

## **International law condemns the use of parental alienation allegations as a means to obscure domestic abuse and child abuse**

The United Kingdom is a state party to the United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and is a signatory to its Optional Protocol, meaning that it submits to the authority of the CEDAW Committee of experts.

On 31 May 2019 Dubravka Simonović, the United Nations Special Rapporteur on violence against women and its consequences, and representatives from six other regional independent mechanisms on violence against women and women's rights, released a joint letter declaring that *"Intimate partner violence against women is an essential factor in the determination of child custody"*. The co-signatories were:

Hilary Gbedemah, Chairperson of the United Nations Committee on the Elimination of Discrimination against Women (CEDAW)

Ivana Radačić, Chair of the United Nations working Group on the issue of discrimination against women in law and in practice

Feride Acar, President of the Group of Experts on Action against Violence against Women and Domestic Violence of the Council of Europe (GREVIO)

Margaret May Macaulay, Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights

Lucy Asuagbar, Special Rapporteur on Rights of Women in Africa

Sylvia Mesa, President of the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention on the Prevention, Punishment, and Eradication of Violence against Women of the Organisation of American States (MESECVI)

[https://www.ohchr.org/Documents/Issues/Women/SR/StatementVAW\\_Custody.pdf](https://www.ohchr.org/Documents/Issues/Women/SR/StatementVAW_Custody.pdf)

The joint letter *“discouraged the abuse of the ‘Parental Alienation’ and of similar concepts and terms invoked to deny child custody to the mother and grant it to a father accused of domestic violence in a manner that totally disregards the possible risks for the child. In this regard, the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI), in the 2014 Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights, recommends to explicitly prohibit, during the investigations to determine the existence of violence, ‘evidence based on the discrediting testimony on the basis of alleged Parental Alienation Syndrome’. The experts also expressed concern for the recent inclusion of ‘parental alienation’ as an index term in the new WHO International Classification of Diseases (ICD-11) as a ‘Caregiver-child relationship problem’ that could be misused if applied without taking into consideration above-mentioned international standards that require that incidents of violence against women are taken into account and that the exercise of any visitation or custody rights does not jeopardize the rights and safety of the victim or children. Accusations of parental alienation by abusive fathers against mothers must be considered as a continuation of power and control by state agencies and actors, including those deciding on child custody.”*

By colluding with my former partner’s demands to label me as a child abuser and alienator, family court and children’s services “professionals” are guilty of institutional child abuse and institutional violence against women.

The letter also states: *“CEDAW General Recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, affirms that “perpetrators or alleged perpetrators’ rights or claims during and after judicial proceedings, including with respect to property, privacy, child custody, access, contact and visitation, should be determined in the light of women’s and children’s human rights to life and physical, sexual and psychological integrity, and guided by the principle of the best interests of the child”.*

On 10 July 2019 a Collective Memo of Concern was sent to the World Health Organization regarding the Inclusion of “Parental Alienation” as a “Caregiver-child relationship problem” Code QE52.0 in the International Classification of Diseases 11th Revision (ICD-11) by 352 Concerned Family Law Academics, Family Violence Experts,

Family Violence Research Institutes, Child Development and Child Abuse Experts, Children's Rights Networks and Associations and 764 concerned individuals.

<http://www.learningtoendabuse.ca/docs/WHO-September-24-2019.pdf>

[Note that "parental alienation" was removed from the World Health Organization International Classification of Diseases (ICD-11) later in 2019.]

By using the term "parental alienation", a term whose use is condemned by women's human rights experts globally, family court and children's services "professionals" are breaching my rights under paragraphs c and d of CEDAW article 2, namely:

*"To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.*

*To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation."*

On 24 February 2018 the Board of the European Association for Psychotherapy in Austria issued a statement:

*"The European Association for Psychotherapy (EAP) considers that the terms and concepts of 'Parental Alienation Syndrome' and 'Parental Alienation' are unsuitable for use in any psychotherapeutic practice.*

*The EAP recognizes that there is a high risk and potential of PAS/PA concepts to be used in a manner allowing for violence against children and their mothers to remain undetected, and/or contested, since it ignores essential aspects of child welfare and the gender-based nature of domestic violence.*

*In cases of allegations of child abuse in a divorce or custody situation, one of the basic assumptions of PAS/PA is that the allegations made by the child or parent are untrue. This concept alone can allow for – and/or – cause further victimization, and a pathologization of children and other victims of domestic violence. In addition, neither PAS nor PA are included in any international classifications of mental disorders (DSM and ICD) and psychotherapists should therefore not use these terms as diagnostic categories.*

