

December 2, 2022

I am writing as a representative of the International Counsel on Shared Parenting. We are concerned about the unscientifically supported premise and the gender biased perspective on intimate partner violence (IPV) of this initiative. We advocate for the application of the European Convention on Human Rights related to cases of IPV and the need to protect children from revictimization and exposure to violence. We also recognize widespread misinformation about the scientific understanding of parental alienation (PA). Many cases involving IPV and child abuse do not involve allegations of PA, just as the majority of cases involving PA do not involve allegations of other forms of abuse. They overlap at times, but they are distinct problems. We address each of the requested points below, and we support our responses with peer-reviewed, scientific research.

1. The different manifestations or specific types of IPV experienced by women and children, including the use of “parental alienation” and related concepts in child custody and access cases.

The premise of this request reflects a gendered paradigm about IPV that is not supported in the larger scientific field. Gender-based violence is less common than other forms of violence and males are as likely to be victims of most forms of violence as women. Below are just a sample of several peer-reviewed scientific studies that demonstrate this fact:

1a. The Centers for Disease Control¹² reports that women and men are victimized in similar proportions.

- 1 in 4 women and 1 in 7 men have experienced severe physical violence by an intimate partner in their lifetime.
- 35.6% of women and 28.5% of men report lifetime rape, physical violence, and stalking behaviors.
- 5.9% of women and 5.0% of men report rape, physical violence, and stalking behaviors in the last 12 months.
- 30.3% of women and 25.7% of men reported being slapped, pushed, or shoved in the last 12 months.
- 2.7% of women and 2.0% of men reported any severe physical violence in the last 12 months.

1b. A meta-analysis of 82 research studies on family violence³ containing over 64,000 participants from around the world found that women are more likely to be perpetrators of physical aggression in their relationships than males.

1c. Two systematic reviews⁴⁵ of IPV studies archived in the largest domestic violence research database (the PASK project) report proportionalities similar to that reported by the CDC:

- 1 in 4 women and 1 in 5 men experienced intimate partner violence.

¹ https://www.cdc.gov/ViolencePrevention/pdf/NISVS_Executive_Summary-a.pdf?c=TW&d=201502245

² <https://stacks.cdc.gov/view/cdc/46305>

³ <https://doi.org/10.1037/0033-2909.126.5.651>

⁴ <https://doi.org/10.1891/1946-6560.3.2.140>

⁵ <https://doi.org/10.1891/1946-6560.3.2.170>

- 31.5% of women and 18.4% of men in clinical samples were perpetrators of domestic violence.

PA is an outcome of coercively controlling abuse where the child has been weaponized against a parent and aligns with the abusive parent due to their psychological manipulation⁶. IPV scholars have recognized that abusive parents often use children as weapons to control and harm their victims. Weaponization is not easy to do. Most children do not reject even the most abusive parents^{7,8}. Regardless of the term used to describe this problem, courts have long documented abusive behaviors by parents to damage their child's relationship with the other parent (e.g., "alienation of affection").

Research and reviews of research on PA have been published in some of the top scientific journals in the world, including *Psychological Bulletin*, and *Current Directions in Psychological Science*. Notably, critics who claim there is no scientific support for PA rarely or never publish research, and they publish their opinions in lower-tiered, professional journals, some of which are not peer-reviewed at all.

In the journal *Developmental Psychology*, Harman and colleagues⁹ recently identified over 200 published studies containing empirical data supporting the problem using a wide variety of methods and samples. Over 40% of what is known today has been published since 2016. **It is an outdated opinion to state that there is no scientific evidence for PA.** There are not gender differences in who the alienated parent is using nationally representative samples¹⁰; fathers *and* mothers are as likely to be alienated parents.

All people are vulnerable to abuse, not just women and children. It is a severe error to assume men are not victimized to the same, or even greater extent as mothers and children, and this potentially is a violation of the human rights of half the human race.

2. The factors behind the increased number of allegations of PA cases in custody battles and/or disputes involving allegations of IPV against women, and its differentiated impact on specific groups of women and children.

