneTaste. On March 30, 2026, the United States District Court for the Eastern District of New York sentenced Daedone and Cherwitz, respectively, to 9 and 6.5 years in prison.

OneTaste was founded in San Francisco in 2004 to teach a practice called “orgasmic meditation.” This practice combines body techniques, mindfulness, and spiritual exploration. The erotic aspect was openly discussed, and participants—mostly women—attended workshops with full awareness of what they entailed. For over a decade, OneTaste received positive media coverage as part of a larger movement in which women explored different forms of self-awareness. The situation changed in the late 2010s, as increased public sensitivity to consent and power led to reinterpretation of past experiences by some disgruntled ex-participants and hostile media campaigns. A critical article published in 2018 sparked a surge of negative media attention and a federal investigation.

The following prosecution relied heavily on anti-cult narratives and the idea of “brainwashing,” a theory largely dismissed by scholars of religion as pseudoscience. Witnesses who voluntarily joined OneTaste and shared positive experiences later described themselves as psychologically influenced. Their stories were framed as proof of coercion. Testimonies from participants who reported no harm were excluded, and expert testimony on the historical and therapeutic aspects of the practices was not permitted. The government recognized that OneTaste was not a religion, yet it relied on characterizations of Daedone as a spiritual authority whose teachings supposedly undermined individuality.

The legal theory used to secure the convictions marks a major departure from established constitutional principles. In *United States v. Kozminski* (1988), the Supreme Court ruled that psychological pressure alone cannot constitute involuntary servitude. It warned that broadening the definition could lead to arbitrary prosecutions and criminalize ordinary forms of influence. The 2000 Trafficking Victims Protection Act (TVPA) indeed included “psychological harm” among the tools used to force victims into slave labor. However, the provision was intended for sex and immigrant trafficking, not for spiritual and self-help groups. In the latter cases, the warning in “*Kozminski*” retains its force.

The initial decision in the OneTaste case ignored this warning. The defendants were convicted of conspiracy to commit forced labor based solely on psychological influence, without evidence of threats, violence, or physical coercion. An article in the prestigious *National Law Review* (<https://natlawreview.com/article/kozminski-cherwitz-tvpas-transformation-anti-trafficking-tool-first-amendment>) noted on September 4, 2025, that the case “obliterated the line drawn in *Kozminski*,” turning trafficking law into a means of policing belief, teaching, and spiritual authority. The article warned that after the decision against Daedone and Cherwitz, “mainstream faith communities face unprecedented criminal and civil liability. Former members can now sue under the TVPA’s civil provisions, which require lower evidentiary burdens while offering damages plus attorneys’ fees. Every disgruntled ex-Mormon missionary, former seminarian, or departed ashram resident potentially holds a contingency fee lottery ticket.” The article concluded that “on appeal, the Second Circuit will either restore constitutional boundaries or bless their destruction. The court will decide whether the First Amendment still protects spiritual teaching or whether we’ve entered an era where regret equals retroactive enslavement.”

We agree with the *National Law Review*’s assessment. The development carries serious consequences that can extend beyond the United States. If psychological influence alone can count as forced labor, any spiritual, therapeutic, or community group—regardless of belief—may face prosecution based on subjective interpretations of relationships. Former members of mainstream faith communities could file civil claims under trafficking laws,

which require less evidence and offer significant financial incentives. This precedent risks legitimizing the use of trafficking law to target minority spiritual movements, a trend already apparent in other parts of the world where broad definitions of “coercion” have been used to suppress unorthodox beliefs.

The appeal currently before the United States Court of Appeals for the Second Circuit is therefore crucial. CAP-LC urges the judges to consider this appeal seriously. The issues at hand involve not only the fate of two individuals but also the limits of freedom of thought, conscience, and belief. They also touch on the accurate interpretation of trafficking laws and the danger of allowing discredited theories of “coercive persuasion” to influence criminal law. A thorough review is vital to ensure that the precedent set in the initial case does not undermine fundamental rights or promote the misuse of trafficking laws against peaceful spiritual or self-development communities.

CAP-LC also emphasizes the relevance of humanitarian considerations. Daedone and Cherwitz received lengthy sentences despite the lack of physical coercion, the absence of sentencing for sex-related charges, and the testimonies of many participants who denied being victims. In cases where a conviction raises systemic concerns about the legal theory used and the individuals involved are not a danger to society, governments sometimes explore forms of executive clemency to reaffirm their commitment to human rights and due process. While not intending to instruct the United States on how to exercise its sovereign powers, CAP-LC notes that humanitarian action by the relevant authorities would send a strong message about the importance of protecting freedom of belief and resisting the expansion of anti-cult ideology into criminal law.

United Nations Special Rapporteurs have repeatedly emphasized the need to protect individuals and communities from the misuse of laws rooted in bias against minority beliefs. The OneTaste case illustrates how easily sensational narratives can influence legal proceedings and how quickly unconventional spiritual practices can be recast as criminal acts. CAP-LC insists and hopes that the appeal process addresses these issues and that future prosecutions remain firmly grounded in evidence, proportionality, and respect for fundamental freedoms.