

## Final Report on the International Family Mediation Programme (2010-2018)

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## Background

The International Family Mediation Programme, conducted from 2010 to 2018, aimed to better protect children involved in parental conflicts across national borders and cases of international child abduction. ISS's approach was to **facilitate access to mediation for families** on a global scale in cooperation with States' authorities, **to unite mediators from across the world** and **to work towards global recognition of their competencies**.

The programme consisted of five (5) projects conducted with a consultative and participative approach, including experts from all continents and relevant fields (mediation, international law, child psychology, cultural diversity):

- A [\*Guide to International Family Mediation\*](#), available in [9 languages](#) (incl. Russian and Arabic), discussing all issues related to the recourse to international family mediation in 7 chapters, incl. a section with practical questions and guidance. Easy to use and full of testimonies, the guide is drafted in conformity with all legislations and depicts the emotional impact of child abduction on all family members involved.
- A [\*Charter for International Family Mediation Processes\*](#) and a "[How to use](#)", available in [5 languages](#) for worldwide reference, presenting the 10 core principles to be respected during cross-border mediation and some practical recommendations to strengthen the recourse to mediation and cooperation with State authorities.

ISS initiated a *Collaborative Process* gathering family mediators from all continents to reflect on shared understandings of international family mediation practice across the world. This international group – 55 practitioners from 23 countries - met in Geneva in October 2015, adopted the core principles, developed approx. 60 Good Practices and discussed professional competencies. [\*The Charter\*](#) was distributed to administrative and legal authorities of 100 States and all leading social and legal actors in the field of cross-border family disputes and child abduction.

- A multilingual website on international family mediation, [WWW.IFM-MFI.ORG](http://WWW.IFM-MFI.ORG), presenting:
  - *The Guide* adapted to a web format;
  - A directory by country, informing on professional support in the field of mediation, law, social services to guide parents and professionals towards the reliable resources in their country;
  - *The Charter* to inform families and professionals of the appropriate professional standards and the quality they can expect from international family mediation services;
  - A library with useful information and brochures to download for parents, professionals accompanying families and legal & administrative authorities.
- An [\*Interactive Platform on Good Practices\*](#) proposing a virtual, multilingual and collaborative workplace for mediation practitioners around the world with the following objectives:
  - Create an online IFM Practice Community;
  - Offer guidance for the implementation of Good Practices;
  - Discuss, Substantiate and Disseminate Good Practices;
  - Promote structures specialising in IFM;
  - Share updates on trainings and events related to IFM;
  - Facilitate access to and collect IFM documentation.
- A [\*Proposal for the operation of a global network of international family mediators\*](#) (*The Network*):

In May 2017, ISS gathered 27 experts from 18 countries and representing all continents (who are part of the *Collaborative Process*) to discuss the relevance and feasibility of creating one global/transregional and centralised network of family mediators specialising in cross-border family conflicts. Discussions focused on professional qualification standards for international family mediators across continents, and the process of creating such a network. The international group decided the following:



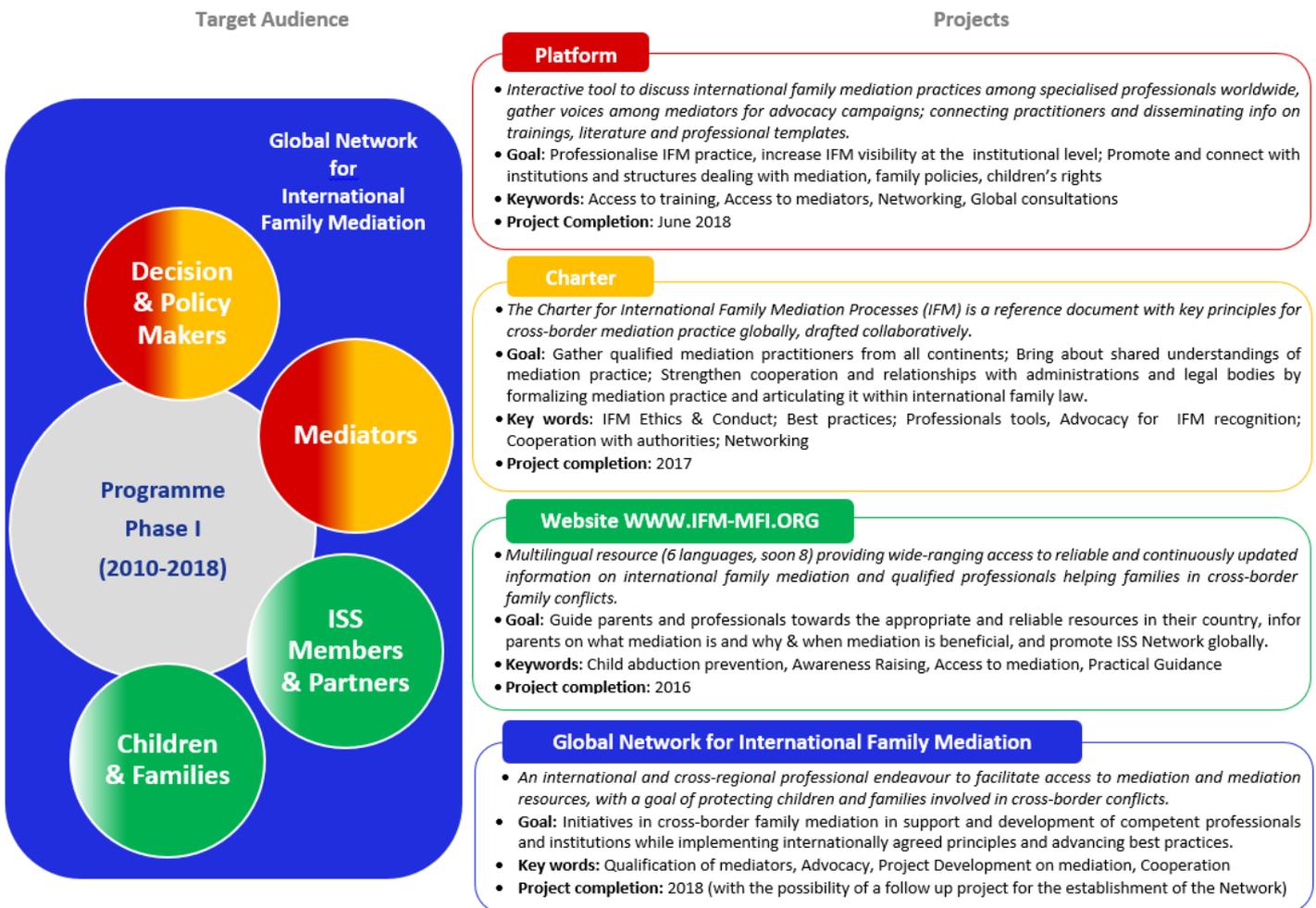
- To pursue the *Collaborative Process*, through the creation of a global professional *Network*;
- To establish an *Interim Steering Committee (ISC)* to work for 12 months and draft the Terms of References (ToR) for the global network, along with an Action Plan for 2 to 3 years;
- To test and assess the new online Platform among the community during 12 months.

ISS was granted the mandate to coordinate the creation of this Network and to nominate the **Interim Steering Committee (ISC)** drawn from the *Collaborative Process*. The appointed ISC, led by its Chairperson, submitted a first proposal in May 2018. This proposal was commented and adjusted to inputs from the *Collaborative Process*.

ISS created a **Review Board** composed of representatives from key institutions, States, and political organisations that work with cross-border families, cross-border family conflict, child’s rights, child protection, and in the development of family policies at the international level. This institutional board was installed to ensure that *The Network’s* purpose is aligned with all existing political and institutional mandates in these fields. The creation of such a board was sensed to be a way to engage institutions into cooperating in IFM development.

