An Analysis of the *Report of the Special Rapporteur on Violence Against Women and Girls, Its Causes and Consequences*

pasg
Parental Alienation Study Group

GARI-PA
Global Action for Research Integrity in Parental Alienation

An Analysis of the *Report by the Special Rapporteur on Violence against Women and Girls, Its Causes and Consequences to the United Nations Human Rights Council*

Submitted to the United Nations Human Rights Council by

Parental Alienation Study Group
Nashville, Tennessee, USA
and
Global Action for Research Integrity in Parental Alienation
Morelia, Michoacán, México

June 2, 2023

Disponible en español el 9 de junio, 2023:

Un Análisis del *Informe de la Relatora Especial Sobre la Violencia Contra las Mujeres y las Niñas, sus Causas y Consecuencias al Consejo de Derechos Humanos de las Naciones Unidas*

www.garipa.org

1562 Timber Ridge Drive
Brentwood, Tennessee, USA, 37027

Xengua 106, Bosque Camelinas
Morelia, Michoacán, México, 58290

Contributors: Rabbi Yaakov Aichenbaum, William Bernet, Bartlomiej Brzosowski, Bjorn Cedervall, Bärbel Hellstern, Stan Korosi, Brian Ludmer, Judge Philip Marcus, and Alejandro Mendoza-Amaro.

Nashville, TN, USA, June 2023.

Graphic Design: Iván Vega Santamaria.

Contents

Contributors

This document was developed and written by the following individuals (in alphabetical order):

- Rabbi Yaakov Aichenbaum, M.A., is special education professional in Baltimore, Maryland, USA. He is a member of the Parental Alienation Study Group and is active in parental alienation advocacy.

- William Bernet, M.D., is Professor Emeritus, Vanderbilt University School of Medicine, Nashville, Tennessee, USA. He is the president of the Parental Alienation Study Group.

- Bartlomiej Brzozowski, MSc, social activist in Poland, member of Parental Alienation Study Group, once alienated and happily reunited father.

- Bjorn Cedervall, Ph.D., is Associate Professor, Faculty of Medicine, Karolinska Institutet; MSc, Faculty of Chemistry, Royal Institute of Technology.

- Bärbel Hellstern is a victim of parental alienation. She is a child and family advocate in Germany.

- Stan Korosi, Ph.D., M.Couns., is a clinical sociologist and counsellor and an Adjunct Fellow at the School of Law and Society, University of the Sunshine Coast, Australia. He is the director and principal consultant of a consulting practice specializing in alienation assessment and remediation.

- Brian Ludmer, B.Comm., LL.B., a lawyer in Toronto, Canada, is experienced in dealing with complex family law cases involving parental alienation. He was a co-founder of Lawyers for Equal Shared Parenting.

- Judge Philip Marcus, LL.M., is a former judge of the Jerusalem Family Court in Israel. He is a consultant to legislatures and government and voluntary agencies regarding family law.

- Alejandro Mendoza-Amaro, M.D., Ph.D., a Mexican researcher, was the founder of Global Action for Research Integrity in Parental Alienation. He has held different notable positions in the Michoacán Ministry of Health.

This document is the product of two international organizations, which advocate on behalf of research and practice on parental alienation and related topics:

- Parental Alienation Study Group (PASG) is a nonprofit corporation founded in 2010 with the purpose of educating mental health and legal professionals and the general public regarding parental alienation. PASG consists of 900 members in 65 countries. (Additional information is available at www.pasg.info).

- Global Action for Research Integrity in Parental Alienation (GARI-PA) is an international nonprofit organization that investigates and corrects scientific fraud that relates to parental alienation. (Additional information is available at www.garipa.org).

Introduction

This document is an analysis of a report published by the Human Rights Council of the United Nations on April 13, 2023, i.e., "Custody, violence against women and violence against children: Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem" (subsequently referred to as "the Report"). The authors of this document (the "Analysis") carefully reviewed the Report and found many misleading statements, extensive misinformation, blatant errors, use of science denial techniques, and deliberate misrepresentations of the current state of peer-reviewed published research, scientific inquiry, and case law support for the family dynamic of parental alienation. These errors are so egregious that we believe they constitute a deliberate attempt to mislead mental health professionals, legal professionals, and policy makers, such as the Human Rights Council and other components of the United Nations. The Report of the Special Rapporteur is unreliable and dangerous; the misinformation contained in this Report is likely to cause irreparable harm to children and families. Therefore, after conducting our Analysis, we recommend that the Human Rights Council immediately withdraw the Report from publication and prohibit any component of the United Nations from relying on it.

Executive Summary

This Analysis of the "Report by the Special Rapporteur on Violence against Women and Girls" (the "Report") addresses the following topics:

- The Special Rapporteur literally had the resources of the whole world available to her to produce a solid report that represents the best of qualitative and quantitative research practices. The Report failed to accomplish that goal, and is deeply flawed.

- We live in the age of misinformation. Through social media, trolling, and science denial techniques, it has become exceedingly easy to sway public opinion. When these tactics are employed to undermine the scientific community and to censor alternative viewpoints in order to promote a personal agenda, democracy itself is in danger of being overtaken by totalitarian ideologies and regimes. The misguided foundation of the Report and the way it was developed places ideology before the safety of children, women, and men.

- The Call for Inputs that was issued by the Special Rapporteur in 2022 demonstrates that this project was seriously biased from the start against parental alienation (PA) theory. The Special Rapporteur decided years ago that PA theory was in conflict with her personal values and opinions, and she found a way to use the Human Rights Council of the United Nations to advance her own agenda.

- The adverse impact of such pervasive bias may be to dissuade individuals and organizations from submitting alternative and contrary views. They may consider the bias renders their efforts ineffectual and they may be in fear of public and social media criticism noting the Special Rapporteur's generally pejorative comments.

- The pervasive bias of the Report is apparent in the following ways: repeatedly referring to the "pseudo-concept of parental alienation" in a pejorative manner; relying completely on anti-PA submissions and ignoring submissions from proponents of PA theory; failing to disclose the content of thousands of submissions that were made; relying on the opinions and assumptions of PA critics instead of scientific evidence; and failing to acknowledge the painful life experiences that have been reported by victims of PA.

- The pervasive misinformation in the Report is apparent in the following examples:

ad hominem attacks against Richard Gardner and other proponents of PA theory; science denial techniques, such as ignoring the vast amount of peer-reviewed publications and scholarly books regarding PA theory; straw-man arguments (e.g., misrepresenting statistics in order to fabricate faulty conclusions); the hasty generalization fallacy (i.e., drawing expansive conclusions based on inadequate of insufficient evidence); and the anecdotal evidence fallacy (i.e., substituting examples from one's personal experience in place of logical evidence). The Report also creates misleading arguments by citing submissions from PA critics instead of scientific evidence and misrepresenting the content of citations from journal articles.

- The authors of the Report appear to be entertaining and promoting a conspiracy theory in which proponents of PA theory are the villains. That is, every writer and author of a submission who expresses concern about domestic violence is considered honest and truthful; but every proponent of PA theory is collaborating in an evil mission to discredit domestic violence scholars. Anyone who does not enlist in the cause of promoting the domestic violence belief system is by definition part of the conspiracy.

- The authors of the Report violated the principles of the Code of Conduct of the Human Rights Council. The basic purpose of the Report is to encourage States to ban the use of PA theory in legal proceedings and in broader public policy decisions. It may be unprecedented in a democratic society for a legitimate national or international governmental body to demand that a scientifically validated approach to theory and practice be canceled. In this case, the demand for cancellation is driven by a strong anti-PA bias and fueled by vast misinformation.

- By seeking to suppress use of PA theory in child custody cases, the Special Rapporteur is abandoning millions of women who are the victims of PA perpetrated by men. For the Special Rapporteur, it is more important to win the ideological battle—eliminating PA theory from child custody trials—than to help the mothers who have been tragically alienated from their children. It is especially egregious and discriminatory for the Special Rapporteur to divide women and children against each other based on whether the Special Rapporteur acknowledges their lived experience of domestic violence.

- The fundamental error of the Report is creating and promoting an unnecessary feud between the family advocates who are concerned about domestic violence and the family advocates who are concerned about PA. But the truth is the following: domestic violence is a serious psychosocial condition that damages millions of

families; and PA is a serious psychosocial condition that damages millions of families. It is pointless to tear down one field of study in order to promote the other. Scholars with different points of view should talk with each other and learn from each other, not generate pointless debates and perpetual misinformation.

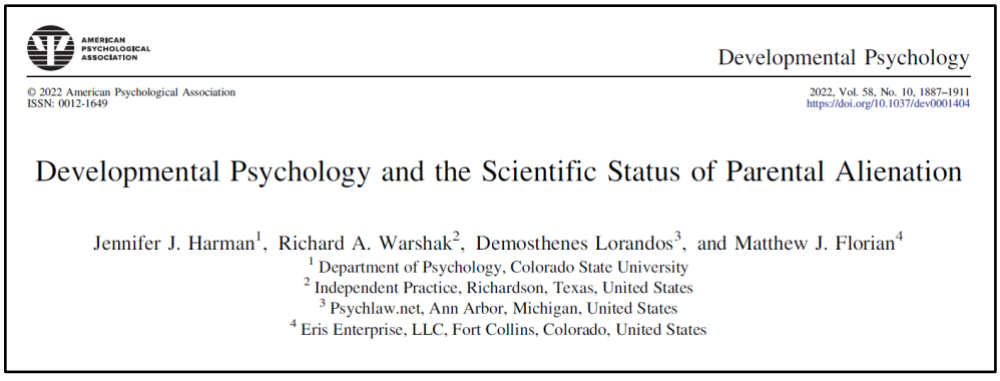
Conclusions

For these reasons, the "Report by the Special Rapporteur on Violence against Women and Girls" should be withdrawn immediately from publication and distribution. The Report places policy and lawmakers at risk of basing social and public health policies, legal remedies, and clinical remediations on unscientific, unfounded, and false information.

The Human Rights Council should consider best practices when investigating all perspectives of topics that seem controversial, rather than invest in biased interpretations of complex problems.

Relevant Reading

Here are two recently published articles regarding PA theory. The article by Harman et al. was published in *Developmental Psychology,* one of the signature journals of the American Psychological Association. The article by Bernet and Greenhill was published in *The Journal of the American Academy of Child and Adolescent Psychiatry,* the most widely read journal in the world for child psychiatrists.



AMERICAN PSYCHOLOGICAL ASSOCIATION

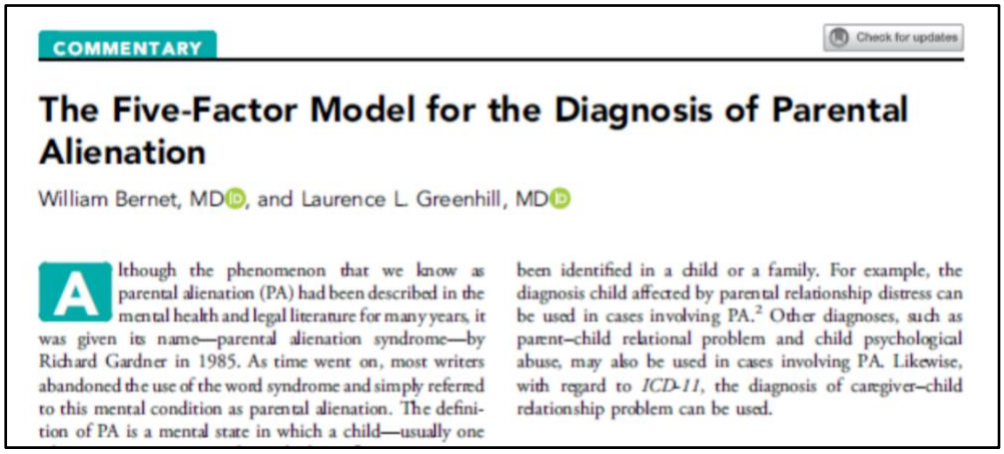
Developmental Psychology

ISSN: 0012-1649

2022, Vol. 58, No. 10, 1887–1911
https://doi.org/10.1037/dev0001404

Developmental Psychology and the Scientific Status of Parental Alienation

Jennifer J. Harman[1], Richard A. Warshak[2], Demosthenes Lorandos[3], and Matthew J. Florian[4]
[1] Department of Psychology, Colorado State University
[2] Independent Practice, Richardson, Texas, United States
[3] Psychlaw.net, Ann Arbor, Michigan, United States
[4] Eris Enterprise, LLC, Fort Collins, Colorado, United States



COMMENTARY

Check for updates

The Five-Factor Model for the Diagnosis of Parental Alienation

William Bernet, MD, and Laurence L. Greenhill, MD

Although the phenomenon that we know as parental alienation (PA) had been described in the mental health and legal literature for many years, it was given its name—parental alienation syndrome—by Richard Gardner in 1985. As time went on, most writers abandoned the use of the word syndrome and simply referred to this mental condition as parental alienation. The definition of PA is a mental state in which a child—usually one been identified in a child or a family. For example, the diagnosis child affected by parental relationship distress can be used in cases involving PA.[2] Other diagnoses, such as parent–child relational problem and child psychological abuse, may also be used in cases involving PA. Likewise, with regard to *ICD-11*, the diagnosis of caregiver–child relationship problem can be used.

