

Input to the UN Human Rights Committee

An accusation of alienation can be equated with violence if the accusation is unfounded. Usually, the purpose behind the unjustified accusation is to smear the ex-spouse either to achieve personal gain as part of a maintenance dispute or to avenge the wrongs they experienced. Unwarranted accusations can also be made unintentionally, for example due to the emotionally reduced judgment caused by the divorce crisis.

There are both justified and unjustified accusations of alienation between the divorcing parties, both of which are made by both women and men. Because of this, the UN report is quite one-sided. It categorically places women as the victims and men as the culprits. The report also does not properly point out that alienation is a real phenomenon.

In Finland, both alienation and the unjustified accusation of alienation are seen by professionals as domestic violence. In the Child Care Act, alienation is mentioned indirectly: A parent must avoid anything that could cause harm to the relationship between the child and the other parent. Alienation is not actually a crime in Finland, but according to the police, it can be investigated as assault. The criminalization of alienation has been discussed in Finland. The problem is that it can be difficult to obtain sufficient proof of alienation. When considering the criminalization of alienation (or unjustified accusation of alienation), it is particularly important to create a sufficiently open set of criteria for when it can be verified that a crime has occurred.

The issue of alienation is also challenging for child welfare authorities. Breaks in contact between the child and the other parent occur in prolonged separation conflicts, and it is often difficult to know whether the background is the deliberate alienating speech and actions of the other parent or whether there are other alternative explanations for the loss of contact. A parent may also unconsciously act in ways that reinforce the child's alienation from the other parent. It is essential that interpretation difficulties do not lead to alienation or unjustified accusations of alienation being ignored.

In Finland, the basic value in separation situations is that the child maintains a connection with both father and mother. Fathers or mothers should not be categorized based on their gender only as those in need of help or victims of violence. Both should be valued, which should clearly be considered in the UN report more appropriately than at present.

Regarding accusations of alienation, the most essential thing is to accept the existence of the phenomenon of alienation and that the countries must jointly develop means to verify alienation and unjustified accusations of alienation.

For everyone, it is most important that child protection authorities and entities working with families know how to help both fathers and mothers understand the effects of intentional and unintentional alienation and accusations of alienation on the well-being of children and parents. The goal should be to find ways together to prevent alienation from happening.

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