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

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Via email: hrc-sr-vaw@un.org

Submitted by: the Executive Board of Directors on behalf of PAS Intervention (PASI) Parenting Advocates Support & Intervention (www.pas-intervention.org). PASI has over fifty chapters internationally in the United States, Brazil, Denmark, Germany, New Zealand, Spain, Australia, China, Japan, Mexico, Portugal, and the United Kingdom which represents alienated parents who represent 31.85% of the world's population.

PASI is an international non-profit whose mission is to eradicate the psychological abuse of custodial interference via parental alienation in the lives of all families globally. We offer support and advocacy to parents and children experiencing parental alienation.

The Special Rapporteur on violence against women and girls, is whose 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. We oppose the report also because it fails to promote gender equality as it displays a strong bias in favor of women. This biased approach hinders the effective resolution of the issue of domestic violence and ignores the extensive research and studies that show DV is genderless and happens equally to and by all genders.

In this response, we will quote passages from the message of the Special Rapporteur in **bold font**, and will then explain how each passage contains 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 re- lated 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 mother’s may abuse fathers by alienating them from their children. Parental alienation is a felony called Custodial Interference and 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 and Jean Mercer. (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 and Ms. Jean Mercer. (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 re-viewed 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 GRE- VIO, 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. This is not the only place that this is being done. Most of the cases brought up by opposers of the concept of parental alienation, have never been adjudicated as parental alienation or custodial interference. They are all cases where the courts and professionals did not do their due diligence whether because of a lack of training or some other factor.

In general, domestic violence is widespread and harms many families; but sometimes there are false allegations of domestic violence. In fact, the women's rights organizations and their backers like to claim that 73% of all DV reported cases get dismissed and they false with no statistical data, then claim that all of these 73% are all true cases that have led to further abuse by that parent. Well, that is a fallacy on so many levels. For over 25 years, it has been a statistic that the majority of abuse allegations are false. This creates a huge concern that money, resources and time are being taken from the true victims of abuse. But let's take this a bit further. If these feminist groups were even slightly correct about how many true allegations are being dismissed, this world has a serious epidemic of abuse. But if we consider the other possibility that 62% of the 73% of dismissed cases are truly false, and that 1% are true cases that not enough evidence was provide or another factor played a part. Then we have an epidemic of false allegations gumming up the works for true victims. Either way, there is an epidemic that requires better training and education to recognize all forms of abuse.

Parental alienation is widespread and harms many families; but like any diagnosis, it can be abused and sued to file false allegations of parental alienation. Parental alienation and Custodial interference are proven forms of psychological abuse. 35 years of research and study back this. It does not make sense for the Special Rapporteur and other agencies to ignore a psycho-social 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. In fact, after 25 years of work with psychologically abused parents, the pendulum has swung from only father's getting custody pre-1880's to the tender years doctrine, when women only got custody, to the pendulum swinging equally. Not because one gender abuses more than the other, but because public and social practices and policies changed. PAS Intervention has equal numbers of gender members including those with same sex relationships.

Denise A. Hines, Emily M. Douglas & Joshua L. Berger, A Self-Report Measure of Legal and Administration Aggression Within Intimate Relationships, 41 *Aggressive Behave.* 295 (2015).

Hines, D. A., & Douglas, E. M. (2010). Intimate terrorism by women towards men: Does it exist? *Journal of Aggression, Conflict and Peace Research*, 2, 36–56. <http://dx.doi.org/10.5042/jacpr.2010.0335>

Hines, D. A., & Douglas, E. M. (2016a). Relative influences of various forms of partner violence on the health of male victims: Study of a help seeking sample. *Psychology of Men & Masculinity*, 17, 3–16. <http://dx.doi.org/10.1037/a0038999>

Hines, D. A., & Douglas, E. M. (2016b). Sexual aggression experiences among male victims of physical partner violence: Prevalence, severity, and health correlates for male victims and their children. *Archives of Sexual Behavior*, 45, 1133–1151. <http://dx.doi.org/10.1007/s10508-014-0393-0>

Hines, D. A., Douglas, E. M., & Berger, J. L. (2015). A self-report measure of legal and administrative aggression within intimate relationships. *Aggressive Behavior*, 41, 295–309. <http://dx.doi.org/10.1002/ab.21540>

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 wide-spread problem of parental alienation and the widespread false allegations of abuse of any kind.

