

# Parental Alienation and Domestic Violence in Brazil

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# Researchers in the project

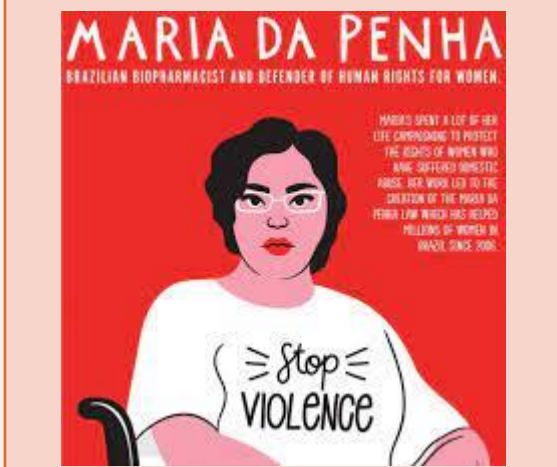
## Past

- Letícia Cavalcanti (2021/2022)
- Sarah Oliveira (2021/2022)
- Lara Falcão (2022/2023)
- Fábio Oliveira (2022/2023)
- Fernanda Ribeiro (2023/2023)

## Current

- Camila Cardeal (2021-)
- Ludmila Ribeiro (2021-)
- Alessandra Mendes (2021-)
- Mariana Avelar (2021-)
- Alessandra Costa (2022-)
- Glória Ribeiro (2023-)
- Leandro Ferreira (2024-)

# How did parental alienation arrive in Brazil?



Maria da Penha Law (2006)

Man who beats a woman would lose custody immediately  
Precautionary measures that prohibited the contact with the women and children



Joint custody law (2008)

Fathers' association start to push towards the adoption of a measure against women who denounce domestic violence



Parental alienation law (2010)

Parents who incur in parental alienation are subjected to fines, loss of custody, psychological treatment, among other measures.

# The uses of PA law in Brazil

“The interference in the psychological formation of the child or adolescent promoted or induced by one of the parents, grandparents or by those who have the child or adolescent under their authority, custody or supervision; making them repudiate the parent or cause prejudice to the establishment or maintenance of links with them” (article 2nd)

Measures that could be imposed when PA is recognized by the judge

Issue a warning to the alienator

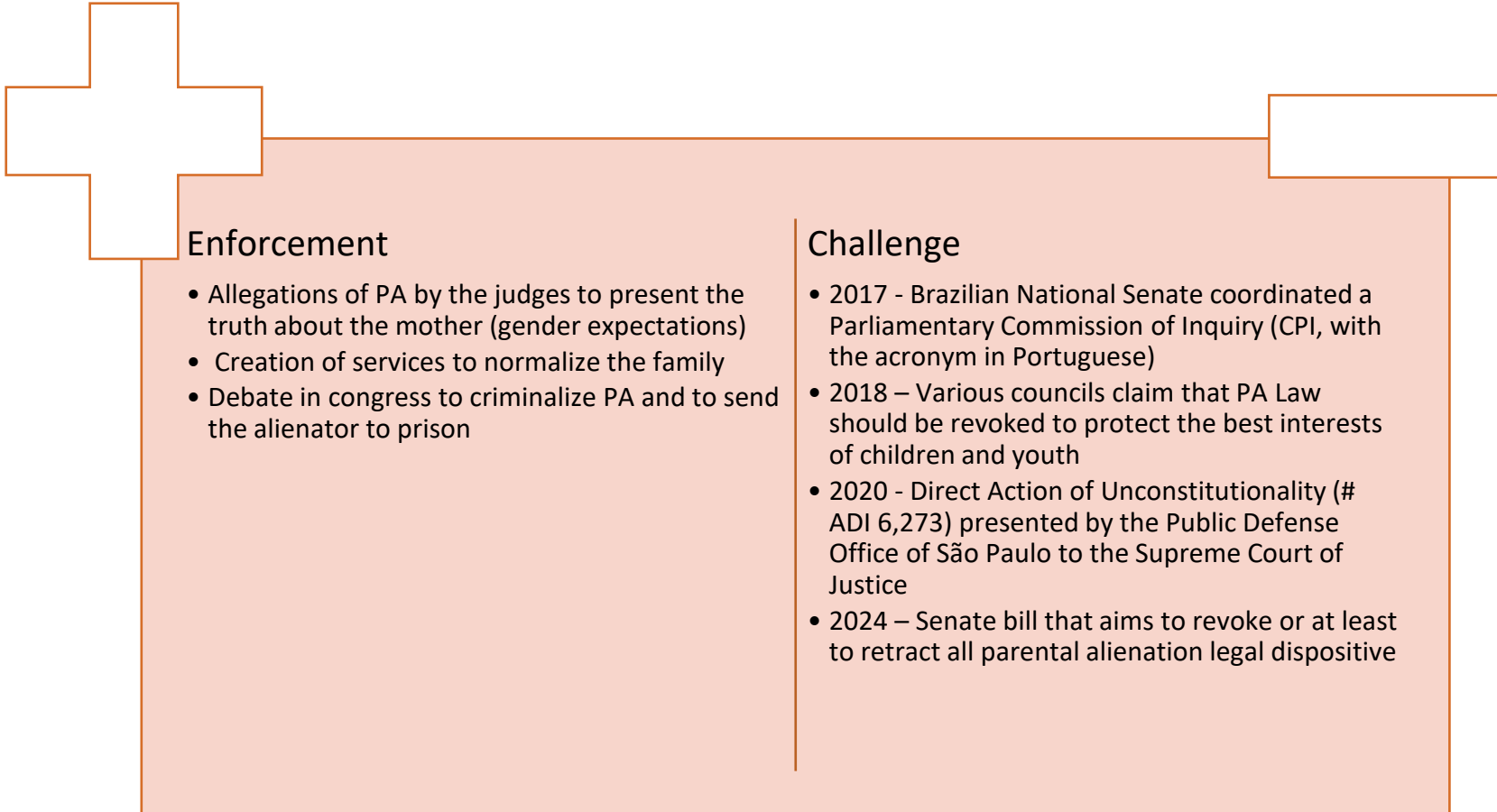
Extension of cohabitation in favor of the party considered alienated

