



**GOVERNMENT OF MALTA**  
MINISTRY FOR SOCIAL POLICY  
AND CHILDREN'S RIGHTS



## **MALTA V**

**Fifth Conference on the HCCH Children's Conventions  
as Bridges between Civil / Common Law and Islamic Law**

### **Some Key Resources for Mediation in Cross-border & Parental Child Abduction Cases**

24-27 September 2024

Grand Hotel Excelsior, Valetta, Malta

**Ishtar Khalaf-Newsome,**  
Co-CEO & Head of Advisory Services, **MiKK**  
Family Lawyer, Cross-border Mediator



Co-funded by  
the European Union



MiKK e.V. International Mediation Centre for Family Conflict and Child Abduction

MiKK e.V. International Mediation Centre for Family Conflict and Child Abduction

# Mediation Safeguards the Best Interest of the Child!



Photos: I-stock.com



# Mediation Safeguards the Best Interest of the Child



- ✓ Puts the **child** back into the parents' **FOCUS!**
- ✓ **De-escalates** the dispute
- ✓ **Underlying (emotional) aspects** of the conflict can be explored
- ✓ Facilitates **direct communication** between **the parents**
- ✓ **Safe and confidential** space to brainstorm **flexible** proposals
- ✓ **Trust** between parents can be rebuilt
- ✓ **Co-parenting** abilities are strengthened
- ✓ More **sustainable** solutions

# Mediation in Hague Abduction Proceedings

## Resources & Best Practices



# HCCH Guide to Good Practice

## Child Abduction Convention: **Part V - Mediation**



The **English**, **French** and **Spanish** versions of the Mediation Guide were produced by the Hague Conference on Private International Law.

Translations in **other official languages of the European Union** and **Arabic** are available thanks to the support of the European Commission/DG Justice:

**Bulgarian | Czech | Dutch | Estonian | Finnish | German  
Greek | Hungarian | Italian | Latvian | Lithuanian | Maltese  
Polish | Portuguese | Romanian | Slovak | Slovene | Swedish**

The **Russian** translation is available thanks to support provided by the Scientific and Methodological Center for Mediation and Law, Moscow, Russia.

The **Mandarin** translation was funded by the Government of Canada.

The **Turkish** translation is available thanks to support by the Ministry of Justice of the Republic of Turkey.

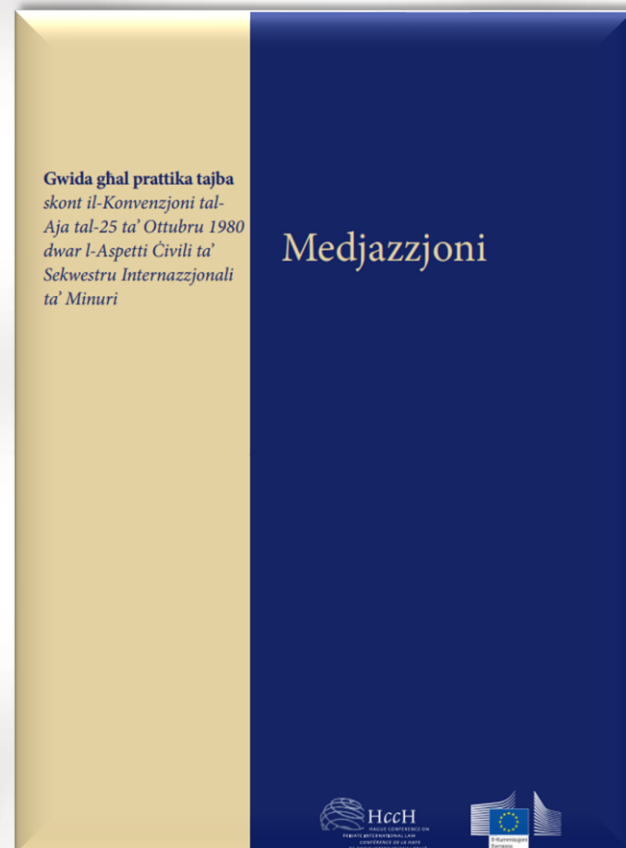
The translation into **Ukrainian** was carried out with the financial support of the European Union, granted to the MiKK - International Mediation Centre for Family Conflict and Child Abduction (EU project ACCORD SGA 2023) and to the Ukrainian Academy of Mediation (UAM) (EU project CONSENT)

The Catalogue of HCCH publications and order form are available [here](#).

