Sub : Immediate Need to Protect Rights under UNCRC of Minor Children of separated / divorced parents in India.

Ref : Submission : Day of General Discussion: "Children’s Rights and Alternative Care" 16 - 17 September 2021

Respected Sir,

India is one of the largest populated country in the world with young generation. It is estimated that about 40% marriages in metro cities end up in divorce leading to bitter child custody battles. Thousands of children get alienated each year from one of their fit, able, willing to participate parents due to lack of proper visitation granted by courts or due to ineffective action on Parental Alienation of Children and lack of presumption of Shared Parenting / Joint Custody as children’s best interest.

There is gross violation of Rights of Children under UNCRC, ICCPR, National Charter for Children (2003, India) to be protected against emotional harm & abuse of Parental Alienation and not being ensured with Right to Family Life through Shared Parenting.

Limited visitation rights granted by courts do not fructify parent-child relationship.

**Parental Alienation** is psychological manipulation of child (by acts of tutoring, brainwashing, mind poisoning, using variety of other methods) to create fear & hostility so that the child rejects their other parent without any reasonable cause or justification.

Parental Alienation is regarded as child protection issue by mental health experts. American Psychological Association has held that, Psychological maltreatment of children is more harmful than physical abuse. India has lost a generation of children to Parental Alienation.

According to Research published in the American Journal of Family Therapy, 33:289–302, 2005 titled, “The Long-Term Effects of Parental Alienation on Adult Children: A Qualitative Research Study” by Amy J. L. Baker, Center for Child Welfare Research, The Children’s Village, Dobbs Ferry, New York, USA, states : *Parental Alienation has long term consequences among children even when they grow up as adults . Research  Results revealed seven major areas of impact: (1) low self-esteem, (2) depression, (3) drug/alcohol abuse, (4) lack of trust, (5) alienation from own children, (6) divorce, and (7) other.*

Research published in International Journal of Adolescent Medicine & Health, Nov 2015, titled “*Parental Alienation: Impact on Mental Health*” by Dr. Leo Sher (MD), Icahn School of Medicine at Mount Sinai, New York, USA  PMID: 26565536.

*a) Parental alienation negatively influences mental health of children and adolescents who are victims of parental alienation. Alienated children / adolescents display guilt, sadness, and depressed mood; low self-esteem and lack of self-confidence; distress and frustration; lack of impulse control, substance abuse and delinquent behavior; separation anxiety, fears and phobias; hypochondria and increased tendency to develop psychosomatic illness; suicidal ideation and suicide attempt; sleep and eating disorders; educational problems; enuresis and encopresis;*

*b) parental alienation negatively affects the mental health of adults who were victims of parental alienation when they were children and/or adolescents. Long-term effects of parental alienation include low self-esteem, depression, drug/alcohol abuse, lack of trust, alienation from own children, divorce, problems with identity and not having a sense of belonging or roots, choosing not to have children to avoid being rejected by them, low achievement, anger and bitterness over the time lost with the alienated parent;*

**There is need for presumption of Shared Parenting is in the long term benefit of the Children** : Shared Parenting arrangement is defined whereby the child spends more than 35% of parenting time with either parent.  According to Research Shared Physical Custody : Summary of 40 Studies on Outcomes for Childrenpublished in Journal of Divorce & Remarriage, 55:613–635, 2014 by Linda Neilsen Department of Education, Wake Forest University, Winston-Salem, North Carolina, USA ; *Children living in Shared Parenting arrangements had better outcomes on measures of emotional, behavioural, and psychological well-being, as well as better physical health and better relationships with their fathers and their mothers ,benefits that remained even when there were high levels of conflict between their parents and  Independent of Family income. Maybe because children have better relationship with each parent which may override the importance of family income and the amount of conflict or co-operation between the parents.*

Shared Parenting reverses Parental Alienation.

A Social Science and Parenting Plans for Young Children: A Consensus Research Report of 2014 published in American Psychological Association by **110 world experts** consisting of psychologists, child psychiatrists, sociologists, family therapists have suggested, “Shared Parenting with the help of Parenting Plans” ie. Child spending more than 35% of time (including Overnight visits) with each parent, should be the norm for Parenting Plans for children of all ages, including very young children.

Law Commission of India in its report no.257 dated 22.5.2015 has recommended Shared Parenting and reforms in 130 year old Guardians & Wards Act 1890 which is not yet implemented as on June 2021.

Thousands of alienated parents have no contact, no information on their children’s well being or safety amid Covid19 crises past 15 months. Only in handful of cases physical visitation was granted. At present physical visitation is standstill in majority of child custody / visitation related cases.

**We request** UN Committee for Rights of the Child to call records from Indian Courts in terms of i) Number of children under shared care arrangements ii) Number of children protected from harm & abuse of Parental Alienation and Non-compliance of visitation orders by Courts.

**We also request** UN Committee for Rights of the Child to recommend / frame immediate policy for India to act effectively upon harm & abuse of Parental Alienation of children and recommend immediate implementation of Law for Shared Parenting / Joint Custody as children’s best interest.

Thanking You,

For Have a Heart Foundation (Forum)

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