

# Evaluation of International Social Service’s Global Programme on International Family Mediation Programme 2010 - 2018

## *“Eating the elephant piece by piece”<sup>1</sup>*

<b>BACKGROUND .....</b>	<b>2</b>
<b>EVALUATION PURPOSE AND METHODOLOGY .....</b>	<b>2</b>
1.    PURPOSE.....	2
2.    METHODOLOGY .....	3
3.    LIMITATIONS .....	3
<b>MAIN FINDINGS.....</b>	<b>4</b>
4.    RELEVANCE (APPROPRIATENESS) & EFFECTIVENESS.....	4
<i>Finding 1: ISS’s International Family Mediation Programme is valued by informants.....</i>	<i>4</i>
<i>Finding 2: IFM tools are well rated, although they are not well enough known or (possibly) used .....</i>	<i>5</i>
<i>Finding 3: There is a need for more emphasis on advocacy for and raising awareness of IFM .....</i>	<i>7</i>
<i>Finding 4: The creation of a network of mediators is seen to be relevant and timely.....</i>	<i>8</i>
<i>Finding 5: The network should have an open, loose and inclusive structure.....</i>	<i>10</i>
<i>Finding 6: The network should encompass domestic and international family mediation.....</i>	<i>11</i>
<i>Finding 7: The time is not yet right to focus on mediator certification .....</i>	<i>11</i>
5.    COORDINATION AND EFFICIENCY .....	12
<i>Finding 8: ISS’s Mediation Unit has been effective and efficient in facilitating the IFM programme.....</i>	<i>12</i>
<i>Finding 9: The Collaborative Process was an appropriate methodology to develop the IFM programme..</i>	<i>12</i>
<i>Finding 10: Fundraising for the programme is a critical factor going forward.....</i>	<i>14</i>
6.    PARTNERSHIP AND ENGAGEMENT IN THE FUTURE .....	15
<i>Finding 11: Some form of strategic partnership may be the way forward.....</i>	<i>15</i>
<b>CONCLUSIONS .....</b>	<b>16</b>
<b>RECOMMENDATIONS .....</b>	<b>17</b>
<b>ANNEX ONE – TERMS OF REFERENCE.....</b>	<b>20</b>
<b>ANNEX TWO - BIBLIOGRAPHY.....</b>	<b>26</b>
<b>ANNEX THREE - EVALUATION MATRIX.....</b>	<b>27</b>
<b>ANNEX FOUR – INTERVIEWEES .....</b>	<b>31</b>

26 April 2018  
Anna Dobai

---

<sup>1</sup> This is a quote from one of the informants who made the point that the task of introducing and developing family mediation as an approach in cases of cross-border conflict throughout the world will be a huge and long-term endeavour that will only be achieved by taking small bites, until the whole ‘elephant’ has been eaten.

## Background

International Social Service (ISS) is an international NGO of 120 national entities assisting children and families confronted with complex social problems across borders. ISS is a global actor in promoting child protection and welfare, through training, awareness raising and advocacy work in an effort to ensure that children's rights are better respected.

The ISS General Secretariat (ISS GS) developed the International Family Mediation Programme (IFM) in 2010 in response to a growing recognition of the increasing numbers of children caught up in parental conflicts across national borders, resulting in increasing numbers of cases of international child abduction. The programme's key objectives are to:

- Provide reliable information to the three target audiences of cross-border conflicts: families, professionals (from the psycho-social & legal fields) supporting families and policy makers;
- Raise awareness of the benefits and limits of mediation among these actors to reinforce child abduction prevention;
- Support the development of a formalization process for cross-border family mediation.

Following the development of a concept paper and action plan in 2010, the initial programme has developed five pilot projects which have been implemented between 2011 and 2018:

- Drafting, publication and dissemination of a multilingual (eight languages) guide for families and supporting professionals *Completed in 2014*
- Adaptation of the Guide to a website format, multilingual (five languages) and complemented by a directory by country with human resources in support of parents and professionals involved in cross-border family conflicts *Completed in 2016*
- Drafting and publication of the *Charter for International Family Mediation Processes*, and a *How to Use* guide intended for authorities, put together through a collaborative process gathering mediation practitioners from all continents (three languages) *Completed in 2017*
- Creation of an interactive platform for professionals, to share good practices and advance advocacy efforts for international family mediation *Due to be completed in June 2018*
- Creation of a global network of international family mediators *Due to be completed in October 2018*

These pilots were financed by grants from public services and private foundations in Switzerland. They were also supported by the expertise of partners, partner organizations and mediation practitioners from around the world. The programme was led by one senior member of staff (working 60% from 2010 to 2015 and 80% from 2016), joined by a second staff member (50%) in 2016 and with additional support of interns and volunteers.

## Evaluation Purpose and Methodology

### 1. Purpose

As the initial ISS IFM programme is finalized, the ISS GS decided to undertake an independent formative and process evaluation with the objective of learning more about the views and opinions about the programme of a range of stakeholders who have been involved in the programme's development, in order to inform decisions regarding the future direction of the programme. This review will contribute (if continuation is deemed appropriate) to improving internal processes, allocation of resources as well as external communications.

The main audience for the evaluation (see the Terms of Reference - Annex One) was identified as the ISS Secretary General and the Mediation Unit, with the purposes defined) as:

1. To provide an objective view on the strengths, good practices and weaknesses of the initial programme in the view of the key stakeholders and users of the outputs of the programme, considering the relevance, effectiveness, efficiency and appropriateness of the programme to date and making recommendations for change/improvement where relevant;
2. To evaluate appropriateness of investments and outputs/results of the programme;
3. To provide recommendations on the possible future trajectories of the programme; and
4. To inform strategic decision-making regarding the future of the International Family Mediation programme.

It should be noted that the review was specifically not evaluating the impact of the IFM programme but has brought together the views and opinions of those who have been involved in the programme in different ways, with the evaluator offering suggestions, ideas and recommendations drawn from the inputs of the informants. As neither families nor States have been included as informants, the consultant was unable to evaluate the broader reach and effect of the programme's pilots to date.