➤ **Downloadable for free from the HCCH Website**

➤ **Available in 26 Languages**

# HCCH Guide to Good Practice Child Abduction Convention: Part V - Mediation



<https://www.hcch.net/en/publications-and-studies/details4/?pid=6561>



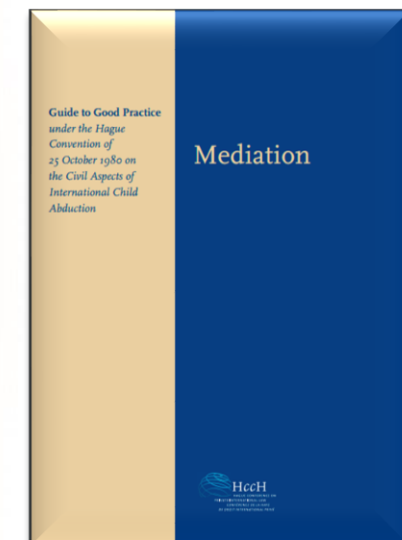
# Specialized Mediators Additional Training

## HCCH Guide to Good Practice:

*“Mediation in international family disputes is much more complex and requires mediators to have relevant additional training. The interplay of two different legal systems, different cultures and languages makes mediation much more difficult in such cases. [...]” (HCCH Guide, p. 26)*

### Specialized Mediators who:

- Understand international legal framework
- Have intercultural competence
- Are skilled in handling highly escalated cases
- Handle cases under big time pressure!

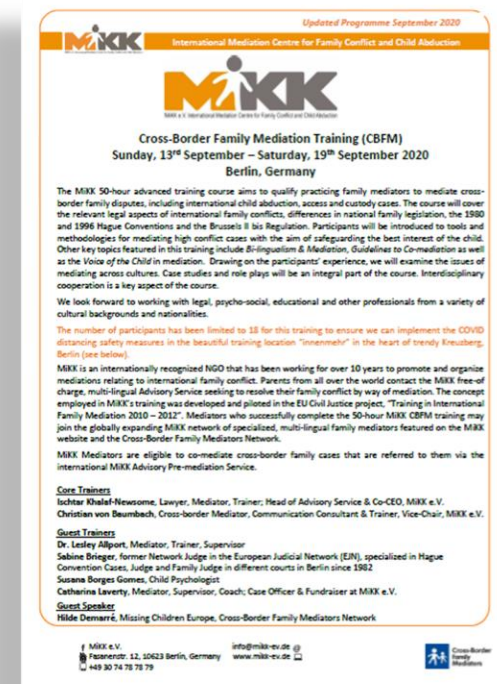


# 2

## MiKK CBFM Trainings

### 50-hour Advanced Cross-border Family Mediation Training in Berlin, Madrid, Singapore, Japan in English, German, Spanish

- Interactive, Case Studies & Role Plays
- International Legal Framework
- Culture & conflict resolution
- Mediation Tools
- Co-mediation
- The Voice of the Child
- Framework & Specifics of Mediating Child abduction cases
- Bi-lingualism and mediation
- Drafting Mediation Agreements (Memorandum of Understanding)
- Enforceability of Mediated Agreements
- Online Mediation



