

COMENTÁRIO NA CID

The WHO has rightly decided not to include the terms in the ICD. We have studied the scientific literature extensively and came to the following conclusions (note that we use quotes from our essays that we have written about the scientific findings and that are full text open access available at <https://csmsgroep.wordpress.com>):

What does the evidence say?

Research has shown that a negative attitude from one parent towards another is not a sufficient condition for a child to reject the other parent, it only contributes to a more negative reaction from the child to the other parent if the child itself has reasons for doing so (Dallam, & Silberg, 2016).

Children usually find negative statements from one parent to another unpleasant and show this as well (Rowen, & Emery, 2014; Silverberg Koerner, Wallace, Jacobs Lehman, Lee, & Escalante, 2004). Children almost never reject a parent and when they do, it is often only temporary and for their own reasons (Johnston, & Goldman, 2010; Katz, 2019). When children consistently reject a parent, it is usually the result of a process characterized by disappointment in that parent, who has shown serious problems such as domestic violence or addiction problems (Johnston, & Goldman, 2010).

This can also be concluded from a recent special issue on parental alienation (Journal of Social Welfare and Family Law, 42:1 <https://www.tandfonline.com/toc/rjsf20/42/1>). In this special issue, Doughty, et al. (2020) indicate that there are very many articles on parental alienation, but that there is a lack of empirical evidence for the theory. There is a lot of writing and discussion about the theory, where it is striking that the concept is poorly defined. When data have been collected, these are often unrepresentative samples, retrospective research (looking back) is often used, the research design does not make it possible to make statements about cause-effects and/or instruments are used which are not credible and have not been validated to determine parental alienation.

Moreover, the research done on children who rejected a parent does not give any indications that parental alienation occurs. Literature showed that children who rejected a parent usually did so only temporarily. Young adults who had rejected their father as a child did not remember that they had done this (only) under pressure from their mother, but mentioned their own reasons, such as a lack of interest from their father and being rejected by a new partner.

It seems that children can suffer from conflicts and parental behaviour after divorce, but do not develop a false image of their parents, let alone falsely claim to have been mistreated or abused. The various articles refer to literature that shows that false accusations of domestic violence are rare and that it is therefore highly unlikely that parents would coach children in remembering abuse or in making false accusations.

Casas Vila (2020) mentions that the Spanish Ministry of Justice had an investigation carried out into false allegations of gender violence, from which it emerged in 2016 that only 0.0075% of the allegations were false allegations. It can be concluded that there is no scientific evidence for the theory of parental alienation.

Why do people use the theory?

Some argue that, despite a lack of evidence, parental rejection can be seen in practice (Groenhuijsen, 2014; Raad voor de Kinderbescherming, 2018). Parents who are divorcing may have a negative attitude towards the (former) partner (Rowen, & Emery, 2014). This behaviour may be confused with parental alienation, even though the child does not reject either parent (Mercer, 2019). Parents and children who rightly reject a parent because of domestic violence are often not believed (Neilson, e.a., 2019). This is partly because domestic violence is difficult to prove, is considered so bad that people cannot or do not want to imagine it, children often do not dare to talk about it and victims (due to trauma) show different behaviour and emotions than one would expect (CSMS, 2019). In the absence of recognition of domestic violence, the negative behaviour of the parent (and child) can be interpreted as evidence of parental alienation (Neilson, e.a., 2019).

Moreover, the theory is defended by a group of people who, in documents and articles, suggest that there is scientific evidence for it, but those do not contain any scientific research results, or describe studies with insufficient validity (for a further discussion, see, for example, Bruch, 2006; CSMS, 2019; Meier, 2009; Neilson, e.a. 2019).

This group may have idealistic or financial interests in recognizing the theory (CSMS, 2019; Neilson, e.a., 2019). (Unjustified) trust in theory by people with authority, such as the LEBZ (national expert group on special sexual offences) and family judges, may contribute to the conviction of others (Nierop, & Van den Eshof, 2008; Van Leuven, 2001).