In April 2018, an independent evaluation of the entire IFM programme (*ISS Programme Evaluation*), running from 2010 to 2018, was conducted with several programme partners, and contains some observations regarding the creation of the *Network*.

## Visual Summary of the IFM programme (2010-2018)





## Purpose and Methodology of the Report

This report contains the essential information on a programme that was conducted from 2010 to 2018 at ISS, in partnership with all existing structures specialising in International Family Mediation and several IFM practitioners from all continents.

The Background (see before) establishes a hyperlinked list of the working tools created; these working tools can be continuously used and widely disseminated.

The main part of the Report concentrates on the proposal for a *Global International Family Mediation Network (The Network)*. It provides the summary of the proposal as well as interesting feedback from the *Collaborative Process* and the *Review Board*. This critical perspective is to nurture further reflection on the feasibility and operation of a worldwide network in a pioneer field of mediation; it appears that that the current proposal could be developed to match with emerging governance models and the progress of new technologies.

This report invites all project partners and/or other organisations committed to the IFM formalisation process and IFM practice across the world to take up and build on the sound and beautiful work produced jointly during many years. In particular, it is ISS's wish that [The Charter](#) and the other tools produced can be further used and developed to advance IFM worldwide.

The following Report consists of information that can be consulted in detail in 1) [the 2017 Meeting Report](#), 2) the [ToR of the Interim Steering Committee](#), 3) the [ISC Proposal](#) to the *Collaborative Process* and 4) the [ISS Programme Evaluation](#).

## Summary of the Interim Steering Committee (ISC) Proposal

For more details, please consult the [ISC Proposal](#).

### *The Network's purpose in short*

*The Network* would facilitate searches for competent and qualified international family mediators working in all regions of the world; it would strengthen cooperation with administrative and legal authorities. Such an initiative would involve individual mediators as well regional or transregional organisations dealing with family conflict across borders; *The Network* activity would pave the way to root IFM practice across regions, and in each country, and to facilitate access to mediation for families and for the judiciary. *The Network* intends to promote existing expertise and regional/transregional networks, as well as all existing training offers, in order to extend professionalization, and access to information, for practitioners and institutional actors across regions.

### *Vision, Mission & Key Activities of the Network*

#### *Mission*

A global network bringing together existing initiatives and entities dealing with cross-border family mediation, cross-border family conflict and child protection, while globally supporting and developing competent professionals and institutions, as well as implementing internationally agreed principles, and advancing best practices.

#### *Vision*

An international and cross-regional professional action to facilitate access to mediation and mediation resources, with a goal of assisting children and families involved in cross-border conflicts and upholding the rights and needs of children.



### Key Activities

1. Create and maintain a digital platform providing access to mediation and mediation resources to any person involved in, or dealing professionally with cross-border family conflict, **and act as a relay for referral to any relevant desks.**
2. Connect qualified mediation professionals and institutions globally by developing a network that will ensure and facilitate access to mediation resources, training, education, knowledge, and practical tools globally.
3. Increase global cooperation with State authorities, and existing specialized networks for cross-border family matters.
4. Provide information and guidance about mediation, including the interaction between mediation and legal systems, for anyone working with cross-border families.
5. Make use of the Network's knowledge and experience in cross-border family mediation to initiate or facilitate advocacy endeavors at international and national levels.
6. Strengthen the competencies of mediators working in countries where there is no mediation training.
7. Facilitate global sharing of best practices for cross-border case management among mediation professionals, mediation service providers and any other organizations working on these issues.
8. Develop new assistive technologies to facilitate communication among network members, the governing body, and with the clients.

A clear consensus was articulated for a network that is open and inclusive, creating a space where mediators of all levels of experience are welcome and able to connect. The ISC was in favour of a loose and informal network as being more conducive to the aims and objectives of *The Network*, with several suggesting that a 'lowest common denominator' approach needs to be taken towards membership criteria so that people would not be excluded. It was also important that *The Network* would embrace various different models of family mediation.