***450 international mediators from 50 countries  
have been trained by MiKK***

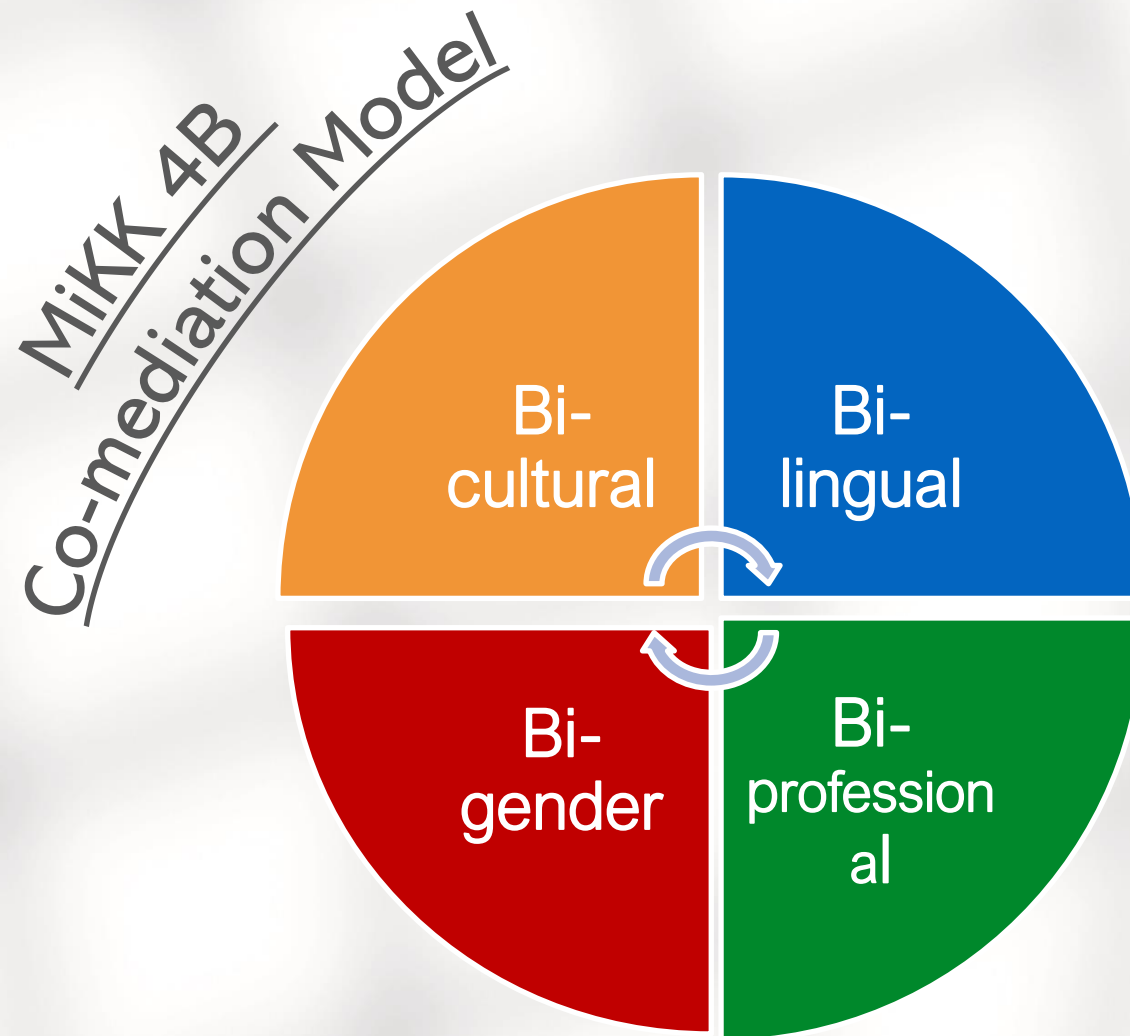


# 3

## Specialized Mediators: Co-Mediation

HCCH Guide to Good Practice:

*“Bi-cultural, bilingual co-mediation addresses the specific needs for intercultural competence as well as language skills when mediating between parties from different States of origin with different mother-tongues.”*  
(HCCH Guide, p. 64)