*The EAP believes that all European psychotherapists must also take, very seriously any report of domestic violence in divorce and child custody cases. Psychotherapists need to distinguish between a contentious divorce/separation and a divorce/separation in which there is domestic violence in order to be able to adjust psychotherapeutic interventions accordingly. This requires a case-by-case determination and a mutual understanding and cooperation between all psycho-social and legal professions, in accordance with universal standards relating to domestic and international legal documents concerning the protection of the best interests of the child and the protection of victims of domestic violence.”*

<https://www.europsyche.org/quality-standards/eap-guidelines/parent-alienation-syndrome-pas-parental-alienation-pa/>

Parental alienation is a flawed and misogynistic concept whose primary purpose is to punish and pathologize the victim or protective parent. The psychological assessment of me must be ruled inadmissible.

In 2014 Claire Throssell's sons, 9-year-old Paul and 12-year-old Jack, were murdered by their father in a house fire while having unsupervised contact with the father they were afraid of. Speaking at a conference in 2021, Claire Throssell said:

*"Parental alienation doesn't exist. Parents [who are abusive] alienate themselves from their children. When you have thrown your child's food on the floor and made them eat it off the floor, why then would your child want to spend time with you?"*

I would like to say this. Parental alienation does not exist. Parents who are abusive alienate themselves from their children. When you have sexually abused your little girl, why then would she want to spend time with you?

<https://www.yorkshirepost.co.uk/news/crime/mother-of-boys-killed-by-her-ex-partner-hits-out-at-concerns-domestic-abuse-perpetrators-should-not-be-alienated-from-children-in-custody-battles-3160986>

The State has a duty of due diligence. The State failed to protect Claire Throssell's sons, deciding that their father's rights took precedence over their safety and wellbeing.

The State is failing to protect my daughter, deciding that her father's rights take precedence over her safety and wellbeing.

In 2014 the United Nations CEDAW Committee ruled that the Spanish State had failed to exercise due diligence when it forced Angela González Carreño's daughter to have unsupervised contact with her violent father, despite her efforts to convince the authorities that he was dangerous. He murdered the little girl in 2003.

The CEDAW Committee concluded that the decision to grant the father unsupervised visits with Andrea was based on stereotypes about domestic violence that prioritised his (male) interests and minimised his abusive behaviour, over the safety of Andrea and Angelam and did not take into account the long-term pattern of domestic violence.

<https://opcedaw.wordpress.com/2015/05/03/angela-gonzalez-carreno-v-spain/>

On 13 January 2021 the Catalan autonomous government amended the law on the rights of women to eradicate male violence to include this paragraph:

*“Violence within institutions: actions and omissions by authorities, public sector employees and employees of whichever public body or institution that aims to delay, obstruct or hinder access to public policies and the ability to exercise rights recognised under this law to ensure a life free from male violence; in accordance with the statutes included in the applicable legislation. Lack of due diligence, both quantitative and qualitative, when approaching male violence, it is known about and promoted by management or develops into a repeated and structural pattern, constitutes a manifestation of institutional violence. This violence can stem from a single serious act or practice to the repetition of less serious acts or practices which develop a cumulative effect, to the failure to act when a real or imminent danger is known about, and from practices and failures which revictimize women. Institutional violence includes the interpretation and application of law where the aim or result is this. The use of parental alienation syndrome theory is also institutional violence.”*

[https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2021-464](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-464)

On 24 June 2021 the Spanish Child Protection Law came into force. Under article 11, the right of children to be listened to, it states:

*“Public bodies will take necessary measures to prevent the use of theories without scientific basis which assume adult interference or manipulation, such as so-called parental alienation syndrome.”*

*Measures to promote positive parenting must never be used for other objectives in cases of conflict between parents, separation or divorce, nor for the imposition of shared custody not willingly agreed to. Nor must they be related to unscientific theories such as parental alienation syndrome.”*

<https://www.boe.es/buscar/act.php?id=BOE-A-2021-9347#a2-10>

On 12 July 2019 the Secretary-General of the United Nations wrote a Note on the relevance of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment to the context of domestic violence, in which he stated that:

*“The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment is of the view that domestic violence cannot be regarded as a private matter, but constitutes a major human rights issue of inherently public concern that requires examination ...inter alia, from the perspective of the prohibition of torture and ill-treatment.”*

<https://undocs.org/pdf?symbol=en/A/74/148>

Family court and children’s services “professionals” are actively complicit in the torture and ill-treatment of my daughter and me.