As the [ISS Programme Evaluation](#) states, *The Network* should act as an 'umbrella global network', keen to ensure that existing networks could be a part in order to avoid the risk of duplication. This would allow each region to maintain and develop its own standards and agree to work towards common minimum standards and would foster the organic growth of other regional networks where they make sense and allow different regional groupings.

### Governance & Operation of the Network

The ISC proposed the following bodies of governance and operation:

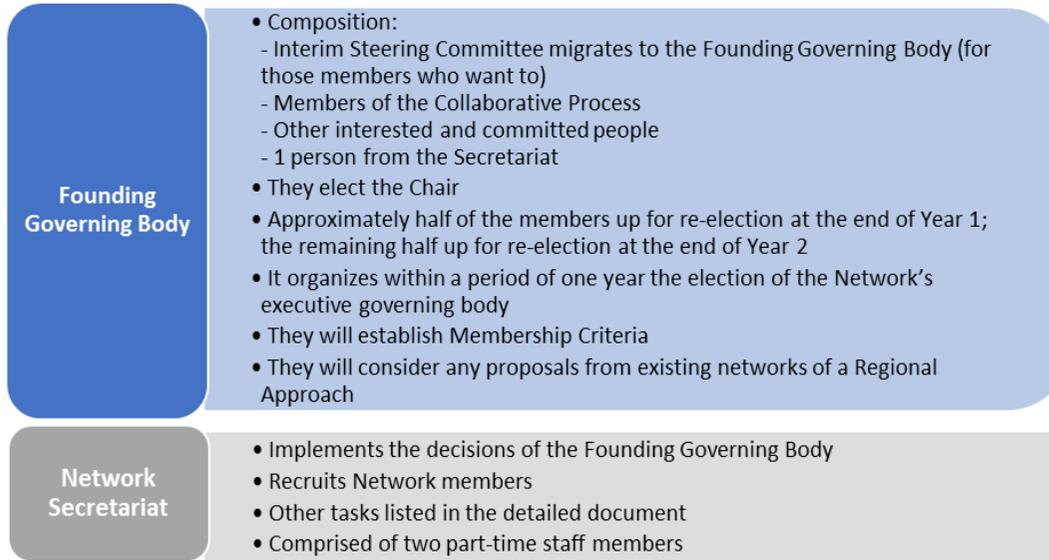
- Secretariat (2 part-time staff members);
- Governing Body (9 elected volunteer members);
- General Assembly (every 2-year meeting of all Network members).

As a plan of action, it was proposed to have the first year of *The Network* functioning as a transitional one, where the Network Governance and Operation are represented by a Founding Governing Body supported by a Secretariat. During the Year 1, these bodies shall engage into funding activities, recruiting of Network members, organising elections of a governing body, deciding on the Network strategies, consideration of regional approach, etc.