## *2. Methodology*

The ISS GS Mediation Unit identified an independent evaluator with more than 10 years' experience of conducting evaluations and reviews of programmes for a wide range of international development and humanitarian organizations<sup>2</sup>. After a full briefing and review of key documents (see Annex Two), the evaluator developed an evaluation matrix to guide the semi-structured interviews (see Annex Three) with interviewees (referred to as *informants* throughout the report) identified by the ISS Mediation Unit (see Annex Four for a list of interviewees consulted). Due to the limited availability of funding for the evaluation, the interviewee list was short; there were 20 informants (12 female and 8 male) coming from ISS national organizations (2), other mediation organizations (6), ISS GS (4), individual mediators or legal professionals (4) and an inter-governmental organization (1). The Mediation Unit tried to ensure global representation within the interviewees.

It should be noted that the review took place when the Interim Steering Committee (ISC) was working on a network paper but had not yet shared with the broader Collaborative Process and ISS GS were developing proposals for funding for the next phase of the programme. This means that some of the suggestions by informants are already being implemented by the programme. A number of "update boxes" have been added by the ISS General Secretariat related to these recent developments so that the reader is up-to-date with current progress.

## *3. Limitations*

Due to the limited number of informants, the review findings reveal a wide range of views and opinions between informants which the document aims to share; it has been difficult to draw many across-the-board conclusions and at times there were a range of contradictory views and opinions coming from different informants which have been shared in the report.

The review was hampered by the lack of data and evidence available. No data is available regarding whether States are finding the charter/recommendations useful or the extent to which they are adopting them, there is a lack of data regarding whether families/mediators are using the guide and

---

<sup>2</sup> See the Terms of Reference for the criteria guiding the recruitment of the consultant.

other tools and a lack of worldwide data on divorce/separation of binational couples across borders. Having access to this data is imperative in order to demonstrate why there is a need for this programme.

*Recommendation: There is a need to compile more evidence of case numbers, trends globally and regionally and the extent to which the tools are being accessed (downloaded). This is needed in order to better demonstrate better the need for the programme as well as the take up and usage of the outputs of the IFM programme.*

**NOTES:** All quotations are approximate and are included as being representative of more than one informant's view, unless otherwise stated.

## Main Findings

### 4. Relevance (Appropriateness) & Effectiveness

#### Finding 1: ISS's International Family Mediation Programme is valued by informants

For the vast majority of informants, the International Family Mediation (IFM) programme is seen to be relevant, valuable, is promoting IFM and meeting the needs of mediators, has helped take forward the Hague Convention in practical ways and has opened up the debate regarding family mediation across continents<sup>3</sup>, without limiting it to one mediation model. As one informant put it, reflecting the views of many: *"We have achieved a lot – and it's good quality"* while another remarked *"The fact that mediators have funded themselves to participate (in meetings) is a proxy indicator of the value of the programme for them"*.

Most informants also believe that the IFM programme is having a knock-on effect for families who are seeking support in cross-border conflict situations, although the lack of data (or even anecdote) to back up these assertions means that it is impossible to prove that it is helping to meet the needs of families<sup>4</sup>, *"It's a fantastic project, it was needed and developed for the benefit of the mediators rather than as a way of raising funds"*. Only one informant suggested *"Perhaps there's not as much of a need for this as was originally thought"*, believing that perhaps it was being taken forward by those who saw a private marketing opportunity rather than being driven by need.

#### *"Beginning of a journey"*

Many informants pointed to the fact that IFM was still a new and relatively unknown concept around the world (*"still at starting point"*), so that the programme needed to *"build awareness"*, bring about a *"culture change"* and as such needed to move forward slowly, having to raise awareness, *"create momentum"* and start to *"change the chip"*. As one informant put it, *"It's a slow moving process; this isn't a comment on [ISS's] efficiency, it has to happen organically and because users want it to happen, buy into and trust the process; then it happens"*. There was some recognition of the contradiction between the importance of moving slowly in this way and the pressing need to develop more mediators particularly in jurisdictions where there are currently very few, due to the belief that there are an increasing number of cross-border family conflict cases (an assertion for which there is no reliable data at this time) and that the judicial avenue for resolutions presents limitations.

---

<sup>3</sup> Although there was recognition that the programme has had a strong European influence, an issue explored later in the report.

<sup>4</sup> One informant pointed out that the lack of this sort of data makes it difficult to fundraise for the programme, an issue taken up later in the report.

ISS's role in facilitating the bringing together of a global community of mediators focused on IFM is valued by most if not all informants; the fact that it is a neutral umbrella organization helping establish basic standards was welcomed, although a few informants suggested it needed to focus more on advocacy with central authorities rather than what they saw as competing with other IFM organizations.

The general view was that the programme should focus on mediators, mediation organizations and States rather than families, who may be better served by local organizations. However, there was a recognition that the programme's website would at times be a reference point for families and parents searching for a mediator in their own jurisdiction. In that situation it would make sense for families to be directed to appropriate national/regional organizations with whom they could be in direct contact.

#### *Domestic versus international family mediation*

An issue raised by a number of informants related to whether it makes sense to separate domestic and international family mediation. A number of informants pointing out that in many jurisdictions, family mediation is a non-existent or newly emerging discipline (even in contexts such as Europe, where IFM seems relatively developed). While recognizing that the international focus of the programme to date made sense given the mandate of ISS, a number of informants expressed the view that it would benefit the reach and possible impact of the programme in the future if it encompassed the promotion of family mediation both domestically and internationally. It was further suggested that taking this broader approach may contribute to ensuring the sustainability of the programme. This issue is taken up later in this report.

#### *Finding 2: IFM tools are well rated, although they are not well enough known or (possibly) used*

There was a general and widely held view that the suite of tools (and the broad focus of the programme over the past eight years) was needed as a foundation for the promotion of IFM<sup>5</sup>.

While informants generally rated the tools highly, few informants reported using the tools or could share any anecdotal evidence that they were being used, so it is difficult to demonstrate their added value. It is understood that the IFM programme did undertake a number of communication campaigns in order to disseminate information regarding the tools (eg regular newsletters to members of the Collaborative Process, global institutions, political organizations and Hague authorities), although this was not mentioned by informants, suggesting that the reach of these efforts was not as great as required.