Flawed Call for Inputs

History of the Special Rapporteur

Ms. Reem Alsalem's negative opinions about parental alienation theory are not hidden and they are not subtle. She has publicly announced that part of her mandate as the Special Rapporteur is to deal with the issue of parental alienation. In particular is her belief that parental alienation is used in legal proceedings, such as child custody trials, to counteract allegations made by mothers that fathers have been abusive toward them or their children. For example, the following material is available on the internet:

On March 17, 2022, Ms. Reem Alsalem convened a panel discussion as a sidelight to the 66th session of the Commission on the Status of Women. The title of the event was "Child-Centered and Non-Discriminatory Custody Cases: Against the Pseudo Theory of 'Parental Alienation.'" The presenters on the panel included Joan Meier, Esq., and other critics of parental alienation theory. Ms. Alsalem and the other panel members repeatedly referred to the "pseudo-theory of parental alienation." The panel emphasized how discriminatory biases against women fail to protect children from abusive fathers and expose both women and their children to further violence. (Accessed at: https://vimeo.com/694902745)

On April 7, 2022, Ms. Alsalem gave a presentation at the Constitutional Study Center of the Superior Court of Justice on the Nation (of Mexico). One of her topics related to the processes by which child custody decisions are made, and she specifically addressed her concerns about parental alienation. Ms. Alsalem said, "Courts in some countries have been using the concept of parental alienation or parental alienation syndrome pseudo-theory in assessing child custody cases." She thought that the use of parental alienation theory results in "ingrained gender stereotyping which has led courts to favor testimony of fathers." (Accessed at: https://www.youtube.com/watch?v=pSOaL6lvukg&t=3670s)

On November 4, 2022, the U.N. Office on Human Rights posted a statement by four "experts" (Reem Alsalem, Tlaleng Mofokeng, Dorothy Estrada-Tanck, and Victor Madrigal): "Today we call on the newly elected Government of Brazil to strengthen its resolve to end violence against women and girls, and we call for the end of the legal long-standing application of the concept of parental alienation and similar variations in cases of domestic violence and abuse, which penalise mothers and children in Brazil." (Accessed at: https://www.ohchr.org/en/statements/2022/11/brazil-un-experts-urge-new-government-target-violence-against-women-and-girls)

The Call for Inputs

The predisposed bias of this project was clearly evident in the Call for Inputs that was issued for submissions to this project:

> The aim of this report is to examine the ways in which family courts in different world regions refer to parental alienation, or similar concepts, in custody cases and how this may lead to double victimisation of victims of domestic violence of abuse. It also aims to document the many ways in which family courts ignore the history and existence of domestic and family violence and abuse in the context of custody cases, as well as their grave consequences on mothers and their children. It hopes to draw attention to the scale and manifestation in many countries, spanning all regions of the World. The report will also offer recommendations for States and other stakeholders to address the situation.
>
> The Special Rapporteur kindly seeks the support of States, National Human Rights Institutions, civil society actors, international organizations, academics, and other stakeholders to provide updated information on:
>
> 1. The different manifestations or specific types of domestic and intimate partner violence experienced by women and children, including the use of "parental alienation" and related concepts in child custody and access cases. Please also include a description of the different forms of violence that may be experienced by the mother and child as well as fundamental human rights violations, where relevant.
>
> 2. The factors behind the increased number of allegations of parental alienation cases in custody battles and/or disputes involving allegations of domestic violence and abuse against women, and its differentiated impact on specific groups of women and children.

It is clear from this Call for Inputs that the scientific basis for parental alienation theory was not an issue. Ms. Alsalem had already decided that parental alienation theory was discredited and unscientific, as she later states in the conclusion of the Report (para. 73). The goal of the Report was to document how the "discredited theory of parental alienation" is being used around the world and the injustice against women that it is allegedly causing. To accomplish this task, she did not have to entertain any discussions about the available science behind parental alienation and it was not necessary to cull solid empirical data about how parental alienation manifests itself around the world. It would

be sufficient to gather a large collection of unsubstantiated anecdotal reports to create the impression that a critical problem exists that needs to be addressed.

When the Call for Inputs was announced, both the Parental Alienation Study Group (PASG) and the Global Action for Research Integrity in Parental Alienation (GARI-PA) made submissions, which anticipated some of the flaws that subsequently occurred in the Report of the Special Rapporteur. Those submissions are in Appendix A and Appendix B of this document.

Violations of Code of Conduct

The Human Rights Council has published a Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. The current project involving "Custody, violence against women and violence against children" violates principles stated in the Code of Conduct.

The Code of Conduct states that the General Assembly decided that "the work of the Council shall be guided by the principles of universality, impartiality, objectivity, and non-selectivity …." The current project does not reflect universality and impartiality. Instead, it promotes the needs of victims of domestic violence (which we agree must be supported), but the current project ignores the needs of victims of parental alienation.

The current project does not reflect objectivity and non-selectivity. Instead, the current project denies the reality of parental alienation, ignores the vast scientific bases for parental alienation theory, and selectively relies on the opinions of critics of parental alienation theory.

Also, the Code of Conduct states that the General Assembly decided that "the methods of work of the Council shall be transparent, fair and impartial and shall enable genuine dialogue …." The current project has not been transparent, fair, and impartial. Instead, the current project has relied on scores of submissions, but has not revealed the content of those submissions.

Finally, the current project does not enable genuine dialogue. Instead, it creates animosity and polarization among individuals who are concerned about domestic violence and proponents of parental alienation theory.

Evidence of Pervasive Bias

The authors of the Report have a strong bias against parental alienation (PA) theory. Its principal author, Ms. Reem Alsalem, obviously had a strong predisposition against PA theory before she ever started this project on behalf of the Human Rights Council, and her bias clearly played out as she collected contributions from Member States and various agencies and individuals, as she reviewed "over a thousand submissions," and as she prepared this report. Ms. Alsalem simply does not like the concept of PA for some reason, which is not stated explicitly in the Report, and she intended to do whatever she could to falsify information about PA theory and to suppress an awareness of PA among mental health and legal professionals and policy makers.

In developing this Report, Ms. Alsalem's preexisting bias against PA theory was not subtle or nuanced, but she was obviously hoping to eliminate this topic from the curricula of mental health trainees and law students and for all Member States to adopt policies forbidding the introduction of PA theory in legal proceedings. The pervasive bias of the Report is conveyed in the following ways:

- Pejorative phrases are embedded in the language of the Report. Starting on page 1, the Summary states that this Report features "a focus on the abuse of the term 'parental alienation' and similar pseudo-concepts." Comparable language occurs 19 additional times throughout the document: "'parental alienation' or similar pseudo-concepts in custody cases" (para. 2); "pseudo-concept of parental alienation" (para. 10); "la pseudo-théorie de l'aliénation parentale" (p. 4, footnote 24); "the pseudo-concept of parental alienation" (p. 5, footnote 36); "the pseudo-concept of parental alienation" (para. 20); "the pseudo-concept of parental alienation" (para. 33); "the controversial pseudo-concept of parental alienation against women" (para. 35); "its origins as a pseudo-concept" (para. 40); "the pseudo-concept of parental alienation or similar iterations" (para. 45); "the pseudo-concept of parental alienation" (para. 47); "reiterate the same pseudo-concept" (para. 47); "theoretical pseudo-concepts" (para. 48); "called out as 'pseudoscience'" (para. 48); "the pseudo-concept of parental alienation" (para. 52); "Parental alienation and related pseudo-concepts" (para. 58); "formal recognition of the pseudo-concept in many jurisdictions" (para. 61); "the discredited and unscientific pseudo-concept of parental alienation" (para. 73); "parental alienation or related pseudo-concepts" (para. 74); and "the use of the pseudo-concept of parental alienation and its iterations" (para. 74). This is a well-known strategy of

writers who engage in misinformation, i.e., repeat the false statement over and over again until the audience believes that the lie is the truth.

- The text of the Report has 198 footnotes, which contain about 180 references to scholarly journal articles, book chapters, and submissions by individuals and agencies. Of those 180 references, 5 cited the work of PA proponents (i.e., Gardner, Bernet, Harman and Lorandos). In, about 175 of the 180 references cited the work or the opinions of PA critics (e.g., Barnett; Meier; Neilson; Birchall and Choudhry; Hester; Harne; Boyd and Lindy; Martinson and Jackson; Woodhead et al.; Saunders and Oglesby; Prigent and Sueur; Sheehy and Boyd; Cunha Gomide et al.; Backbone Collective; and Differenza Donna, simply on pages 3 and 4).

- Even the definition of PA provided in paragraph 9 was taken from a strong opponent of PA (Barnett, 2020). Ironically, most PA proponents would consider the Barnett definition— "deliberate or unintentional acts that cause unwarranted rejection by the child towards one of the parents, usually the father"—to be incorrect. Also, the definition from Barnett (2020) serves as a straw-man argument to promote the misinformation that PA is a gender biased theory.

- The Report is incorrect in stating, "There is no commonly accepted clinical or scientific definition of 'parental alienation'" (para. 9). IN FACT: The following definition of parental alienation was published in a peer-reviewed article in *The Journal of the American Academy of Child and Adolescent Psychiatry,* the most widely read journal for child psychiatrists in the world: "PA is a mental state in which a child—usually one whose parents are engaged in a high-conflict separation or divorce—allies strongly with one parent (the favored parent) and rejects a relationship with the other parent (the alienated parent) without a good reason" (Bernet & Greenhill, 2022). Also, in a study of child custody evaluators, that definition of PA was endorsed as "Agreed" or "Strongly Agreed" by almost 80% of the participants (Bernet, Baker, & Adkins, 2022).

- The text relies heavily on submissions from PA-critics and PA-opponents; those submissions are cited about 175 times in the 198 footnotes of the Report. In contrast, the text totally ignores submissions that had been provided by proponents of PA theory. Footnote 133 mentions submissions by several organizations and an individual that are apparently proponents of PA theory, i.e., "the Parental Alienation Study Group, the Global Action for Research Integrity in Parental Alienation, Stan Korosi (Dialogue-in-Growth), the International Council on Shared Parenting, We are Fathers, We are Parents Forum and Recover our Kids." Nevertheless, it is remarkable that not one statement from the submissions of

those organizations was quoted or cited in the text of the Report. The use of data from PA-detractors and totally ignoring data from PA-proponents is a testament to the fundamentally biased nature of this Report. (The submissions from the Parental Alienation Study Group and the Global Action for Research Integrity in Parental Alienation are included as Appendix A and Appendix B of this Analysis.)

- The authors of this Analysis are aware that the following organizations and individuals also made submissions in response to the Call for Inputs, but none of these organizations and individuals was acknowledged or cited in the Report:
    - Associação para a Iagualdade Parental e Direitos dos Filhos (Portugal)
    - Fathers 4 Justice (South Africa)
    - Positive Parenting and Gender Parity UK (United Kingdom)
    - Judge Philip Marcus, Dr. Inbal Bar-On Kibenson, Dr. Daniel Gottlieb, and Inbal Shani Greenberg (Israel)
    - Szczyty Alienacji Rodzicielskiej (Poland)
    - PAS Intervention (United States)
    - Alienated Children First (Ireland)
    - Shared Parenting Scotland
    - Platform for European Fathers (The Netherlands)
    - Peter Willson (a parent in Australia)

- The sources of the underlying data for the Report are largely invisible. That is, the actual information from the 113 citations to "submissions" in the footnotes is not available to the readers of the Report. There is no way for the readers to assess the reliability of the submissions. The Call For Inputs states, "All submissions will be published on the mandate webpage on the OHCHR website, unless otherwise indicated in your submission." We have not been able to locate these submissions on the website. While it is possible that the submitters wished to remain anonymous, this significantly takes away from the transparency and legitimacy of these submissions.