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 victimization 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. Parental Alienation is not evil. It is a mental health issues stemming from a multigenerational process passed down from the generations before. Did you know that Albert Einstein was alienated from his boys? And how many years ago was that? This problem has grown exponentially over the past 100 years and cannot be brushed off any longer as something that does not exist or is evil. We are talking mental health issues with poor role models who are passing their Family of Origin issues down to the children and projecting their issues through the children onto the other parent. Well, reality is, how would this parent know what proper parenting is if they never saw it. In fact, these custodially interfering parents are primarily narcissistic thus lacking true empathy and compassion, not mimicked. Narcissists are really good at mimicking what they perceive others would do or say, without feeling.

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.

Lack of gender neutrality: The report predominantly focuses on women as victims and men as perpetrators of domestic violence, disregarding the fact that both genders can be affected by and contribute to this problem. By neglecting the experiences of male victims and female perpetrators, the report undermines the principle of gender equality. In fact, reality is that both sides are concerned about the same thing, domestic violence and the harm it does. If we take out all of the adjectives, it comes down to a genderless, raceless, religion-less, colorless and odorless issue. When we can come together as one fighting to stop all forms of abuse including the psychological abuse of custodial interference and parental kidnapping, we will never be able to solve for these issues.

Oversimplification of the issue: Domestic violence is a complex problem with various underlying causes and factors. The report's narrow perspective oversimplifies the issue by attributing it solely to gender dynamics. Neglecting other factors such as socioeconomic status, mental health, and substance abuse limits our understanding of the problem and inhibits the development of comprehensive solutions.

Exclusion of male victims: While it is assumed that women are disproportionately affected by domestic violence, this has been disproven by research and studies. At the same time, it is essential to acknowledge and address the experiences of male victims. By disregarding male victims, the report perpetuates harmful stereotypes and inhibits efforts to support all survivors, irrespective of their gender. Research shows that men are more likely to use physical abuse, while women are more likely to use poison or a deadly weapon. Both use psychological abuse equally.

Denise A. Hines, Emily M. Douglas & Joshua L. Berger, A Self-Report Measure of Legal and Administration Aggression Within Intimate Relationships, 41 *Aggressive Behave.* 295 (2015).

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Ignoring female perpetrators: Domestic violence committed by women is a reality that should not be dismissed. By exclusively framing men as perpetrators, the report overlooks cases where women are the abusers. Such an oversight perpetuates gender biases, impedes the identification and needed mental health support for female perpetrators, and undermines the pursuit of true gender equality.

To effectively combat domestic violence, it is crucial to approach the issue from a gender-neutral standpoint, acknowledging the experiences and needs of all individuals affected by this problem. By adopting an inclusive approach, we can work towards finding comprehensive solutions that promote true gender equality and address the multifaceted nature of domestic violence.

It is important to acknowledge that parental alienation can be a significant issue that affects children and the alienated parent. The emotional abuse and psychological violence that may arise from parental alienation should not be disregarded. Denying the existence of parental alienation or minimizing its impact can indeed contribute to the perpetuation of such harmful behavior and hinder efforts to help both the alienated parent and the children involved.

It is crucial to address parental alienation as a problem that can occur regardless of the gender of the alienating or alienated parent. By recognizing that both mothers and fathers can engage in parental alienation, we can better support all affected parties and work towards mitigating its negative consequences.

False allegations of parental alienation should be treated seriously and thoroughly investigated to ensure a fair and unbiased assessment of the situation. It is important to remember that each case should be evaluated on its own merits, considering the well-being and best interests of the child involved. But if false allegations of parental alienation are to be treated harshly, then so must false allegations of physical or sexual abuse. In fact, these allegations are actually worse because the parent replaces all of the children's positive memories with false ones. The child grows up believing they are victims of abuse and this dynamic affects them psychologically for the rest of their life, especially if they are made to testify or state this to a professional. When the child realizes that they harmed their other parent by making false statements, they feel so guilty that they become suicidal.