#### *The Guide to International Family Mediation*

This was the tool that was most frequently identified as being useful, with informants valuing that it was available in six languages (with Portuguese and Arabic currently being finalized). It was notable that organizational websites (of organizations associated to informants) did not seem to have links to this booklet online (sometimes to the surprise of the informants themselves) and only one ISS organization reported routinely sharing a hard copy with clients. It was suggested by one informant that the online guide should be adapted to be more user-friendly to that medium (at

---

<sup>5</sup> The view expressed by one informant from ISS GS that the programme might have been better to have focused on only one area rather than trying to "cover all bases" was not echoed by any other informant.

the moment it is text-heavy). Until recently ISS had no way of monitoring the extent to which this tool is downloaded<sup>6</sup>.

***Recommendation:** Downloading of the guide should be monitored in order to compile data to demonstrate usage. The guide would benefit from being updated and made more user-friendly online and ISS should explore with its stakeholders, ways of more actively disseminating it, particularly in jurisdictions where family mediation is not commonplace.*

#### *The Charter*

Most informants recognized the importance of the charter acting as a baseline and creating a set of basic principles that can be shared across all jurisdictions; as one informant put it “*the charter is a must; without it nothing can be done*”. There was a general recognition that it needed to be more actively promoted to States where family mediation is not currently recognized or widely practised and it was suggested by a couple of informants that ISS cannot promote it single-handedly, but that in order to get more traction, it needs to be adopted by other international bodies (such as the UN Commission on the Rights of the Child as suggested by one informant). One informant was concerned that the identification of universal standards required a robust system in place to ensure that they are being adhered to (something that the programme anticipates through its work to set up a network and seek to professionalize mediation over time).

**ISS GS Update:** *Following the last Special Commission of The Hague Conference (October 2017), the IFM programme has stepped up efforts to disseminate the Charter among Malta authorities, as well as with organizations such as the United Nations Committee on the Rights of the Child and the European Parliament.*

#### *The multilingual website (<http://www.ifm-mfi.org/>)*

This website acts as resource to signpost visitors to people and organizations in different jurisdictions who can provide information regarding international family mediation. At the time it was created it aimed to be the first website dedicated to IFM worldwide.

While the aspirations of the website are shared by many of the informants (a number highlighted the value of having information available in multiple languages), it was notable that few mentioned using it or seemed to have any real knowledge of its contents (and in some cases there was a level of confusion between the website and the interactive platform). There was concern raised that the website does not comply with Web accessibility guidelines (eg for people using screen readers) and several informants commented on the fact that it is difficult to navigate.

Those who were more familiar with the website valued the information it contained (particularly the country information) and some recommended that more documentation (eg legal reference documents) could be usefully uploaded and made available through the website, thus taking it beyond its original concept. The lack of an Arabic version of the site was regretted.

At the root of the issues with the website is perhaps that it is not clear who the intended website user is, particularly since it currently focuses on the IFM products rather than the user. A redesign of the website focused on the users, with different levels (and styles) of information for mediators and families would help increase the accessibility and usage of the website, particularly for users from jurisdictions without organizations that specialize in mediation (as those that do tend to have their own websites for families – these are notably extremely user friendly).

---

<sup>6</sup> As a result of this shortcoming being identified during the review, this function has already been added so that ISS will be able to monitor the number of downloads in future.

*Recommendation: The website would benefit from being re-designed so it is modern, user-friendly for families and mediators (perhaps two different routes into it) and complies with global web accessibility standards.*

**ISS GS Update:** The Arabic and Portuguese versions of the website is currently in production and should go live before July 2018.

#### *The Interactive Platform for International Family Mediation Practices<sup>7</sup>*

ISS started to develop this Platform during 2017 in order to have a closed space where mediators can share good practices and be in contact with one another. Every participant of the Collaborative Process has been provided with a login/password and has been encouraged to visit the platform and provide comments and observations. The ISS GS continues to develop this Platform in response to feedback both from the Collaborative Process and the Interim Steering Committee.

While the aspiration of the Platform was generally supported by informants, it was evident from visiting it that it was not yet being widely used. Those informants who had tried to visit it reported having difficulties using it (*"I tried to use it, it didn't work and was difficult to navigate so I haven't gone back to it"*). It would be useful if it were linked to the multilingual website. Once the technical issues related to the development of the Platform are corrected it will be important to start using the Platform as the principle means of communication between mediators and organizations involved in the programme.

*Recommendation: The interactive Platform should be accessed from the website, to create one pathway for IFM (a "one stop shop"). The re-designed Platform needs to become the main way of communicating with members of the Collaborative Process (and potentially in the future all members should the network require it) so that they become familiar with it and that it becomes populated with relevant information.*

**ISS GS Update:** The Interactive Platform will be formally launched in October 2018.

#### *Ideas for possible additional tools for families*

Few suggestions were shared regarding additional tools that could be needed, beyond a suggestion that it could be good to compile a 'how to' guide suggesting good practices on how to successfully be a cross-border parent could be useful, together with a similar guide specifically focused on children sharing ideas as to how to maintain relationships with parents and the wider family when you are separated from them. Both these tools could draw attention to appropriate use of social media and Voice Over Internet (VOIP) technology for example.

Finding 3: There is a need for more emphasis on advocacy for and raising awareness of IFM

#### *External awareness raising and advocacy of IFM*

There was general recognition by the majority of informants that the tools discussed above have all been important for raising awareness of IFM with a range of stakeholders involved in cross-border conflicts. However, linked to Finding 2, most informants felt that more could be done to raise awareness of IFM (and the tools) and it was suggested that ISS and its partners could benefit from developing an awareness raising strategy for the tools<sup>8</sup>. Several informants believed that more focus needed to be

<sup>7</sup> <http://www.ifm-mfi.org/testmediation/login/index.php>

<sup>8</sup> More than one informant suggested that awareness raising of the ISS brand would also be beneficial, noting that the organization and its work is not generally well-known in some jurisdictions.

placed on advocacy with governments, to encourage them to engage and establish legal structures around mediation. (One informant believed that there was an opportunity to focus IFM work around separated Syrian families which requires an international organization to be involved due to the complex cross-border issues inherent in the cases.)

