

Challenging “Parental Alienation” and Activism Against “Parental Alienation” in Europe

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In Europe, GREVIO

3rd General Report on GREVIO's activities, 2022

Literature review ; “The use of “parental alienation” as a means of minimising evidence of domestic violence in civil proceedings”

Recommandation :

“12. ensure that relevant professionals are informed of the absence of scientific grounds for “parental alienation syndrome” and the use of the notion of “parental alienation” in the context of domestic violence against women to overshadow the violence and control exerted by abusive men over women and their children, and their perpetuation through child contact.”

Istanbul Convention, Article 31 – Custody, visitation rights and safety, para. 2

“Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.”



In Europe, European Parliament

European Parliament resolution of 6 October 2021 on the impact of intimate partner violence and custody rights on women and children (2019/2166(INI))

“41. [...] stresses that so-called parental alienation syndrome and similar concepts and terms, which are generally based on gender stereotypes, can work to the detriment of women victims of intimate partner violence by blaming mothers for their children’s ‘alienation’ from their father, calling into question victims’ parental skills, disregarding the children’s testimony and the risks of violence to which their children are exposed, and jeopardising the rights and safety of the mother and children; calls on the Member States not to recognise parental alienation syndrome in their judicial practice and law and to discourage or even to prohibit its use in court proceedings, particularly during investigations to determine the existence of violence;”



In Europe, EAP

EAP Statement on Parent Alienation Syndrome (PAS) – Parental Alienation (PA), 2017

“The European Association for Psychotherapy (EAP) considers that the terms and concepts of ‘PAS’ and ‘PA’ are unsuitable for use in any psychotherapeutic practice.

The EAP recognizes that there is a high risk and potential of PAS/PA concepts to be used in a manner allowing for violence against children and their mothers to remain undetected, and/or contested, since it ignores essential aspects of child welfare and the gender-based nature of domestic violence.”



The social uses of the notion of parental alienation in France

A multi-method research since 2017

- Analysis of the discursive strategies of father's rights groups and promoters of the concept (experts, associations, magistrates) + challengers (Prigent & Sueur, 2019)
- 21 interviews with mothers accused of parental alienation (Sueur & Prigent, 2022)
- Case law, Courts of Appeal verdicts between 2000 and 2020 (n = 383)
- Corpus of press articles between 1999 and 2023 (+ 400 unique articles)



Analysis of interviews with 21 mothers accused of parental alienation

- Accused of being “alienating”, whereas they are victims of domestic violence and coercive control which continues after separation
- Accusations of “PA” may be explicit (a third of the situation) but can also be implicit (“anxious”, “manipulative”, “trying to set the children against the father”)
- A third of mothers lost custody
- The accusation is a part of the strategy of the abuser (Casalis, 2021) to isolate her, denigrate her, reverse the guilt, create a climate of fear and insecurity, organise his impunity (post-separation coercive control (Prigent & Sueur, 2024) and legal abuse (Douglas, 2018))

Emergence of the notion of “parental alienation” with an extraordinary case : the Pontoise fathers’ collective (end of the nineties)



Phénomène inquiétant

les plaintes pour abus sexuels en question

Dans certains divorces très conflictuels, les femmes vont jusqu'à accuser leur ex-mari d'abuser sexuellement de leur enfant. Les cas se multiplient comme à Pontoise, en région parisienne. Enquête sur un fait de société aux conséquences dramatiques.
Par Anne-Cécile Sarfati

Tu n'auras jamais notre enfant, je jeterai la suspicion sur tes mœurs ! » Lorsque sa femme prononce ces mots, au moment de leur divorce il y a cinq ans, Jean-Gabriel est loin d'imaginer qu'elle mettra sa