The goal should always be to provide a safe and nurturing environment for the child, which includes maintaining healthy relationships with both parents, unless there are valid reasons for limiting contact due to safety concerns or other factors. Properly addressing parental alienation requires a comprehensive approach that considers the specific circumstances of each case and prioritizes the well-being of the children involved. The reality is that if this was an intact family with DV issues but did not want to give up on each other, they would be in family therapy and the children would not be taken from the aggressive parent. So, if this would not happen this way in an intact family, why we allowing it to happen in a divorced family?

By recognizing the detrimental effects of parental alienation on children and the alienated parent, and by promoting a fair and unbiased evaluation of such cases, we can strive to protect the rights and well-being of all individuals involved while working towards more equitable outcomes.

It is only right to emphasize the importance of recognizing men as victims of domestic violence or abuse so as not to be discriminatory against one gender. Thus, it is crucial to acknowledge that men can also experience domestic violence and that neglecting their experiences in the report undermines the objective analysis of the issue.

By solely focusing on women as victims and men as perpetrators, the report perpetuates a narrow and biased perspective that demonizes men and fathers, which is not reflective of the reality. It is essential to address domestic violence as a problem that can affect individuals of all genders and to provide support and resources for all victims, irrespective of their gender.

Neglecting the experiences of male victims not only invalidates their suffering but also hinders efforts to provide them with the necessary assistance and protection. Domestic violence affects everyone involved, including men, and it is vital to address their experiences and needs within the report to ensure a comprehensive and balanced understanding of the issue. And this trickles down to our young male children.

By acknowledging and addressing the experiences of male victims of domestic violence, we can work towards a more inclusive and effective approach that supports all individuals affected by this serious problem.

The Istanbul Convention is an international treaty aimed at preventing and combating violence against women and domestic violence. While it is true that the convention primarily focuses on women as victims, it is important to note that this emphasis is due to the historically disproportionate impact of violence on women and the specific challenges they face in that country. This is not representative of the rest of all other countries.

The convention does recognize that men can also be victims of domestic violence and includes provisions to address their needs. However, it places a particular emphasis on the unique vulnerabilities and experiences of women, who have often been the most affected by such violence. The statistics clearly show that men do not report abuse even when the emergency room is telling them they have to report it. Men fear being laughed at, seen as not a man or worse, having it turned around on them.

The process of developing and ratifying international conventions typically involves consultation and negotiation among experts, government representatives, and civil society organizations. While it is essential to ensure transparency and public participation in these processes, it is also crucial to strike a balance with the need for efficiency and expertise in developing comprehensive frameworks to address complex issues.

Critiques of the convention or discussions about potential amendments should be welcomed as part of an open and inclusive dialogue. It is important to create an environment where concerns and different perspectives can be expressed without resorting to labeling or dismissing opposing viewpoints.

Engaging in constructive discussions and addressing the concerns raised about the convention can help refine its provisions and improve its effectiveness in addressing all forms of domestic violence, including those experienced by men. By fostering a balanced and inclusive approach, we can work towards ensuring that the convention promotes the well-being and safety of all individuals affected by domestic violence.

As a nonprofit, we have been committed to permanent and equal parenting since our founding in 1996 and we have supported both men and women in this process. In helping men, however, we have for years experienced prejudices with which government organizations justify decimating the role of fathers in society by largely excluding them from their children.

As a nonprofit organization dedicated to promoting permanent and equal parenting, we have experienced prejudices and biases in government organizations that have resulted in the exclusion of fathers from their children's lives which must stop.

The importance of fathers' involvement in the lives of their children cannot be overstated. Research consistently shows that children benefit greatly from having a strong and nurturing relationship with both parents. Recognizing the crucial role that fathers play in their children's development and well-being is essential for fostering healthy family dynamics and promoting the best interests of children.

Women's organizations in the USA like to claim that Father's get tons of funding from the Fatherhood Initiative. The only reason for the Fatherhood initiative in the USA was due to statistical data that showed when a children need their fathers and that when a father was kept from his children, he less likely to pay child support for a child they had no relationship with. The initiative was not to provide money to fathers. But rather to ensure that the statistics for father's children were changed and that child support was paid. All of which, are a benefit to not just children but financially to mothers while making sure the fathers could be engaged with their children. The fatherhood initiative is why more mothers are seeing CS paid so long as the children see their fathers.