- The Report also refers to "Expert consultations conducted by the Special Rapporteur" (footnote 171). That footnote supports the statement that academic experts say that professional journals are more likely to publish papers that promote PA theory than papers that criticize PA theory. The Report does not indicate the names of the experts who were consulted regarding this issue and what they said.

- The Report makes numerous statements that sound factual, but they are not supported by evidence or data, but simply by the "submission" of anti-PA individuals and agencies. The submissions are predominantly anecdotal and therefore unreliable as bases for major global policy decisions. For example, the following statements are all in paragraph 20 of the Report: "Ignoring the history of domestic violence against mothers and children in decisions of custody and visitation rights as evidence in countries such as Denmark [submission by *Landsorganisation af Kvindkrisecentre*], Italy [submission by Donne in Rete contro la violenza and Pangea Foundation Onlus], and Ukraine [Centre Women's Perspectives]." Also: "In some countries, the act of dismissing domestic violence is enabled by the fact that there is no legal requirement for courts to examine the history of violence, as is the case in Hungary [submission by NANE Women's Rights Association]." Finally: "Despite a history of domestic violence, courts have invoked the pseudo-concept of parental alienation or blamed mothers for purposely isolating children from their fathers, even where the safety of the mother or the child was at risk. This has been mentioned in submissions received from entities in Ireland [submission of Women's Aid Ireland], Israel [submission by the Rackman Centre for the Advancement of the Status of Women], Türkiye [submission by Cemre Topal], and Ukraine [submission by Centre Women's Perspective and the Human Rights in Democracy Centre]." This is an extremely unscientific method for collecting data and preparing a report on a complex psychosocial problem such as PA.

- The Report makes no attempt to explain PA theory and fails to recognize the alienated children and alienated parents who are victims of this pathological family dynamic. Warshak (2020) said that alienated children as they grow up continue to have problems in their behavior (rejecting the alienated parent for years and perhaps a lifetime); cognition (tendency toward splitting—black or white thinking—in their interpersonal relationships); and emotional life (anxiety, depression, suicidality, and feelings of guilt due to their awareness of how they badly treated the rejected parent). Alienated parents also suffer in many ways: disappointment and frustration due to loss of access to their children; loss of their job and serious financial struggles; emotional disorders requiring years of therapy and psychological supports; and suicidality, sometimes leading to completed suicide.

- PA has traditionally been classified as mild, moderate, and severe levels of intensity (Bernet, 2020). PA scholars have recently identified an even more serious condition called "extreme PA," which are cases in which a fatality occurs. For example, Richardson (2006) related in detail the experiences of her son, Dashiel, who took his own life in Vancouver, Canada, in the context of PA. Walker (2006) described

how a 10-year-old alienated boy in Houston, Texas, shot and killed his father (see also Tucker & Cornwall, 1977). McCall (2016) documented how his former wife, the alienating parent, murdered their 8-year-old son and killed herself in Austin, Texas, rather than follow the court order to transfer the child to his father's custody (see also Resnick, 1969, 2019). These and similar cases are all tragic, and they resulted from the failure of mental health personnel, legal practitioners, and courts to recognize that PA was occurring and to provide appropriate interventions.

- The Report states, "In preparing the report, the Special Rapporteur sought contributions from Member States, international and regional organizations, non-governmental organizations, academia and victims, and held a series of online consultations with stakeholders and experts" (para. 3). This gives the impression that all facets of the issues were investigated, yet PA experts, shared parenting experts, and victims of PA were not included. Based on the assumption of Ms. Alsalem that PA has been discredited, it is understandable why these experts were not invited to participate. Likewise, the submissions concerning PA that accepted the validity of PA were not acknowledged in the report. It is likely that these omissions were intentional in order to censor such information from public view and policy debate.

- The Report focuses ad hominem attacks against Dr. Richard Gardner (one of the early pioneers in PA research) (para. 11). Gardner's views are irrelevant to this discussion since there have been 35 years of research conducted across the world since Gardner first advanced his theories. The fixation that the critics of PA have with Gardner is a smokescreen to avoid discussing the substantial post-Gardner scientific research that substantiate and build upon Gardner's theories.

- The Report states, "Parental alienation can have a significant impact on custody outcomes. In the United States of America, data show that rates of custody losses between mothers and fathers differ significantly, depending on which parent alleges alienation" (para. 19). Assuming that the data in this study are accurate, the conclusions drawn from it are tenuous and limited. The validity of allegation claims is not known from those data. It could very well be that there were more false allegations made by women and therefore their claims were dismissed. This limiting factor makes it unreliable to draw any conclusions from this data, yet the authors ignore this crucial factor in their presentation.

- The almost total lack of mention of the available scientific research about PA in this report is astonishing. Sander van der Linden (2023), an expert on combatting misinformation, explains in his book *Foolproof* that one of the main techniques of

spreading misinformation is *discrediting*. The Report claims that PA theory is discredited and unscientific, but it neglects to mention hundreds of peer-reviewed studies that have been published in highly rated academic journals. A recent study of PA research located 213 empirical studies in ten different languages that are ignored by this report (Harman, Warshak, Lorandos, & Florian, 2022). The Parental Alienation Database at the Vanderbilt University School of Medicine includes more than 1,000 journal articles, book chapters, and books that related to PA (see https://ckm.vumc.org/pasg/). The Om Parental Alienation (OMPA) in Sweden lists almost 180 peer-reviewed journals that have published articles regarding PA, with links to most of them (see https://ompa.se/).

Evidence of Misleading Statements and Blatant Misinformation

In the Report, there are numerous individual sentences or passages that contain misleading statements or false information regarding PA theory or the proponents of PA theory. The authors of the Report made little effort to check the accuracy of the alleged facts or the opinions expressed in this document. Thus, this document is an unreliable source of information for the purpose of educating mental health or legal professionals regarding PA theory; it is unreliable for the purpose of informing public policy regarding this topic. We provide several instances of misinformation in the Report, followed by factual statements regarding each example:

- "The pseudo-concept of parental alienation was coined by Richard Gardner, a psychologist …." (para. 10). IN FACT: Richard Gardner, M.D., was not a psychologist; he was a psychiatrist.

- It is misleading for the Report to state: "[Gardner] recommended draconian remedies to address the syndrome, including a complete cut-off from the mother in order to 'deprogramme' the child[9]" (para. 10). IN FACT: This single statement is misleading in four respects. (1) Gardner classified PA cases into mild, moderate, and severe levels of intensity; most cases are mild or moderate, and only a few are severe. Gardner's suggestion for removing the child from the alienating parent only pertained to the most severe cases, when the alienating parent was persistent and unbending in their indoctrination of the child against the other parent. (2) The Report ignores the context of Gardner's no-contact period. It is common practice to remove children from physically abusive parents until they can be rehabilitated and present no further danger to the child. Causing severe PA in a child is a form of psychological abuse that is as devastating as physical or sexual abuse. Gardner advocated that a child be removed from the custody of a parent who is emotionally abusive in order to shield the child from the abuse and to give the abusive parent time to get help. (3) It is misleading to say, "cut-off from the mother." That is, both mothers and fathers can be alienating parents. (4) Ms. Alsalem's use of the word "draconian" is another example of her employing a highly pejorative term in her campaign to critique PA theory.

- The Report is incorrect in footnote 9 on page 3, which cites Gardner (1987) and his book, *The Parental Alienation Syndrome and the Differentiation between Fabricated and Genuine Sexual Abuse,* at pp. 225–230 and pp. 240–242. IN FACT: These pages do not discuss what the Report claims. Pages 225–230 discuss the issues involved

in interviewing a child who makes sexual abuse allegations. Pages 240–242 discuss the ability of attorneys to represent clients in custody cases in which they do not have a conviction for their client's position. On page 231, however, Gardner does mention that "in many cases of parental alienation syndrome the best 'cure' is immediate removal from the so-called loved parent." In consideration of the emotionally abusive nature of PA, this is a quid pro quo response to the abuse as it is in cases of physical and sexual abuse.

- It is incorrect for the Report to say that Gardner "claimed that children alleging sexual abuse during high conflict divorces suffer from 'parental alienation syndrome' caused by mothers who have led their children to believe that they have been abused by their fathers and to raise allegations of abuse against them[8]" (para. 10). The citation is to Gardner (1992) and his book, *True and False Accusations of Child Sexual Abuse.* IN FACT: Gardner did write, "In the early 1980's I began seeing a new development, namely, the incorporation of sexual abuse accusations as part of the PAS child's scenario of denigration of the allegedly hated parent" (p. xxxiii). And Gardner wrote, "There are situations in which the parents are embroiled in a vicious child custody dispute in which the child does not develop a full-blown case of parental alienation syndrome. The child may still seize upon a sex-abuse accusation as a convenient weapon in the dispute" (p. 161). While Ms. Alsalem represents Gardner as claiming that children who make sexual abuse allegations during high conflict divorces are by definition suffering from PAS, Gardner actually said the reverse, i.e., that a child who is suffering from PAS may make false allegations as part of the campaign of denigration. Likewise, Gardner acknowledged that children who are not experiencing PAS can make false claims from their own initiative.

- The Report falsely states: "[Parental alienation theory] has been dismissed by medical, psychiatric, and psychological associations …" (para. 11). IN FACT: The concept of PA has been accepted by professional organizations: the American Academy of Child and Adolescent Psychiatry (1997); the Association of Family and Conciliation Courts (2005, 2019, 2022); the National Council of Juvenile and Family Court Judges (AFCC & NCJFCJ) (2022); the American Academy of Matrimonial Lawyers (2015); and the American Academy of Pediatrics (Cohen & Weitzman, 2016). In addition, The American Academy of Forensic Psychology offers an 80-hour training module in Specialty Child Custody Evaluation which includes a unit on "Allegations of Alienation or Child Sexual Abuse in Custody Evaluations." Also, PA theory has been discussed in authoritative textbooks and reference works such as: *Psychiatry in Law / Law in Psychiatry; Principles and Practice of Child and Adolescent Forensic Mental Health; Salem Health Psychology and Mental Health; Cultural*

Sociology of Divorce: An Encyclopedia; The Handbook of Forensic Psychology; Wiley Encyclopedia of Forensic Science; The Encyclopedia of Clinical Psychology; The SAGE Encyclopedia of Marriage, Family, and Couples Counseling; Kaplan and Sadock's Comprehensive Textbook of Psychiatry; and *Principles and Practice of Forensic Psychiatry.* It is simply untrue to state that PA theory has been "dismissed by medical, psychiatric, and psychological associations"; this false claim is frequently made by critics of PA theory.

- The Report is internally inconsistent. For example, Section III says: "Gardner's theory … has been dismissed by medical, psychiatric, and psychological associations" (para. 11). But several pages later the Report states, "In the United States, the use of the parental alienation in family courts was given further support when the *Diagnostic and Statistical Manual of Mental Disorders* introduced two new diagnoses: 'child affected by parental relationship distress' and 'child psychological abuse,' which pro-parental alienation syndrome professionals use for identifying alienation" (para. 46). Also, Section X (B) says: "Parental alienation has been endorsed through formal training and promulgated by professional networks and, more recently academic journals" (para. 58). This type of sloppy writing results when authors throw together every argument they can think of without looking at the underlying facts.

- It is misleading for the Report to state: "[J]udges fail in their duty to protect children from harm,[18] giving abusive fathers unsupervised access to their children including in cases where judges have found that physical and/or sexual violence has occurred[19]" (para. 12). IN FACT: The authors of the Report appear to be misrepresenting the article cited in footnote 19 (Woodhead et al., 2015). Small error: The article by Woodhead et al. does not start at page 52, but at page 520. Large error: The article by Woodhead et al. does not cite any specific case in which judges gave "abusive fathers unsupervised access to their children." Indeed, the Care of Children Act in New Zealand "makes it clear that protection of a child's safety is mandatory" (p. 529). Furthermore, Woodhead et al. wrote, "Allegations of physical or sexual abuse … must be tested and, if proven, the future safety of the child in that parent's unsupervised care must be assessed before any care or contact orders can be made in favour of that parent" (p. 529).

- The citation is incorrect in the statement of the Report, "As a result, allegations of domestic violence remain side-lined as a one-off occurrence[36]" (para. 17). Footnote 36 refers to an article by Zoe Rathus (2020), "A History of the Use of the Pseudo-Concept of Parental Alienation in the Australian Family Law System: Contradictions, Collisions and their Consequences." That is not the correct title of

the Rathus article. IN FACT: The correct title is "A History of the Use of the Concept of Parental Alienation in the Australian Family Law System: Contradictions, Collisions and their Consequences" (i.e., *without the words "pseudo-concept")."* Misstating the title of the article betrays the pervasive bias contaminating the Special Rapporteur's methodology and her report.