**ISS GS Update:** *The improved version of the interactive platform aims to act as a tool for advocacy, a way to create surveys among the platform users (mostly mediators) to centralize findings on IFM advancement that can be used by organizations but also for advocacy endeavours engaged in by mediators at the national level.*

#### *Awareness-raising within the ISS membership*

Informants within the ISS family noted that despite a number of communications strategies being employed by the Mediation Unit (such as newsletters, sessions at General Assemblies, Board, Directors and Caseworker Meetings for example), more internal advocacy within ISS network on the importance of family mediation was required, encouraging members to participate, with one informant ruefully suggesting that the work on the IFM programme has had more impact for organizations outside the ISS family than within. It was noted from a recent research document<sup>9</sup> that family mediation is not seen as a priority by the majority of the membership who responded to the researchers, while another informant reflected that the engagement of ISS members in the programme had in their view reduced over the course of the years, perhaps as a result of turnover of senior staff within these organizations resulting in changing strategic priorities. A couple of informants recognized that the ISS global network could be used to help expand awareness of the IFM programme if ISS organizations could be more engaged and that they could help take IFM forward through their casework.

**Recommendation:** *The programme needs to develop an awareness-raising strategy for both IFM and the tools, together with an advocacy campaign within the ISS membership to increase knowledge, ownership and participation in the programme.*

#### Finding 4: The creation of a network of mediators is seen to be relevant and timely

Most informants are in favour of creating some sort of network for mediators and most feel that now is the right time for its creation. Looking across the range of views regarding the vision for this network, there are some common themes which are drawn out below.

#### *A network bringing together established family mediators with those wishing to develop as mediators, as well as organizations focusing on family mediation in their jurisdiction*

The collective vision of those interviewees suggests there is an appetite to create a “collaborative platform for mediators” for anyone who wants to develop their mediation skills, to cover a wide range of experience from “entry level to highly trained and experienced mediators” who would form a “core of the network qualified mediators around the world”, so that the network would form “a vector for providing information on mediation”, creating a “a space where people can connect”.

The purpose of the network would be primarily to “build the capacity of mediators – bring them in and train them up, in order to help raise the standards of mediation” around the world. Informants suggested that the network needs to be inclusive, “not closing it to those who are already of a high standard” and that those jurisdictions such as Europe “will be important actors in the network as others will need to learn from them”, but that it would be important that they “not take a prescriptive role to

---

<sup>9</sup> “Flash Report of Services Valued by ISS Members”, produced by C Housman, Children and Families Across Borders (the UK branch of ISS), February 2018

mediation, to allow different countries/regions to develop approaches that fit their cultures". The importance of ensuring that the network is globally balanced was underlined by many informants and a number identified the opportunities to build a regional dimension to the network where appropriate, an aspect explored below.

**ISS GS Update:** *The draft proposal submitted to the Collaborative Process reflects this vision for a network and possible membership criteria. The regional approach has been discussed by the Interim Steering Committee and its proposal and attached questionnaire reflect these aspects of the network development.*

Peer-to-peer support through the network was highlighted by many informants. Observation, peer mentoring, coaching and supervision between experienced and developing mediators using Skype or other VOIP mediums were seen as useful opportunities to be exploited by the network, harnessing the capacities of more experienced members. Opportunities to run periodic online 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. Notwithstanding these virtual opportunities, a majority of informants believed that periodic occasions for practitioners to meet in person were not to be neglected as these were important as part of professional development.

Several informants underlined the fact that creating networks takes time; *"People need to buy into them, so they need to be built from the bottom up"*.

#### *Building a list of trained and experienced mediators was seen to be important*

Developing and sharing a list of trained and experienced mediators around the world available to the general public was universally seen to be important and a useful resource not only to mediators seeking a co-mediator in another jurisdiction but also for families seeking mediators around the world. Notwithstanding this, there was concern about how to develop universal standards for mediators given the huge diversity of experience between different jurisdictions currently and how the quality of mediators can be meaningfully monitored or regulated<sup>10</sup>. Some informants suggested that a pragmatic starting point would be to identify some clear shared minimum standards for appearing on the list and then build from there.

#### *Access to resources and good practices*

Informants agreed that the network should be supported by a password-protected website<sup>11</sup>, where documents and resources could be shared. Expansion of the country information currently available on the public website to include reference documents, good practices, case studies and other reference materials was suggested by some informants (which adds weight to the previous suggestion to link the Platform with the public website). One informant suggested that it would be valuable if the network could agree upon a common video platform to be used in all cross-border mediation conducted virtually, due to experience of non-compatible systems in the past.

#### *The network could support the development of one or more regional pilot projects*

A number of informants believed 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

---

<sup>10</sup> It is understood that this was one of the motivating factors for having constituted the Interim Steering Committee including members from all regions.

<sup>11</sup> Following the EU General Data Protection Regulation, as well as protection requirements of other countries.

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 was suggested by several informants that this type of pilot could helpfully inform the development of the programme. It was noted that in a number of regions (eg The Americas and South East Asia) moves are afoot that may result in the creation of regional family mediation networks.

#### *The advocacy role of a network*

Linked to findings 2 and 3 above, a number of informants identified the need for the network to not only publicise its own existence with mediators and institutions, but also to recognize the need to “*raise global awareness of the relevance and utility of family mediation, particularly in countries without experience/expertise in mediation*”. The need to “*focus on advocacy and raising capacity related to the Hague Convention in Muslim countries (is important); we need to show that the Hague Convention is not un-Islamic*” explained one informant, reflecting views of others.

**ISS GS Update:** *Since the last Special Commission and under the auspices of the cooperation agreement between the Hague Conference Bureau and ISS, efforts to reach out to these countries have been undertaken.*

**Recommendation:** *The IFM network should experiment with a range of peer-to-peer support opportunities as described above, together with exploring the opportunities and appetite to develop at least one regional pilot project.*

#### **Finding 5: The network should have an open, loose and inclusive structure**

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. Informants were generally 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 to a number of informants that the network would embrace various different models of family mediation; as one informant put it, “*It needs to ensure that traditional forms of mediation don’t get forgotten – we have to find this balance between the traditional and the modern*”. Informants suggested that there could be several different levels of membership reflecting qualifications and experience, as well as perhaps including institutional as well as individual membership. One could imagine a three tier system perhaps – expert, associate (for developing mediators) and institutional membership.

