



## To the United Nations - 2021 Day of General Discussion

### Children's Rights and Alternative Care

On behalf of women and children from all over Brazil, the **Coletivo Mães na Luta** (*Mothers Battling Collective*) comes to expose and request Your Excellency's action in order to **investigate the serious situation of INSTITUTIONAL VIOLENCE created by the indiscriminate application of Law No. 12,318 of 2010, known as the Parental Alienation Law.**

We believe this situation should be brought to the attention of this event, once Brazilian children are being massively removed from their mothers - which have plenty conditions to raise their children - to live with their abusers fathers, and in some cases, in alternative care.

We intend to contribute to putting an end to the **serious violations of human rights** that have been systematically reproduced through inversions of custody that have occurred in an abrupt and violent manner, resulting in **MATERNAL ALIENATION**, especially after the subscribers report the practice of violence against their children.

This law has been widely questioned among professionals and the press. The National Council for the Rights of Children and Adolescents - CONANDA published a memorandum that deals with the need for its restriction and even revocation, due to the violence that it causes against the most vulnerable parties involved in the processes, which are women and children. Likewise, the Federal Council of Psychology has been deepening discussions about the improprieties of the law and the expression itself, it is worth mentioning that, although it has this name, this so-called "syndrome" does not appear in the Diagnostic and Statistical Manual of Mental Disorders - DSM -5, and laws in several countries prohibit its use or abolish their regulations.

Mothers are losing custody of their children, created with love, care and responsibility, when there is the "accusation" of the practice of Parental Alienation. Based on this nonscientific theory, the court believes that the mother has acted to brainwash the child against the other parent. Such accusations have not been evaluated with the necessary caution, in order to preserve the child's interests and are not based on proven facts. Worse, many mothers are taken away from their children when they have report suspicious child abuse against the other parent. The severity is visible, in most cases there is strong and secure evidence of the occurrence of abuse or ill-treatment, and the simple fact that such evidence does not result in the arrest of the offender, and they are transformed through questionable forensics professionals into accusations of "*implantation of false memories*". It's important to mention that most of these professionals attesting the Parental Alienation are not specialized in child abuse or domestic violence, so their psychological reports- which will determine the child's custody – are only based on their own thoughts and believes.

It is necessary to recognize that the custody reversal, followed by the restriction of contact with the mother or even the summary removal of the mother from the children, not only is unconstitutional but is **one of the most harmful forms of violence against women and children**, especially when we denounce child abuse by parents. This violence is aggravated when the interruption of the mother and child relationship occurs through search and seizure after a formalized request, and supported by a protective measure or a well-founded denunciation of sexual abuse or domestic violence. It's becoming common to have these children taken screaming from their mother's arms under political force supported by a court order, based on the fake theory of Parental Alienation.

It is crucial that the state respects the mother and child bond, guaranteed by the ECA and the Constitution . Aggressive fathers should not have the right to live with their children, or even worse, to remove them from maternal care. Children with the protective mother should never be replaced into favor of aggressive or abusive parents.

The consequences are very serious for children, who will certainly carry the consequences of this trauma throughout their lives, which aggravate the consequences of the violence that led to the denunciation by those who only sought to protect their children.

The consequences are equally serious for mothers who, when fulfilling the family and social duty that stems from the Federal Constitution and the International Instruments for the Protection of Children, Adolescents and Maternity, requesting action from the competent bodies, as determined, in the face of any suspicion, evidence of abuse, mistreatment or negligence, are hit by a blow coming from the child protection system itself, which, instead of ensuring protection for the victims, hands them over exactly to their aggressors .

In many cases, this happens through police invasion of homes, and any physical, visual or even telephone contact between mothers and their young children and even babies are prohibited.

