

His Excellency, Mr Volker Türk

United Nations High Commissioner for Human Rights

Mr Ambassador Václav Bálek

President, United Nations Human Rights Council

Special Procedures Division

Dr Tlaleng Mofokeng

Chairperson, Coordination Committee Of Special Procedures

Office of the United Nations High Commissioner for Human Rights

Palais des Nations 8–14, avenue de la Paix CH–1211 Geneva 10 - Switzerland

Fax:+ 41(0)22 917 9011 ; +41(0) 22 97 90 06

Dear High Commissioner and esteemed colleagues,

12 June 2003

URGENT ACTION REQUIRED: AGENDA ITEM 3 of the 53rd SESSION OF THE UNHRC

Please find attached a critique prepared by the international bodies PASG and GARIPA (the “Critique”) of the UNSRVAW’s Report A/HRC/53/36 (the “Report”), relating to the issue of parental alienation in custody decisions in Family Courts.

The Critique identifies serious procedural shortcomings that cast doubt on the validity and reliability of the Report and calls into question the conduct of the Special Rapporteur.

It is possible that UNSRVAW has set out to deceive and manipulate the UNHRC into making resolutions likely to disenfranchise children and parents of their human rights.

There is a high risk for consequential harm to women (and men), victims of domestic violence and vulnerable children by the UNHRC itself if they were to act upon the Report before it is checked for probity.

Signatories to this Complaint Letter (“we”) call upon the UNHRC, the UN OHCHR, and the Coordination Committee of Special Procedures to undertake the following emergency measures to ensure the integrity of the 53rd UNHRC session:

- 1. Defer Agenda Item 3 of the forthcoming 53rd UNHRC session until the 54th session**
- 2. Immediately release the submissions received by UNSRVAW into the public domain**
- 3. Conduct an independent, public inquiry into the probity of the UNSRVAW’s Report and the conduct of the UNSRVAW in this matter**

These are further elaborated upon overleaf.

Yours faithfully,

Terrence White

For Gender Parity UK

70 Avebury Avenue, Tonbridge, Kent, United Kingdom, TN9 1TQ



Co-Signatories:

Dr Edward E. Bartlett, President, Domestic Abuse and Violence International Alliance

Dr Rick Bradford, Trustee, Both Parents Matter Cymru

Professor Ben Hine, University of West London

Jan James, Parental Alienation UK

Frances Carr, Recover our Kids

Ros Barton, Match Mothers

Mike Bell, Equi-Law UK

Stephen McTierny, MWWT

Greg Cavadino, Trustee, Families Need Fathers

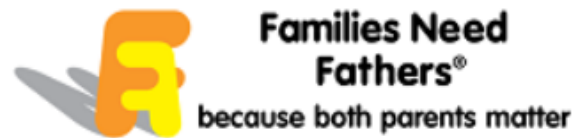
Aaron Letner, Positive Conclusions

Rex Bourne, Trustee, Parity

Janice O'Neill, Alienated Children First



Putting Kids at the Heart, Not in the Middle



Equi-law UK

Promoting gender-parity in UK laws and their implementation.



Family Court Reform Coalition



Defer Agenda Item 3 of the forthcoming 53rd UNHRC session until the 54th session

Such is the gravity of the identified shortcomings that the UNHRC should not proceed to consider resolutions until the Report has been investigated for probity.

A deferment will allow the Office of the United Nations High Commissioner for Human Rights and Coordination Committee of Special Procedures to assess the integrity of the UNSRVAW's Report and comprehensively audit the 1,000+ submissions received by her.

There is no critical need for Agenda Item 3 to be addressed in the 53rd session rather than the 54th; however, the potential for harm to be done by the UNHRC on poor information is high.

In the absence of a deferral, a number of speaking positions must be allowed for contrary viewpoints to be put forward to the UNHRC. However, we are aware that no speaker holding contrary views is being invited to address the UNHRC or to participate in a debate of this most controversial and sensitive area.

Immediately release the submissions received by UNSRVAW into the public domain.

The UNSRVAW's call for evidence promised that she would make the submissions public:

All submissions will be published on the [mandate webpage on the OHCHR website](#), unless otherwise indicated in your submission.