I will not accept the false, cruel, defamatory and discriminatory allegations that I am causing my daughter “emotional harm” through “parental alienation”. I will not accept their removal into the care of the local authority. I will challenge this using every channel available to me, including the United Nations.

A mother in Spain called Irune Costumero has challenged similar behaviour by her local authority’s children’s services. Four years ago her daughter was forcibly removed on the

bogus grounds of parental alienation. On 25 September 2020 the United Nations Special Rapporteur on violence against women and the President of the CEDAW Committee wrote a letter to the Spanish Government demanding an explanation and justice regarding the case of Irune Costumero, whose daughter was forcibly removed in 2017 on the grounds of “parental alienation”.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25553>

On 7-9 June 2021 four employees of Bizkaia social services were tried on criminal charges of malfeasance. They face potential prison sentences of up to five years and/or professional disqualification for up to fifteen years.

The United Nations is clear that the home can be a location where torture or cruel, inhuman or degrading treatment can occur, in the form of domestic abuse or child abuse.

The United Kingdom signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) in 2012. Although the UK has not yet ratified the Convention, in 2017 Parliament enacted the Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Act 2017, committing the Government to produce an annual report detailing progress towards ratification of the Convention.

Countries that have ratified the Istanbul Convention are subject to GREVIO - the Istanbul Convention's group of experts. GREVIO produces a baseline evaluation report for each country to ratify the Convention. GREVIO reports for the following countries condemned the use of parental alienation theory.

Family court and children's services "professionals" colluding with my former husband's ongoing abuse of me and our daughter are going directly against the requirements of GREVIO, despite the UK confirming its firm intention to ratify the Istanbul Convention as soon as possible.

### **Portugal, January 2019**

<https://rm.coe.int/grevio-reprt-on-portugal/168091f16f>

*"The report finds that legal processes continue to expose victims to the risk of secondary victimisation as a consequence of enduring stereotypes which convey the notion that victims lie about domestic violence and/or sexual abuse of their children and alienate their children from the violent parent."*

*"GREVIO's attention was drawn in particular to the frequent narratives which are played out before courts accusing victims of lying about domestic violence and/or sexual abuse of children and alienating their children from their violent father. Anecdotal evidence was supplied to GREVIO of one case in which the victim committed suicide after she was unable to make herself believed."*

### **Finland, 2019**



<https://rm.coe.int/grevio-report-on-finland/168097129d>

*“Shortcomings in the quality of service provision for women victims of (post-separation) stalking have also been documented. Research has revealed the extent to which misinterpretations of a woman’s situation, lack of awareness of the complexity of stalking and perceptions of women as victims on the part of professionals have prevented stalking victims from receiving the help and support they need. Instead, women seeking help have been positioned as ‘alienating parents’, ‘unprotective mothers’, ‘overcautious women’ or ‘implausible victims’. This shows the urgent need for more guidance and professional training on the complexities and needs of victims of stalking in the context of separation – many of whom will have endured control, coercion and possibly abuse before separation.”*

## **Italy, January 2020**

<https://rm.coe.int/grevio-report-italy-first-baseline-evaluation/168099724e>

*“GREVIO is particularly concerned about the emerging signs of a tendency to reinterpret and refocus gender-equality policies in Italy in terms of family and motherhood policies. It shares the concerns expressed by the CEDAW Committee that certain governmental departments tend to give priority to the protection of the family compared to that afforded to the elimination of discrimination against women.<sup>29</sup> Besides leaving out many women, such a tendency in policies falls short of the need to achieve the structural change required to achieve sustainable improvements to women’s rights and gender equality. In relation to violence against women, policies of this nature tend furthermore to overlook the reality of women’s exposure to violence within families.*

*GREVIO expresses grave concern in the face of recent legislative proposals which are the clear expression of these tendencies and of their potential to deny the very existence of violence against women which occurs in families. GREVIO refers to this effect to the draft decree No. 735 submitted to parliament,<sup>30</sup> which, had it been approved, would have entailed a serious retrogression in the fight against gender inequality and deprived survivors of domestic violence of important protections. The draft law included, as described in the shadow report, the proposal to introduce compulsory mediation, a reference to the so-called parental alienation syndrome, and mechanisms holding women*