The number of cases coming from all parts of the country is already significant enough to infer that, far from constituting isolated facts, which could be considered the alleged deficiency of the defense or the alleged judicial error, they do constitute an orderly practice of imposing submission of the mothers to the patriarchal structure of not denouncing paternal deviations. The gender bias is recognized by the OAS in cases, as follows from the **Declaration on Violence against Women, Girls and Adolescents and Their Sexual and Reproductive Rights** , of the Follow-up Mechanism of the Convention of Belém do Pará resulting from the Eleventh Meeting of the Experts Committee of 18-19 September 2014 held in Montevideo - Uruguay, which expressly rejects, as a procedural guarantee, the procedural conducts that may lead to impunity for the aggressors, **including the devaluation of the testimony of women** based on alleged Parental Alienation Syndrome (SAP).

It appears, in large part, the misuse of psychiatric or psychological reports attesting to personality disorders, including schizophrenia (disproven by counter-reports, which are systematically ignored), to support the parental alienation decree, culminated with maternal removal, which itself constitutes a paradox, because **if there is supposedly no healthy volitional process for the practice of acts that could be classified as alienation, it could not be decreed.** In addition to this clear observation, there is the violation of the right to maternity guaranteed to people with disabilities - a category in which people with psychiatric disorders are inserted, contrary to what is contained in Federal Law No. 13,146 / 2015 and the New York Convention on Protection to the Rights of Persons with Disabilities, ratified by Brazil and incorporated into the national system by Decree 6949/2009.

Such sentences affect the **perpetuation of violence** against the child and the mother, from moral, psychological, emotional, financial and patrimonial violence , producing endless suffering, since the withdrawal of custody is equivalent to the mourning of the loss of a child, added to anguish the fear of what may happen to the child every minute that the child remains in what he/she perceives as captivity.

In the face of this violence, women lose the condition to restore emotionally, socially and professionally, and being brought to the financial meltdown by exorbitant legal fees, forensic experts, and processes that extend for their whole life. They are at the mercy of the justice system, going to courts, public defenders, police station, guardianship council, psychologists, psychiatrists, social workers, hearings ... in this situation they hardly can have financial stability or guarantee a job in order to have the minimum resources to make the necessary efforts to recover the children.

Children who show disgust to the parent are being forced to live with them and away from the parent with whom the child has the primary bond, disrespecting the “best interests of the child ”.

It is obvious that in this kind of dynamic, the importance of family ties with potentially abusive parents has a greater privilege than the tie with the protective mothers. Children are having their childhood devastated by the terror imposed by these decisions.

Mothers who have been removed from their children have lost their dignity and have been deprived of living and caring for and monitoring the lives of their children, which is exactly what the law promised it aims to combat.

We emphasize that a number of mothers, including members of our collective, that monitors the cases of more than 300 (three hundred) mothers across the country, as well as mothers within other groups related to parental alienation, maternal deprivation and intrafamily sexual abuse, suffer serious accusations of parental alienation, litigating firmly to preserve their children in their custody and protect them within constitutional and moral determinants.

In order to redeem our children, and our lives, the collective **requires the urgent discussion evaluation of this situation in Brazil, which mothers are losing custody of their children in Parental Alienation allegations focusing on the serious institutional violence against children and women, allowing them to request the annulment of these actions, on the grounds that Parental Alienation is a pro-pedophilia theory prohibited in several countries, as well as to assist in the recovery of health, safety and dignity of these children and their mothers.**

As we do not have available statistical research on the use of the Parental Alienation law in Brazil, linked to the reporting of violence or abuse, we are open to share our own lawsuits, cases of mothers who are victims of the Parental Alienation accusation who seek the group asking for support. It is extracted from these records that the highest incidence of Parental Alienation charges against the mother occurs after a report of Sexual Abuse, **with 89% of the decisions in which there was a report of sexual abuse the custody was reversed to the suspect.** More than half of mothers who have lost custody of their children for reporting abuse have lost the right to visit for a period ranging from 2 months to more than 2 years. The more elements that prove the abuse, the more serious the sanction against the mother who is accused without any proof, of abusing her own child to incriminate the father.