- It is misleading for the Report to state, "The use of parental alienation is highly gendered[25] and frequently used against mothers[26]" (para. 14). Alienating behaviors can be perpetrated by both mothers and fathers. Children can become alienated from their mothers and/or fathers. The authors of the Report and many other critics of PA theory emphasize that mothers are accused of being the alienating parents. IN FACT: It also happens that mothers can be the victims of PA induced in the children by their fathers (Harman, Leder-Elder, & Biringen, 2016). Critics of PA theory say that this condition is highly gendered, which means that women are falsely accused of alienating behaviors, so the use of PA theory should be suppressed. If that were to happen, the mothers who are alienated from their children would have little recourse to prove their case in court.

- It is misleading for the Report to state: "The consequences of biased custody decisions can be catastrophic, resulting in specific incidents when contact has been awarded to fathers with a violent history[38], in the death of children and women and children being placed at gunpoint[39]" (para. 18). IN FACT: These are extremely provocative and inflammatory allegations, which are not supported by any evidence or specific case report, but simply by submissions provided to the researchers. Moreover, "biased custody decisions" do not necessarily have anything to do with parental alienation.

- It is misleading for the Report to state: "In the United States of America, data show that rates of custody losses between mothers and fathers different significantly, depending on which parent alleges alienation. When a father has alleged alienation by the mother, her custody rights have been removed 44 per cent of the time. When the situation was reversed, mothers gained custody from fathers only 28 per cent of the time" (para. 19). IN FACT: The Report is misquoting the study by Meier and Dickson (2017); the Report says the mother's custody rights were removed 44 per cent of the time when a father alleged PA by the mother, but Meier and Dickson said it was 50 per cent. In any case, most legal scholars say that judges hear pertinent testimony and make decisions that are evidence-based and honest. In citing these statistics, the authors of the Report are suggesting that hundreds of judges in the U.S. are systematically discriminating against women in thousands of custody cases, which the authors of this Analysis think is very unlikely.

- It is incorrect for the Report to state: "This has led to an annual estimate of 58,000 children in the United States being placed in dangerous home environments[41]" (para. 19). IN FACT: The number—"an annual estimate of 58,000 children in the United States"—is widely quoted, but is almost certainly a greatly exaggerated perception of reality for two reasons. (1) The sources for the data are dubious. That is, the Report relied on Meier and Dickson (2017) for that statistic. But Meier and Dickson had relied on a website document (Silberg, 2008). Silberg, in turn, had relied on various articles that had been published between 1988 and 2005, as much as 35 years ago. (2) In her study, Silberg was talking about *alleged* abuse, not actual or proven abuse. She said, "In at least 75% of cases the child is ordered into unsupervised contact with the alleged abuser." But in actual custody trials, the judge must determine whether an "alleged abuser" is currently dangerous for their children. No one has ever attempted to identify the actual cases represented by the "58,000 children."

- The Report is incorrect with regard to the *Diagnostic and Statistical Manual of Mental Disorders* (DSM). It states that "the terms parental alienation or parental alienation syndrome are no longer included in the *Diagnostic and Statistical Manual"* (para. 46). IN FACT: The terms "parental alienation" and "parental alienation syndrome" were never in the DSM in the first place.

- The Report is incorrect when it says: "Academic experts have noted the concerning development whereby reputable academic journals in the field of psychology are publishing articles that promote the notion of 'alienating behaviours' without applying the usual standards of scientific rigour in peer review or not allowing a right of response to authors whose studies are the subject of such criticism" (para. 62). IN FACT: It is correct to say that articles regarding PA theory have been published in high quality journals including *Psychology, Public Policy, and Law, Current Directions in Psychological Science, Family Court Review, Developmental Psychology, The Journal of Forensic Sciences, Behavioral Sciences and the Law, The American Journal of Psychiatry,* and *The Journal of the American Academy of Child and Adolescent Psychiatry.* But it is a blatantly false statement (and highly insulting) to say that these journals did not apply "the usual standards of scientific rigour in peer review." Every PA scholar has experienced thorough peer review by journal editors, which results in extensive rewrites and resubmissions. The citation for that false statement in the Report (footnote 171) was "Expert consultations conducted by the Special Rapporteur," but no actual data or evidence were cited to support the misinformation. It seems obvious that some articles that are critical of PA theory are not published because they do not meet the standards of peer review.

- The Report is misleading when it says: "In the context of domestic violence, there is a duty to listen and respond to children's accounts of violence, with a view to validating those experiences, ensuring that decisions are better informed and that the child's safety and welfare are promoted" (para. 22). IN FACT: That statement makes sense only if the writer is assuming that there is no such thing as PA or that the possibility of PA should not be considered in family court proceedings. In cases of PA—especially in more severe cases—the child has been indoctrinated and loses their ability to think in a logical manner and to base their feelings and opinions on their own life experiences. In such a situation, the court may want "to listen and respond to children's accounts," but may not necessarily believe everything the child says. The general rule is that in family court children should have a voice, but not a choice.

- The Report is misleading when it says: "When custody decisions are made in favour of the parent who claims to be alienated without sufficiently considering the views of the child, the child's resilience is undermined and the child continues to be exposed to lasting harm" (p. 23). IN FACT: That statement makes sense only if the writer is assuming that there is no such thing as PA or that the possibility of PA should not be considered in family court proceedings. When a custody decision has been *correctly* made in favor of the alienated parent and the child is removed from the custody of the alienating parent, the result is the protection of the child from lasting harm.

- The Report is misleading when it states: "Submissions from Australia, Austria, Brazil, Columbia, Germany, and the United Kingdom of Great Britain and Northern Ireland report cases where children were removed from the primary carer and compelled to reside with the perpetrator parent, whom they resist" (para. 23). IN FACT: The statement is misleading because it is supported only by submissions from individuals and agencies that are highly opposed to PA theory. The reader has no way to know the reality of what happened in the families that allegedly form the bases of the claims of the submissions. The reader does not even know if such families actually exist.

- The Report is incorrect when it states: "While men can also fall victims to domestic violence, women are at a much higher risk and the dynamics of abuse are different for men" (para. 12). The authors of the Report present a gender-biased perspective about the prevalence and manifestations of domestic violence. IN FACT: A study of considerable empirical data suggests that the rate of physical assault between men and women is equivalent (Medeiros & Strauss, 2006). This study also found that 12 of the 14 reasons for the causes of domestic violence applied to both men and

women. A debate has waged for more than 25 years over research indicating that women physically assault their male partners at about the same rate as men physically attack female partners. Yet the evidence from almost 200 studies is overwhelming (Archer, 2000; Hamel, 2007; Moffitt, Caspi, Rutter, & Silva, 2001). In recent years, the focus of the debate has shifted somewhat. Although still denying the overwhelming evidence of approximately equal rates of assault by men and women, those who believe that male dominance and male degradation of women are almost always at the root of partner violence now tend to focus on asserting or implying that, when women physically assault a partner, the causes or motives are different than when men attack their partners. Much of what has been written on differences in causes and motives is based on the beliefs and values of the authors rather than on empirical comparisons of men and women.

- It is misleading for the Report to state: "Allegations of domestic violence tend to receive insufficient scrutiny by courts[15] and to trigger problematic assumptions, for example that it causes little harm to the mother or child and that it ceases with separation[16]" (para. 12). IN FACT: This alleged problem occurs regardless of the gender of the abuser. The statement is misleading because it only targets mothers and ignores abuse against fathers.

- It is misleading for the Report to state: "There are numerous ways in which allegations of domestic violence are sidelined and delegitimized through invoking parental alienation" (para. 20). IN FACT: This is a straw man argument. Since the Report has already predetermined that PA theory is debunked and that it is merely a tactic used to deflect claims of domestic violence, any use of PA in court is therefore by definition assumed to delegitimize domestic violence allegations. The only support provided for that claim are unsubstantiated anecdotal reports, which the Report relates as given facts.

- It is incorrect for the Report to state: "In the context of domestic violence, there is a duty to listen and respond to children's accounts of violence, with a view to validating those experiences, ensuring that decisions are better informed and that the child's safety and welfare are promoted" (para. 22). IN FACT: This statement makes unsupported assumptions. (1) It assumes that there is a responsibility to validate a child's accounts of violence. Research has demonstrated that children can and do lie and they can also be coached into lying (Bernet, 1993; Ceci & Bruck, 1995). Therefore, while children's claims of violence should certainly be taken seriously and investigated, an allegation is not an automatic reason to necessitate believing the child. (2) This statement assumes that a child has an innate right to decide what the best interest is. Children often lack the maturity and understanding

to make custody decisions. It can also be an emotional form of abuse to force a child to choose between parents. While children's preferences should be a factor in determining their best interest, it should not be the primary factor. This is especially true in PA cases where it has been established that the alienating parent is placing undue influence on the child.

- It is misleading for the Report to state: "When custody decisions are made in favour of the parent who claims to be alienated without sufficiently considering the views of the child, the child's resilience is undermined and the child continues to be exposed to lasting harm" (para. 23). This paragraph contains many problems. It starts with a straw man argument that custody decisions are based on claims and arguments, not on actual evidence. IN FACT: Courts do not make decisions based on allegations. While anyone can err (including judges), courts do not accept PA allegations carte blanche without investigating and substantiating the claims. The statement continues by using hyperbole and emotion by invoking terms to stir the reader to the alleged injustice that is being done to the child. It is misleading and outright false to say that the child is being exposed to "lasting harm." The Report continuously ignores the fact that causing PA can be a form of emotional abuse and custody orders are made to protect the child from this abuse.

- It is misleading for the Report to state: "[Transfer of custody] may also sever the stable and safe bond with the non-abusive primary caretaker" (para. 23). This is another straw man argument and is misleading. IN FACT: The objective of custodial transfer is to protect the child from harm. While protective orders are sometimes necessary to prevent further abuse or to allow time for the family unit to gain a healthy balance, it is not the goal to sever relationships. If it does, it is because the alienating parent persists in a campaign of alienation and refuses to get help to change their behavior.

- It is misleading for the Report to state: "Submissions noted how police child protection services have enforced access and custody orders in cases where the child clearly did not wish to comply, traumatizing both the child and the mother" (para. 23). IN FACT: The Report seems to advocate that a child is above the law and can choose not to listen to court orders, even though the court has investigated the case and determined what is in the best interest of the child. The sentence ends with another appeal to emotion by stating that police enforcement is traumatizing to the child and mother. This is a straw man argument: the Report declares that it is an injustice for police to enforce court orders, and then it claims the child would be traumatized by this injustice. There is no research that validates such a claim

(Warshak, 2015). Of course, the phrase "traumatizing both the child and the mother" is an appeal to evoke an emotional response.

- It is misleading for the Report to state: "The Committee on the Elimination of Discrimination against Women noted that the stereotyped roles of women and men also manifest as gender stereotyping and prejudices in judicial systems, which result in the denial of effective justice to women and other victims of violence.[70] … In 2014, in its decision on the case of *Gonzales Carreno v. Spain*, the Committee recommended that the history of domestic violence be considered when determining visitation schedules to ensure that women or children are not endangered.[71]" (para. 26). This statement is misleading because it comes under the heading, "Legal standards governing custody issues, including the use of parental alienation." IN FACT: The case of *Carreno* had nothing to do with PA. In the *Carreno* case, the father with a history of domestic violence was given unsupervised visitation with his daughter, over the protests of the child and the mother. Sadly, the father killed the child and also himself. But there is no mention of PA in the 18-page discussion of the case provided by the Committee on the Elimination of Discrimination against Women.

- It is misleading for the Report to state: "By reframing a mother as a liar who 'emotionally abuses' her children, the parental alienation label diverts the attention of courts away from the question as to whether a father is abusive and replaces it with a focus on a supposedly lying or deluded mother or child" (para. 40). IN FACT: The claim that a PA label diverts the court's attention from domestic violence allegations is not documented. Actually, judges are capable of investigating two contrary allegations simultaneously. Also, reframing the mother as emotionally abusive is appropriate if she is engaging in such behavior, just as it is appropriate to label a physical or sexual abuser.