*responsible for children's "alienation" towards their father by restricting their parental rights. The proposal contemplated furthermore sanctioning women whenever their claims of violence do not result in convictions. The draft decree has met with severe criticism from many politicians and members of parliament, women's NGOs, academics and lawyers, and was discussed at length during GREVIO's evaluation visit. GREVIO subscribes entirely to the analysis of the draft decree made by the UN Special Rapporteur on Violence against Women. GREVIO takes note of information provided by the authorities after the evaluation visit indicating that the adoption of such a piece of legislation is not among the objectives of the Italian government. Nevertheless, GREVIO is extremely concerned that such a proposal contemplated violating important provisions of the Istanbul Convention."*

*"Civil law magistrates tend to rely on the conclusions of court-appointed experts (CTUs) and/or social services reports which often assimilate instances of violence to situations of conflict and entirely dissociate considerations pertaining to the relationship between the victim and the perpetrator from those regarding the relationship between the violent parent and the child. Moreover, victims' claims of abuse by their partner are often dismissed on such dubious grounds as the "parental alienation syndrome" and mothers are blamed for their children's reluctance to meet their violent father. Personality tests, which are not suited to situations of violence, result in many victims been found inept as a parent. GREVIO stresses the high risk potential of the notion of parental alienation and related concepts to be used in a manner allowing for violence against women and their children to remain undetected and/or contested since they ignore the gender-based nature of domestic violence and essential aspects of child welfare."*

*"GREVIO notes with extreme concern the widespread practice by civil courts of considering a woman who raises the issue of domestic violence as a reason for not attending the meetings and not agreeing to custody or visitation, as an 'unco-operative' parent and therefore an 'unfit mother' who deserves to be sanctioned. The negative consequences for victims vary: they range from subjecting victims to mandatory therapeutic treatment or training sessions to enhance their parental skills and include limiting and/or depriving them of their parental rights. Courts may also subject children to psychological treatment to recover from the 'parental alienation', instead of referring them to appropriate support."*

*“GREVIO urges the Italian authorities to take the necessary measures, including legislative amendments, to ensure that the competent courts are under a duty to consider all issues related to violence against women when determining custody and visitation rights and to assess whether such violence would warrant restricting custody and visitation rights. To this end, the authorities should... ban the use by court-appointed experts, social workers and courts of concepts related to ‘parental alienation’, as well as any other approach or principle, such as the ‘friendly parent provision’, which tend to consider mothers who invoke the violence as ‘unco-operative’ and ‘unfit’ as a parent, and to blame them for the poor relationship between a violent parent and his children... These guidelines should replace existing methodologies and guidelines which tend to reduce violence to a conflict, promote mediation without due account of the violence and resort to arguable concepts such as “parental alienation” which prioritise maintaining the child-parent relationship at all costs, over and above any consideration of the violence.”*

*“GREVIO finds it profoundly disquieting that the political agenda of the governing authorities should give legitimacy to the concept of parental alienation as a ‘serious phenomenon’ to combat...”*

*“GREVIO urges the Italian authorities to take the necessary measures, including legislative amendments, to ensure that the competent courts are under a duty to consider all issues related to violence against women when determining custody and visitation rights and to assess whether such violence would warrant restricting custody and visitation rights. To this end, the authorities should... ban the use by court-appointed experts, social workers and courts of concepts related to ‘parental alienation’, as well as any other approach or principle, such as the ‘friendly parent provision’, which tend to consider mothers who invoke the violence as ‘unco-operative’ and ‘unfit’ as a parent, and to blame them for the poor relationship between a violent parent and his children...”*

*Such measures should be accompanied by the provision of appropriate training and the development of professional guidelines, aimed at raising awareness among the professionals concerned as to the harmful effects of violence on children, including child witnesses, and at familiarising them with the requirements of the Istanbul Convention on the settlement of custody and visitation rights. These guidelines should replace existing methodologies and guidelines which tend to reduce violence to a conflict, promote mediation without due account of the violence and resort to arguable concepts such as*

*“parental alienation” which prioritise maintaining the child-parent relationship at all costs, over and above any consideration of the violence.”*

Note that on 17 May 2021, in Ordinanza 13217/21, the supreme appellate court in Italy ruled “parental alienation syndrome” inadmissible, non-existent, and without scientific basis.