Psychological monitoring

Change of the custody regime - either by totally reversing custody or by determining shared custody

Setting up the domicile of child or adolescent as a precautionary measure

# Two outcomes from this legislation?





# How the PA has been used inside the justice system?

**Fathers use PA Law to escape from a conviction in domestic violence courts**



**Mothers use PA Law to defend themselves**

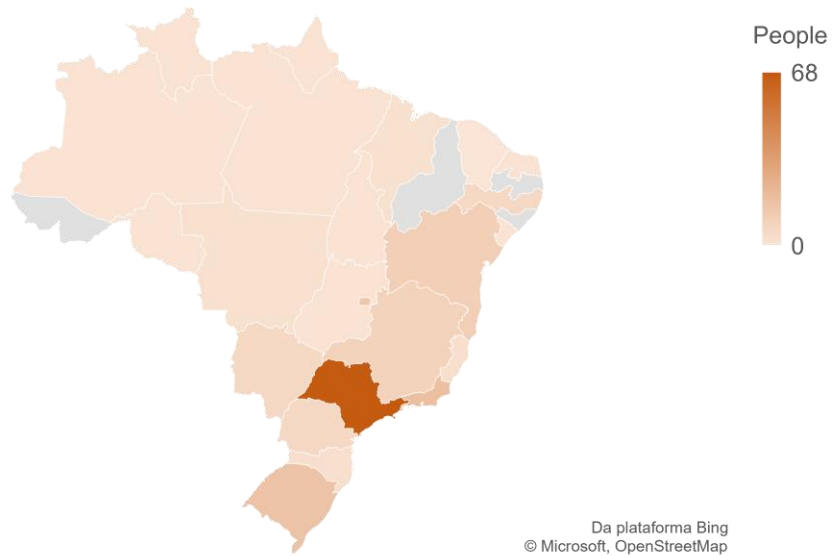
- Pressing charges in case of domestic violence
- Claiming that fathers are not paying pensions or taking good care of the children
  - 1/3 of reports of human rights are made by mothers using the Law in their favor
- Judicial decisions do not recognize parental alienation when there is a report of violence against the mother

# In addition, many NGO advocate for mothers' rights

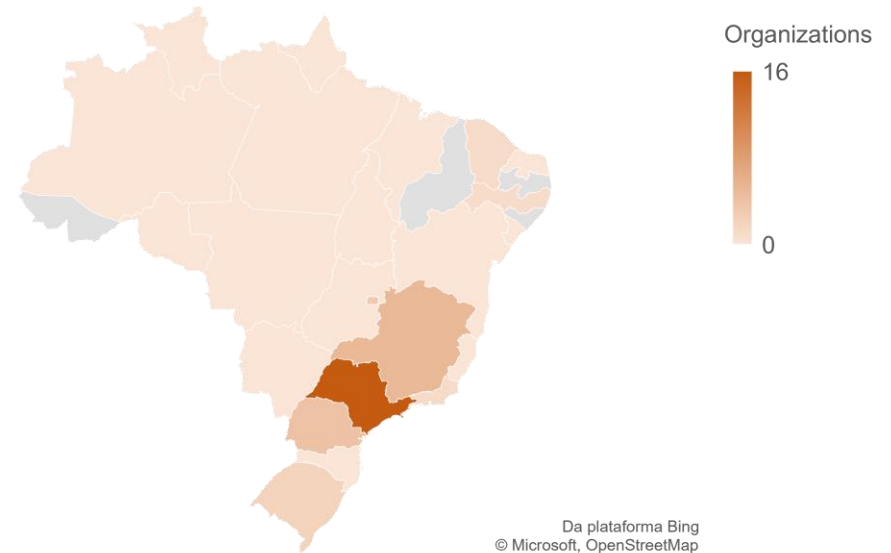
- Understanding that even though the PA law might be revoked, the category parental alienation will not disappear
  - The damage has been already too deep to not acknowledge that women's movement should instrumentalize PA in their favor
    - 30 researchers engaged in advocacy activities
    - 58 organizations from civil society, defending mothers (25 are national)
    - 175 lawyers that are using the Law against its original purpose

# Creating a new network?

## Lawyers



## Organizations



Thank you!