Other common causes are: accusations made by the father against the mother, also with 89% of inversion of custody, denunciation of domestic violence against the father, change of mother's city, abduction of a child by the father or paternal abandonment ... These results denounce the situation of oppression and injustice in which we live. Whether the complaint is made by the father against the mother or mother against the father, custody, as a rule, is given to the father.

**It is imperative that the UN ask for clarifications and statistics involving the Parental Alienation processes that took place in Brazil , verifying the percentages of custody inversion after reporting sexual abuse or domestic violence and require a comparison with the real national rates of sexual abuse and femicide. It seems that nowadays, unless a mother or child is killed, there are only "false reports".**

The term Parental Alienation has served as a defense for the accused, infringing on several violations of the rights of women and children.

The importance of the family bond with a potentially abusive father is guaranteed in Brazil. The bond to the mother, is not.

The process to recover the custody of these children is slow and may last throughout their entire childhood. Children may be irrevocably damaged.

### **EMERGENCY MEASURES ARE NECESSARY AGAINST THIS JUDICIAL CRIME**

Measures are required to make possible **the immediate return of children abruptly taken from their mothers for having reported sexual abuse, extending to the other cases in which children were taken from the maternal home for allegations of Parental Alienation, since the proposed "solution" to combat evil has been the practice of the same evil, in an even worse version, including records of children's deaths after being handed over to their fathers.**

For example, the case of Joana Marcenal , the first girl killed by the use of Law 12.318, and the mother Dolores Mileide and her baby , standsout .

[https://istoe.com.br/96766\\_AS+VARIAS+TRAGEDIAS+DE+JOANNA/](https://istoe.com.br/96766_AS+VARIAS+TRAGEDIAS+DE+JOANNA/)

<https://24horas.com.br/policial/exclusivo-a-carta-deixada-pela-mae-que-matou-o-filho-e-se-suicidou-em-cambe/>

<https://www.ocomuniquero.com.br/2018/07/07/ela-deve-ter-entrado-em-desespero-diz-delegado-sobre-morte-de-policial-e-do-filho-dela- two-years />

Finally and above all, for this serious institutional violence to be annihilated, the collective requests that **the UN take this recurrent violence against children and women in Brazil under discussion, presses for approval of the ADI 6237 which deals with the unconstitutionality of Parental Alienation Act and the repeal of Law 12,318 / 2010, known as Parental Alienation Law.**

The Collective now makes itself available for further clarification and asks **for urgent forwarding** due to the seriousness of what it requires, awaiting a brief return.

Sincerely,

Coletivo Mães na Luta (Mothers Battling Collective).

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## ANNEX 1 - Worksheet with the first 130 records of Mothers Battling Collective.