# MiKK International Mediators Network

- ✓ **200+** specialized, bilingual cross-border mediators on MiKK website
- ✓ Based in **45+** countries
- ✓ Mediating in **40+** languages
- ✓ All 50-hour CBFM trained

plus

- ✓ *Informal global network of 350+ Mediators*



+49 (0) 30 74787879 info@mikk-ev.de EN f t Donate

**MiKK** ABOUT US MEDIATION INFORMATION NEWS CONTACT

**Find a professional**

Mediator - country - language 1 - language 2 -

	<b>Nadja Hatem</b> Lawyer Mediator	English Swedish Arabic	<b>nh@hatemsjunghamn.se</b> phone: +46 8 121 378 02 <a href="https://hatemsjunghamn.se">https://hatemsjunghamn.se</a>
	<b>Amin Louden</b> Mediator	German Arabic English	<b>aminlouden@aol.com</b>
	<b>Dominic Raeside</b> Mediator	English	<b>dr@flip.co.uk</b> phone: +44 (0) 207 420 5000 mobile: +44 (0) 778 654 1743 <a href="http://www.flip.co.uk">www.flip.co.uk</a>
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	<b>Mohamedreza Doran</b> Lawyer Mediator	English Farsi Persian	<b>mrdowran@gmail.com</b>

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## The International **MiKK** Advisory & Pre-Mediation Service

**Free of charge • Mult-lingual • Global**



- ✓ For Parents Worldwide
- ✓ Advice in **7** Languages  
(EN, DE, PL, FR, ES, HUN, IT)
- ✓ Organisation of Specialized  
Bi-lingual & Bi-cultural  
Mediations

[www.mikk-ev.org](http://www.mikk-ev.org)

[info@mikk-ev.org](mailto:info@mikk-ev.org)

+ 49 (0) 30 74787879

+ 49 (0) 151 669 688 29 (WhatsApp)

Zoom & Skype

Photo: Istock



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# MiKK International Parental Child Abduction Support Groups (Europe & Asia Pacific)

New Dates on  
the website!!



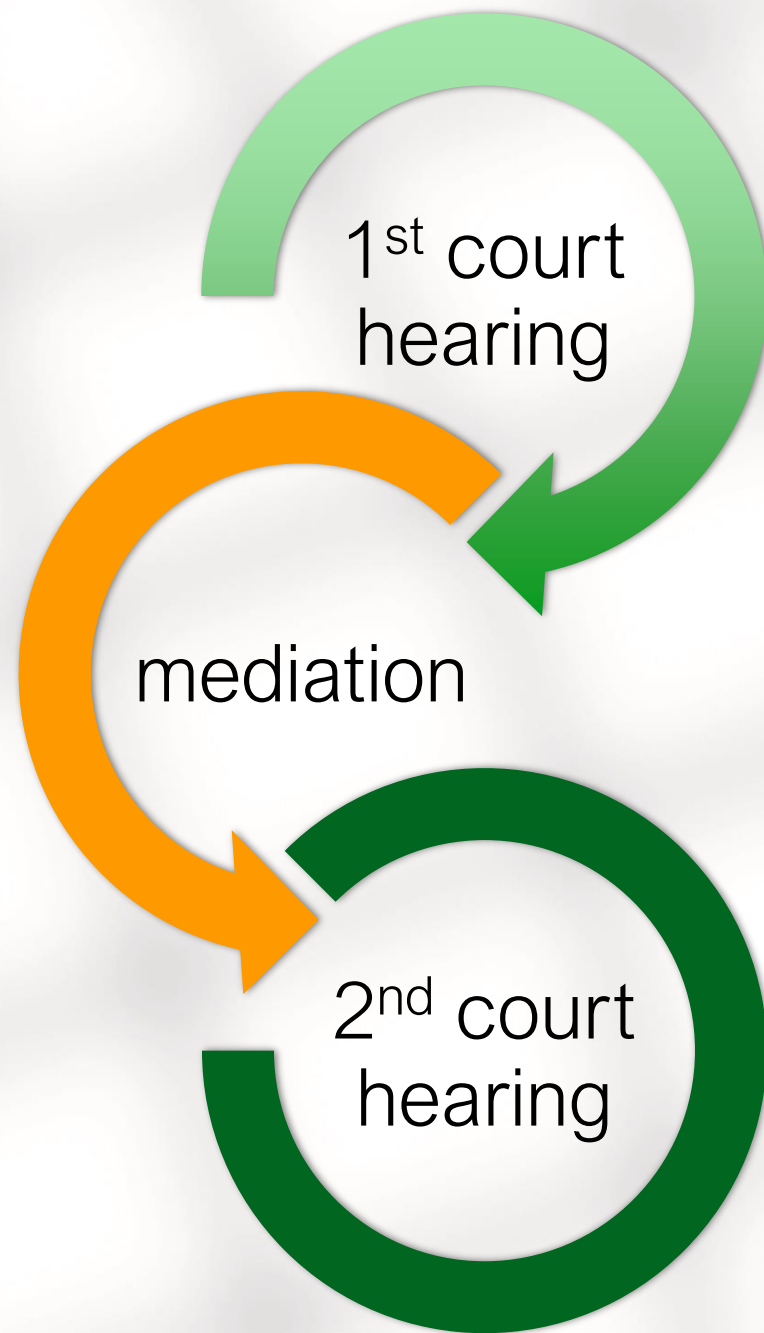
- Online (ZOOM)
- Free-of-Charge
- Confidential