#### *Governance structure of the network*

Although most informants did not mention the work that the interim steering committee has been doing to develop proposals regarding the governance structure for the network (as they are not involved in this work), some of those who are involved felt not only that the proposed structure was too heavy and formal given the formative stage of development of the network, but that focus at this stage should be more on the vision, purpose and growth of the network rather than its structures. While recognizing the validity of the viewpoint of one informant who strongly believes that any association needs a sound and modern governance structure underpinning it (and that too many associations founder because they lack this), it is equally true that some associations focus almost exclusively on their structures to the detriment of what they are formed to achieve and this should not

happen to this important network. The discussion later in this report on the need to develop a strategic plan for the next phase of the programme (see p 14) may help in this regard.

*Recommendation: Care must be taken to ensure that the balance of focus of the steering committee remains on the rationale for creating a network rather than its structures.*

#### *Umbrella network*

Several informants suggested the network should act as what they called an ‘umbrella global network’, keen to ensure that existing networks (for example the MiKK network in Europe) could be a part in order to avoid the risk of duplication. A number of informants suggested that 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 to “develop something that works for them”, including creating links with other regional groupings/associations where appropriate<sup>12</sup> instead of forming specific regional networks focused only on IFM. Encouraging and supporting family mediation champions in different parts of the world can also be a way of encouraging the growth of family mediation in regions that have less experience.

#### Finding 6: The network should encompass domestic and international family mediation

A large number of informants 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<sup>13</sup>. 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”. With so many jurisdictions having little tradition of family mediation domestically, informants believed it important to promote mediation at the domestic level, as the principles and approaches to family mediation in a one-country setting are the foundation on which IFM is built. Given that for many jurisdictions the number of cross-border mediations are still relatively few per year, by focusing on both domestic and international family mediation, the potential reach (and thus impact) of a global family mediation network could be extensive. One informant suggested that there was an opportunity to broaden the understanding of the applicability of family mediation to other issues around the family (eg alimony, child placement, search or origin, etc).

*Recommendation: The ISS programme should research the opportunities 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.*

#### Finding 7: The time is not yet right to focus on mediator certification

While most informants see professionalization and certification as important in the medium/long term “to build trust in the end users that mediators have been certified”<sup>14</sup>, most believe that it is too premature to start working on it at this stage. One informant expressed the views of most when saying

---

<sup>12</sup> It was suggested for example that in the Asia Pacific region, it could make sense to look to build links with the Asia Pacific Mediation Forum (<http://www.asiapacificmediationforum.org/>)

<sup>13</sup> The ISS GS points out that the programme has not specifically excluded domestic mediators but that it has (as pointed out previously) focused on the international dimension of family mediation due to its international mandate.

<sup>14</sup> One informant made the point that competency is very important within the justice system, with “high standards of accreditation for lawyers, therefore (family mediation) needs to have similar level of competence ... and to be certified in a similar manner”.

*“For the future it’s very important to have such goals (to professionalize and certificate mediators). But not tomorrow or next year. It will create lots of resistance and we are not ready to accept this yet”.* As another informant in Europe put it, *“It’s too soon - we are only just beginning to get accreditation for domestic mediation here”.* Informants recognize that this step will require quite a bit of progress; *“We need to develop criteria, and we need to have training programmes to support it”*, potentially with different criteria in different parts of the world. Following on from the previous finding, 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 Hague Convention.

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.

Finally, it is worth mentioning that informants generally saw that ISS would be the credible and appropriate organization to lead the professionalization process eventually.

*Recommendation: The programme should halt any work on certification at this time and re-visit the issue at a later date.*

## *5. Coordination and Efficiency*

### *Finding 8: ISS’s Mediation Unit has been effective and efficient in facilitating the IFM programme*

Informants valued the role and dedication of the Mediation Unit team (*“they are very professional and doing very excellent work”*) and a number recognized the extent of its achievements given the limited resources available to support it, both in terms of personnel and funding. These informants all underlined the fact that *“if they want to move forward with all these goals, they need to think about fundraising and staffing the unit properly to have a more solid base”*. It was also noted that the ISS GS is regularly contacted (at least once or twice a week) via its website with requests for mediators, specialized lawyers or organizations who can provide support in different jurisdictions.

Informants did not identify other activities that they felt that the Unit should be focusing on and had few recommendations regarding how they could improve the impact and reach of the programme, beyond commenting that sometimes the documents it produces tend to be complicated and difficult to read and could benefit from some judicious editing and simplification, together with the skills and knowledge of a graphic designer to increase accessibility of both offline and online documentation. All believed that some sort of dedicated unit would be required to support the continuation of the programme and that this unit must be supported by fundraising expertise, an issue taken up later in this report.

*Recommendation: For any future family mediation programme it is will be imperative for ISS to ensure that the appropriate funding is secured to support the role of the Mediation Unit.*

### *Finding 9: The Collaborative Process was an appropriate methodology to develop the IFM programme*

The majority of those interviewed were complementary about the Collaborative Process, felt that the slow pace, the mediation-centred approach and the engagement was appropriate to its aims of starting to coalesce a global movement focused on international family mediation, a process of culture change

as identified in Finding 1 above which necessitates time to be taken. *“The process is slow, (but) needs to move slowly, it needs more time; there are many different visions and contexts, this is a difficult process but if we don’t start we’ll never move forwards”*.

#### *Convening mediators through facilitating the Geneva conferences*

For all of those interviewed who had participated in one or both of the Geneva conferences, the opportunity to meet with other mediators working on international family mediation was highly valued; as one informant put it, creating such a space *“is meeting a need for individual mediators working in IFM to meet together and learn from each other; it can be quite isolating to work on IFM as there are only a few cases a year”*. Notwithstanding this, a number of informants suggested that the objectives of the 2017 meeting were over-ambitious given the limited timeframe and recommended longer meetings in future, particularly in order to give space to help build consensus. Only one informant felt that the aims of the meeting were not clear and regretted that the meeting was not a decision-making event.