*Development phases of Governance:*

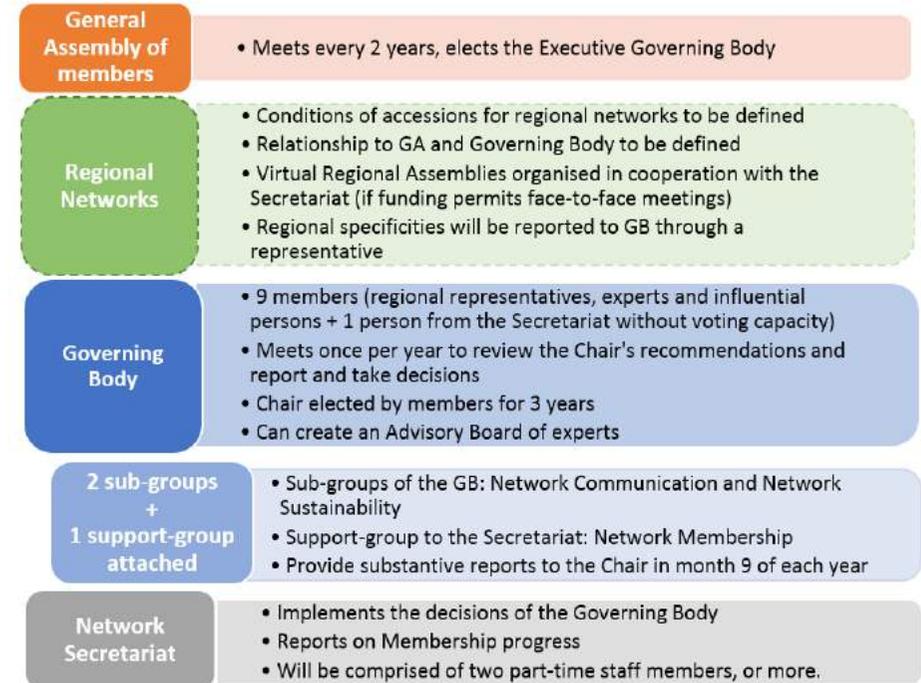
Visual 1: Network Governance and Operation (Year 1)



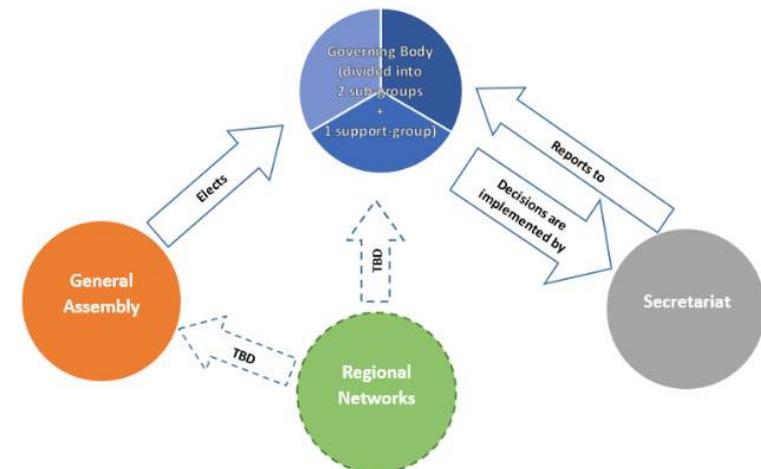
Visual 2: Relations between Network Governance and Operation (Year 1)



Visual 3: Network Governance and Operation (from Year 2)



Visual 4: Relations between Network Governance and Operation (from Year 2)





## Membership of the Network

The ISC proposal includes three (3) categories of Membership:

- Affiliate Membership (any individual interested in the IFM development);
- Institutional Membership (any institution that provides at least 1 individual for representation);
- Qualified Mediator Membership (any individual meeting qualified criteria for international family mediator).

The Network's Governing Body shall, no later than the end of Year 2 of the Network functioning, recommend membership application and admission criteria, which take into account regional variations in access to training and specific trends of the establishment of mediation. It was also recommended to halt any work on certification at this time and re-visit the issue at a later date.

Visual 5: Membership / Participation (next page)

Category of Membership	Criteria for Application
Affiliate Membership	<ul style="list-style-type: none"> <li>• Any individual interested in the development of international family mediation</li> <li>• Must, at a minimum, adhere to the IFM Charter and Code of Ethics of the Network.</li> </ul>
Institutional Membership	<ul style="list-style-type: none"> <li>• Any institution (court, government, community agency, private firm, or organization, mediation structure/service, etc.) that will provide full member benefits for 1 individual (as of 3 individuals can be granted advantages for membership).</li> </ul>
Qualified Mediator Membership	<ul style="list-style-type: none"> <li>• Any individual that meets the following criteria:               <ol style="list-style-type: none"> <li>1. Adheres to the IFM Charter and Code of Ethics of the Network.</li> <li>2. Holds national (or regional) recognition/certification, in addition to professional experience (if national -or regional- recognition does not exist – only proven professional experience)</li> <li>3. Training/advanced training as a family mediator, or commitment to take training in a period of time</li> </ol> </li> </ul>