Especially fathers are successful when they use the theory in response to accusations of domestic violence in matters of authority or association, even when evidence of domestic violence is present (Meier, & Dickson, 2017; Neilson, e.a., 2019).

From the 2020 special issue, it becomes clear that the PA theory has been promoted in different countries in a similar way by fathers' rights movements. However, the social, cultural and political context has influenced the way in which and the extent to which the theory has become accepted in different settings (such as among family judges, within child protection services and among policymakers and the government).

Rathus describes how, in Australia, protecting children from domestic violence and striving for contact between the child and both parents after divorce function as two separate pillars in the family justice system. At the end of the twentieth century there were fathers' rights movements that campaigned for the rights of fathers and equal parenthood after divorce. At the same time, people became aware of the harmful effects of domestic violence on children and the importance of protecting them from it. The theory of parental alienation brings these pillars into conflict with each other because victims of domestic violence are not believed when they are accused of parental alienation. This theory was used by the paternal rights movements to bring the discussion away from domestic violence and to shift the focus to contact with fathers and to portray fathers as victims of vengeful mothers, whereby fathers should be protected with more rights in the family justice system.

Barnett describes how research in Britain around the turn of the century also made it clear that contact between children and violent parents can be very damaging and that domestic violence should be seen as a serious failure in parenting. As a result, domestic violence was recognised as a weighty factor in custody decisions. At about the same time, the theory of parental alienation was introduced into family law and this theory was gradually used and accepted more often in family law and mainly by child protection services. Over the years there seemed to be a resurgence of campaigns for the theory of parental alienation from paternal rights movements and mainly by some family lawyers and child welfare professionals in response to concerns about domestic violence in family law.

Doughty, et al. describe for England and Wales that campaign groups and the popular media blame the professionals for not paying enough attention to parental alienation and being insufficiently skilled in this area. They are mainly addressed to the child protection authorities who have to defend the interests of children in family law, which are affected by this.

There's a counter-movement on this. In the spring of 2019, a campaign was conducted to protect children from forced contact with violent fathers, following the finding that children had been placed in very dangerous situations by court rulings, which had led to the murder of at least four children since 2014.

Lapierre, et al. explain that the theory became popular and accepted in Quebec (Canada) when two influential Canadian researchers, in collaboration with child protection agencies, published interventions and a toolkit aimed at diagnosing and combating parental alienation. In addition, reports in the media further confirm the image of divorces that would be highly conflictual, with descriptions of parental alienation and references to these researchers.

The research by Sheehy and Boyd shows that in Canada, as in the other countries, there is a strong focus on the idea that there should always be contact with both parents, with mothers being held responsible for a good relationship between the children and fathers, even when the fathers have committed domestic violence.

Casas Vila indicates that in Spain several professionals can get involved in custody cases (psychosocial teams) and inform the judge. These professionals work on the assumption that the child has to be in contact with both parents and they do not need to be trained domestic violence. Many of them use the theory of parental alienation and they have introduced the theory into Spanish family law. For both professionals and fathers' rights movements, the theory seems to offer a solution to the desire not to acknowledge the existence of domestic violence perpetrated by fathers. In 2003, however, a girl was murdered by her father during unaccompanied contact, against which the mother had repeatedly resisted

In 2014, Spain was condemned by the United Nations Committee on the Elimination of Discrimination against Women. In 2016, Spain was condemned by the European Court of Human Rights. In this case, two girls were forced to deal with their father in 2007, when they refused to do so because of his violent behaviour.

At the Spanish government level, there is attention for gender violence and the fact that the theory of parental alienation is incorrect and used with harmful effects. Spain has had a law on integrated protection measures against gender violence since 2004. Since 2015, children of violent fathers are recognized as direct victims and not just as witnesses of violence. A paradox has arisen in Spain whereby the government and various organisations reject the theory of parental alienation, but the professionals in family law continue to use the theory. This is blamed on the fact that the government has little control over the functioning and training requirements of psychosocial teams, which may include, for example, psychologists, social workers and parents' coordinators, who do not need to be trained in domestic violence and often do not investigate the presence of domestic violence.