Casos de mães pertencentes ao grupo, que foram afastadas de seus filhos ou que lutam contra a possibilidade no judiciário. Cidade, Estado, causa e situação processual do conflito.							
	Cidade	UF	Motivo do conflito	acusação à mãe	Situação processual	mãe sem visitas	Genero da criança
1	Salvador	BA	violência domestica		perdeu a guarda	x	fem
2	Santos	SP	pai acusou	de fuga	perdeu a guarda	x	fem
3	São Paulo	SP	denúncia de abuso	AP	em andamento		masc
4	Curitiba	PR	pai sequestrou		perdeu a guarda	x	masc
5	Porto Alegre	RS	denúncia de abuso	AP	em andamento		fem
6	Itajaí	SC	pai acusou	AP	em andamento		masc
7	Curitiba	PR	denúncia de abuso	AP	em andamento		masc
8	Manaus	AM	pai sequestrou	AP	em andamento	x	masc
9	Paris - França	Fr	denúncia de abuso	AP	perdeu a guarda		fem + fem
10	São João da Boa Vista	SP	pai acusou		perdeu a guarda		masc
11	Rio de Janeiro	RJ	mãe mudou-se	AP	perdeu a guarda	x	
12	Rio de Janeiro	RJ	pai acusou	drogas	perdeu a guarda		fem
13	São Gonsalo	RJ	pai sequestrou		em andamento	x	masc
14	Rio de Janeiro	RJ	mãe mudou-se	AP	em andamento		fem
15	São Paulo	SP	denúncia de abuso	AP	em andamento		masc
16	Porto Alegre	RS	denúncia de abuso	AP	perdeu a guarda		fem + masc
17	Curitiba	PR	denúncia de abuso	AP	perdeu a guarda		fem
18	São Paulo	SP	mãe mudou-se		em andamento		fem
19	Porto Alegre	RS	denúncia de abuso	AP	perdeu a guarda	x	masc
20	Rio de Janeiro	RJ	pai acusou	louca	perdeu a guarda	x	fem
21	São Paulo	SP	pai acusou	abuso	perdeu, recuperou		masc
22	São Paulo	SP	pai acusou	abuso	perdeu a guarda	x	masc
23	São Paulo	SP	violência domestica	AP	em andamento		masc
24	São Paulo	SP	pai sequestrou		acordo GP	x	fem
25	Florianopolis	SC	pai abandonou	AP	perdeu a guarda	x	fem
26	Curitiba	PR	denúncia de abuso		em andamento		masc
27	São Paulo	SP	violência domestica	AP	em andamento		masc
28	Curitiba	PR	denúncia de abuso	AP	em andamento		fem
29	Porto Alegre	RS	mãe mudou-se	AP	perdeu a guarda		fem
30	Porto Alegre	RS	denúncia de abuso	AP	perdeu a guarda	x	fem
31	São Paulo	SP	denúncia de abuso	AP	em andamento		fem
32	Porto Alegre	RS	denúncia de abuso	AP	perdeu a guarda	x	masc
33	Porto Alegre	RS	pai acusou	abuso	perdeu, recuperou		
34	Rio de Janeiro	RJ	pai acusou		perdeu a guarda	x	
35	Curitiba	PR	mãe mudou-se		perdeu a guarda		fem
36	Rio de Janeiro	RJ	pai acusou	maus	perdeu a guarda	x	masc
37	São Paulo	SP	violência domestica	AP	não perdeu a guarda		masc
38	São Paulo	SP	denúncia de abuso	AP	perdeu a guarda		masc
39	Itajaí	SC	pai acusou	AP	em andamento		masc
40	São Paulo	SP	denúncia de abuso	AP	perdeu a guarda	x	fem
41	Bonito	MS	denúncia de abuso	AP	perdeu, recuperou		fem
42	São João da Boa vista	SP	denúncia de abuso	AP	perdeu a guarda		masc
43	São Paulo	SP	denúncia de abuso	AP	perdeu a guarda	x	masc
44	Nova Iguaçu	RJ	denúncia de abuso	AP	em andamento		masc
45	São Paulo	SP	denúncia de abuso	AP	perdeu a guarda	x	masc + masc
46	Jundiaí	SP	denúncia de abuso	AP	em andamento		masc
47	São Paulo	SP	pai abandonou	AP	em andamento		fem
48	Belo Horizonte	MG	pai acusou		perdeu, recuperou		
49	Cuiabá	MT	denúncia de abuso	AP	em andamento		masc
50	São Paulo	SP	mãe mudou-se	AP	em andamento		fem
51		MT	denúncia de abuso	AP	em andamento		fem
52	Guarujá	SP	denúncia de abuso		em andamento		fem
53	Rio de Janeiro	RJ	denúncia de abuso	AP	em andamento		masc
54	Recife	PE	pai acusou	pagar	perdeu a guarda		masc + fem
55	São Paulo	SP	denúncia de abuso		em andamento		fem
56	Porto-Portugal	Po	denúncia de abuso	AP	perdeu a guarda		masc
57	Belém- PA	PA	mãe mudou-se	AP	em andamento		masc

