



INTERNATIONAL SOCIAL SERVICE

International Family Mediation (IFM)

Access to professionals, cooperation, advocacy

Mediation in cross-border family conflicts

Mediation is an amicable and neutral method of conflict resolution. Mediation complements the legal or judicial process to allow for tailor made agreements, which have the capacity to both bridge legal divides and be made legally binding. Mediation takes into consideration the protection and the interests of the children and all parties, while handling cultural differences of a social, psychological and/or legal nature.

How is mediation addressed within THC 1980 and 1996?

Both conventions recognise that the protection of children and the consideration of their best interests is of paramount importance. Each convention highlights the merit in finding amicable solutions (Art. 7 (c) of THC 1980 and Art. 31 (b) of THC 1996). On an operational level the need to develop and facilitate recourse to mediation is expressly respected.

In the *Malta Process* - a dialogue between Hcch and non-convention Sharia Law States - mediation is at the heart of practical cooperation in child custody, contact and abduction matters. The *Malta Process* has resulted in the establishment of *Central Contact Points for Mediation* in a number of countries.

What is needed to ensure mediation is effective and advancing?

- **A strong and sustained political will (initiated by intergovernmental organisations in recent years)** – strengthen cooperation between State authorities and mediation professionals to encourage recourse to mediation.
- **IFM Formalisation** – recognise, in each State, key international principles for the conduct of mediation (read *The Charter for International Mediation Processes*).
- **IFM Professionalization** – work with reliable and competent mediators from recognised networks; utilise secure mediation settings and equipped facilities; encourage access to independent legal advice for mediation participants; and support training initiatives to raise the global level of competency.
- **Recognition & Promotion** – articulate mediation with the international legal framework and protection measures: e.g., with the establishment of mediation services running parallel to, and in conjunction with, mechanisms under the conventions.

Since 2010, a global effort has focused on: training; competency standards; sharing of practical tools for mediators; increasing knowledge of the perspective of the child and cultural diversity; promotion of IFM within administrative and legal authorities; and advocacy.

Guiding International Instruments & Standards

- [Convention on the Rights of the Child](#)
- [The 1980 Hague Convention](#)
- [The 1996 Hague Convention](#)
- [Inter-American Convention on the Intl Return of Children](#)
- European [Directive 2008/52/EC on Mediation in Civil and Commercial Matters](#)
- [Charter for International Family Mediation Processes](#)
- Council of Europe [Recommendation to Members States on Family Mediation](#)
- Council of Europe [Recommendation to Member States on Mediation in civil matters](#)
- [Hcch Guide to Good Practice - Mediation](#)
- [Principles for the Establishment of Mediation Structures in the Context of the Malta Process](#)

ISS services around the world may include:

- Mediation, in countries where ISS offers this service
- Referral to reliable mediation services, including abroad
- Act as a Central Contact Point for IFM under the Malta Process
- Pre-mediation services, in cooperation with CA's established under THC 1980 and 1996, where existent
- Information and awareness-raising sessions on mediation (for families and administrative and legal authorities), where available

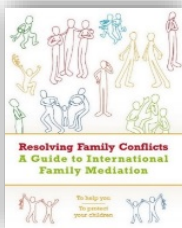
International Family Mediation Moving Forward

In 2015, ISS created a *Collaborative Process* among international family mediation practitioners from all corners of the globe to discuss shared understandings of cross-border family mediation and jointly work towards the advancement of IFM practice.

All recognised IFM structures worldwide, and all IFM pioneer mediators and experts, are part of this global endeavour, which is based on the principles of **sustainability**, **reliability** and **collaboration**.

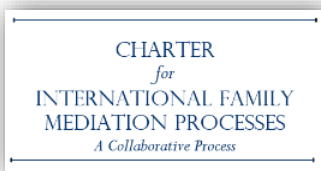
- **A multilingual website WWW.IFM-MFI.ORG (2016)**

This resource provides wide ranging access to reliable and continuously updated information on IFM. A by-country directory provides information on mediation services, public services, and charitable organisations that can help (e.g. authorities for cross-border disputes, social and child welfare services, etc.).



- **A multilingual guide (2014)**

The first guide intended for families and the professionals who support them, published in 2014 and translated in 9 languages. It conforms with all relevant legislations, and depicts the emotional impact of child abduction on all family members.



- **An international Charter (2016)**

The Collaborative Process jointly drafted [The Charter for International Family Mediation Processes](#), an international reference document for the conduct of cross-border family mediation.

- **A global network of qualified mediators (launching 2018)**

In 2017, the *Collaborative Process* considered professional qualification standards for cross-border family mediators across continents, and decided to create a global/transregional centralised network. *The Global Network* will be launched in 2018, under an action plan covering 2 to 3 years.

- **An interactive platform on IFM practices (2018)**

ISS is developing an interactive platform for discussing practices, uploading working documents, and facilitating communication and referrals among specialised mediators worldwide.

- **Recognition & Advocacy (as of 2017)**

ISS advocates for the recognition of IFM conduct as it is defined in existing reference documents within political organisations: the UN Committee on the Rights of the Child, HcCH, Organisation of Islamic Cooperation, European Union, Council of Europe, etc.

IFM Specific Tools

- Multilingual IFM Website www.ifm-mfi.org
- General queries to ISS Mediation Unit: mediation@iss-ssi.org +41 22 906 77 00
- **Repository of human resources** for cross-border family conflict, country by country

Advocacy

- [The Charter for International Family Mediation Processes](#)
- [Recommendations](#) to States

Scope of IFM advancement & long term vision

- **Dissemination of IFM instruments & tools** among all actors involved in the management of cross-border family conflicts.
- **More cooperation between States authorities and qualified practitioners** to establish IFM as an encouraged and effective recourse worldwide.
- **Create a global body of knowledge** regarding IFM practice, which integrates practitioners from various cultures.