Créteil relaxe Jean-Gabriel. Mais aujourd'hui, Vincent, âgé de 5 ans, ne veut plus voir son papa. Accusé d'abus sexuels sur son fils de 3 ans, Pierre, lui, a pu continuer à voir son enfant durant l'enquête. « Mais une heure de temps en temps, entre deux travailleurs sociaux, dans des points rencontre », explique-t-il. Relaxé lui aussi, Pierre estime pourtant que son cauchemar n'est pas terminé : « Je n'ai jamais eu un seul geste déplacé sur mon fils, jure-t-il. Mais mon fils en sera toujours persuadé ! » Jean-Gabriel et Pierre ne sont que deux exemples parmi tant d'autres. A Paris, à Lyon ou à Pontoise, accuser son ex

d'« épidémie suspecte ». Apparu en France, il y a une dizaine d'années, le phénomène s'est développé, d'après les professionnels de la justice, depuis l'éclatement de l'affaire Dutroux en 1996 en Belgique et les opérations anti-pédophilie qui ont suivi sur notre territoire. La prise de

* Auteur de « Quels pères ? Quels fils ? » (éd. Fayard 1992) et « Le Grand Remue-Ménage » (éd. Fayard 1997).

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« La plupart des mères pensent réellement que leur enfant a été abusé. »

Interview de Liliane Dalgand, professeur de médecine légale, psychiatre et expert auprès de la cour d'appel de Lyon.
ELLE. Est-il possible que la parole de l'enfant soit manipulée par sa mère au point de lui faire

son enfant a été abusé. **ELLE.** Qu'est-ce qui fait qu'une mère peut le croire ? **L.D.** Savent plusieurs facteurs se conjuguer. Certaines mères prennent pour des signes suspects les discours et les attitudes un peu « sexualisés » de