#### *Need for increased involvement of non-European experience in the programme*

Although informants appreciated the involvement of participants from different parts of the world, many felt uncomfortable with the predominance of participants from European and English-speaking countries and called for better global representation in the future, particularly from Africa, Asia, Southern Europe and Latin America, although there was a recognition that due to the fact that family mediation has been developed further in a number of European and English-speaking jurisdictions, this lack of balance was perhaps inevitable at this stage. The main reason for this lack of balance was understood to be due to the fact that although the invitation to participate was extended by the Mediation Unit to a broad range of individuals and organizations from across the world<sup>15</sup>, the programme was unable to fund travel and accommodation which meant that participants needed to fund their own attendance, which inevitably meant that participation was limited from some regions.

There was some concern that there were no clear criteria/rationale as to which independent mediators were involved in the consultative process. However, it was notable that while informants from ISS GS felt they had not consulted sufficiently on a one-to-one basis with members of the Collaborative Process throughout the programme’s development, this was not echoed by informants.

#### *Interim Steering Committee process*

Only a few of those interviewed have been directly involved in the interim steering committee that was formed after the 2017 Geneva meeting or were able to comment upon the steering committee’s work. The process has clearly not been an easy one, with those informants reporting the difficulties of finding consensus on some issues given the very wide membership, lack of shared vision regarding how to continue and the overambitious timeframe (which was designed in order that the programme not lose momentum); the outputs of the committee do reflect this. *“They are a bit stuck, it would be better to slow down, (it’s) too ambitious at the moment, the targets are too high and the timeframe is not realistic”*. It would certainly seem that the targets set at the 2017 meeting were perhaps too ambitious and with a timescale that fitted more to the needs of the programme to deliver outputs by mid 2018 rather than the speed required in order to build a level of consensus, which has been a welcome feature of the Collaborative Process to date. Only one informant felt that the process post-2017 meeting had moved too slowly.

One informant reflected several when remarking, *“I see they are very focused on details; I think they should focus more on the vision and purpose of the network rather than the micro-details at this stage, which is a very European approach”*. One informant suggested that the process needed to include

---

<sup>15</sup> The list of eligible countries was established by the donor, the canton of Geneva.

officials from international and other organizations rather than only individual experts in order to move forward more decisively<sup>16</sup>.

#### *Need for a long term strategy and theory of change for the IFM programme*

The view of a number of informants is that there is a need now to develop a shared vision of where the programme wishes to go accompanied by a set of strategic steps about how to get there, recognising that this is about pushing long-term cultural change in many jurisdictions (“*don’t move too fast, family mediation is in its embryonic stages in many countries*”). By starting from this future vision (perhaps something like “*IFM programme is working for a world where separating families are able to access appropriate mediation support and come to amicable agreements ...*”), a theory of change can be developed to consider the appropriate steps to bring about this vision. Having this well-articulated helps build understanding and, crucially, can help access funding as the aims and vision of the programme are clearly laid out. The process of developing a theory of change involves making strategic choices between the level of effort given to different priorities such as creating a network of mediators, developing an advocacy campaign with public authorities to create structures that recognize the role and efficacy of mediation etc. A theory of change also helps test out assumptions and ensure that all different options are considered in creating the strategy. In the view of informants, the strategy should be ambitious, but should cover a longer period of time (perhaps 10 years in the view of some).

*Recommendation: Now is the time to develop a theory of change and long term strategy that describes the programme’s vision and aims to help shape the next phase of the programme and to accompany a fundraising strategy. It is recommended that ISS brings in an experienced facilitator to help construct the theory of change*

**ISS GS Update:** *The first step for implementation of this recommendation is the creation of an institutional review board composed of a number of political organizations and institutions dealing with cross-border family conflicts in all regions, an effort initiated in September 2017 by ISS. This Board will review the Network Proposal in the light of their own mandates and inform the Process if the proposed structure for the network and its activities fits with their need for tools. This Board would also be a way to engage these institutions into cooperating in IFM development and recourse.*

#### Finding 10: Fundraising for the programme is a critical factor going forward

Informants frequently commented on the resource constraints and financial insecurity throughout the past eight years of the programme and while recognizing the achievements of the programme have come about through the “*creativity and initiative*” of the team, the lack of inclusion of fundraising expertise into the programme was identified as a major weakness. The dearth of data to support the programme was seen as a limiting factor, with one informant believing that perhaps at the end of the day the programme was just too ‘*niche*’ to be able to fundraise for; this was not a viewpoint of other informants, although several pointed out that if the programme were to broaden its scope to promoting and developing family mediation in jurisdictions where it is currently not widely practised, this could help in making the case for international financial support<sup>17</sup>.

Informants were not able to come up with more than very general recommendations related to needing to explore regional funding opportunities and philanthropic options (Indeed, many informants spoke of

---

<sup>16</sup> It is understood that a number of representatives from a full range of international organizations were invited to participate in the May 2017 conference but unfortunately only two were able to attend.

<sup>17</sup> One informant suggested that their organization was currently developing a proposal for institutional funding from its government for work with families and there could be opportunities to include mediation in this proposal in the future.

the broad difficulties that their organizations face when it comes to fundraising), with one suggesting that the network “*should avoid charging a joining fee as that will be limiting*”. All were clear however that the next phase of the programme needed to focus on fundraising. One informant suggested “*better integrating the local ISSs into the project, get them more involved and sharing ideas around fundraising opportunities from their boards*”, while another felt that more could be done to “*leverage the history (of ISS), with better networking with the various headquarters of international organizations in Geneva*”. Informants failed to address the question regarding where to prioritise with limited funds

A key limitation of the programme to seek funding was seen to be the lack of a measurement tool at the family level, which means that it is difficult to be able demonstrate the impact of the programme.