Importantly, the Report admits that "the majority [of responses] addressed systemic issues and the impact of parental alienation", which UNSRVAW seeks in her recommendations to outlaw.

Further UNSRVAW makes claims with respect to the evidence pool, which cannot be verified.

The public must have sight of the submissions in order to restore confidence in the impartiality, objectivity and competence of the UNSRVAW and the UNHRC's Special Procedures system.

Conduct a public inquiry into the probity of the UNSRVAW's Report and the conduct of the UNSRVAW.

The apparent conduct of the UNSRVAW in this matter is so egregious that it calls into question the integrity of the entire Special Procedures system.

The inquiry must be public in order to preserve the public's perception of the UNHRC and its Special Procedures system. It must include a full independent audit of the Report against all of the 1,000+ submissions received.

An investigation into the conduct of the UNSRVAW in the preparation of the Report must consider her potential violations of the 'Code of Conduct for Special Procedures Mandate-holders'¹ as described below, in each case separately determining whether her misconduct was intentional and/or malicious.

ALLEGATIONS OF MISCONDUCT BY THE UNSRVAW

We allege the following violations (non-exhaustive) of the 'Code of Conduct for Special Procedures Mandate-holders' by the UNSRVAW:

¹ Ref: Resolution 5/2 adopted by the Human Rights Council on 18 June 2007

Article 7:

Article 7 - Observance of the terms of the mandate

It is incumbent on the mandate-holders to exercise their functions in strict observance of their mandate and in particular to ensure that their recommendations do not exceed their mandate or the mandate of the Council itself.

UNSRVAW undertook secondary victimisation of women affected by domestic abuse in the form of parental alienation by 'gaslighting' them and invalidating their experiences through unsupported assertions and myopic considerations in the Report. Significantly in this respect, the UNSRVAW acknowledges female victims of parental alienation in the Report as the minority of victims, but nonetheless, these victims have the right to expect her consideration pursuant to the UNSRVAW mandate. We allege that the UNSRVAW's refusal to advocate for these victims to the UNHRC was a direct violation of her mandate.

Further, we allege that the consultation process was a sham process and that submissions that did not agree with UNSRVAW's presuppositions were ignored. We understand she received submissions from female victims of parental alienation. We allege the UNSRVAW's sham consultation invited vulnerable victims to be exposed to UNSRVAW's 'gaslighting' and invalidation of their lived experiences so as to effect actual harm upon these women by secondary victimisation.

We allege that the UNSRVAW's recommendations seek to disenfranchise

- children of their rights pursuant to Articles 7-9 of the UN Convention on the Rights of the Child,
- children and parents of their right to a fair trial²,
- children and parents to family life as the natural and fundamental group unit of society that is entitled to protection by society and the State³, and
- the recommendations seek to exploit children's relationships with their parents in order to exact punishment of their parent, in violation of Art 36 of the UNCRC

and these exceed her mandate and the mandate of the Human Rights Council itself.

Article 12:

Article 12 - Private opinions and the public nature of the mandate

Mandate-holders shall:

(a) Bear in mind the need to ensure that their personal political opinions are without prejudice to the execution of their mission, and base their conclusions and recommendations on objective assessments of human rights situations;

(b) In implementing their mandate, therefore, show restraint, moderation and discretion so as not to undermine the recognition of the independent nature of their mandate or the environment necessary to properly discharge the said mandate.

As identified in the Critique, the UNSRVAW had strongly preconceived, published views on this subject matter. These fixed views appear impervious to contrary evidence or challenge in the submissions

² Pursuant to article 14 of the International Covenant on Civil and Political Rights, Article 7 of the African Charter on Human and Peoples' Rights, article 8 of the American Convention on Human Rights, and article 6 of the European Convention on Human Rights

³ For reference see: Resolution 29/22 adopted by the Human Rights Council on 3 July 2015

received. We allege the UNSRVAW's fixed presuppositions prejudiced the execution of the UNSRVAW's mission.

We allege that the conclusion and recommendations in the Report are not based on an objective assessment of the information obtained in the 'call for 'evidence' process. Public disclosure of the submissions and a comprehensive independent audit of the 1000+ submissions received in this process are required to definitively determine this allegation.

