

## FOR IMMEDIATE RELEASE

### Il-Bdil ta' Residenza ta' tfal f'kazijiet ta' ċertu grad ta' Parental Alienation

Happy Parenting - Malta (For Happier Children) HPM4HC tinnota d-direzzjoni riċenti li ngħatat mill-Qorti Tal-Familja li ordnat it-tibdil ta' residenza tat-tfal minn ma' ġenitur għal mal-ġenitur l-ieħor.

HPM4HC:

1. Tagħraf il-progress lejn forma ta' struttura ta' terapija speċjalizzata f'ċirkostanzi ta' gradi differenti ta' *Parental Alienation*.
2. Tirrikonoxxi l-isforzi u l-professjonalità tal-entitajiet involuti biex jiġi implimentat id-digriet tal-Qorti, partikolarment taċ-*Child Protection Services* fi ħdan l-FSWS, il-*Vice Squad* fi ħdan il-Korp tal-Pulizija, u l-Psikoterapisti speċjalizzati f'*Parental Alienation*, maħturin mill-Qorti.
3. Tiegħu l-opportunità biex tishaq dwar il-bżonn li l-professjonisti li jaħdmu mal-familji, partikolarment f'tali kazijiet, jingħataw taħriġ speċjalizzat biex jgħinu lill-familja kollha. Hu meħtieġ iżjed investment fil-professjonisti biex elementi ta' *Parental Alienation* jiġu identifikati minn kmieni u idealment ma jitħallewx jeskalaw bħal ma ġara f'dan il-kas.
4. Tappella wkoll lill-Awtoritajiet biex jikkunsidraw li f'pajjiżna tinholoq struttura professjonali li tkun tista' toffri programm speċjalizzat f'ambjent sigur minn fejn tkun tista' tiġi implimentata rijunifikazzjoni mat-tfal biex dawn ikunu jistgħu jerġgħu jibdedw igawdu lill-ġenituri t-tnejn f'ħajjithom.
5. Tfakkar li f'kas riċenti kontra Malta deċiż aktar kmieni din is-sena, il-Qorti Ewropea tad-Drittijiet tal-Bniedem fi Strassburgu, sabet li Malta bħala stat, naqset mill-obbligazzjonijiet tagħha li tiegħu l-passi kollha meħtieġa biex tassigura rijunifikazzjoni. Sakemm ma jkunx pruvat li jmur kontra l-interess tat-tfal, it-tfal għandhom dritt għaž-żewġ ġenituri u f'kas ta' tfal aljenati, ix-xewqat tagħhom ma jistgħux ikunu ikkunsidrati bħala veto peress li tfal aljenati huma l-iprem avukati tal-ġenitur li jaljena. Il-Qorti Ewropea tad-drittijiet umani iddikjarat li l-kas mar kontra l-Artiklu 8 tal-konvenzjoni - ksur ta' dritt tar-rispett għal "ħajja privata u tal-familja, d-dar u korrispondenza tiegħu." In-numru ta' preċedenti qed jikber (36216/13, 66997/13, 3941/02, 49868/08, 23641/17, 28663/12, 9410/20); gvernijiet madwar id-dinja jinsabu ħatja ta' ksur tad-drittijiet umani relatati mal-ħajja tal-familja; kemm min-naħa tal-ġenitur u kemm min-naħa tal-wild.

20 t'Awwissu 2021

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### **The Family Court ordered change of Residence of Children, as part of Reunification Programme, Therapy in Cases of Parental Alienation**

Happy Parenting - Malta (For Happier Children) HPM4HC notes with appreciation the recent direction given by the Family Court when ordering Change of Residence from one parent's home to the other parent's.

HPM4HC:

1. Recognises the progress towards specialised structured therapy for various levels of severity in cases of *Parental Alienation*.
2. Appreciates the efforts and the proficiency of the entities concerned to implement the Court Decree, in particular: The Child Protection Services within FSWS, the Police Vice Squad, the Psychotherapists specialised in Parental Alienation who were assigned by the Family Court.
3. Takes the opportunity to emphasise the vital need that specialised training be given to professionals working with families, in particular those passing through similar cases. Parental Alienation training of professionals should be given due priority so that cases will be identified and dealt with as early as possible before they escalate as happened in this case.
4. Recommends that the Authorities set up a professional structure in our country where reunification programmes can be offered within a safe environment and the children can enjoy being actively present with both parents.
5. Reminds that, in a recent case against Malta decided earlier this year, the European Court of Human Rights in Strasbourg, found that the State of Malta had failed in its positive obligation to take all the necessary steps to ensure reunification. Unless proven against their interest, children have a right to have both parents and in case of alienated children, their wishes cannot be considered as a veto for alienated children are the alienating parent's best lawyers. The European Court of Human Rights upheld that there has been a violation of Article 8 of the Convention - a breach to the right to respect for one's "private and family life, his home and his correspondence".  
The number of precedents is growing (36216/13, 66997/13, 39741/02, 49868/08, 23641/17, 28663/12, 9410/20); governments worldwide are found in breach of human rights pertaining to family life; be it from the perspective of the parent or that of the child.

20th August 2021