Facilitated by international MiKK Mediators with  
psycho-social background professions based in:

Australia, Japan, Singapore, Hong Kong,  
Germany, France, Cyprus

# 7

## “Pressure Cooker” Mediations: 10-15 hours • 3-5 sessions



- In Netherlands, Germany, England: **Mediation embedded into Hague Proceedings.**
- **2 Hearings listed 10 days apart in Child Abduction Cases**
- **No delay of 6 week timeframe** in Hague child abduction cases!!
- Concluding a **“Package Agreement”**
- **Judicial Encouragement is Key!**

**Expert Group of HCCH:**

*“Package agreements should be promoted because they serve the best interest of the child”*



# Information Flyer about MEDIATION

## In 31 Languages

Downloadable from the MiKK website  
[www.mikk-ev.org](http://www.mikk-ev.org)





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# Template Information Letter from the Court about Mediation (for Parents /Lawyers)



+49 (0) 30 747878 info@mikk-ev.de DE Spenden

**MiKK**

ÜBER UNS MEDIATION **INFORMATIONEN** TRAINING TERMINE PROJEKTE MITMACHEN KONTAKT

Informationen für Richter

Sehr geehrte Frau Richterin,  
sehr geehrter Herr Richter,

Sie sind mit einem Verfahren nach dem Haager Kindesentführungsabkommen (HKÜ) befasst. Wir möchten daher beide Eltern anregen, über die grundsätzliche Frage der Rückführung des Kindes miteinander zu verhandeln und bei dieser Gelegenheit zu klären, ob eine Vereinbarung getroffen werden kann, mit der gleichzeitig auch weitere das gemeinsame Kind betreffende Fragen geregelt werden können. Da Sie sich im Rahmen des als besonders beschleunigtes Verfahren ausgestalteten HKÜ-Verfahrens nur mit dem Antrag auf Rückführung, nicht aber mit den weiteren die Eltern und das Kind betreffenden Fragen befassen können, möchten wir auf die Möglichkeit der Eltern aufmerksam machen, parallel und in enger zeitlicher Abstimmung zum gerichtlichen HKÜ-Verfahren eine Mediation in Anspruch zu nehmen. Die Erfahrungen zeigen, dass Ihre Empfehlung zur Mediation ganz wesentlich zur Akzeptanz bei den streitenden Eltern führt und die Wahrscheinlichkeit einer einvernehmlichen gemeinsamen Regelung der Eltern maßgeblich erhöht.

Es wird angestrebt, die Ergebnisse der Mediation verbindlich vor dem Gericht zu protokollieren; anschließend kann im Einzelfall noch eine entsprechende Absicherung im anderen Land erforderlich werden.

