

The Committee of Experts of the MESECVI and the Special Rapporteur on Violence against Women and Girls of the United Nations express their concern about the illegitimate use of the concept of parental alienation syndrome against women.

Washington, DC, August 12, 2022. The [Committee of Experts of the Follow-up Mechanism of the Belém do Pará Convention](#) (MESECVI) and the [United Nations Special Rapporteur on Violence against Women and Girls](#), Reem Alsalem, express their concern about the illegitimate use of the figure of parental alienation syndrome¹ in legal proceedings in various States Parties to the Belém do Pará Convention.

The Committee of Experts and the Special Rapporteur have learned of multiple cases throughout the region where justice bodies take into account parental alienation syndrome resulting in denying the mother custody of her children, thereby awarding it to the father accused of family violence or insisting on shared custody with the violent father even in cases where the children and the mother are at serious risk. This situation may also result in the mother being forced to change her country of residence so that the father who exercises violence can live with the children.

The use of this controversial concept of parental alienation syndrome against women in cases where they denounce gender-based violence against themselves or against their daughters and sons is part of the continuum of gender-based violence and could invoke the responsibility of States for institutional violence.

In this regard, the Committee of Experts and the Special Rapporteur urge the States Parties to the Belém do Pará Convention to carry out prompt and exhaustive investigations to determine the existence of violence against women and to explicitly prohibit the use, during judicial proceedings, of evidence seeking to discredit a testimony based on the parental alienation syndrome, as recommended in the “Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights.”²

Likewise, they urge the States to eliminate the use of this syndrome to prevent placing both children and mothers in a situation of high vulnerability and to avoid the risk of women losing custody of their children. Instead, they recommend giving priority to the principles of the best interests of children, the equality between men and women, and to acting with due diligence, as well as including the gender and intersectional perspective.

¹ American psychiatrist Richard Gardner coined the term parental alienation syndrome in 1985. However, despite its popularization and alleged scientific nature, the so-called parental alienation syndrome has not been recognized by the World Health Organization or the American Psychological Association. It has even been rejected in some national legislations, as in Spain. See: <https://www.who.int/standards/classifications/frequently-asked-questions/parental-alienation>

² Committee of Experts, “Declaration on Violence against Women, Girls and Adolescents and their Sexual and Reproductive Rights,” 2014, p.14. <https://belemdopara.org/wp-content/uploads/2021/12/DeclaracionDerechos-EN.pdf>

In accordance with this, the [EDVAW Platform](#), which is the cooperation body between global, regional, and the United Nations mechanisms related to women's rights - including the Committee of Experts and the Special Rapporteur - has already [made a call](#) for gender-based violence against women to be taken into account as an essential factor in determining the custody of children³.

In this regard, the Committee and the Special Rapporteur indicate that Article 7 of the Belém do Pará Convention obliges States Parties to “condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence,” as well as “acting with due diligence to prevent, investigate and impose penalties for violence against women.”

Likewise, the Committee and the Special Rapporteur underscore the obligation of the States Parties to “take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations, or to modify legal or customary practices which sustain the persistence and tolerance of violence against women.”

The Committee of Experts and the Special Rapporteur express their complete willingness to provide technical collaboration to the States in this or any other matter relating to the prevention, attention, investigation, and punishment of gender-based violence against women, adolescents, and younger girls.

The [Committee of Experts](#) is the technical body of the MESECVI, responsible for the analysis and evaluation of the implementation process of the Convention of Belém do Pará. It is made up of independent Experts appointed by each of the States Parties from among their nationals, who perform their duties in a personal capacity.

³ OHCHR, “Intimate partner violence against women is an essential factor in the determination of child custody, say women’s rights experts,” 2019.
https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/StatementVAW_Custody.pdf.