

**United Nations Human Rights**  
**Office of the High Commissioner**  
**Special Rapporteur on violence against women and girls,**  
**its causes and consequences**

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

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The Portuguese Association for Parental Equality and Children's Rights (APIPDF) hereby send our input to the report on violence against women and girls, in particular on the concept of parental alienation as an instrument of violence.

For many years, in the processes of regulating parental responsibilities, guardianship was invariably given to mothers, by application of the “presumption of the early years”, according to which mothers would be better prepared to care for young children, and by the role attributed and assumed by the woman since always, being, in fact, the sociocultural reality that is the base of the construction of the whole argumentative line of the deniers of parental alienation, as a reality in fact.

However, the truth is that recently the roles of men and women have become closer, both in society and within the family: if, on the one hand, there is a clear emancipation of women in the labor market, in total contrast to their role traditional role of wife and mother, on the other hand, men are no longer just providers and breadwinners in the home, but dedicate themselves more closely to the family, actively participating in the life, care and education of their children.

This phenomenon has boosted disputes, both judicial and *de facto*, about the custody regime applicable in the event of separation, - often favoring the occurrence of acts of parental

alienation between parents -, at the same time that it brings with it new solutions regarding the custody regime, namely, due to the increasing application of the alternate residence regime<sup>1</sup> or shared physical custody – this being, in fact, the regime that best prevents possible acts of parental alienation carried out by the parents, promoting, as a result, a healthy and equivalent coexistence of the children with both parents.

Indeed, in any matter relating to children and young people, the ultimate and primordial guiding criterion will always be their Superior Interest, which will have to be understood in sufficiently broad terms to cover everything that involves the legitimate desires, achievements and needs of the child, in the most varied aspects: physical, emotional, psychological, social, intellectual, moral and religious.

The regulation of parental responsibilities must, therefore, be seen essentially as a right of the child or young person, namely, to maintain their affective ties with their family, in particular the nuclear family – that is to say, both parents – enjoying their participation in their life, care, and education, even in the context of their separation.

Parental figures likewise assume, *per se* and jointly, an extreme relevance in the harmonious growth and development of children, so that none of the parents is allowed to distort the image of the other parent in front of the children and young people, without any reasonable justification. – to the extent that denigrating the image of one is denying part of the essence of the child as a being.

Regardless of being qualified as a merely behavioral or social phenomenon, or even medical and scientific, what is certain is that parental alienation exists as a *de facto* reality, consisting of a social practice of emotional distancing of the child from one of the parents, by intentional action, unjustified and objectionable behavior of the other, determined by selfish and frivolous interests of their own, and not by the «best interest» of the child.

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<sup>1</sup> “(...) rotational division of residence times tending to be symmetrical and that of producing a family and social daily life with the child” (Marinho, 2012)



This campaign can then be carried out by the alienating agent, through conduct such as the following: limit or exclude the child's contact with the alienated parent and his family; to express displeasure with the child's contentment in being with the alienated parent; lead the child to think that he was abandoned or that he is not loved by the alienated parent; suggest to the child that he must choose between the mother or the father, making him take sides in the conflict; suggest to the child that the alienated parent is dangerous; cultivating the child's dependence on the alienating parent; not communicating to the alienated parent important facts related to the life of the children (such as those related to school, doctor, celebrations, etc.); make important decisions about the children's lives, without prior consultation with the other parent (for example, choosing or changing schools); interfere with the other parent's visits; attacking the relationship between the child and the other parent; remind the child, insistently, of reasons or facts that have led the child to become upset with the alienated parent; turning the child into a spy of the alienated parent's life; spoil, hide or neglect the gifts that the alienated parent gives to the child; issue false accusations about the alienated parent; inducing guilt in the child for having a good relationship with the alienated parent, among as many other behaviors as human imagination allows.

This interference in the psychological formation of the child is classified as emotional abuse and qualifies as “mistreatment” in general, in total affront to legally enshrined parental duties (right/duty to educate and maintain children and duty to promote the child). respective physical, intellectual, and moral development) and the general principle of the best interests of the child.

Such an occurrence will lead to the production of serious moral damage - e.g. emotional, social, cognitive and behavioral imbalances - which will contaminate not only the basic family's functionality and sanity, but also all the child's interpersonal relationships, as well as future generations who will irremediably suffer from the basic distortion.

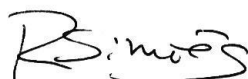
It should be noted, in this regard and not least, that it is not only the relationship between the child and the alienated parent that will be dysfunctional, the relationship between the child and the alienating parent will also be pathological, because it is based on a toxic reverence, in the total absence of reflection and self-criticism on the part of the child, who assumes a

fragile and submissive position, not infrequently, exacerbated by the climate of fear installed by the alienating parent.

Therefore, in our view, any rejection of the concept of parental alienation will mean an attack on the Rights of Children and Young People, insofar as they are the main victims. Moreover, women's rights are not necessarily linked to children's, as we are essentially talking about adult interests, just as if we were talking about parents' rights. Parental alienation results rather from transformations in social practices and dynamics, transformations that have resulted in changes in the capitalist system, particularly in so-called Western countries. From this perspective, the phenomenon of parental alienation is closely related to power relations and gender roles within families, and not as a reaction against women. Rather, it is a reaction between behaviors of families with stricter gender roles and more egalitarian and democratic families. Therefore, it makes no sense to try to prevent the concept of parental alienation from being used in an operational way either by institutions or by citizens, fathers, mothers, and children.

We subscribe in advance with all due consideration,

**Board of the Associação Portuguesa para a Igualdade Parental e Direitos dos Filhos**



(Ricardo Simões – President of the Board)

### **Bibliography**

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