Im Interesse des Kindes sollte versucht werden, seitens beider Eltern eine autonome Regelung der das Kind betreffenden Fragen zu unterstützen. Wir sind uns sicher, dass eine Information der Eltern durch Sie als Richter über die Möglichkeit, eine Mediation in Anspruch nehmen zu können, hilft, den Konflikt nachhaltig zu befrieden und eine zukunftsorientierte Lösung für alle Familienmitglieder zu finden.

Unter dem folgenden Link finden Sie Anschreiben an die Parteien in verschiedenen Sprachen:  
[Infoschreiben](#)

**Fachleute finden**  
HILFE IN VIELEN LÄNDERN

**Häufige Fragen**  
HILFE IN VIELEN LÄNDERN

**Flyer**  
FLYER IN VERSCHIEDENEN SPRACHEN

**AKTUELLE TERMINE**

**13 | MAI | 2021**  
**AMICABLE – National Seminar in Italien (online)**

20126 MILANO | PIAZZA DELLATENEVO NUOVO, 1  
13. Mai 2021  
**MEHR ERFAHREN**

In all EU Languages

& more:

Georgian, Japanese, Russian,  
Turkish, Ukrainian

**Downloadable from  
MiKK website!**

Find a professional



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country -

language 1 -

language 2 -

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# International MiKK Expert Family LAWYERS Listing

- ✓ 30+ countries represented
- ✓ Expertise in cross-border and child abduction cases
- ✓ Bi-lingual



# AMICABLE Best Practice Tools

## General EU Tool & 4 Country-specific Tools (PL, SP, IT, DE)

Developed by MiKK & 3 Project Partners:

University of Wroclaw

University of Milano-Bicocca

**University of Alicante**

and German Legal Experts

Downloadable free of charge at:

[www.amicable-eu.org](http://www.amicable-eu.org)

In English,  
German,  
Spanish,  
Polish  
Italian



Co-funded by the  
European Union

**AMICABLE**  
Best Practice Tools assisting with the enforceability of mediated agreements  
in the EU and Member States pending implementation into their national laws

**ESPAÑA -**  
**HERRAMIENTA DE MEJORES PRACTICAS**

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Parte general de la UE: Juliane Hirsch, LL.M.

**AMICABLE**

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(1) Mediación en situaciones de crisis fa  
dividir las situaciones en dos categorías  
(2) Mediación en crisis familiares que no  
Situación I: Acuerdo de reubicación .....  
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Identificación de los asuntos incluidos en  
Identificación del marco legal europeo e

This p

**Definiciones**  
**Acuerdo familiar internacional**  
1. Para los propósitos de esta Herramienta de Mejores Prácticas, se define como acuerdo familiar internacional: Un acuerdo que regula una situación familiar con un elemento internacional en el que estén implicados niños y que tenga que ver con asuntos de responsabilidad parental, con obligaciones de alimentos y posiblemente con otros asuntos.

**Responsabilidad parental**  
2. El término "responsabilidad parental" se usará en esta Herramienta de Mejores Prácticas según se define en el artículo 2, nº 7 y siguientes del Reglamento Bruselas IIa y "los derechos y obligaciones conferidos a una persona física o jurídica en virtud de una resolución judicial, por ministerio de la ley o por un acuerdo con efectos jurídicos, en relación con la persona o los bienes de un menor. El término incluye, en particular, los derechos de custodia y visita".

