

To: The Special Rapporteur on violence against women and girls, its causes and consequences, hrc-sr-vaw@un.org

Input for SR VAWG's report on violence against women and children in custody cases

We in no way condone domestic violence, or any form of violence against women and children. In addition to the indications of increased violence during the Covid pandemic, we see that more children have been denied access to their alienated parents during the lockdowns. We also know that domestic violence against men is an understudied topic.

Unjustified attack on the concept of parental alienation

The call for inputs shows a lack of perspective on *parental alienation (PA)*, including grave misunderstandings and a gender bias that has no support in the professional literature. Overall, the paper contains assumptions, statements and opinions that are not supported in scientific literature. We are seriously concerned about the lack of academic rigour that it shows. As an example of the bias is the inclusion of a solitary case *Gonzalez Carreño* (Spain, 2014). Internationally, there are plenty of examples where mothers, fathers, stepmothers and stepfathers have killed their ex-partners and/or children.

The attack on the concept of parental alienation, or similar concepts, shows that the authors of the call for inputs are unaware of the solid and consistent literature on PA, alternatively are in denial of its causes, mechanisms, and consequences of the pathological family dynamic. Regardless of what this concept is called, it does exist; and efforts need instead to be directed at what can be done to prevent and mitigate the damages.

Parental alienation as a phenomenon has been known for over two hundred years (Lorandos & Bernet, *Parental Alienation: Science and Law*, 2020). The term refers to a pathological family dynamic. Its definition has been formulated in several ways, but always includes the child's lack of ambivalence (black or white thinking) that is caused by one parent's alienation of the other parent. We are aware of 162 peer-review journals which have published around 370 articles that deal with the PA concept. 40 % of the professional PA literature has been published after 2016.

As Richard Gardner (1985), with focus on the affected children, coined the concept parental alienation syndrome, it is important to understand the difference between a disease and a syndrome: *A disease* (like allergy, cancer, or heart failure) *can have many different causes or be multifactorial*. In contrast, *a syndrome is specific: One cause usually results in all the characteristic symptoms (and in the case of PA also behaviours). Therefore, a syndrome is a much stronger indication of a specific cause than "a disease"* which often may leave room for speculation regarding the underlying cause. It has been shown that the lack of ambivalence in severely PA affected children (due to personality splitting) can be detected with a 99 % confidence (Bernet *et al.*, *J Forensic Sciences*, 2020). In addition to the lack of ambivalence in severely affected children, all, or most of, the other seven criteria given by Gardner (*Am J Fam Therapy*, 1999) are usually found.

Furthermore, the whole family dynamic can be considered with *the five-factor model*:

1. The child refuses to have any contact with the other parent.
2. No proof of any physical abuse or physical/emotional neglect (Allegations are not proof!).
3. A previous loving relationship between the child and the alienated parent.
4. The already discussed behaviours and symptoms of the child.
5. Alienating behaviours by one of the parents.

If one of these five factors is absent, it is not a PA case.

A definition can hardly be stronger than this – the complexity of PA gives a particularly strong basis for the definition of the problem. Note that the complexity also explains why DSM-5 includes PA with five already existing diagnoses (without mentioning the words “parental alienation” – but the PA concept is there (*Child affected by parental relationship distress*: V61.29 (Z62.898); *Parent-child relational problem*: V61.20 (Z62.820); *Child psychological abuse*: DSM-5 V995.51, V61.21 (Z69.010); *Induced psychosis* (ICD-10 F24) and *Delusional symptoms in partner of individual with delusional disorder also called Shared delusional disorder*: *Munchausen by proxy*, 300.19 (F68.10)).

Psychological abuse of children

There is vast documentation of the often lifelong damages to children who are exposed to PA: severe health problems (depressions, low self-esteem, guilt feelings, anxiety, those relating to future relations, increased risk of suicide, eating disorders and other physiological problems), lower school/academic performance which in turn results in future economic challenges or even poverty, and increased risk of drug abuse and criminality (Baker, *Am J Fam Therapy*, 2005; Godbout & Claudine, *J Divorce & Remarr*, 2012; Corrás *et al.*, *Frontiers Psychol*, 2017; Harman *et al.*, *Curr Directions Psychol Science*, 2019).

A child who loses a parent due to alienation usually suffers much more than a child who loses a parent in a more “natural” way (e.g. because of an accident or cancer).

Violence – physical and psychological abuse of women and men

Parental Alienation is not a gender issue. Both women and men are perpetrators and subject to PA. Like other forms of domestic abuse, PA is also present in same-gender families and tends to be present across generations.

We agree that custody cases often are handled with a lack of knowledge and understanding of damaging family dynamics. The response to these dynamics need be fact-based with a scientific approach, and knowledge about parental alienation increased at all levels in society.