- It is incorrect for the Report to state: "Such experts subject both adults and children to intrusive, inappropriate and retraumatizing psychological assessments and employ judgmental and dismissive attitudes towards victims of domestic violence. Experts also recommended solutions to alienation, which may not be compatible with the welfare and rights of the child, including the transfer of custody, and the use of 'reunification camps and therapies,' where children are held against their will and pressured to reject the influence of the parent with whom they are most bonded" (para. 61). IN FACT: This statement makes extremely negative claims regarding mental health evaluators based on hearsay rather than data. This statement ignores the research about treatment programs, such as Warshak (2019) and Reay (2015). Finally, this statement fails to acknowledge that just because a

child is bonded to a parent does not mean that it is a healthy bond; rather, it might be a pathological, enmeshed bond.

- The Report is misleading when it states: "The tendency to dismiss the history of domestic violence and abuse in custody cases extends to cases where mothers and/or children themselves have brought forward credible allegations of physical or sexual abuse" (para. 1). IN FACT: No support is cited that explains how allegations were found to be credible. PA critics often make such claims without indicating the basis of this credibility. A continuous theme throughout the Report is that all abuse allegations are credible and true and that proponents of PA theory are part of a conspiracy to make money at the expense of loving mothers. Conspiracy theories are a common tactic of science denial campaigns. Likewise, evoking strong emotional responses such as referring to "loving mothers" is common among science deniers.

- The Report is misleading when it states: "Protective mothers are placed in an invidious position, in which insisting on presenting evidence of domestic violence or child abuse may be seen as attempts to alienate children from the other parent, which could result in the loss of primary care or contact with their children" (para. 16). IN FACT: This is a straw man argument. PA is not diagnosed based solely upon a party making allegations.

- The Report is misleading when it states: "In some cases, women have been imprisoned for violating custodial rights and protective restraining orders have been overturned" (para. 18). IN FACT: Domestic violence groups contend that women acting out of protection are unjustly penalized. This argument promotes the notion that women can take the law into their own hands and defy court orders (and even abduct children to another country) in the name of protection. Countries have provisions for reporting abuse. It is untenable to advocate that laws can be ignored.

- The Report is misleading when it states: "Despite a history of domestic violence, courts have invoked the pseudo-concept of parental alienation or blamed mothers for purposely isolating children from their fathers, even where the safety of the mother or the child was at risk" (para. 20). IN FACT: There is no support brought that this regularly occurs when risks have been substantiated. The Report is based upon self-declared risks.

- The following statements in the Report are misleading: "Parental alienation has been endorsed through formal training and promulgated by professional networks

and, more recently, academic journals" (para. 58). "Public officials and institutions involved in the evaluation of children's best interests may be trained or lobbied by promoters of parental alienation. For example, the Committee for the Protection of Children's Rights in Poland organized a two-day practitioner training, entitled "Recognizing and responding to alienated children and their families'" (para. 60). IN FACT: Of course, proponents of PA theory publish articles in journals and provide educational programs for mental health and legal professionals. And proponents of domestic violence research do exactly the same thing. The Report suggests that scholarly activities by PA proponents are somehow malicious, while the same activities of domestic violence scholars are wholesome.

- The Report is misleading when it states: "Parental alienation is undoubtedly a lucrative endeavour that allow experts to provide their services in family proceedings for a fee. Training programmes and conferences, which have proliferated on a global scale over the last two decades, provide yet another stream of income" (para. 62). IN FACT: The Report does not explain why it is problematic for highly trained experts to charge for their time and services; experts in domestic violence regularly provide training programs for a fee as well as for delivering expert testimony. The Report suggests that billing for services rendered by PA proponents is somehow malicious, while billing by domestic violence experts is acceptable.

- The Report states that "The report demonstrates how the discredited and unscientific pseudo-concept of parental alienation is used in family law proceedings by abusers as a tool to continue their abuse" (para. 73). IN FACT: Nowhere does the Report explain when, how, and by whom PA was allegedly discredited. Other than the ipse dixit opinions of PA critics, there is no scholarly research that supports this supposed discrediting

- The Report relies on other documents—also maintained by the Human Rights Council—that are incorrect and misleading. For example, the Report cites "AL BRA 10/2022" several times, which a letter from Reem Alsalem to the president of Brazil, dated October 27, 2022. The first page of the letter states: "The concept of parental alienation, while lacking a universal clinical or scientific definition, generally refers to the presumption that a child's fear or rejection of one parent, typically custodial parent, stems from the malevolent influence of the preferred, typically custodial parent. Parental alienation and related or similar concepts have no scientific validity and go against international standards." IN FACT: Within those two sentences, the following phrases are incorrect and/or misleading: "lacking a universal clinical or scientific definition"; "the *presumption* that a child's fear or rejection of one parent … stems from the malevolent influence of the preferred … parent"; "parental

alienation … [has] no scientific validity"; and that these concepts "go against international standards." The misinformation promoted by the Special Rapporteur has been spread far and wide.

The International Scope of Misinformation

Everyone agrees that domestic violence is real and occurs in countries all over the world. Likewise, PA is real and occurs in countries all over the world. The problem with the Report prepared by Ms. Reem Alsalem is that it repeatedly misrepresents information regarding PA. While the Report attempts to demonstrate the international scope of the alleged correlation between PA and DV allegations, it is in reality no more than an accumulation of weak and unsustainable anecdotal submissions. For example:

Australia

The Report is misleading when it states: "Submissions from Australia[58] … report cases where children were removed from the primary carer and compelled to reside with the perpetrator parent, whom they resist" (para. 23). IN FACT: This statement is supported by a single source of information, "Submission by Women in Hiding," which is the name of an Australian organization (https://womeninhidingaustralia.wordpress.com). The entire website of Women in Hiding consists of three posts from July and September 2014; it has been inactive for 9 years. The posts pertain to a woman who believed her partner had sexually abused their child; and the woman felt unsupported by government personnel in Australia. This type of evidence should not be used to inform public policy.

The Report is misleading when it states: "The use of parental alienation is highly gendered[25]" (para. 14), which is supported by "submissions by Australia's National Research Organization for Women's Safety and National Association of Women and the Law." IN FACT: The Special Rapporteur ignores evidence to the contrary cited in this Analysis. In particular, the two research organisations cited in footnote 25 repeat the same incorrect and false information. These organizations selectively rely on materials supporting their presumptive conclusions while ignoring any material that disagrees with them.

Ireland

The Report is misleading when it states: "Other jurisdictions have reacted more cautiously to attempts to formally incorporate the pseudo-concept of parental alienation into legal systems by either undertaking additional research on the issue or by applying human rights law to its adoption. … The Government of Ireland commissioned research on how other

jurisdictions approach parental alienation in 2021 and announced an open consultation on whether any legislative and/or policy changes were required.[151]" (para. 52). This statement in the Report implies that the Government of Ireland endorses PA as a "pseudo-concept" and may have negative opinions regarding PA theory. IN FACT: In May 2023 the Department of Justice of Ireland published two documents: *Parental Alienation: Policy Paper* and *Parental Alienation: A Review of Understandings, Assessment and Interventions.* In distinct contrast to the Report of the Special Rapporteur, these two documents from Ireland provide a comprehensive, even-handed discussion of PA theory and related topics. For example, the *Review of Understandings* correctly states, "There are two definitional components around which there is almost universal agreement and these are that a) PA refers to the child's rejection of one parent and b) this occurs as a result of behaviours or actions of the other parent. Both must be present" (p. 122).

Israel

The repeated references to improper conduct by the courts of Israel come from a single source (the Rackman Centre for the Advancement of the Status of Women), which relies only on anecdotes and disregards the absence of peer-reviewed writings or decided cases which support the allegations. It is also remarkable that the Special Rapporteur did not even mention submissions to the contrary.

It is misleading for the Report to allege, without evidence from reported cases, that Israeli courts disregard allegations of violence against women and children when alienating behavior is alleged (para 20). IN FACT: This allegation is no less pernicious than that adopted by the Report, which suggests that a mere allegation of abuse should be sufficient to justify cutting off contact between the child and the father and disregarding allegations of alienating behavior, which limits the welfare of the child to prevention of physical harm and disregards completely the emotional and psychological damage from the loss of one parent as a factor to be taken into account in assessing the welfare of the child. This approach is dangerous and contrary to the welfare of the child, since it is all embracing and simplistic and takes no account of situations in which a parent abuses the dependency of the child upon them, exploits the parental status, and, by psychological control, imposes on the child the opinion, approach, and mental state of the parent. The Israeli courts take full account of any allegation of abuse, physical or psychological, by or of a parent which may affect the child and make contact and protective orders as needed in the circumstances.

It is misleading for the Report to allege that courts in Israel will accept, against all the evidence, the opinion of an expert, and thereafter collude with the expert to give

treatment which is unnecessary (para. 61), which casts doubt on the probity of the courts. IN FACT: There is no decided case in Israel in which such suggestions have been supported. The suggestion that it is inappropriate for courts in Israel to appoint an expert who has provided an opinion to the court, and whose opinion includes recommendations for interventions, to thereafter appoint that person to give such treatment is without foundation. In Israel, courts appoint only those experts who have proven relevant knowledge and experience to give professional opinions to the court. The therapy will be in accordance with instructions from the court and in most cases is intended to carry out the recommendations given in the expert's opinion; and who is more qualified to carry out the recommendations than the person who gave them?

It is misleading for the Report to suggest a temporary protocol from the Supreme Court of Israel favors parents who raise allegations of PA (para. 66). IN FACT: The Practice Direction made by the President of the Supreme Court of Israel requires all cases where there is an allegation of child abuse, including interference with contact, to receive a hearing, which both parents must attend, within 14 days of the filing of an application. However, the Special Rapporteur accepts the unsubstantiated and vague suggestion that the procedure is "almost always" used where parental alienation is alleged. The report also does not mention that all judges of the Family Courts in Israel are specialists in family matters, and are required to attend in-service training in matters relating to children.

Mexico

It is incorrect for the Report to state: “In Mexico, the constitutional court intervened to stop two attempts to introduce a specific provision recognizing parental alienation, which would have result in the potential loss of parental authority of the alleged alienating parent and a violation of the rights of the child in custody proceedings” (para. 25). IN FACT: The Supreme Court of Justice of the Nation of Mexico (Suprema Corte de Justicia de la Nación, SCJN) (2016)—in their judgment regarding the *Action of Unconstitutionality 11/2016 (SCJN, 2018) of the Civil Code of Oaxaca*—defines PA as follows: “This Full Court warns that the common point that characterizes it, according to the experts, is precisely those attitudes or behaviors of rejection by the child towards one of his parents, and the use of the child or children in the parental conflict of separation of parents.” That is, the SCJN not only recognizes PA, it has also defined it.

The Report also states that the SCJN was concerned that PA “violated the principle of progressive autonomy of the child and the right of minors to be heard in judicial procedures” (para. 25). IN FACT: The SCJN, in relation to the due listening of the minor and the loss of legal parental authority, in the first case it pronounced itself ambivalently and,

in the second case, unanimously, in that the SCJN declared itself opposed to that principle, considering that it is a disproportionate action. Regarding the due listening of children and adolescents (NNA, niños, niñas y adolescentes) where manipulation or alienation is alleged, the SCJN published through his Human Rights General Directorate (Dirección General de Derechos Humanos) the *Protocol to Judge with the Perspective of Childhood and Adolescence* (2021). That document states five important points for courts to consider when it is *alleged that the opinion of the NNA may be manipulated or alienated* (pp. 193–194).

Although the SCJN has made notable progress with regarding to understanding PA, it has made mistakes because of the influence of the book, *Use of Sons and Daughters in Parental Conflict and the Violation of Rights of the Alleged Parental Alienation Syndrome,* by Castañer, Griesback, and Muñoz (2014) and a draft of Chapter 4 (n.d.), which were published by the SCJN. These texts include adulterations of the original sources of Richard Gardner and plagiarism of Wikipedia (Mendoza-Amaro, 2019), which is why their retraction was requested. This book has been taken as a reference for opinions of the SCJN. In addition, two courses from the SCJN and UNICEF Mexico on childhood were designed by Castañer—the same author—who established her own material as part of the basic bibliography of the course. Because of this, the Mexican Association of Separated Parents (Asociación Mexicana de Padres de Familia Separados) conducted two technical analyses (Mendoza-Amaro, 2019; 2021).