**Obligaciones alimenticias**  
3. Los asuntos de obligaciones alimenticias que se usan en esta Herramienta incluirán las obligaciones alimenticias de los niños y los cónyuges o ex cónyuges. Para saber más sobre la importante diferenciación de las obligaciones alimenticias del cónyuge de los asuntos de regímenes económicos, se hace referencia a la resolución del Tribunal de Justicia de la Unión Europea (en adelante, "TJUE") en *Van den Boogaard v. Laumen* (C-220/95). El TJUE tuvo que decidir que un pago único de una cantidad debía de considerarse como "obligaciones alimenticias" en el sentido del Convenio de Bruselas, un instrumento legal europeo que más tarde se transformó en el Reglamento Bruselas I y al que ahora ha sustituido, en relación con las obligaciones alimenticias, el Reglamento sobre Obligaciones Alimenticias. El TJUE establece que también un pago único de una cantidad se calificaría de obligaciones alimenticias si el razonamiento diera indicaciones de que se había "diseñado para permitir que un cónyuge cubriera sus necesidades o si en la determinación de su cantidad se tuvieron en cuenta las necesidades y los recursos de cada uno de los cónyuges" (párr. 22).

**Tribunal/juzgado y resolución judicial**  
4. A menos que se especifique de otro modo, la palabra "tribunal/juzgado/órgano jurisdiccional" se usará en esta herramienta de forma que

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Autores:

This project was co-funded by the European Union's Justice Programme (2014-2020)

**AMICABLE**



# HCCH Practitioner's Tool

The Practitioners' Tool aims to explain how agreements made in the area of family law involving children ("family agreements") can be made enforceable in one State and then recognised and enforced in other States through the operation of mechanisms under HCCH Conventions, specifically the 1980 Child Abduction Convention, 1996 Child Protection Convention, and 2007 Child Support Convention.

Family agreements can have a very important role in deterring parental child abduction and facilitating the continuation of a meaningful relationship for a child with both of their parents when the parents are living in different States. The Practitioners' Tool will serve as a valuable resource for legal or professional advisers (e.g., mediators) who are helping families with children navigate cross-border issues through a formal agreement, bringing greater certainty and stability to family arrangements across the globe.

This publication is available in the following languages:

**English**

€25.00

ISBN: 978-90-83248-12-7

**French**

€25.00

ISBN: 978-90-83248-13-4



**Practitioners'  
Tool**

**Cross-Border  
Recognition and  
Enforcement of  
Agreements  
Reached in  
the Course of  
Family Matters  
Involving Children**

Hague Conference on Private International Law - Conférence de La Haye de droit international privé

An electronic copy of this publication is available for download in:

[English](#) | [French](#).

# Resource 6

## Short & Comprehensive Information **Film** for EU Judges (& Lawyers):

With subtitles in  
all EU languages



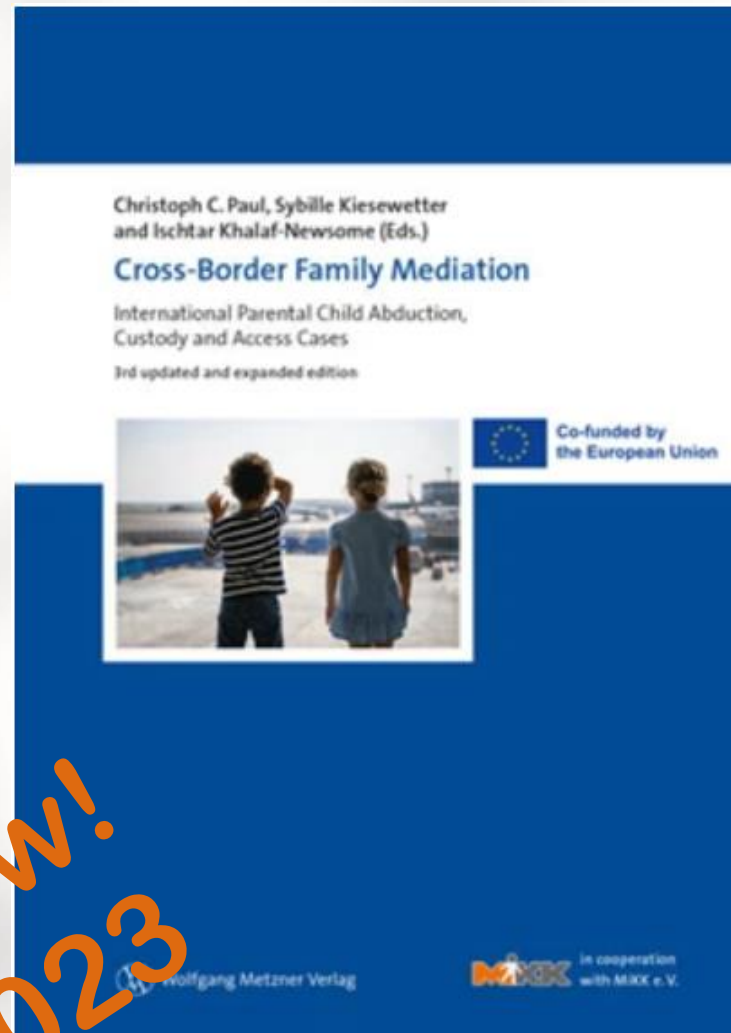
### *Mediation in Child Abduction Proceedings 1980 Hague Convention, Brussels IIb Recast*