*Recommendation: The next phase of the programme must include a strong focus on fundraising for the programme, without which the opportunities for continuation will be extremely limited.*

## 6. Partnership and Engagement in the Future

### Finding 11: Some form of strategic partnership may be the way forward

Informants were generally positive to the idea of strengthening partnerships around IFM. Despite this, there were few specific suggestions about which organization(s) ISS could partner with. The three main suggestions were:

- Opportunities to build synergies and joint approaches with MiKK, as the leading provider of training for family mediation;
- To build on the cooperation agreement with the HccH and work with other international organizations to focus on advocacy around the adoption of the Hague Convention as an essential precursor to promoting international family mediation;
- To work together with the UN Commission on the Rights of the Child (although what this would look like was not elaborated upon and was identified by only one informant);

**ISS GS Update:** Since September 2017, ISS GS has been addressing a number of these issues, eg inviting State organizations from all regions to join the Review Board (see ISS GS update above) and comment on this global IFM endeavour; strengthening cooperation with the HccH PB regarding dissemination of IFM tools within the Malta Process; and advocating for IFM by producing country sheets for the UN Committee on the Rights of the Child.

### *Building synergies with MiKK*

A number of informants described the IFM programme’s focus on the creation of a global network as being a direct competitor for MiKK but also recognized the opportunities to strategize and collaborate with MiKK around the future focus of the IFM programme. While MiKK’s work was widely valued, informants did not on the whole believe that it could, on its own, take forward the IFM programme, not least because it was seen to be primarily a Europe-facing organization promoting a particular model of co-mediation that may be less appropriate or unaffordable in some jurisdictions. However, many informants saw great opportunity for MiKK and the programme to forge a strong partnership going forward through some sort of cooperation agreement. Looking more broadly and recognizing that there are other civil society organizations that focus on IFM (eg Missing Children Europe, ICAB, etc), there would seem to be a number of opportunities to build a multi-organization partnership approach.

Ideas for joint collaboration include:

- Joint organization of meetings (both in person and perhaps also virtually) bringing together mediators for discussions and exchange. This could include short webinars around particular issues and periodically more wide-ranging conferences bringing together mediators from across the world;
- The MiKK training alumni network participating within the ISS network;
- The development of an introductory online training programme for would-be mediators;
- The development and delivery of a global training strategy involving the creation of a network of master trainers in family mediation approaches in order to build capacity.

*Recommendation: Explore ways to build synergies between ISS IFM, other civil society and international organizations, perhaps initially through co-hosting events (such as regional/global conferences) bringing family mediators together. The development of a phased online training programme with partners from around the globe and from both domestic and international family mediation could be a useful starting point. This way forward could accompany the IFM strategy and be the basis for joint fundraising approaches.*

## Conclusions

*“It would be a huge shame if it stopped now: the seed has been planted, the roots have grown and the tree has started to develop. It’s not the moment to pull the funding.”*

The review shows that for the vast majority of informants, the IFM programme is seen to be relevant, valuable, is promoting IFM and meeting the needs of mediators, has helped take forward the Hague Convention in practical ways and has opened up the debate regarding family mediation across continents. They believe that this is having a positive knock-on effort for families, even though there is a lack of data to back up this assertion.

The collaborative methodology and slow cumulative approach that has been adopted was seen to be an effective way of building an emerging global community of international family mediators where no such community had previously existed. Creating a range of basic common tools that set a baseline from which a global approach to IFM can be built was seen to have been an effective strategy on which to build the programme and the tools were highly rated by informants, although there was regret that the tools were not better known, suggesting that a more pro-active approach to dissemination is needed. A number of recommendations were made as to how these tools could be further developed going forward.

The review shows that a number of informants see the potential to build family mediation capacity by focusing on both domestic and international family mediation, particularly in jurisdictions where family mediation is a newly emerging discipline. Including both domestic and international family mediation would extend the reach and potential impact of the programme and may contribute to its sustainability.

The aim of the programme to create an inclusive and collaborative network of family mediators is strongly 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 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.

The role and approach of ISS GS's Mediation Unit has been valued and it was clear that informants believe that it will be important to seek ways to ensure that it can be sustainably resourced going forward; including fundraising expertise into the programme will be absolutely vital although there is no denying that the fundraising opportunities are quite limited in the current circumstances.

The IFM programme is at a crossroads as it ends its first phase and contemplates its second stage of development. If it continues to work in the collaborative and cumulative style that allows participants to move forward together and build from the bottom up, if it puts together a convincing long term strategy and is able to find the partnerships and resourcing to support the vision of the future, it would seem that it will move forward with the continued engagement of its key stakeholders, notwithstanding the recognition of the difficult funding environment within which the programme is aiming to work.

*"I hope that they won't give up – it would be a pity if they did. They made lots of effort, they are considered as a protagonist by some of the key actors, which wasn't easy to achieve."*

## Recommendations

<b>Criteria</b>	<b>Finding</b>	<b>Recommendations</b>
	Methodology	There is a need to compile more evidence of case numbers, trends globally and regionally and the extent to which the tools are being accessed (downloaded). This is needed in order demonstrate the need for the programme as well as the take up and usage of the outputs of the IFM programme.
<b>Relevance (appropriateness) &amp; Effectiveness</b>	1. ISS's International Family Mediation Programme is valued by informants	
	2. IFM tools are well rated, although they are not well enough known or (possibly) used	<p>Downloading of the guide should be monitored in order to compile data to demonstrate usage. The guide would benefit from being updated and made more user-friendly online and ISS should explore with its stakeholders, ways of more actively disseminating it, particularly in jurisdictions where family mediation is not commonplace.</p> <p>The website would benefit from being re-designed so it is modern, user-friendly for families and mediators (perhaps two different routes into it) and complies with global web accessibility standards.</p> <p>The interactive Platform should be accessed from the website, to create one pathway for IFM (a "one stop shop"). The re-designed Platform needs to become the main way of communicating with members of the Collaborative Process (and potentially in the future all members should the network require it) so that they become familiar with</p>