Below, we systematically cover the nine items as stated by “call for inputs:

1. Different manifestations of specific types of domestic and intimate partner psychological and physical violence/abuse have been thoroughly defined and analysed:

For assault, indirect hostility, irritability, negativism, resentment, suspicion, verbal hostility, see: Buss & Durkee, *An Inventory for Assessing Different Kinds of Hostility*. *J Consulting Psychol*, 1957:343-349.

Meta-analytic reviews of sex differences in physically aggressive acts between heterosexual partners: Publications by Archer: 1) *Aggression & Violent Behavior: A Review Journal*, 2002:313–351. 2) *Rev General Psychol*, 2004:291-322.

Straus, Dominance and symmetry in partner violence by male and female university students in 32 nations. *Children & Youth Services Rev*, 2008:252-275.

Reviews of female partner violence: 1) Megan *et al.*, Why do women use intimate partner violence? A Systematic Review of Women's Motivations. *Trauma Violence Abuse*, 2010:178-189. 2) Fiebert, References Examining Assaults by Women on Their Spouses or Male Partners: An Updated Annotated Bibliography. *Sexuality & Culture*, 2014:405-467.

Harman *et al.*, Gender Differences in the Use of Parental Alienating Behaviors. *J Fam Violence*, 2020:459-469.

2. We believe that the increasing number of PA cases can be explained by an increasing awareness of PA. This increased knowledge appears both in the scientific community and through the advocacy of groups of children and adults with first-hand experience of alienation. **This is not a gender issue** as item 2 suggests. Both mothers and fathers are victims of false allegations. What does matter, is that the parent spending most time with the child, also is the one with the best chances to manipulate the child against the other parent in order to gain control of the child.

Specifically in Sweden, *Föräldrabalken* (Parental Code) was changed by the parliament in 2006 with the goal to reduce the number of custody cases in the court system. Unfortunately, the result has been the opposite, with more than twice the number of custody cases per year today. As strong driver of the increase is the presumption that in cases where the separated parents cannot cooperate, sole custody is awarded to one of the parents. There is thus an incentive for a parent not to co-operate with the other parent.

3. We agree that more research is needed on PA. However, there is no need to make the matter gender specific, it should be rephrased in a gender-neutral way.

An interesting set of factors has to do with the family dynamic of PA across generations. We are aware of many examples where alienating parents have grown up in an emotionally dysfunctional environment and themselves suffer from trauma and/or a Cluster-B character. These parents are unilaterally driving the custody conflicts (Rand, *Am J Forensic Psychol*, 1997, Harman & Biringen, 2016; Friedman, *Am J Fam Therapy*, 2004).

4. It is clear from consistent literature and experiences that many professionals amplify the abuse driven by alienating parents – simply because they don't know how to detect it. PARQ is an instrument which with high statistical reliability can distinguish alienated children from non-alienated children (Bernet *et al.*, Measuring the Difference Between Parental Alienation and Parental Estrangement: The PARQ-Gap: Alienation and Estrangements. *J Forensic Sciences*, 2020:1225-1234).

See also 1) Baker, Knowledge & Attitudes About the Parental Alienation Syndrome: Survey of Custody Evaluators. *Am J Fam Therapy*, 2007:1-19. 2) Harman & Biringen, Parents acting badly: How Institutions and Societies Promote the Alienation of Children from Their Loving Families, 2016.

5. Domestic violence should not be disregarded. All allegations of violence must be investigated in a prompt and professional manner. This is not the case today and has a severe impact on mothers, fathers and their children. The cause of PA has been known for more than 70 years: “*The true motive is revenge on the partner through robbing him or her of the pleasure in the child... The lack of any consideration of the child is expressed in the fact that the child’s love for the other partner is not taken into account*” (Wilhelm Reich, *Character Analysis*, 1945 & 1949). Also, psychological violence needs to be included in the definitions of domestic violence and partner abuse.
6. Data from Swedish courts indicate that their practices unintentionally encourage more parents to be abusive against their partners and children – see item 2 above.
7. Swedish authorities do not promote any strategies against emotional abuse. The problem is lack of awareness of PA. Resources used to prevent and treat any form of abuse seem to lack any beneficial effect.
8. This item is suggestive as it is gender biased and should therefore be rephrased. Its application stereotypes men as perpetrators of domestic violence and women as sole victims.
9. Other issues of relevance:
 - a. Brain damage (*amygdala, corpus callosum*, frontal cortex and other parts of the brain) due to emotional abuse: 1) Teicher, Scars that won't heal: The Neurobiology of Child abuse, *Sci Am*, 2002:54-61. 2) Nemeroff, Neurobiological & Clinical Consequences of Child Abuse & Neglect. *Neuron*, 2016:892-909.
 - b. The importance of both parents for the normal development of children: There are numerous publications specifically showing the importance of fathers – not as opposed to the importance of mothers.

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