Article 8:

Article 8 - Sources of information

In their information-gathering activities the mandate-holders shall:

- (a) Be guided by the principles of discretion, transparency, impartiality, and even-handedness;
- (b) Preserve the confidentiality of sources of testimonies if their divulcation could cause harm to individuals involved;
- (c) Rely on objective and dependable facts based on evidentiary standards that are appropriate to the non-judicial character of the reports and conclusions they are called upon to draw up;

We allege that UNSRVAW's failure to publish the submissions she received, as she had promised, violated the transparency principle of Article 8(a).

We allege that UNSRVAW's information-gathering meetings with unnamed 'professionals', as detailed in the Critique, violated the requirement for transparency, impartiality and evenhandedness. In particular, UNSRVAW's disparagement of professionals of one 'side' of the debate in s.62 of the Report, based on these side meetings, was wholly unfounded, and UNSRVAW failed to invite comment from the professionals or the technical journals involved.

We further allege that the opinions gathered were not objective, dependable, or based on any appropriate evidentiary standard.

We allege that UNSRVAW did not take appropriate steps to ensure the integrity of the information received in accordance with Article 8(b), as manifested (without limitation) by the UNSRVAW's references to submissions of otherwise-inactive special-interest groups and to work of Joan Meier that has already been comprehensively rebutted in scientific journals.

Article 6:

Article 6 - Prerogatives

Without prejudice to prerogatives for which provision is made as part of their mandate, the mandate-holders shall:

- (a) Always seek to establish the facts, based on objective, reliable information emanating from relevant credible sources, that they have duly cross-checked to the best extent possible;
- (b) Take into account in a comprehensive and timely manner, in particular information provided by the State concerned on situations relevant to their mandate;
- (c) Evaluate all information in the light of internationally recognized human rights standards relevant to their mandate, and of international conventions to which the State concerned is a party;

We allege that the UNSRVAW's call for evidence process introduced non-objective, unreliable information from non-credible sources. The critique highlights UNSRVAW's reliance on personal anecdotes that were not cross-checked against court records, nor were the other parents' views obtained or the outcomes for the affected children ascertained.

The UNSRVAW's denigrations of contrarian views in s.62 of the Report, informed by her information-gathering meetings with unnamed 'professionals', were not duly cross-checked.

We allege the UNSRVAW ignored a substantial proportion of the submissions she received in violation of the requirement for all information to be evaluated.

Article 3:

Article 3 - General principles of conduct

Mandate-holders are independent United Nations experts. While discharging their mandate, they shall:

(a) Act in an independent capacity, and exercise their functions in accordance with their mandate, through a professional, impartial assessment of facts based on internationally recognized human rights standards, and free from any kind of extraneous influence, incitement, pressure, threat or interference, either direct or indirect, on the part of any party, whether stakeholder or not, for any reason whatsoever, the notion of independence being linked to the status of mandate-holders, and to their freedom to assess the human rights questions that they are called upon to examine under their mandate;

We allege that the UNSRVAW did not undertake a professional, impartial assessment of the facts as outlined in the Critique.

We allege that UNSRVAW had allowed herself to become unduly subject to the external influence of special-interest pressure groups. Such influence is manifest, inter alia, in her information-gathering meetings with unnamed professionals, whom we allege form part of these special-interest pressure groups.

(b) Keep in mind the mandate of the Council which is responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, through dialogue and cooperation as specified in General Assembly resolution 60/251 of 15 March 2006;

We allege that UNSRVAW did not keep in mind the Council's mandate to promote the rights 'for all', which includes those accused of domestic abuse and child and parent victims of parental alienation. As described above, the UNSRVAW seeks to disenfranchise vulnerable people of their fundamental human rights.

(d) Focus exclusively on the implementation of their mandate, constantly keeping in mind the fundamental obligations of truthfulness, loyalty and independence pertaining to their mandate;

We allege the UNSRVAW did not act truthfully when making the misstatements of facts in her Report, nor when representing the nature, balance, variety and content of the submissions she received to the UNHRC.

We further allege that UNSRVAW was not truthful with the public by undertaking a 'call for evidence' that was in fact, a 'sham' exercise as she had no intention of engaging with critical or contrary views or evidence. She was not truthful when she represented that the submission would be published.