As a result of scientific fraud by Castañer et al.—in the material published by the SCJN—the SCJN has manifested a biased understanding in their opinions with regard to severe cases of PA. As a result, the SCNJ has repealed some articles of law and others have been recognized and endorsed. In this way, the SCJN recognizes and supports the mild and moderate cases described in the laws of the states of Mexico, but has repealed the descriptions of serious or severe cases in the same laws. This bias results in protection for children who are experiencing mild or moderate forms of PA, but children are left defenseless when it comes to severe forms of PA. Although letters were sent to the editors at SCJN, no action was taken to retract the objectionable material written by Castañer et al. Then, it was decided to publish the *Statement of the Global Action for Research Integrity in Parental Alienation* to make visible the most emblematic cases of scientific fraud in PA and the inadequate response of the editors and publishers, when compared to the practices in research that United Nations Educational, Scientific and Cultural Organization (UNESCO) has identified in *the Declaration on Research Integrity in Responsible Research and Innovation* (2016) and in the *Recommendation on Science and Scientific Researchers* (2017).

New Zealand

It is misleading for the Report to state, "The New Zealand Court of Appeal held that both the mother's history as a survivor of family and domestic violence and her potential future in Australia were pertinent to the interpretation of the grave risk exception and subsequently declined to order the child's return[96]" (para. 38). The implication is that the New Zealand Court of Appeals commonly accepts mothers' claims of family and domestic violence and declines to order their children's return to Australia. IN FACT: In other cases, the New Zealand Court of Appeals ordered children to return to Australia when the mother could not persuade the Court that she and the children were in danger in Australia.

Poland

It is misleading for the Report to state, "The consequences of biased custody decisions can be catastrophic, resulting in specific incidents when contact has been awarded to fathers with a violent history[38]" (para. 18). IN FACT: This statement is misleading because it is based on a submission by Mamy Mówią DOŚĆ, a Facebook page in Poland. It is ridiculous to rely on a blatantly biased source for reliable information. The extreme bias of that Facebook page is illustrated by typical entries:

> (December 21, 2021)
> Kim był Gardner? Twórca syndromu alienacji rodzicielskiej (PAS/SAP), Richard Gardner, był psychologiem propagującym pedofilię i antysemitą, który przedstawił swoją „teorię" w książce zatytułowanej „Psychoterapia z ofiarami wykorzystywania seksualnego: prawda, fałsz i histeria."
> (Who was Gardner? The creator of parental alienation syndrome (PAS/SAP), Richard Gardner, was a pedophilic psychologist and anti-Semite who presented his "theory" in a book entitled "Psychotherapy with Victims of Sexual Abuse: Truth, Falsehood and Hysteria.")
>
> (27th May 2023)
> Twórca teorii PAS ("alienacji rodzicielskiej") Amerykanin Richard Gardner popierał pedofilię! Jego tezy wykorzystano przeciwko dzieciom i matkom, które chciały chronić swoje dzieci przed przemocą i wykorzystaniem seksualnym. Wokół "alienacji rodzicielskiej" powstał na świecie, w tym w Polsce, ogromny przemysł zarobkowy, w którym bezpośrednimi beneficjentami są oczywiście przemocowcy, lecz także niektórzy prawnicy, psychologowie, mediatorzy, biegli.
> (The creator of the theory of PAS ("parental alienation") American Richard Gardner supported pedophilia! His theses were used against children and mothers who

wanted to protect their children from violence and the use of the law. Around the "parental alienation" a huge profit-making industry was created in the world, including Poland, in the immediate vicinity of the beneficiaries, of course, but also thanks to lawyers, psychologists, mediators, experts.)

It is misleading for the Report to state, "Public officials and institutions involved in the evaluation of children's best interests may be trained or lobbied by promoters of parental alienation. For example, the Committee for the Protection of Children's Rights in Poland organized a two-day practitioner training, entitled "Recognizing and responding to alienated children and their families'" (para. 60). IN FACT: The Ministry of Justice in Poland stated in a public letter that there was no recent or planned PA training sponsored by the government, while on the other hand there were many trainings regarding domestic violence. (February 21, 2023, https://www.sejm.gov.pl/sejm9.nsf/InterpelacjaTresc.xsp?key=CPBJ9V)

European Court of Human Rights

It is misleading for the Report to state, "The [Group of Experts on Action against Violence against Women and Domestic Violence] also submitted written observations to the European Court of Human Rights in connection with the case of *Kurt v. Austria,* which concerned the murder of an 8-year-old boy by his father after previous allegations by the mother of domestic violence" (para. 28). Citing that case suggests that the ECtHR supports the campaign of the Special Rapporteur to suppress use of PA theory in child custody cases. IN FACT: The ECtHR has repeatedly recognized the reality of PA and has ruled in some cases in favor of an alienated parent. For example:

- Bordeianu v. Moldova, Application No. 49868/08
- Mincheva v. Bulgaria, Application No. 21558/03
- Piazzi v. Italy, Application No. 36168/09
- K.B. and Others v. Croatia, Application No. 36216/13
- Aneva and Others v. Bulgaria, Application No. 66997/13
- I.S. and Others v. Malta, Application No. 9410/20

Restatement of Conclusion and Recommendations

The entire Report prepared by Ms. Reem Alsalem is deeply flawed in that it promotes misinformation regarding PA. As a result, the Conclusion and Recommendations stated in Section XI of the Report are also deeply flawed and untenable. We suggest that the Recommendations should be revised and stated as follows:

(a) States legislate to ENCOURAGE THE UNDERSTANDING AND use of parental alienation, AS APPROPRIATE, in family law cases and the use of QUALIFIED experts in parental alienation and related concepts;

(b) States comply with their responsibilities and positive obligations under international human rights law by establishing regular monitoring mechanisms to oversee the effectiveness of family justice systems for victims of domestic abuse, INCLUDING VICTIMS OF PARENTAL ALIENATION;

(c) States ensure mandatory training of the judiciary and other justice system professionals on gender bias AGAINST VARIOUS GENDER GROUPS, the dynamics of domestic violence and the relationship between allegations of domestic abuse and of parental alienation and related concepts;

(d) States issue and implement specific guidance to the judiciary on the need to examine each case on the basis of facts and to judge fairly, according to the range of evidence before them, what outcome best supports the welfare of the child;

(e) States institute publicly funded systems of experts to provide information to courts on the best interest of the child and such experts be regularly trained on the dynamics of domestic violence, INCLUDING PARENTAL ALIENATION, AND THEIR effect on victims, including children;

(f) States ensure and maintain a list of approved experts for the family law system and introduce a formal complaint mechanism and an enforceable code of practice that addresses conflicts of interest and the recognition of expertise to practise in this area;

(g) No evaluations be made in family law proceedings without consideration of relevant criminal law and/or child protection proceedings;

(h) Any allegations or evidence of domestic VIOLENCE, CHILD MALTREATMENT, AND PARENTAL ALIENATION by both adult and child victims be clearly referred to in evaluations and, if access or custody is recommended, a full explanation be provided as to why such allegations or evidence be included;

(i) States issue guidance to the judiciary on when experts should be used outside of publicly funded systems in family law cases and ensure that experts employed are qualified and professionally regulated;

(j) Training be provided on a mandatory basis for all family justice professionals REGARDING PARENTAL ALIENATION, domestic violence, and sexual abuse; such training should also be provided to combat ALL FORMS OF gender stereotyping and ensure understanding of the legal standards on violence against MEN, women, and children in this regard;

(k) The Hague Convention on the Civil Aspects of Child Abduction be revised to better protect abused MEN, women, and their children by allowing a stronger defence against return if there is family and domestic violence, incorporating an understanding that a child's return order may compel an abuse survivor to return to violence and harm, and that courts with jurisdiction under the Convention be required to consider domestic violence, CHILD MALTREATMENT, AND PARENTAL ALIENATION when interpreting and applying its provisions;

(l) The use of REUNIFICATION INTERVENTIONS AND OTHER REMEDIATIONS FOR ALIENATION for children as part of any outcome in legal proceedings MAY BE ORDERED, AS APPROPRIATE.

(m) States ensure that children are legally represented separately in all contested family law proceedings; AND THAT THE CHILD'S REPRESENTATIVE WILL CONSIDER BOTH THE CHILD'S EXPRESSED WISHES AS WELL AS THE BEST INTEREST OF THE CHILD.

(n) States ensure that independent inquiries are established on the use of THE CONCEPT OF PARENTAL ALIENATION AND RELATED TOPICS, where appropriate;

(o) States ensure that the views of the child are sufficiently and independently represented in family law procedures and, where possible, children be able to participate in such proceedings, according to their age, maturity and understanding and all safeguards and obligations contained in the Convention on the Rights of the Child should be used, KEEPING IN MIND THAT CHILD VICTIMS OF

PARENTAL ALIENATION MAY NOT BE ABLE TO EXPRESS THEIR VIEWS IN A RATIONAL MANNER.

(p) All agencies and elements of the justice system, statutory services and the domestic abuse sector work together rather than in silos and adequate coordination between the criminal, child protection and family law systems be ensured either by mandatory institutional cooperation mechanisms or the use of integrated court structures;

(q) Wider availability of legal aid in family law proceedings for all parties be made available to ensure equality of arms;

(r) Disaggregated data be collected, including on the prevalence of domestic abuse in family law cases and characteristics of applicants and respondents in such cases, including gender, race, sex, religion, disability and sexual orientation;

(s) States introduce monitoring mechanisms to assess the specific impact of policies and procedures relating to family justice on marginalized groups of women AND MEN.

References

AFCC and NCJFCJ (2022). Joint statement on parent-child contact problems. https://www.ncjfcj.org/publications/afcc-and-ncjfcj-approve-statement-on-parent-child-contact-problems/

American Academy of Child and Adolescent Psychiatry (1997). Practice parameters for child custody evaluations. *Journal of American Academy of Child and Adolescent Psychiatry, 36*(10):57S–68S.

American Academy of Matrimonial Lawyers (2015). Child centered residential guidelines.

Archer J (2000). Sex differences in aggression between heterosexual partners: a meta-analytic review. Psychological Bulletin,126(5):651-680.

Association of Family and Conciliation Courts (2005). Guidelines for parenting coordination.

Association of Family and Conciliation Courts (2019). Recommendations for comprehensive training of parenting coordinators.

Association of Family and Conciliation Courts (2022). Guidelines for parenting plan evaluations in family law cases.

Barnett A (2020). A genealogy of hostility: Parental alienation in England and Wales. *Journal of Social Welfare and Family Law, 42*(1), 18–29.

Bernet W (1993). False statements and the differential diagnosis of abuse allegations. *Journal of Child and Adolescent Psychiatry, 32*:903–910.

Bernet, W (2020). Introduction to parental alienation. In D. Lorandos & W. Bernet, *Parental alienation – Science and law* (pp. 5–43). Springfield, IL: Charles C Thomas.

Bernet W, Baker AJL, & Adkins KL II (2022). Definitions and terminology regarding child alignments, estrangement, and alienation: A survey of custody evaluators. *Journal of Forensic Sciences, 67*(1), 279–288.

Bernet W & Greenhill L (2022). The Five-Factor Model for the diagnosis of parental alienation. *Journal of American Academy of Child and Adolescent Psychiatry, 61*(5):591–594.

Castañer A, Griesbach M, & Muñoz, L (2014). Utilización de Hijos e Hijas en el Conflicto Parental y la Violación de Derechos del Supuesto Síndrome de Alienación Parental. México: Oficina de Defensoría de los Derechos de la Infancia, A.C., Suprema Corte de Justicia de la Nación.

Castañer A, Griesbach M, & Muñoz L (n.d.). Capítulo Cuarto ¿Por qué el Supuesto Síndrome de Alienación Parental es Violatorio de Derechos Humanos? Curso Psicología Forense Especializada en Niños, Niñas y Adolescentes. Mod. I Tema VII. México: Suprema Corte de Justicia de la Nación, Oficina de Defensoría de los Derechos de la Infancia, A.C., Fondo de las Naciones Unidas para la Infancia México.

Ceci SJ & Bruck M (1995). *Jeopardy in the courtroom: A scientific analysis of children's testimony.* Washington, DC: American Psychological Association.

Cohen GJ, Weitzman CC, AAP Committee on Psychosocial Aspects of Child and Family Health, & AAP Section on Developmental and Behavioral Pediatrics (2016). Clinical report: Helping children and families deal with divorce and separation. *Pediatrics, 138*(6): e20163020.

Dirección General de Derechos Humanos de la Suprema Corte de Justicia de la Nación (2021). *Protocolo para Juzgar con Perspectiva de Infancia y Adolescencia.* Ciudad de México. Suprema Corte de Justicia de la Nación. https://www.scjn.gob.mx/derechos-humanos/protocolos-de-actuacion/para-juzgar-con-perspectiva-de-infancia-y-adolescencia

Gardner RA (1987). *The parental alienation syndrome and the differentiation between fabricated and genuine sexual abuse.* Cresskill, NJ: Creative Therapeutics.