A key milestone will be making affordable training widely available for family mediation and cross-border family mediation, perhaps partly through online courses at different levels (for those just starting out as mediators, together with more specialized levels of training), together with online coaching, mentoring and support. In effect, observation, peer mentoring, coaching and supervision between experienced and developing mediators using Skype or other VOIP services were seen as useful opportunities to be exploited by the network, harnessing the capacities of more experienced members. Opportunities to run periodic webinars led by the more experienced mediators, Q&A forums where mediators can share concerns and questions and seek ideas and answers from peers around the world were all ideas shared by informants, together with the suggestion that the network could develop open access online training courses on aspects of family mediation.

It is worthwhile quoting the ISC Chairperson in her message to the *Collaborative Process*:

*"[...] the ISC had a particularly lively debate over how to establish credentials for international family mediators while respecting existing standards and recognizing the challenges and need for flexibility if our network will truly represent a global community and diverse families. [...] The debate on establishing a qualified list of credentialed mediators is something that remains a work in progress, and our summary provides the network direction and guidance in its future efforts to work towards this complex and important project. Our ISC additionally had discussions of how existing qualified mediator lists can fit within the proposed structure of our global network, and how collaboration with the organizations that maintain qualified mediator lists will enhance our work and the resources available to families."*



## Quality Assurance of the Qualified Membership to the Network

The ISC proposed the following quality assurance procedure for the Qualified Membership:

- Yearly reviews of Network members;
- Feedback from participants on a mediator;
- Complaints procedure;
- Statistical Reports received from mediators.

Quality assurance procedures would be carefully discussed by the Governing Body during the Year 1.

Visual 7: Quality Assurance of the Network Membership



## The question of a Regional Approach

The integration of regional networks in a global network was discussed at length and considered fundamental. The ISC suggested that the most realistic and feasible way to address this important issue is to call out for proposals among existing regional networks or regional initiatives once the Network is created, and they would be evaluated by the Governing Body.

As the ISC Chair mentions in her message to the *Collaborative Process*, the ISC discussions “presented the option of further elaborating on a regional approach, recognizing the distinct differences in resources, standards, and qualifications, along with the differing needs of families and stakeholders, region to region.”

## Feedback from the Collaborative Process

Feedback from the *Collaborative Process* is presented here in form of a general opinion regarding *The Network* creation and functioning. All participants to *Collaborative Process* received an online questionnaire to be answered individually. 21 participants submitted answers and comments. In addition, the [ISS Programme Evaluation](#) gives interesting insights from informants regarding *The Network* project – the informants all took part in the *Collaborative Process*.



#### *On the Governance and Network Operation:*

As stated in the *ISS Programme Evaluation*, some ISC members felt that the proposed structure was too heavy and formal given the formative stage of development of the network, and that focus at this stage should be more on the vision, purpose and growth of the network rather than its structures.

A few members of the *Collaborative Process* feel that the present proposal regarding the establishment of a Governance and Network Structure is a good basis to initiate action. Year 1, which is planned to be a transitional phase, would allow to think over the present proposal and potentially develop it on the basis of more research focusing on new models of governance which are sustainable in the 21st century and integrate facilitated use of new technologies.

#### *On Membership:*

As the *ISS Programme Evaluation* states, while most informants see professionalization and certification as important in the medium/long term, most believe that it is too premature to start working on it at this stage. Several informants made the point that progress towards professionalization needs to be made at the national level first, together with encouraging States to sign the 1980 Hague Convention.