(e) Uphold the highest standards of efficiency, competence and integrity, meaning, in particular, though not exclusively, probity, impartiality, equity, honesty and good faith;

We allege that the UNSRVAW's conduct in preparing the Report failed to uphold the standards of

- Competence
- Probity
- Impartiality
- Honesty and
- Good faith.

Without limitation, the UNSRVAW

1. Assumes children's relationships ought to be exploited to punish an adult parent
2. Fails to respect ECHR court rulings
3. Assumes judicial decisions are wrong without evidence or knowledge of the cases
4. Fails to take account of the welfare outcomes for the children from these cases
5. Cites risk of 'harm' with respect to judicial decisions without evidence of actual harm
6. Fails to balance the benefits of contact against the risk of harm from contact
7. Fails to reference any contrarian technical papers
8. Ignores any contrarian submission despite 1,000 submissions
9. Relies on non-technical, unprofessional sources and selective anecdotes
10. Commits unfounded slander of authors of genuine scientific critique (s.62) that disagrees with her presuppositions
11. Mis-categorises parental alienation as "psuedo-concept despite the body of scientific evidence
12. Fails to prioritise the welfare interests of the children
13. Fails to consider the possibility of false or malicious allegations of domestic abuse undertake to effect alienation
14. Undermines the theoretical foundation of coercive/controlling behaviours as domestic abuse by effectively asserting that even children are impervious to that form of abuse
15. Ignores that parental alienation is both domestic abuse and child abuse

(h) Be aware of the importance of their duties and responsibilities, taking the particular nature of their mandate into consideration and behaving in such a way as to maintain and reinforce the trust they enjoy of all stakeholders;

We allege that UNSRVAW's conduct in calling for evidence with pervasive bias, and her behaviour in disregarding contrary submissions and information in the preparation of the Report to the UNHRC, undermined the trust that stakeholders might have not only in the UNSRVAW but in the entire Special Procedures program of the OHCHR.

(i) Refrain from using their office or knowledge gained from their functions for private gain, financial or otherwise, or for the gain and/or detriment of any family member, close associate, or third party;

We allege that UNSRVAW has abused her office to promote her personal, preconceived views as a private gain of her personal satisfaction and/or for a gain to 'third party' special interest pressure groups with whom she acts in concert by:

- Unduly seeking to put into effect by means of HRC resolutions, regardless of evidence, her personally-held preconceived views and/or the views of certain pressure groups about child custody decisions,
- Unfairly seeking to put into effect HRC resolutions that, in her view and/or the view of certain pressure groups, would disproportionately disenfranchise children of their fathers and thereby obtain a sexist outcome in pursuit of their sexism, regardless of any adverse effects to the children.

Article 5:

Article 5 - Solemn declaration

Prior to assuming their functions, mandate-holders shall make the following solemn declaration in writing:

“I solemnly declare that I shall perform my duties and exercise my functions from a completely impartial, loyal and conscientious standpoint, and truthfully, and that I shall discharge these functions and regulate my conduct in a manner totally in keeping with the terms of my mandate, the Charter of the United Nations, the interests of the United Nations, and with the objective of promoting and protecting human rights, without seeking or accepting any instruction from any other party whatsoever.”

We allege the UNSRVAW fouled her solemn declaration due to her partiality and absence of conscientiousness and truthfulness in the preparation of the Report, done to further violations of her mandate and to disenfranchise people of their human rights.

END

Post Script:

In a public response to a female victim of parental alienation, UNSRVAW has publicly admitted that she has does not have the capacity to evaluate all the submissions she received, and also stated that she is under no obligation to publish – meaning that she has no intent to fulfil her promise.



Reem Alsalem UNSR Violenc...
@UNSRVAW

Nothing to hide. Not everything is a conspiracy. 😞 It is a matter of capacity. I have a very small team. We got over a 1,000 submissions. If i were to publish i would need to sift through what authors agreed can be published and what they want to remain confidential. Don't have that time. I will publish a short explanation on approach i took to data. Plus we are under no obligation to publish. Hope that clarifies.

19:01 · 10/06/2023 · 21 Views