

Study exposes oppression of mothers in Brazil's family courts

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Thirteen Brazilian mothers who say they are victims of domestic violence have told researchers of their harrowing experiences inside that country's family court system.

The [qualitative study](#)—led by Dr. Elizabeth Dalgarno from The University of Manchester—is published today in the *Journal of Social Welfare and Family Law*.

The mothers had taken violent partners to court only for some of them to lose custody and residence of their children over counterclaims of [parental alienation](#).

Parental Alienation is a pseudo-concept that asserts when a child has a negative stance towards one parent, typically the father, the child's preferred parent, typically the mother, is to blame.

When victim-survivors report abuse and violence, parental alienation is often used to denounce and disqualify reports of abuse, implying that mothers are lying and manipulating children.

A law introduced in Brazil in 2010 solidified the concept into legislation.

The current Government under President Lula da Silva shows no sign of a revoking it. In fact, the country is on track to making so-called parental alienation a criminal offense, punishable by three months to three years in prison.

Speaking publicly about this abuse in the [family](#) court and inability to pay child support can result in a prison sentence for mothers in Brazil, whereas child rape and other acts of violence including illegal firearms possession and associated violence by fathers did not, in this study.

In the study, all the mothers reported multiple [health conditions](#) associated with family court proceedings, conceptualized by the researchers as Court and Perpetrator Induced Trauma (CPIT).

Eight of the 13 cases included child sexual abuse. Five mothers reported

that police-led [criminal investigations](#) into child sexual abuse were closed due to allegations of parental alienation in family court.

Some mothers were being sued or threatened with being sued for slanderous defamation, and another was propositioned by the state prosecutor to withdraw the criminal charges of domestic violence and child sexual abuse , in exchange for the father's custody application to be withdrawn.

All the mothers had been accused of Parental Alienation and all the fathers had been accused of domestic violence by the mothers.

The mothers reported being subjected to much harsher treatment by the courts than fathers accused of DV, and reported maternity problems, musculoskeletal, autoimmune, and respiratory conditions and a broad range of mental health implications including suicide and other trauma responses.

The study also found:

- Irrespective of the abuse or violence reported by mothers and children, the fathers maintained some form of direct contact with the children.
- Three mothers lost custody of their children with one having no contact at all.
- Five out of eight criminal investigations into child [sexual abuse](#), child rape and [domestic violence](#) by fathers were closed following parental alienation claims in the family courts.
- None of the mothers' allegations of violent crime raised in court by mothers and children were passed on to police and criminal prosecutors.

Lead author Dr. Dalgarno said, "There are growing concerns around the

world about the weaponization of the pseudo-concept 'Parental Alienation' in the family courts against women.

"In a country which has one of the highest rates of femicide in the world, it's fair to argue that Brazil is a very difficult country to be a victim of and domestic abuse.

"According to the UN, around one-third of Brazilian girls and women were found to have suffered Intimate Partner Violence with more than half of the perpetrators current or former 'partners.'

"The family courts in Brazil provide an opportunity for this [violence](#) to increase, where perpetrator fathers use 'Parental Alienation' and similar variations, to penalize mothers and children.

"We call on the Brazilian government to urgently investigate links between harm to health and the family courts and to strengthen human rights protection for women and child victims."

Quotes from some of the women in the paper:

Helena: "It is a feeling of injustice, helplessness . . . I understood that you get into that [court](#) to lose. We don't have any chance, any chance. That's just staging, you are going to lose it, you can be sure about it. We are only used to fill the experts and the lawyers' pockets, our own lawyers . . . we don't have any chance . . . I felt betrayed."

Vania : "I think that what hurts me the most is the fact that, despite I knew I was a victim-survivor, just like my son was, I was feeling like a criminal. . .I never had criminal incidents, I had never been involved with drugs, I always had a straight life. On the other hand, the father already had criminal records, but they haven't even taken that into consideration. Nothing, nothing, nothing . . . the more we report the

more we are punished. That was my fear. I would say, by using an expression 'Swim, swim and die at the beach.'"

Beatrice: "It's like you're the prey for years . . . No animal could survive that, I think, would die of stress, I don't know, if you put in a small cage a zebra, and a bunch of lions around about, what would happen to the zebra in the cage? I don't know."

Helen: "I think it was also due to stress, cortisol, stress hormone, gastritis, nightmares . . . for there were so many petitions accusing me of so many nonsense things. I was called a hooker, then a bad wife, then a murderer . . . there was no point in proving in the Family Court that that was not like that for they would just keep going 'No, it is.' We become the dead dog that everybody kicks."

More information: E. Dalgarno et al, 'Swim, swim and die at the beach': family court and perpetrator induced trauma (CPIT) experiences of mothers in Brazil, *Journal of Social Welfare and Family Law* (2023). [DOI: 10.1080/09649069.2023.2285136](https://doi.org/10.1080/09649069.2023.2285136)

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