The premise of this second request is also wrong. There is no conclusive scientific evidence that there is an *increase* in number of allegations in PA cases in custody battles involving allegations of IPV and abuse against women and children. Only one paper has reported "alleged" data supporting this premise, and it was an unreviewed study posted on an internet archive¹¹. The authors have also not been transparent in sharing their statistical models or methods for others to critically evaluate their conclusions. Public policies and laws should NOT be made on such weak and ideologically driven work of advocates who have not had their work pass through

⁶ http://www.cej.mj.pt/cej/recursos/ebooks/familia/eb_AlienacaoParental2018.pdf

⁷ <https://doi.org/10.1016/j.childyouth.2016.06.004>

⁸ <https://doi.org/10.1007/s10826-019-01522-5>

⁹ <https://doi.org/10.1037/dev0001404>

¹⁰ <https://doi.org/10.1016/j.childyouth.2019.104471>

¹¹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3448062

scientific peer-review processes. Very few cases involve claims of PA, IPV, *and* child sexual abuse¹².

Here is what we DO know about allegations of IPV and child abuse in cases where PA was alleged or found:

- Less than half of PA cases involve any allegation of abuse whatsoever¹³. Claims of PA are not just made to deflect abuse allegations.
- In two studies using large samples of U.S. appellate court cases¹³ and Canadian trial level cases,¹⁴ scientists did **not** find that mothers lost custody to abusive fathers when they claimed they were alienated from their children. Rather, the courts carefully considered all allegations of abuse made against alienated parents.
- The base rate of alienated parents who also had a finding of abuse is low (7.0% in trial level cases and 7.9% in appellate level cases)¹⁴.
- Only about 10% of abuse allegations made in highly contested custody disputes have been found to be substantiated after thorough investigation^{14,15}.
- Mothers who state that they have been victims of IPV are more likely to get **sole custody** of their children than if they do not report abuse¹⁶. The allegation of abuse does not disadvantage their custodial status—instead, it often provides a custody advantage over fathers¹⁴.
- There are not statistically significant gender differences in loss of custody between alienating mothers and fathers in Canadian court decisions¹⁷.
- Women are more successful in their use of legal/administrative aggression against male partners than vice versa due to gender biases about male IPV perpetration¹⁸.
- Alienated parents are likely to have been victims of IPV at the hands of the alienating parent prior to separation¹⁹.
- Regardless of gender, U.S. appellate cases indicate that the alienating parent, not the alienated parent, is most likely to have a finding of abuse (e.g., IPV, child physical abuse)²⁰.

Abusive people often make allegations of abuse as a strategy to gain power and control over their targets¹³. Whether a parent claims they have been a victim of IPV, sexual abuse, or PA, all claims must be taken seriously and investigated carefully. However, if a parent uses false allegations of abuse as a weapon to harm their target, such allegations are abusive in and of themselves and should be punished. False allegations are not only an obstruction of justice—they harm the integrity of the accused and their relationship bond with their children, and they silence the voices of true victims.¹² The use of false allegations of abuse should not be encouraged, and other

¹² <https://run.unl.pt/handle/10362/133078>

¹³ <http://dx.doi.org/10.1037/law0000301>

¹⁴ Harman et al. Under review

¹⁵ <https://doi.org/10.5172/jfs.327.14.2-3.254>

¹⁶ <https://doi.org/10.1007/s10896-022-00401-w>

¹⁷ <https://doi.org/10.1111/j.1744-1617.2009.01296.x>

¹⁸ <https://www.doi.org/10.1002/ab.21540>

¹⁹ Rowlands et al., (in press), *Partner Abuse*

²⁰ Sharples et al. (under review)

strategies to allow victims to report real allegations should be explored. Demonizing PA using ideology and unverifiable and unreplicated data is not the solution.