While the link between *The Network* and the work of the Central Authorities designed under the 1980 and 1996 Hague Conventions is essential, a number of mediation professionals working in countries that did not sign these conventions consider that the creation of a global network would be a powerful incentive to advance IFM practice globally. In their views, the proposed categories of membership and possibility of a phased accreditation procedure for qualified membership, supplemented by online and peer-to-peer mentoring and training, are a pragmatic approach to address the lack of training opportunities in some regions and gain competencies that match with a global trend.

In more general terms, the inclusive objective of *The Network* to establish and promote IFM for cross-border family conflict and child protection matters is reflected in the possibility for any institution (legal or administrative authorities, universities, national and international services) to become an institutional member and consequently build synergies and joint programmes to advance IFM. This was a way to create complementarity between existing networks and a variety of institutional partners interested to become more involved in IFM endeavours globally.

#### *On the regional approach:*

Within the *Collaborative Process* there was the concern that a global network would have difficulties in upholding high standards for qualification that are already in place in some regions where IFM practice is a common recourse. It was hence argued that existing regional networks with established criteria for qualification should be accredited as a whole. It was decided that such an action should be possible on the basis of an evaluation and under the condition that mediators working in countries that are covered by a regional network should have the possibility to join *The Network* without necessarily being part of a regional network.

A number of informants of the *ISS Programme Evaluation* believe that *The Network* could benefit from, and support, one or more regionally-focused pilot projects in region(s) which currently have low knowledge and practice of family mediation. It was suggested that there is a need to undertake a more in-depth survey of the place and understanding of family mediation in each member jurisdiction as a basis for deciding where the network should focus its efforts. Several informants suggested either an Arabic-speaking working group (or alternatively a working group of organizations from Muslim countries) focused on advocating for the adoption of family mediation as a culturally appropriate form of responding to family breakdown either domestically or internationally, identifying relevant standards and principles.

It is worth noting that a large number of informants of the *ISS Programme Evaluation* expressed their view that *The Network* should focus in the future on promoting domestic and international family mediation rather than focusing exclusively on international family mediation as it has to date. As one



informant put it, *“the network shouldn’t distinguish between international and domestic mediation, but should focus on enabling families to reach amicable decisions through mediation”*. It was recommended to extend its role to incorporate domestic as well as international family mediation. This approach could be piloted in one region of the world, which could focus on building capacity in family mediation domestically and internationally at the same time.

## The Review Board Feedback

The [Review Board](#) was asked to 1) share comments and recommendations from an institutional point of view on the proposal for the Global Family Mediation Network, 2) give input regarding advocacy and policy related strategies and 3) provide basic information on their mandates.

The last stage of the project offered the unique opportunity to make efforts of policy-makers and regional/global professional initiatives converge around IFM, a trend recognised to be feasible and efficient. The collection of inputs from institutions and political organisations was very instructive to get a better picture of who is doing what in the field of cross-border family conflict and the scope of each mandate. The information provided by the *Review Board* allowed to understand which tools are needed to fulfil each mandate, what else could be useful, and what kind of support these organisations need - and can give - in the future. Hence, their feedback will help to adapt projects and cooperation between mediation professionals and authorities to the reality of institutional mandates.

This Board was composed of six (6) international organisations: the European Commission for the efficiency of justice of the Council of Europe, the European Parliament Coordinator on Children’s Rights, the Hague Conference on Private International Law, the International Academy of Family Lawyers, the International Hague Network of Judges, the United Nations Committee on the Right of the Child; as well as the University Integrated Center for Health and Social Services (CIUSSS Canada).

These organisations answered questionnaires tailored to their mandates. Responses converged in asserting the utility of family mediation in cross-border family conflicts and particularly benefitting to the children involved. It appears that all organisations find the idea of a global family mediation network excellent, serving on one hand as a reference for qualification and imbedding mediation in legal proceedings on the other. In addition, most, if all, representatives state that there is a useful complementarity between such an offer of services and their own mandates. It is doubtless that such a network would support them in their work, help develop trainings nationally, monitor advancements in the field – in short, serve as a tool to establish mediation practice throughout the world, and in particular in countries where such professional structures do not yet exist.