<https://www.mikk-ev.de/informationen/information-videos/>

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## Cross-border Family Mediation Textbook

All you need to know on Cross-border Family Mediation!  
Specialized Chapter Contributions from 15 experts!



- The Voice of the Child in Mediation
- Enforceability of Mediated Agreements
- Online Mediation
- Template Choice of Court
- Template Mediation Agreements
- Checklists and Practical Guidance
- Mediation in Non-Hague Countries
- A Personal Story...
- ...and much more

**Cross-border Family Mediation.**

**International Parental Child Abduction Updated, Custody and Access Cases.**

Updated & Expanded, 3rd Edition, October 2023

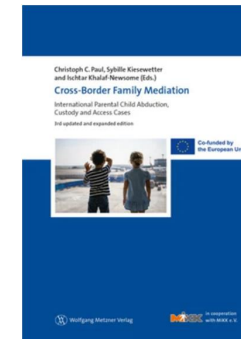
Paul, Kiesewetter, Khalaf-Newsome (eds.), Wolfgang Metzner.



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Also available as an  
E-Book!

# Testimonials



*"As the International Mediation Centre for Family Conflict and Child Abduction (MiKK) is celebrating 20 years of expertise, it is publishing the 3rd edition of Cross-Border Family Mediation! The 3rd edition covers all the relevant topics and latest developments in the field. It is an extremely practical tool; a must-have for anyone involved in international family law, including international child abduction."*

**Philippe Lortie, First Secretary, Hague Conference on Private International Law (HCCH)**

*"This comprehensive guide to cross-border mediation is an invaluable resource for professionals from all disciplines working in the field of cross-border child abduction."*

**Lisa Parkinson, Mediator and Mediation Consultant, United Kingdom**

*"This book is the only book co-authored by experts who are engaging daily with parents and professionals in children cross border disputes. Their experience and professionalism make it the go to book in the market for every professional and parent involved in international cross border disputes. The reading makes it clear that mediation is proven to have significant value in these cases and the fact that international projects in this field continue to grow is a testament to its success. The book has a chapter dedicated to the current projects across several jurisdictions. I highly recommend the reading of this book to enhance your knowledge of international cross border mediation and most importantly to understand its value."*

**Carolina Marin Pedreno, Partner and Head of Children Department, Dawson Cornwell, UK**  
**Specialist Practitioner on International Cross-border Children Issues**

# Does Mediation work?

(Partial) Agreement reached in MiKK Mediations\*  
(Child Abduction Cases Only )

**70%** of cases



*\*Since 2015 (Covid year 2020 excluded)*

**Thank you for your attention!**  
**Any Questions?**



**Contact: Ishtar Khalaf-Newsome,  
[Ishtar.newsome@mikk-ev.org](mailto:Ishtar.newsome@mikk-ev.org)**



*Merci*

Thank You

شكرا

*Teşekkür ederim*

*Grazie*



**paldies**

*tack*

*Gracias*

**dziękuję**

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**köszönöm**

**obrigada**

**Ačiū**

**spas**

**mulțumesc**



With financial support from the Justice Programme of the European Union



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