58	Porto Alegre	RS	denúncia de abuso	AP	em andamento		fem
59	São Paulo -SP	SP	denúncia de abuso	AP	não perdeu a guarda		fem
60	Rio de Janeiro	RJ	pai acusou	prostituição	perdeu, recuperou		
61	Rio de Janeiro	RJ	pai acusou	AP	acordo GP		masc
62	Rio de Janeiro	RJ	violência domestica		não perdeu a guarda		masc
63	Rio de Janeiro	RJ	pai acusou	negligência	perdeu a guarda		masc
64	Três Rios	RJ	mãe mudou-se	AP	perdeu a guarda		fem
65	São Paulo	SP	violência domestica		perdeu a guarda		fem + fem
66	São Paulo	SP	pai acusou	violência	perdeu a guarda		masc
67	São Paulo	SP	denúncia de abuso	AP	em andamento		fem
68	Rio de Janeiro	RJ	pai acusou	p não	acordo GP		fem
69	São Paulo	SP	denúncia de abuso	AP	perdeu a guarda		fem
70	São Paulo	SP	denúncia de abuso	AP	em andamento		fem
71	São Paulo	SP	violência domestica	AP	em andamento		fem
72	Rio de Janeiro	RJ	pai sequestrou		não perdeu a guarda	x	fem
73	Salvador	BA	mãe mudou-se	AP	perdeu a guarda		fem + fem
74	Brasília	DF	denúncia de abuso	AP	em andamento		1fem+2masc
75	Brasília	DF	pai acusou	uso de	perdeu a guarda	x	masc
76	Ibiporã	PR	pai acusou	abuso	perdeu a guarda		fem
77	Recife	PE	denúncia de abuso	AP	perdeu a guarda	x	fem
78	Apucarana	PR	denúncia de abuso	AP	em andamento		fem + masc
79	Rio Bonito	RJ	denúncia de abuso	AP	perdeu a guarda	x	fem
80	Franca	SP	mãe mudou-se	AP	perdeu, recuperou		
81	Moji Mirim	SP	violência domestica		em andamento		
82	Cambé	PR	denúncia de abuso	AP	em andamento		masc
83	Recife	PE	denúncia de abuso	AP	em andamento		fem
84	Recife	PE	denúncia de abuso	AP	perdeu a guarda		fem
85	Fortaleza	CE	denúncia de abuso	AP	não perdeu a guarda		fem
86	São Paulo	SP	denúncia de abusos	AP	perdeu a guarda		fem
87	São Paulo	SP	denúncia de abuso	AP	em andamento		fem
88	Rio de Janeiro	RJ	denúncia de abuso	AP	perdeu a guarda		masc
89	Curitiba	PR	denúncia de abuso	AP	em andamento		fem
90	Campinas	SP	denúncia de abuso	AP	em andamento		fem
91	Portugal	Po	violência domestica	AP	em andamento		masc
92	São Paulo	SP	denúncia de abuso	AP	não perdeu a guarda		fem
93	Itapetininga	SP	pai acusou		perdeu a guarda		
94	Curitiba	PR	denúncia de abuso	AP	perdeu a guarda	x	masc
95	Valença	BA	pai acusou	AP	em andamento		masc
96	Brasília	DF	pai acusou	AP	em andamento		fem
97	São Luis	MA	denúncia de abuso	AP	em andamento		fem
98	Brasília	DF	denúncia de abuso	AP	perdeu a guarda		masc
99	Jaraguá do Sul	SC	denúncia de abuso		não perdeu a guarda		fem
100	Rio de Janeiro	RJ	denúncia de abuso	AP	em andamento		masc
101	Rio de Janeiro	RJ	denúncia de abusos	AP	perdeu a guarda	x	fem
102	São Paulo	SP	denúncia de abuso		em andamento		masc
103	São Paulo	SP	denúncia de abuso		em andamento		masc
104	Santa Cruz	RJ	denúncia de abuso		em andamento		masc
105	São Paulo	SP	denúncia de abuso		em andamento		masc
106	São Paulo	SP	denúncia de abuso	AP	em andamento		fem+fem
107	Itapetininga	SP	denúncia de abuso	AP	em andamento		fem
108	Porto Alegre	RS	pai abandonou	AP	perdeu a guarda		fem
109	Itaperuna	RJ	mãe mudou-se		perdeu a guarda		fem
110	Camboriú	SC	violência domestica		não perdeu a guarda		fem
111	Cuiabá	MT	denúncia de abuso		em andamento		
112	São Paulo	SP	denúncia de abuso	AP	em andamento		fem + fem
113	Brasília	DF	violência domestica	AP	perdeu a guarda		masc
114	São Paulo	SP	pai acusou		perdeu a guarda	x	fem
115	São Paulo	SP	Ação de alimentos		em andamento		fem
116	Maceió	AL	pai acusou		perdeu a guarda	x	masc+masc
117	Osasco	SP	denúncia de abuso	AP	perdeu a guarda		masc
118	São Paulo	SP	denúncia de abuso	AP	em andamento		fem
119	São Paulo	SP	denúncia de abuso	AP	em andamento		masc+masc
120	Ribeirão Preto		denúncia de abuso	AP	em andamento		masc
121	São Paulo	SP	denúncia de abuso	AP	em andamento		fem
122	Rio de Janeiro	RJ	pai acusou		em andamento		fem
123		MG	pai acusou		em andamento		
124	Curitiba	PR	denúncia de abuso		perdeu a guarda		fem
125	Luna	ES	Ação de alimentos	AP	em andamento		masc
126	Bento Gonçalves	RS	pai acusou	familia	perdeu a guarda		fem
127			violência domestica		perdeu a guarda		fem
128		RS	Ação de alimentos	AP	em andamento		
129	Curitiba	PR	denúncia de abuso		em andamento		
130	Rio de Janeiro	RJ	denúncia de abuso	AP	perdeu a guarda		masc