Gardner RA (1992). *True and false accusations of child sex abuse.* Cresskill, NJ: Creative Therapeutics.

Hamel J (2007). Toward a gender-inclusive conception of intimate partner violence research and theory: Part 1 – Traditional perspectives. *International Journal of Men's Health,* 6:36–53.

Harman JJ, Leder-Elder S, & Biringen Z (2016). Prevalence of parental alienation drawn from a representative poll. *Children and Youth Services Review, 66*:62–66.

Harman JJ, Warshak RA, Lorandos D, & Florian MJ (2022). Developmental psychology and the scientific status of parental alienation. *Developmental Psychology, 58*(10):1887–1911.

McCall, R (2016). *For the Love of Eryk: Surviving Divorce, Parental Alienation and Life After*. Triumph Press.

Medeiros RA & Straus MA (2006). Risk factors for physical violence between dating partners: Implications for gender-inclusive prevention and treatment of family violence. In JC Hamel & T Nicholls (Eds.), *Family approaches to domestic violence: A practitioner's guide to gender-inclusive research and treatment* (pp. 59 –85). New York, NY: Springer.

Mendoza-Amaro A (2019). *Análisis Comprensivo de la SENTENCIA Dictada por el Tribunal Pleno de la Suprema Corte de Justicia de la Nación en la Acción de Inconstitucionalidad 11/2016 y sus Implicaciones en los Derechos de los Niños, Niñas y Adolescentes en Torno a la Alienación Parental.* Ciudad de México: Technical Report. http://dx.doi.org/10.13140/RG.2.2.26360.60166

Mendoza-Amaro A (2021). *Amicus Curiae de la Tesis del Protocolo para Juzgar con Perspectiva de Infancia y Adolescencia de la Suprema Corte de Justicia de la Nación Respecto a la Alienación Parental.* Ciudad de México: Technical Report. http://dx.doi.org/10.13140/RG.2.2.20156.36481

Mendoza-Amaro A & Bernet W (2022). Statement of the Global Action for Research Integrity in Parental Alienation / Declaración del Movimiento Global de Integridad Científica en Alienación Parental. Ciudad de México: Global Action for Research Integrity in Parental Alienation. https://bit.ly/Statement_GARIPA

Meier JS & Dickson S (2017). Mapping gender: Shedding empirical light on family courts' treatment of cases involving abuse and alienation. *Minnesota Journal of Law & Inequality, 35*(2):311–334.

Moffitt TE, Caspi A, Rutter M, & Silva PA (2001). *Sex differences in antisocial behaviour: Conduct disorder, delinquency, and violence in the Dunedin Longitudinal Study.* Cambridge, United Kingdom: Cambridge University Press.

Rathus Z (2020). A history of the use of the of the concept of parental alienation in the Australian family law system: Contradictions, collisions and their consequences. *Journal of Social Welfare and Family Law, 42*(1):5–17.

Reay KM (2015). Family reflections: A promising therapeutic program designed to treat severely alienated children and their family system. American Journal of Family Therapy, 43(2): 197–207.

Resnick PJ (1969). Child murder by parents: a psychiatric review of filicide. *American Journal of Psychiatry*, *126*(3), 325–334.

Resnick PJ (2019). Child murder by parents. In S. H. Friedman (Ed.), *Family murder : pathologies of love and hate* (pp. 81–95). Washington, DC: American Psychiatric Association Publishing.

Richardson P (2006). *A Kidnapped Mind: A Mothers Heartbreaking Story of Parental Alienation Syndrome*. Toronto, Ontario, Canada: Dundurn Press.

Silberg J (2008). How many children are court-ordered into unsupervised contact with an abusive parent after divorce? The Leadership Council -- Press Release September 22, 2008.

Suprema Corte de Justicia de la Nación (2016). SENTENCIA dictada por el Tribunal Pleno de la Suprema Corte de Justicia de la Nación en la Acción de Inconstitucionalidad 11/2016, así como el Voto Concurrente formulado por el Ministro Luis María Aguilar Morales. Ciudad de México: Diario Oficial de la Federación. https://www.dof.gob.mx/nota_detalle_popup.php?codigo=5522808

Tucker LS Jr & Cornwall TP (1977). Mother-son folie a deux: a case of attempted patricide. *The American journal of psychiatry*, *134*(10), 1146-1147.

United Nations Educational, Scientific and Cultural Organization (2017). Recommendation on Science and Scientific Researchers. France: General Conference of the United Nations Educational, Scientific and Cultural Organization 39 C/23. https://en.unesco.org/themes/ethics-science-and-technology/recommendation_science

van der Linden S (2023). *Foolproof.* New York, NY: W. W. Norton.

Walker, AJ (2006). The extreme consequence of parental alienation syndrome - the Richard

Lohstroh case of a child driven to kill his father - will courts move toward allowing children to use parental alienation syndrome as a defense to the crime of murder of their own parent? *Women's Rights Law Reporter*, *27*(3), 153.

Warshak RA (2015). Ten parental alienation fallacies that compromise decisions in court and in therapy. *Professional Psychology: Research and Practice,* 1–15. https://1drv.ms/b/s!AqneSWcIBOtavuQeT10g1-GDVCnZfQ?e=Yh6EXM

Warshak RA (2019). Reclaiming parent–child relationships: Outcomes of Family Bridges with Alienated Children. *Journal of Divorce & Remarriage, 60*(8):645–667.

Warshak RA (2020). Parental alienation: How to prevent, manage, and remedy it. In D Lorandos & W Bernet (Eds.), *Parental alienation – Science and law* (pp. 142–206). Springfield, Illinois: Charles C Thomas.

Woodhead Y, Cameron D, Blackwell S, & Seymour FW (2015). Family court judges' decisions regarding post-separation care arrangements for young children. *Psychiatry, Psychology and Law, 22*(4):520–534.

Appendix A

Response to the "Call for Inputs" regarding "Custody cases, violence against women and violence against children."

Submitted by Parental Alienation Study Group and Global Action for Research Integrity in Parental Alienation

November 21, 2022

Parental Alienation Study Group

GARI-PA
Global Action for Research Integrity in Parental Alienation

Response to United Nations Special Rapporteur regarding: "Custody cases, violence against women and violence against children"

Submitted by: William Bernet, M.D., on behalf of Parental Alienation Study Group (PASG) (www.pasg.info) and Alejandro Mendoza-Amaro, M.D., Ph.D., on behalf of Global Action for Research Integrity in Parental Alienation (GARI-PA) (www.garipa.org).

Submitted to United Nations Office on Human Rights on November 21, 2022.

The Special Rapporteur on violence against women and girls, its causes and consequences posted this "Call for inputs." Although we are happy to provide this response, we are dismayed and very concerned that blatant misinformation regarding parental alienation pervades the message from the Special Rapporteur. The words *alienation* or *alienating* were used ten times in the "Call for inputs" issued by the Special Rapporteur; on each occasion those words were embedded in statements that were misleading or blatantly false.

In this response, we will quote passages from the message of the Special Rapporteur in **bold font**, and will then explain how each passage constitutes false information regarding parental alienation.

Purpose: To inform the Special Rapporteur on violence against women and girls' report on the nexus between custody and guardianship cases, violence against women and violence against children, with a focus on the abuse of the concept of "parental alienation" and related or similar concepts.

> This introduction from the Special Rapporteur makes it clear that the purpose of this activity is to show that parental alienation theory is typically used to "abuse" women and children, i.e., the idea that abusive fathers may fabricate allegations

of parental alienation in order to explain the children's reluctance to have a relationship with them. This document totally ignores the possibility that some fathers may abuse mothers by alienating them from their children, i.e., that parental alienation is a serious problem that injures both mothers and fathers.

This supposed effort by a parent alleging abuse is often termed "parental alienation." The term generally refers to the *presumption* that a child's fear or rejection of one parent, typically the noncustodial parent, stems from the malevolent influence of the preferred, typically the custodial parent [emphasis added].

This description of parental alienation is a purposeful misrepresentation of parental alienation theory. No proponent of parental alienation theory "presumes" that a child's contact refusal is always the result of indoctrination by the favored parent. Proponents of parental alienation theory know that there are many possible causes of a child's contact refusal, and that a careful evaluation must be conducted to determine the cause in a particular case. This misinformation regarding parental alienation theory has been falsely stated many times by parental alienation critics, most often by Ms. Joan Meier. (See Bernet, W. [2021], Recurrent Misinformation Regarding Parental Alienation Theory. *American Journal of Family Therapy.* DOI: 10.1080/01926187.2021.1972494.)

Although these concepts lack a universal clinical or scientific definition, emerging patterns across various jurisdictions of the world indicate courts worldwide are using the concept of "parental alienation" or similar concepts explicitly or are allowing for its instrumentalization.

It is untrue that there is no generally accepted definition for parental alienation. The following generally accepted definition has been published in peer-reviewed articles in the *Journal of Forensic Sciences,* the *Journal of the American Academy of Child and Adolescent Psychiatry,* and *Family Court Review: "*This term may be used when a child—usually one whose parents are engaged in a high-conflict separation or divorce—allies strongly with one parent and rejects a relationship with the other parent without a good reason." This false information regarding parental alienation theory has also been repeatedly stated by Ms. Joan Meier. (For example, see Meier, J. S. [2020], U.S. Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations. *Journal of Social Welfare and Family Law,* 42[1], 92–105).

The vast majority of those accused of 'alienating' their child while alleging abuse are women. Consequently, many women victims of violence and abuse face double victimization as they are punished for alleging abuse, including by losing custody or at times being imprisoned.

> The authors of this document are apparently assuming that women who allege domestic violence may be falsely accused of alienating the child against the rejected parent. However, the authors of this document have no way of knowing (1) whether the allegations of domestic violence are true or false and (2) whether the allegations of parental alienation are true or false. The authors are simply interpreting ambiguous data in a way that criticizes parental alienation theory.

The Special Rapporteur cited the case of *Gonzalez Carreño versus Spain,* which had been reviewed by the Committee on the Elimination of Discrimination against Women. The Special Rapporteur then stated:

Since then, the CEDAW Committee has issued a number of Concluding Observations in which it directed States Parties to abolish the use of the concept of parental alienation in court cases, and conduct compulsory judicial training on domestic violence, including on the effect that exposure to domestic violence has on children. Regional monitoring bodies such as GREVIO, which monitors the Istanbul Convention, and MESECVI, which follows up on the implementation of the Belem do Paro Convention, have also made similar requests.

> The citation of the *Gonzalez Carreño* case is an extreme example of the rhetorical device of the straw man argument, since the Special Rapporteur is using that case to criticize parental alienation theory. However, the *Gonzalez Carreño* case had absolutely nothing to do with parental alienation. The document prepared by CEDAW (Communication No. 47/2012) describes in detail how a father with a history of domestic violence was given unsupervised visitation with his daughter, over the protests of the child and the mother. Sadly, the father killed the child and also himself. But there is no mention of parental alienation in the 18-page discussion of the case provided by CEDAW. It is extremely misleading for the Special Rapporteur to cite this tragic case and immediately relate that information to a criticism of parental alienation.
>
> In general, domestic violence is widespread and harms many families; but sometimes there are false allegations of domestic violence. Parental alienation is widespread and harms many families; but sometimes there are false allegations of parental alienation. It does not make sense for the Special Rapporteur and

other agencies to ignore a psychosocial problem that injures millions of children and families. Instead, these agencies should put their time and energy into sponsoring research on how to distinguish true and false allegations of domestic violence and also true and false allegations of parental alienation.

Despite a strong indication that the parental alienation concept has become a tool for denial of domestic and child abuse, leading to further discrimination and harm to women and children, data on the treatment of the history of intimate partner violence and other forms of domestic violence and abuse when family courts assess custody cases continues to be limited. Data is also limited regarding the degree to which family courts use a gender analysis in their decisions.

It is a mistake to think of parental alienation as a gendered issue. Both mothers and fathers engage in alienating behaviors; both mothers and fathers are victims of alienating behaviors and are wrongly rejected by their children.

Given the correlation between the resort to the concept of parental alienation and the persistence of gender-based violence against women, the topic requires urgent attention. A holistic and coordinated approach based on the existing international and regional standards is required in such cases at the national level, not only to uphold the principle of the best interest of the child but also the principle of non-discrimination against women and equality between women and men.