3. *The role that professionals play, including welfare workers, child protection services, guardian ad-litem, psychologists, psychiatrists, and how they are regulated in any way as expert witnesses.*

There is no scientific evidence that custody evaluators or courts are accepting, at face value, claims of PA and then dismissing other allegations of abuse. In the *unreviewed* study referenced earlier,¹¹ Meier and colleagues reported that the involvement of professionals resulted in differential custody outcomes that harmed mothers. Yet, the authors wrote that they “developed analyses for the statistical consultant to complete, reviewed the output, and, through numerous iterations, refined, corrected, **and amplified on the particular analyses**” (p. 8, emphasis added). This statement is an admission that the authors manipulated and exaggerated their data to get their desired results.

In trial level cases from Canada, 112 of 500 cases involved a custody assessor or GAL who determined PA occurred¹⁴. Custody outcomes did not differ for mothers or fathers in those cases. Likewise, in U.S. appellate cases, there were no differences in custody outcomes for mothers and fathers who alleged or were found to have alienated their children when a professional was involved¹³.

4. *The consequences of the disregard for the history of IPV and abuse or the penalizing of such allegations in custody cases on the human rights of both the mother and the child, and the interrelationship between these rights.*

The scientific research does not support this claim. It is likely you will receive many anecdotal horror stories from mothers about their alleged experiences of having their allegations “dismissed” and losing custody to abusive fathers. Anecdotal stories are powerful and create fear. Yet one-sided anecdotes are not verifiable facts. It is an inversion of justice to automatically believe the accuser-- this is a violation of the most basic precept of the fundamental right of presumption of innocence on article 7.^o and 8.^o of ECHR.

In the context of parental conflict, all allegations of IPV, PA, and abuse must be investigated. A rigorous expert assessment is essential to evaluate the substantiation of the claim, as well as family dynamics that may affect children’s perceptions and behaviors (e.g., parental influences) that compromise the credibility of their testimony^{21,22}. Allegations of abuse are often not substantiated after careful investigation and consideration.¹³ A history of *allegations* of abuse does not mean that there *actually* was a history of abuse.

²¹https://www.researchgate.net/publication/266956394_Vitimas_de_crime_Avaliacao_da_credibilidade_do_testemunho

²² <https://www.afccnet.org/Resource-Center/Center-for-Excellence-in-Family-Court-Practice/afcc-and-njfcj-joint-statement-on-parent-child-contact-problems>

5. *The challenges in collecting disaggregated data on courts' practices concerning custody cases, the areas/sectors for which data is particularly lacking and the reasons for such challenges.*

The collection of disaggregated data is problematic, as parents may not supply all details of their case in an effort to hide their own abusive behaviors. Systematically collected, aggregated data is what is necessary for an accurate picture.

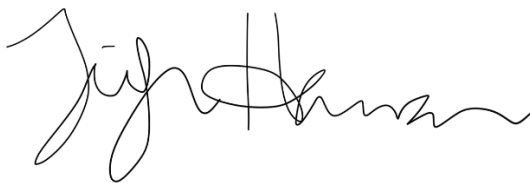
6. *The good practices, strategies adopted by different organs of the State or other non-State actors, at local, national, regional, or international level to improve the due consideration of domestic and family violence, including intimate partner violence against women and abuse of children in determining child custody, as well as in providing remedies and redress for victims/survivors.*

Good practices should recognize that services (e.g., IPV shelters for men and boys) and other mitigation strategies should be gender inclusive. Canadian courts have taken judicial notice that PA is a form of child abuse that does not require expert testimony,²³ which then places the burden of proof on the alleged victim of PA to prove it is an issue in the case.

7. *Recommendations for preventing the inadequate consideration of a history of IPV and abuse and gender stereotyping in custody cases to restore the human rights of mothers and their children, as well as ensure that survivors/victims are effectively protected and assisted.*

Denying and demonizing PA is not the solution. Research and education on all forms of abuse from a gender inclusive perspective, including PA,²⁴ needs to be supported to create effective assessment and intervention programs.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer J. Harman', written in a cursive style.

Jennifer J. Harman, PhD
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²³ A.M. v. C.H., 2018 ONSC 6472 at paras 100-107.

²⁴ <https://global.oup.com/academic/product/gender-and-domestic-violence-9780197564028?cc=us&lang=en&>