Contrary to Spain, in 2018 Italy considered including in the law the possibility for judges to take urgent measures in cases of parental alienation, such as reversal of the child's

principal residence. Feresin describes that it was explicitly stated that it would usually be the alienation of fathers and that it could be determined on the basis of signs of parental alienation in the child without clear behaviour from a parent. This bill was part of a bill that would also make mediation and co-parenting compulsory after divorce. In response to the bill, the Italian Government received a letter from representatives of the United Nations explaining that this proposal would represent a serious step backwards which would contribute to inequality between men and women and would not provide protection for women and children who are victims of violence from fathers. The proposal also contravenes the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, which has been ratified by Italy. Italy decided that the draft law should be evaluated.

Meier describes that in America scientific insights do not lead to reduced use of the theory of parental alienation in cases of allegations of domestic violence, despite information and training materials for professionals. Moreover, proponents of the theory have started to disguise the gender background of the theory and claim that fathers and mothers equally often make accusations of domestic violence.

Mackenzie et al. explain that in New Zealand the theory is still used in family law, despite the fact that several scientists have pointed out that the theory of parental alienation has no empirical support. In New Zealand, the slogan 'it's not OK' is used against domestic violence, but there seems to be a social system in which women are seen as unreliable and violence against women is trivialised or denied. The first study of the Backbone collective showed that mothers had the experience that their children and themselves were less safe due to family law. New Zealand works with a lawyer for the child and possibly with a psychologist or social worker. Mackenzie et al. found that mothers were accused of parental alienation by all three types of professionals, and most often by psychologists, despite strong criticism of the theory by the New Zealand Psychological Society and the American Psychological Society.

Elizabeth explains that in New Zealand the norm after divorce is now that fathers have their children with them equally (50-50) or a significant part of the time and that it is considered morally correct that fathers strive for this. Within this context, it has become the norm that mothers have the responsibility to facilitate contact between children and fathers. Mothers have to take into account the time schedule of fathers, plan the holidays, take care of the children's things (such as preparing a bag with toys and clothes for father's use) and even risk their own safety. In addition, there are also gender-specific socio-moral norms about emotions related to divorce. Anger is masculine and fear and sadness are feminine. This

means that men are more likely to express anger after a divorce and fight for their rights over the children, while women are more likely to express fear and sadness about losing (time with) their children and that this is what is socially accepted. Behavior of mothers that deviates from this is quickly seen as selfish and unkind and as parental alienation.

Why are people concerned about the use of this theory?

Through the use of the theory, justified accusations and signs of domestic violence (ex-partner violence and/or child abuse) can be seen as a parental alienation by the child protection services and family courts involved (Neilson, e.a., 2019). Children are forced to (unsupervised) contact with a violent parent and in some cases (if the protective parent does not cooperate) eventually even fully assigned to a parent who commits domestic violence (a so-called 'paradoxical allocation') (CSMS, 2019; Neilson, e.a., 2019). As a result, children are not protected, which is a violation of their human rights (Neilson, e.a., 2019). It happens that these children run away, make suicidal attempts or are murdered by the violent parent in question (Neilson, e.a., 2019). Researchers are confronted with children who talk about domestic violence and the consequences of not being protected (Neilson, e.a., 2019).

These researchers try to inform policymakers and professionals about this by means of publications (see for example Herbert & Mackenzie, 2017; 2018). Some children who have reached adulthood are striving for change by sharing their stories via social media so that a new generation will be spared the suffering they have experienced (see for example <https://americanchildrenunderground.blogspot.com/>).

The Council of Europe published a statement this year in which it is stated that accusations of parental alienation by abusive fathers of mothers should be seen as a continuation of power and control by public authorities and actors, including those who decide on the care of their children (<https://rm.coe.int/final-statement-vaw-and-custody/168094d880>).

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