<https://www.ilpost.it/2021/05/20/cassazione-condanna-pas-sindrome-alienazione-parentale/>

### **Belgium, September 2020**

<https://rm.coe.int/grevio-report-on-belgium/16809f9a2c>

*“GREVIO notes... the problematic notion of parental alienation syndrome, which is frequently brought up to minimise or ignore violence”*

*“GREVIO urges the Belgian authorities to take the necessary measures to ensure that in the determination of custody and visitation rights or the introduction of measures affecting exercise of parental authority, the competent authorities are required to consider all issues relating to violence against women and assess whether this violence might warrant restricting custody and visitation rights. To this end, the authorities should... make the relevant professionals aware of the lack of scientific basis for “parental alienation syndrome” and sensitise the public to this issue.”*

### **France, November 2020**

<https://rm.coe.int/grevio-inf-2019-16/168098c61a>

*“The lack of training has a serious impact on the quality of expert opinions rendered in judicial proceedings concerning visitation and/or custody rights. GREVIO has been informed of numerous cases where expert reports on the mental health status of children in these proceedings were entrusted to psychiatrists untrained in violence against women*

*and its traumatic consequences on child witnesses, resulting in the non-recognition of violence suffered by children, as well as in the secondary victimisation of victims, for example when they attribute the psychological state of children to ‘parental alienation syndrome’.*”

*“GREVIO notes with extreme concern that protection mechanisms against violence often turn against the victims themselves and expose them to secondary victimisation by restricting the exercise of their parental rights. This risk is particularly high for some victims (particularly those victims whose situation has not yet been decided by a judge or other authority...) However, it does not spare any victims and may result in a transfer of the child’s residence to the abuser or a placement of the children with social services. The risk in question reflects an under-estimation of the violence to which children are exposed; at the same time, it reflects a tendency to put into question victims’ parental skills and to dismiss their word, particularly by resorting to the so-called ‘parental alienation syndrome’, even though the 5th inter-ministerial plan considers this syndrome to be without any medical foundation.”*

*“GREVIO urges the French authorities to take the necessary measures to ensure that the determination of custody and visitation rights takes into account the violence to which children are exposed and the risk of continuing violence after separation, including the danger of a lethal act. To this end, it is necessary to... continue to inform the professionals concerned, particularly those involved in the judiciary, law enforcement agencies, social services, medical, psychological and psychiatric sectors, of the absence of scientific grounds for “parental alienation syndrome”, as well as to raise public awareness on this subject... The implementation of these measures should be supported by efforts to provide mandatory initial and in-service training on the causes and consequences on children of violence against women, the issue of secondary victimisation of children and their mothers and the improper use of the so-called parental alienation syndrome, for the professionals concerned, in particular those who may influence the determination of custody and visitation in various ways, such as judges and professionals called upon to provide expert opinions in judicial proceedings.”*

**Spain, November 2020**

*“GREVIO notes with grave concern the persistent assumption among judges, and some professionals within family services, that children who express fear of their father because they were witness to the abuse of their mother have been manipulated by their mothers. In court, only children over the age of 12 are heard, and their concerns are frequently dismissed or not investigated. Advocates for the rights of children witness to intimate partner violence informed GREVIO about numerous cases in which children’s rights to express their opinion and participate in decisions relevant to their lives (as defined in the United Nations Convention on the Rights of the Child) are not properly respected in courts. Research identified too many court resolutions that withdraw custody or visiting rights from women victims of intimate partner violence after not complying with visitation orders, since courts considered this to amount to mothers’ negative influence on the relationship between the child and the perpetrator. GREVIO also notes with concern that the official dictionary of the Royal Academy of Medicine includes parental alienation syndrome (as a form of child abuse) and hopes that its current review will lead to the exclusion of this concept, as announced by the Academy. This notion of parental alienation allows intimate partner violence and the resulting safety risks for women and children to remain unaddressed, leading to harmful consequences, including death.”*

*“GREVIO welcomes the guidelines issued by the General Council of the Judiciary to all judges in Spain, drawing their attention to the lack of scientific basis for concepts such as ‘parental alienation’, which is reiterated in Measure 129 of the State Pact, but notes that this has not led to a change in judicial practice throughout the country. GREVIO stresses the need for civil courts to investigate all reports of violence and abuse, either by liaising with criminal courts whenever criminal proceedings are pending against the father of the victim’s children, or by proactively seeking information from other bodies, including, but not limited to, law enforcement, health, education and specialist women’s support services. GREVIO recalls that intimate partner violence is an essential factor in the determination of child custody and efforts must be made to ensure it is recognised as such – instead of dismissing crucial information on the basis of outdated concepts of manipulation and alienation.”*