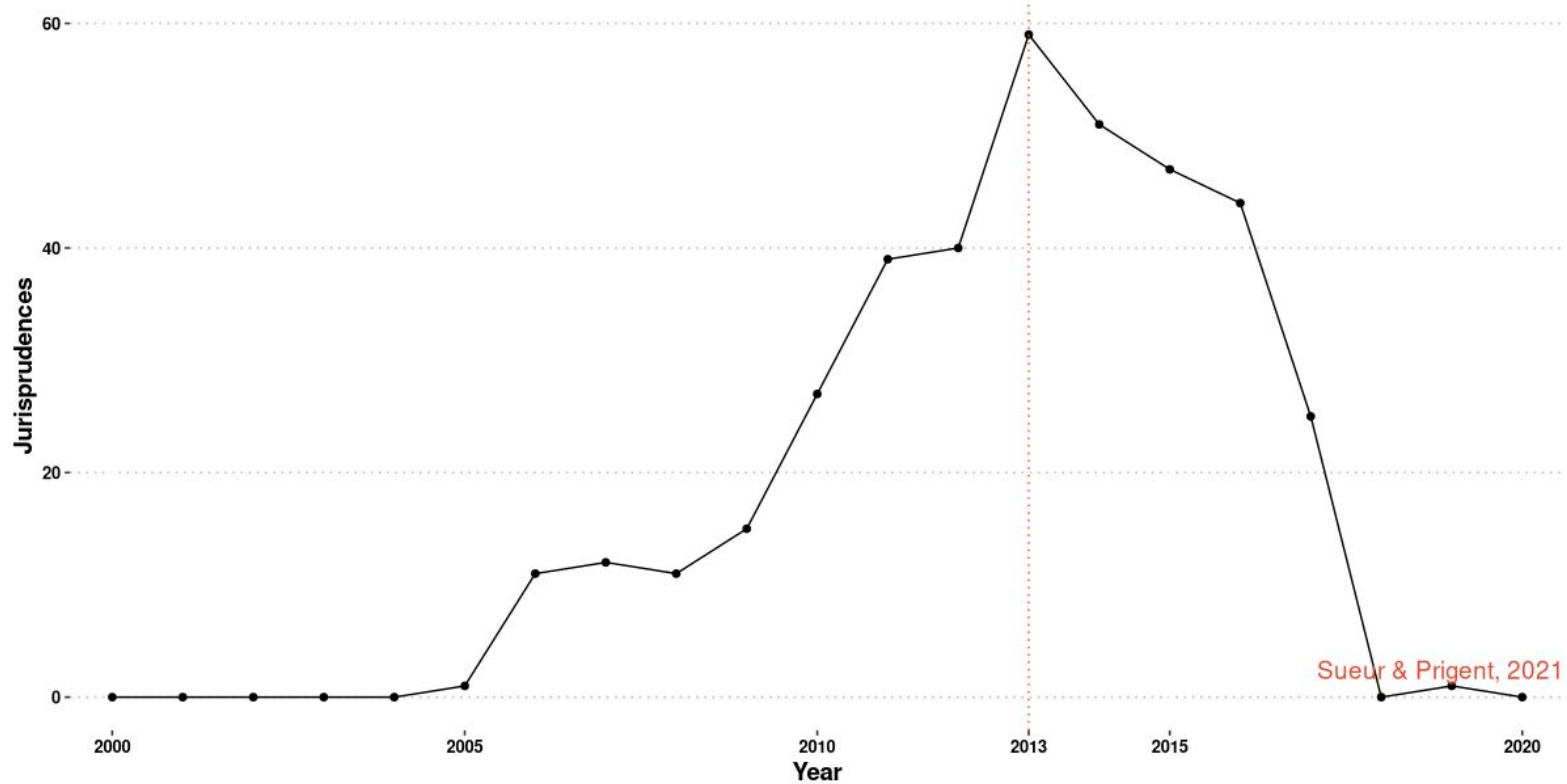


Parental Alienation Syndrome in the media (L'Express, april 15,1999)

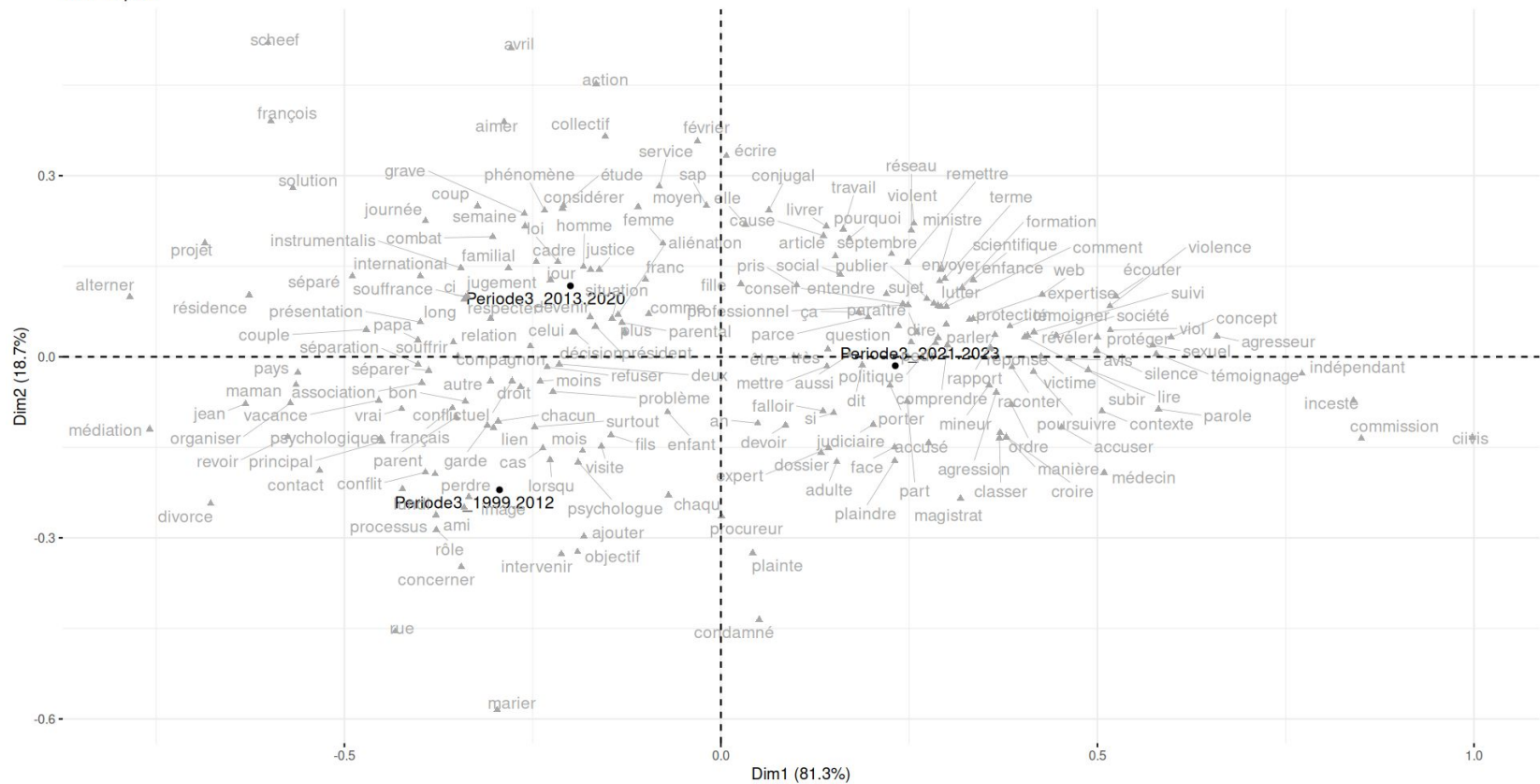
“Les psychiatres américains ont défini un ‘syndrome d’aliénation parentale’ caractéristique de l’enfant du divorce, qui, traumatisé par la disparition du second parent, a peur de perdre le lien avec celui qui en a la garde et se range corps et âme de son côté, en dénigrant systématiquement l’autre conjoint.” (L’Express, 15 avril 1999)

