
“Shadow Report”

*GREVIOs first thematic evaluation of Sweden –
“Building trust by delivering support, protection and justice”*

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Concerning Article 31, Istanbul Convention - Custody, visitation rights and safety

The Swedish law states - domestic violence must be considered in all decisions on custody, accommodation and visitation. A recent report by the *Swedish Gender Equality Agency* (2022)¹ shows that information about violence in decisions about custody, accommodation and visitation, is generally disregarded by the court. Contact with an abusive parent is usually considered to be more important than all other needs of the child, including the need for and right to protection from a violent parent. This leaves mothers stuck in abusive relationships, otherwise her children risk being sent alone back to the abusive parent.

There is a serious lack of knowledge and understanding concerning men’s violence against women and children among Swedish judges and other state agencies involved in custody cases. The long-term effect on children experiencing and witnessing violence, patterns of systematic domestic violence, post separation abuse and coercive control is almost always misunderstood or overlooked. Not even a crime conviction or physical violence towards a child guarantees that a child or mothers fear is deemed adequate. The consequence of a “contact-at-all costs” practice put children in harm’s way. An example is the death of an 8-year-old boy called “*Tintin*”², killed last year by his father after the courts failed to take the boy’s fear, the coercive control and risks described by his mother seriously. Forced visitation is common in cases where there is information about violence. Risk assessments performed on behalf of the courts does not meet scientific standard and are therefore easily affected by prejudice and bias towards women. There is a strong misogynic “belief system” surrounding these proceedings, that false allegations of domestic and sexual abuse are common.

The explanation behind these beliefs and dangerous decisions, (including “*Tintin*”), concerns so-called “Parental Alienation” (PA). We know that the *European Parliament*, the *United Nations* and *GREVIO* are aware of the problems surrounding this pseudo-concept, described in detail by the *UN’s Special Rapporteur on Violence Against Women and Girls* as a global family court crisis and a human rights issue. In a report presented to the *UN Human Rights Council*, it is stated that PA is pseudoscience and a means of power to undermine children’s and women’s rights (*OHCHR*, 2023).

The misuse of pseudoscience and versions of so-called “Parental Alienation” in Swedish court proceedings to silence victims of abuse, has been going on for decades, and due to circumstances, there has been a possible increase of cases in the last year.

¹ <https://jamstalldhetsmyndigheten.se/aktuellt/publikationer/uppgifter-om-vald-ar-inget-undantag/>

² <https://lextintin.se>

The problem was addressed in a written question to the *Minister of Justice* (2023/24:983)³, after several debate articles was published this year. One article is written by attorneys, health professionals and organizations in *Göteborgsposten*⁴, and one by 13 academics, published in *Psykologtidningen*⁵. These articles raised caution related to the use of the so-called “parental alienation” in Swedish family courts and echo the urgent call for a ban of its use.

In Sweden, as in other countries, so-called “Parental Alienation” is rooted in and powered by the “fathers-rights- movement”, a movement that has deeply influenced the system and effected law practice, to the cost of lacking protection from violence. After critic towards the original theory of *Gardner*, the terms used have changed over the years. The same principals are used in cases, without PA being explicitly mentioned, enabling a concept of dark nature to pass “under the radar” but with the same grave consequences for women and children. Advocates for the PA-belief system keep spreading misinformation in Sweden and around the world. A group of 105 international academics, health- and legal professionals from 18 countries, recently came together, following the debate articles, to provide a final rebuttal and outline the scientific evidence to prove that so called “Parental Alienation” is dangerous pseudo-science⁶.

The problem with so called “Parental Alienation” has been addressed by *GREVIO* in Croatia (2023): *GREVIO* has stated that Croatia should “ensure that all professionals concerned, particularly those working in the justice system, the social services and the medical, psychological and psychiatric sector, are alerted to the lack of any scientific foundation of the so-called “parental alienation syndrome”, as well as any other approach or principle which tend to consider mothers who invoke the violence as “unco-operative” and “unfit” as a parent, and to blame them for the poor relationship between a violent parent and his children”.

So far in *GREVIO*s work in Sweden, the same issue is not mentioned and maybe not brought to *GREVIO*s attention? Therefore, with this “*Shadow report*” we want to make sure this grave violation of women and children’s rights are not overlooked in our country. Swedish authorities have not, so far, properly denounced the concept. There is a serious misunderstanding and a false impression of “unclear scientific evidence” surrounding PA, that reflects an urgent need for a PA-ban and clear evidence-based guidelines. To ensure the safety of women and children, the problem with misogynic pseudo-science in courts, needs to be clearly addressed and healed, in Sweden and globally.

³ https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svar-pa-skriftlig-fraga/pseudovetenskap-i-familjerattsliga-sammanhang-for_hb12983/

⁴ https://www.gp.se/debatt/pseudovetenskap-i-domstolar-leder-till-att-valdsutsatta-barn-tystas_fa79cefe-c5df-4f5c-b722-4ff3d2acb9fb

⁵ https://www.researchgate.net/publication/381731424_Parental_Alienation_is_Pseudoscience#fullTextFileContent

⁶ https://www.researchgate.net/publication/381760625_A_collective_international_response_to_the_claim_that_so-called_'parental_alienation'_is_a_well-studied_'gender_neutral'_empirical_phenomenon_which_can_easily_be_measured