Some organisations state that they could make concrete use of such a network – to find qualified professionals as well as updated documentation and technical information regarding various countries. Others highlight the importance of such an initiative for children’s rights & protection advocacy, and/or for further promoting [The Charter](#) and the [How to Use](#) as a non-binding legal instrument to eventually draft a model law on international family mediation and the recognition and enforcement of family agreements resulting from cross-border mediation – carried/borne by the United Nations. Such a network can also be recommended for use to the States. On a more practical level, most organisations are ready to disseminate information regarding the development of such a network and training opportunities among their professional networks.

Close to all representatives consider the development of mediation training and sensitization (for lawyers and authorities) very important, not only in the West but across regions. They also state that training in family and cross-border mediation in countries where access to mediation is still scarce should be developed in close cooperation with the judiciary and administrative authorities. Sensitization together with professionalization and advocacy would help overcome some of the main obstacles regarding the establishment of cross-border cooperation in the field of family conflict.

A number of the representatives are unsure whether their organisation can actually become a member of a network of professionals. They hence recommend to thoroughly reflect on the category



of “institutional membership” upstream, so to ensure that those organisations interested in being part of the Network may in accordance with their mandates.

It was also recommended that the governance should include key-actors of the legal and judiciary field, which would contribute to a major involvement and commitment of representatives, thus enhancing on multiplying factors.

Some members of the *Review Board* suggested to work on a harmonized training model regarding cross-border family conflict in order to facilitate cooperation among mediators and authorities and promote co-mediation. Such remarks also implied that the current standards for cross-border family mediation competence should be upheld, and that credible training programmes ought to be identified. It was nevertheless underlined that an inclusive approach for a global network essential, all the more as such an initiative might have the power to bridge the gap between regions in this field.

Regarding the membership categories, it was also suggested to separate into two categories individual mediators and structures specialising in cross-border mediation, in order to identify the latter easily.

Interestingly, some of the organisations promote mediation, and family mediation, for the benefits of a child-friendly approach to conflict resolution, while others for the possibility of a multidisciplinary approach. Most of the organisations believe that for the time being, efforts should concentrate on professionalizing mediation for parental conflict across borders and to leave the expansion to additional themes - like conflicts regarding the search of origins (incl. in case of reproductive medicines), juvenile justice & child protection, and children on the move – for a later point.

## Conclusions

The aim of the ISS programme was to create an inclusive and collaborative network of family mediators. This effort was supported and was seen to be timely and relevant, and although there was unanimity that it was too soon to start work on a formalized certification process for international family mediation, the foundations of this would be built through the creation of a network serving the needs of mediators of all levels of experience. A key challenge will be to build a consensual approach to identifying common standards while valuing regional and cultural diversity, but an open umbrella network offers a good platform for starting to work towards that goal.

For further information about the project, please contact the ISS General Secretariat at [info@iss-ssi.org](mailto:info@iss-ssi.org).

## Visual Summary of the planned Phase II of the IFM programme (2018-2026)

To end this report, we would like to share with you the vision we had for Phase II of the IFM programme, designed in September 2017 and integrated in our funding applications over the last months. The idea was to enhance on the tools and the collaborations created between 2010 and 2018, by implementing *The Network* on one hand and strengthening advocacy endeavours on the other. Since September 2017, we started to work on country sheets at the disposal of the Committee on the Rights of the Child for their country reviews.

As you may have heard, and due great difficulties in securing the appropriate funding to pursue and sustain this ambitious project, work had to be suspended late last year.

This said, the road map for this project’s future, building on measurable progress milestones and successes in the past 10 years is described below. If through your networks and contacts you know of any institution, foundation or individual that could support us in unfreeze and pursue our flagship project, please feel free to contact directly the ISS Secretary General via his email [jean.ayoub@iss-ssi.org](mailto:jean.ayoub@iss-ssi.org).