Yes, of course "urgent attention"—including "a holistic and coordinated approach"— is needed to address the widespread problem of domestic violence and also the widespread problem of parental alienation.

Objectives: The aim of this report is to examine the ways in which family courts in different world regions refer to parental alienation, or similar concepts, in custody cases and how this may lead to double victimisation of victims of domestic violence of abuse.

Obviously, the underlying premise of this statement is that there is something evil about parental alienation theory. It is obvious that the personnel in the office of the Special Rapporteur are strongly biased against the concept of parental alienation, which damages millions of children and families throughout the world.

The Special Rapporteur kindly seeks the support of States, National Human Rights Institutions, civil society actors, international organizations, academics, and other stakeholders to provide updated information on: The different manifestations or specific types of domestic and intimate partner violence experienced by women and children, including the use of "parental alienation" and related concepts in child custody and access cases.

> It would make sense for the various stakeholders to provide updated information on the manifestations of domestic and intimate partner violence and also on the manifestations of parental alienation in child custody and access cases.

The Special Rapporteur also seeks updated information regarding: The factors behind the increased number of allegations of parental alienation cases in custody battles and/or disputes involving allegations of domestic violence and abuse against women, and its differentiated impact on specific groups of women and children.

> Yes, there definitely has been an increased number of allegations of parental alienation in child custody cases. Yes, it would be helpful to understand the factors behind this phenomenon.

In summary, it is obvious that the staff of the office of the Special Rapporteur have strongly held, preconceived negative opinions regarding parental alienation theory. They will no doubt collect a great deal of confirming negative information as a result of this "Call for inputs." However, any research report or policy recommendation based on this process will be worthless because of the underlying bias that is the foundation for this activity.

William Bernet, M.D.
President
Parental Alienation Study Group
in Parental Alienation
Nashville, Tennessee, USA
william.bernet@vumc.org

Alejandro Mendoza-Amaro, M.D., Ph.D.
President
Global Action for Research Integrity

Morelia, Michoacán, México
dr_mendoza@outlook.com

Appendix B

Response to the "Call for Inputs" regarding "Custody cases, violence against women and violence against children."

Submitted by Global Action for Research Integrity in Parental Alienation

December 14, 2022

Morelia, Michoacán, México, Dic 14, 2022.

Subject: Call for Inputs – Custody Cases, Violence Against Women and Violence Against Children

Office of the High Commissioner for Human Rights of the United Nations

Issued: Special Rapporteur on Violence Against Women and Girls, its Causes and Consequences

Presented by: Alejandro Mendoza Amaro, Chairperson of Hispanic Regional Chapter Global Action for Research Integrity in Parental Alienation (GARI-PA), & Mauricio Luis Mizrahi, Second Delegate in Argentina.

Due to the fact that the Call for Inputs in question has a large number of inaccuracies, it was necessary to send two documents, one in conjunction with the Parental Alienation Study Group (PASG) and the present one that contains a different approach.

The concept of parental alienation has evolved since the 1980s, and there are currently at least ten systematic reviews, thus demonstrating that the degree of evidence for the concept is in the consolidation phase.

Researchers from all over the world began to identify that there are serious problems of research integrity in different publications, when proceeding according to the correction or retraction guidelines, it happened that the editors, without having a justification, ignored the requests together with the technical reports.

Thus, PASG researchers, in an effort to adhere to the UNESCO guidelines of the *Declaration on Research Integrity in Responsible Research and Innovation* and the *Recommendation on Science and Scientific Researchers*, decided to form the Global Action for Research Integrity

in Parental Alienation and publish the Statement of the same name on March 24, 2022. In this document, 9 of the 10 systematic reviews are listed in the bibliographic references, the last being subsequently published by Harman in June 2022.

The *Call for Inputs – Custody Cases, Violence Against Women and Violence Against Children* issued by the Special Rapporteur on Violence Against Women and Girls, its Causes and Consequences through the Office of the High Commissioner for Human Rights of the United Nations, uses the concept of parental alienation in an erroneous, ambiguous and tendentious way, since it does not use a definition, it mixes it with other real problems that afflict women, girls and boys.

In the Call for Inputs, qualifying adjectives such as the expression "malevolent influence" are used, without using a theoretical or bibliographic reference, which is contrary to the language that should prevail in scientific-professional documents, since it constitutes a methodological and ethical shortcoming noted in the 2010 American Psychological Association Publication Manual.

Another series of problems of the same type that appear in different parts of the Call for Inputs is the use of words such as: is often, The vast majority, many women, in many cases, in most cases. This series of expressions, which appear without any foundation of studies or research, do not contribute to objectivity and predispose to appreciate the problem with a bias and generate a sense of alarm in the reader.

In the fifth paragraph of "Background", they begin with a fallacy contained in the Call for Inputs, which is to require that the concept have a universal clinical or scientific definition, as they point out by saying " Although these concepts lack a universal clinical or scientific definition". Scientific and clinical knowledge, because they are the product of the scientific method and its application, have the characteristic of being fallible and perfectible, in this sense, researchers propose different conceptualizations, experts consensus other, countries and regions also use their own definitions. In terms of health and mental health, the World Health Organization has issued 11 versions of its International Classification of Diseases that, on occasions, are different in terms of mental health conditions from the five versions issued by the American Psychiatric Association (which in turn have had intermediate versions such as reviews and total reviews). That is, there is no point in the history of science when there are universal definitions.

In the same paragraph, on five occasions they try to highlight a phenomenon of violence in the couples separation of the father's against the children as a continuation of violence against the mother. It is undoubtedly a real phenomenon that occurs throughout the world, curiously the phrase they use is "According to experts, in many cases,". However,

they do not refer to any author, group of experts or study that supports such an assertion, in addition to the fact that again they do not indicate any figure or proportion when affirming a quantitative adjective.

Undoubtedly, this type of violence referred to in paragraph five and other successive ones is a reality. Also, that there are claims of parental alienation in the courts that lack foundation, this is a fact, as Turkat pointed out in 2005, calling it false claims of parental alienation. On the other hand, there are also publications that point out the false reports of child sexual abuse and maltreatment such as those by Trocmé in 2005 and Pereda in 2009. The complexity of these phenomena that occur in custody and divorce claims are indicated in the Statement of the Global Action for Research Integrity in Parental Alienation 2022 and other bibliographic sources. The existence of false reports of parental alienation does not mean that this phenomenon does not exist, just as the existence of false reports of sexual abuse and child abuse indicates that this kind of abuse does not exist.

In both fathers and mothers, this kind of phenomena of real child abuse and parental alienation occurs, as well as false reports of both. Unfortunately, there are no studies of global prevalence or incidence by gender. The largest study of parental alienation of its kind to date was conducted by Harman in 2019, where he found in a Canadian and North American sample that the ratio between fathers and mothers is practically 50% / 50%, including same-sex couples.

On the other hand, that the Call for Inputs talks about parental alienation, manipulation of children and the González Carreño versus Spain case of 2014, are an irresponsible action in which there is no specific benchmark for comparison. The General Comment No. 12 of 2009 The Right of the Child to be Heard of the Committee on the Rights of the Child, in point number 22 indicates that the child has the right to express those views freely, which also means that the child must not be manipulated or subjected to undue influence or pressure. A gender-only explanation, such as the one suggested by this Call for Input, would mean that the Committee on the Rights of the Child should update this General Comment to point out that only fathers manipulate children to reject mothers in order to cause damage.

In conclusion, this Call for Inputs lacks a clear theoretical support and focus to differentiate the complexity of legal cases in adversarial custody and divorce legal processes. The emphasis of any study and call for papers must be children, it must recognize all the phenomena that underlie the conflict, including parental alienation as a problem that is not exclusive to a single gender. Also, must acknowledge the existence of false allegations of parental alienation and child abuse. Prioritize preventive mechanisms such as the parenting coordinator, therapeutic justice, psychoeducation and psychotherapy, in cases

of doubt about violence against children and partner, supervised coexistence must prevail temporarily; In proven cases of child abuse, the safety of girls and boys must prevail, as well as in proven cases of intimate partner violence, the safety of women must prevail, and it must be understood that there will be cases where the scenario is reversed.

Undoubtedly, the protection of women against all forms of violence should be a priority for all governments, but this should not make it invisible when child abuse is exercised by women, since parental alienation is exercised by both men and women and False complaints of this type are filed by both sexes in court.

On the other hand, it is not true that, for the most part, the courts or tribunals of the democratic world:

1. Ignore violence against women.
2. Penalize women for making complaints.
3. That those accused of alienating children are women. There are both fathers and mothers who are alienating.
4. Mothers are punished for alleging abuse.
5. Women are threatened with losing custody of their children if they make allegations of abuse.
6. Mothers are required to withdraw reports of abuse.

The United Nations has a duty to protect children around the world. Children are hurt and affected when violence or abuse is perpetrated against them, such as in cases of parental alienation.

Parental alienation is a serious family dysfunction and should be treated as such. The recognition of parental alienation, as an evil that affects families, has been fully admitted by the European Court of Human Rights. Here we cite as examples:

A. “Zavrel vs. Republique Tchèque” (Raquête No. 14044/05, January 18, 2007). Paragraph 58.
B. “Bordeianu vs. Moldavia” (Judgment of January 11, 2011). Paragraph 60.
C. “Diamante Case of Diamante and Pelliccioni vs. San Marino” (Judgment of September 27, 2001, Application No. 32250/08).
D. “Piazzi vs. Italy” (Judgment of November 2, 2010). Paragraph 59.
E. “Mincheva vs. Bulgaria” (Judgment of September 2, 2010). Paragraph 99.
F. “Case of R.I. and others vs. Romania” (Application No. 57077/16, Judgment of December 4, 2018). Paragraph 65.

Improving the application of international treaties and national laws to protect children and women must be based on updating, specialization and awareness of all professionals involved in judicial processes.

References

- American Psychological Association. (2010). *Publication manual of the American Psychological Association*. Washington, DC: American Psychological Association.
- Casado, M., Patrão M., De-Lecuona, I., Carvalho, A., Araujo, J. (2016). *Declaration on Research Integrity in Responsible Research and Innovation.* Barcelona-Porto: Edicions de la Universitat de Barcelona. Càtedra UNESCO de Bioètica. Retrieved from: http://hdl.handle.net/2445/103268
- Harman, J. J., Leder-Elder, S. & Biringen, Z. (2019). Prevalence of adults who are the targets of parental alienating behaviors and their impact. *Children and Youth Services Review*, 106, 104471. DOI: http://dx.doi.org/10.1016/j.childyouth.2019.104471
- Harman, J. J., Warshak, R. A., Lorandos, D., & Florian, M. J. (2022, June 2). Developmental Psychology and the Scientific Status of Parental Alienation. *Developmental Psychology.* Advance online publication. DOI: http://dx.doi.org/10.1037/dev0001404
- Mendoza-Amaro, A. & Bernet, W. (2022, March 24). *Statement of the Global Action for Research Integrity in Parental Alienation.* Ciudad de México: Global Action for Research Integrity in Parental Alienation. Retrieved from: www.garipa.org
- Pereda, N., Arch, M. (2009). Abuso sexual infantil y síndrome de alienación parental: criterios diferenciales. *Cuad Med Forense*, 15(58), 279-287. Retrieved from:

  https://scielo.isciii.es/pdf/cmf/n58/original1.pdf
- Trocmé, N. (2005). False allegations of abuse and neglect when parents separate. *Child Abusee & Neglect,* 29(12), 1333-1345. DOI:

  http://dx.doi.org/10.1016/j.chiabu.2004.06.016
- Turkat, I. (2005). False Allegations of Parental Alienation. *American Journal of Family Law*, 19, 15-19.
- United Nations (UN) Committee on the Rights of the Child (CRC), General comment No. 12 (2009). *The right of the child to be heard,* 20 July 2009, CRC/C/GC/12, Retrieved from: https://www.refworld.org/docid/4ae562c52.html

- United Nations Educational, Scientific and Cultural Organization. (2017). *Recommendation on Science and Scientific Researchers.* France: *General Conference of the United Nations Educational, Scientific and Cultural Organization 39 C/23.* Retrieved from: https://unesdoc.unesco.org/ark:/48223/pf0000263618

Alejandro Mendoza Amaro
Chairperson

Mauricio Luis Mizrahi
Second Delegate in Argentina

Global Action for Research Integrity in Parental Alienation


pasg
Parental Alienation Study Group
GARI-PA
Global Action for Research
Integrity in Parental Alienation