**Statistic result of the Workheet with the first 130 records of Mothers Battling Collective.**

Cause of the conflict	number of cases	number of sentences	mother loss custody	Mother Regained custody	Interruption of motherhood	Child's gender	% Mother's loss custody
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causa do conflito	quant	sentenças	reversão de guarda ao pai	mãe recuperou	interrupção da maternidade	Genero da criança		% de inversões de guarda
						masc	fem	
denúncia de abuso	66	27	24	1	9	31	38	89%
violência domestica	12	7	4	2	1			57%
pai acusou	28	19	17	5	8			89%
pai sequestrou	5	1	1		5			100%
mãe mudou-se	11	7	7	1	1			100%
pai abandonou	3	1	1		1			100%
Maus tratos	2	2	2		1			100%
Ação de alimentos	3	0	0	0				
soma	<b>130</b>	64			26			

Mothers who report sexual abuse against child – sample: 66 cases- 27 sentences - 89% loss of custody to accused fathers

Mothers who report domestically violence – sample: 12 cases -7 sentences- 57% loss of custody to accused fathers

Fathers who accused mother of anything – sample: 28 cases – 19 sentences -89% won the child custody

Fathers who kidnaped his child – sample: 5 cases – 1 sentence - 100% won the child custody

Mothers who changed address to a new city - sample: 11 cases - 7 sentences – 100% loss of custody to fathers

Fathers who abandoned mother and child - sample: 3 cases – 1 sentence - 100% loss of custody to fathers

Mothers who reported physical abuse against child – sample 2 cases – 2 sentences - 100% loss of custody to fathers

Mother who requested child support – sample 3 cases – none sentence

**Processual situations**

situações processuais	
em andamento	60
perdeu a guarda	53
perdeu, recuperou	6
não perdeu a guarda	8
acordo GP	3
GP - resid. Pai	0
	130

Ongoing: 60

Mothers lost custody: 53

Mother lost and recovered: 6

Mother didn't lose: 8

Shared Custody agreement: 3

Shared Custody with paternal residence: 0

decisões em que crianças foram privadas por um período de qualquer contato com a mãe:	26	41%
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Decisions in which children were prevented from contact with their mothers: 26 ( 41% of the decisions)