“American psychiatrists have defined a 'parental alienation syndrome' characteristic of the child of divorce, who, traumatized by the disappearance of the second parent, is afraid of losing the link with the custodial parent and takes his or her side, systematically denigrating the other spouse.” (L’Express, april 15, 1999)

Number of Courts of Appeal's jurisprudences containing 'parental alienation' (Daloz database, n = 383)



Courts of Appeal verdicts between 2000 and 2020 (n = 383)



Correspondence analysis on aggregated lexical table (200 most contributive words)

Most associated terms to 3 periods : 1999-2012, 2013-2020, 2021-2023



What happened in France?

- 1999-2012, Fathers' groups and associations promoting the concept are organising to disseminate it; at the same time, there is a gradual increase in the presence of the concept in jurisprudence; maintaining the child-parent relationship takes precedence over the risk of exposing children to violence
- 2013-2020, One association in particular, J'aime mes deux parents, is very present in the media; at the same time, the notion is already institutionalised in the family courts, with joint custody still presented as a solution to overcome “parental alienation”; but the notion is beginning to be criticised (“controversial”) and jurisprudence mentions it less and less; in 2018, Ministry of Justice publishes a note “to inform judges of the controversial and unrecognised nature of parental alienation syndrome”
- 2021-2023, Criticism by the CIIVISE (Independent Commission on Incest and Sexual Violence against Children) is very visible, as is its more general discourse: “society must protect children victims of sexual violence”; “parental alienation” is almost discredited and some of its promoters are the subject of complaints



Conclusion

- In the press, a reversal of interpretation: from fathers falsely accused of incestuous sexual abuse to children in need of protection
- A shift from media coverage that conceals incestuous sexual violence to media coverage that highlights the obstacles to protecting women and children who are victims
- Carry out research among victims and disseminate the results in scientific and professional journals and in the media
- Seek the support of national and international organizations to warn against the use of this concept