Efforts should be made to address any prejudices or biases that lead to the exclusion of fathers from their children's lives. This includes promoting awareness and understanding among government organizations and society as a whole about the importance of equal parenting and the positive impact it has on children.

By advocating for the equal involvement of fathers and supporting initiatives that promote shared parenting, our organization can contribute to creating a more inclusive and equitable society where both men and women are recognized as vital contributors to their children's upbringing.

As a nonprofit, we are against any form of violence and are well aware that much is still needed worldwide to prevent violence against anyone. However, these efforts in the Western world seem to be overshooting their mark. Efforts to prevent violence against women and girls in the Western world have progressed to a free pass for women (and sometimes girls) to be above the law. The decades of experience of PASI show that accusing men/boys by women/girls pays off and that, without independent investigations, men/boys are now convicted and put away as perpetrators both in the media and by government organizations. It is not wonder our youth are co-habituating instead of getting married. It is no wonder we are seeing a large proportion of divorced children with Gender Identity Issues. They either are switching genders to align with one that the abuser will accept or they are becoming PAN with no gender, so they do not have to take a side at all.

As a nonprofit organization, it is important to acknowledge the need to prevent violence globally. Efforts to address this issue are crucial for promoting gender equality and creating safer communities for everyone. However, it is also essential to ensure that these efforts are fair, just, and balanced.

While progress has been made in raising awareness about violence against women and girls, it is important to recognize that the pursuit of justice should never come at the expense of due process or the presumption of innocence. Accusations should be thoroughly and independently investigated, regardless of the gender of the accuser or the accused, to ensure a fair and unbiased assessment of the situation.

It is important to note that generalizations about the behavior or motivations of any gender can be misleading and perpetuate stereotypes. Each case should be evaluated based on the specific evidence and circumstances involved, with the principle of fairness and impartiality guiding the judicial process.

Promoting gender equality and preventing violence should not create an environment where one gender is given a free pass or where false accusations are rewarded. It is crucial to uphold the principles of justice, transparency, and the rule of law to ensure that all individuals, regardless of their gender, are treated fairly and their rights are protected.

Advocating for a balanced and fair approach is crucial in our efforts to prevent violence against anyone while promoting justice and equality for all. By doing so, we contribute to the development of systems and practices that prioritize the well-being and safety of all genders while ensuring that fundamental principles of justice and equality are upheld.

A balanced approach means recognizing the unique vulnerabilities and experiences faced by women and girls in relation to violence. It acknowledges the disproportionate impact of violence on their lives and emphasizes the need for targeted interventions and support systems. Such an approach recognizes the importance of providing specialized services, such as shelters, helplines, and counseling, to address the specific needs of survivors.

A fair approach ensures that justice is accessible and attainable for all individuals affected by violence. It means holding perpetrators accountable through fair legal processes that are free from discrimination and bias. It also involves supporting survivors in seeking justice, providing them with legal assistance, and creating an environment where their voices are heard and respected.

By advocating for a balanced and fair approach, we strive to challenge and transform societal norms and attitudes that perpetuate violence against women and girls. This includes addressing harmful gender stereotypes, promoting gender equality, and fostering a culture of consent and respect.

Moreover, a balanced and fair approach requires collaboration and partnership among various stakeholders, including government institutions, civil society organizations, community leaders, and individuals. By working together, we can develop comprehensive strategies, policies, and programs that prevent violence, protect survivors, and promote the rights and dignity of women and girls.

In summary, advocating for a balanced and fair approach is essential in preventing violence against women and girls. It enables us to create a society where everyone can live free from violence, where justice is served, and where equality and respect are upheld for all individuals.

It appears evident that the staff members working in the office of the Special Rapporteur hold strong and preconceived negative opinions about the parental alienation theory. Consequently, it is likely that they will primarily gather information that supports these negative views through the "Call for inputs" process. However, any research report or policy recommendation stemming from this biased approach will be deemed valueless due to the inherent prejudice underlying the entire activity.

Respectfully submitted by the Executive Board of Directors,

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