		it and that it becomes populated with relevant information.
	3. There is a need for more emphasis on advocacy for and raising awareness of IFM	The programme needs to develop an awareness-raising strategy for both IFM and the tools, together with an advocacy campaign within the ISS membership to increase knowledge, ownership and participation in the programme.
	4. The creation of a network of mediators is seen to be relevant and timely	The IFM network should experiment with a range of peer-to-peer support opportunities, together with exploring the opportunities and appetite to develop at least one regional pilot project.
	5. The network should have an open, loose and inclusive structure	Care must be taken to ensure that the balance of focus of the steering committee remains on the rationale for creating a network rather than its structures.
	6. The network should bring together and promote domestic and international family mediation rather than focusing only on IFM	The ISS programme should research the opportunities 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.
	7. The time is not yet right to focus on mediator certification	The programme should halt any work on certification at this time and re-visit the issue at a later date.
<b><i>Coordination &amp; Efficiency</i></b>	8. ISS's Mediation Unit is seen to have been effective and efficient in promoting the IFM programme to date	For any future family mediation programme it is will be imperative for ISS to ensure that the appropriate funding is secured to support the role of the Mediation Unit.
	9. The Collaborative Process was an appropriate methodology for the development of the IFM programme although better global representation would have been preferred	Now is the time to develop a theory of change and long term strategy that describes the programme's vision and aims to help shape the next phase of the programme and to accompany a fundraising strategy. It is recommended that ISS brings in the an experienced facilitator to help construct the theory of change
	10. Fundraising for the programme is a critical factor going forward	The next phase of the programme must include a strong focus on fundraising for the programme, without which the opportunities for continuation will be extremely limited.
<b><i>Partnership and Engagement in the Future</i></b>	11. Some form of strategic partnership may be the way forward	Explore ways to build synergies between ISS IFM, other civil society and international organizations, perhaps initially through co-hosting events (such as regional/global conferences) bringing family mediators

		together. The development of a phased online training programme with partners from around the globe and from both domestic and international family mediation could be a useful starting point. This way forward could accompany the IFM strategy and be the basis for joint fundraising approaches.
--	--	--

**Terms of Reference for the evaluation of the  
ISS Global Programme on International Family Mediation**

**1. Introduction**

**1.1. Reasons/Rationale:**

ISS General Secretariat wishes to undertake an evaluation of its International Family Mediation programme with the objective to inform decisions regarding the short and medium term of the programme: general direction, scope and needed resources to ensure adequate capitalization on what has been achieved and what could follow. The review results and recommendations will inform decisions regarding the future of the programme and, if continuation is deemed appropriate, will contribute to improving internal processes, allocation of resources as well as external communications.

The evaluation should be based on interviews sounding out realistic and reliable views and opinions.

**1.2. Purposes:**

The evaluation will result in a series of recommendations that can be implemented to decide on whether/how the programme will proceed into 2019.

<b>Users</b>	<b>Purpose/Intended Use</b>
ISS Mediation Unit	1. To provide an objective view on the strengths, good practices and weaknesses of the initial programme in the view of the key stakeholders and users of the outputs of the programme. This will consider the <b>relevance, effectiveness, efficiency</b> and <b>appropriateness</b> of the programme to date and make recommendations for change/improvement where relevant 2. To evaluate appropriateness between investments and outputs/results of the programme (in terms of visibility, advancement, success, etc. for the organization) 3. To provide recommendations on the possible future trajectories of the programme which will help inform strategic decisions that will be taken in 2018, including possible next steps (e.g. the development of fundraising and communication strategies)
ISS Secretary General	To inform strategic decision-making regarding the future of the International Family Mediation programme. This will include the option of suspending the programme if/until necessary appropriate support and buy-in is secured

- a. **Methodology:** Desk review of existing material (print, reports, dedicated website) and individual interviews with internal and external stakeholders – list to be provided by the programme coordinator.
- b. **Estimated dates: within the period from:** 8 February 2018 – 23 March 2018
- c. **Location of consultancy:** as needed and using standard communication tools (Skype, Facetime, telephone etc.)

**2. Background of the Programme**

ISS is an international NGO of 120 national entities assisting children and families confronted with complex social problems across borders. ISS is a global actor in promoting child protection and welfare, helping approximately 75,000 families in the world each year. Training projects, awareness raising and advocacy work in an effort to better respect children's rights.

The International Family Mediation Programme aims to better protect children involved in parental conflicts across national borders and cases of international child abduction, which are in constant increase. Since 2010, ISS's approach is to facilitate access to mediation for families on a global scale, to unite mediators from across the world and to work towards global recognition of their competencies.

The programme's key objectives are to:

- Provide reliable information to the three target audiences of cross-border conflicts: families, professionals supporting families (of the psycho-social & legal fields), policy makers and States' authorities.
- Raise awareness on the benefits and limits of mediation among these actors to reinforce child abduction prevention.
- Support the formalization process of cross-border family mediation by bringing together professional networks worldwide, discuss qualification, disseminate information and facilitate access to specialised family mediators.

The initial programme is composed of five pilot projects, run between 2011 and 2018. Preliminary work during 2010 was dedicated to evaluate the added value for ISS to engage in international family mediation through a qualitative study among the ISS network, as well as contact with all key actors in the field of international family mediation and the Permanent Bureau of The Hague Conference. A concept paper and an action plan were drafted and approved by ISS governance.

The 5 pilots read as follows:

- 1) **Completed in 2014:** Drafting, publication and dissemination of a multilingual guide for families and supporting professionals (translated into 9 languages)
- 2) **Completed in 2016:** Adaptation of the Guide to a website format, multilingual and complemented by a directory by country with human resources in support of parents and professionals involved in cross-border family conflicts (5 languages)
- 3) **Completed in 2017:** Drafting and publication of the *Charter for International Family Mediation Processes*, and a *How to Use* intended for authorities, put together through a collaborative process gathering mediation practitioners from all continents (3 languages)
- 4) **Due to be completed in June 2018:** Creation of an interactive platform for professionals, to share good practices and advance advocacy efforts for international family mediation
- 5) **Due to be completed in October 2018:** Creation of a global network of international family mediators

These pilots were financed by grants from public services and private foundations in Switzerland. They were also supported by the expertise of partners, partner organizations and mediation practitioners from around the world.

ISS GS supported and promoted the programme among the ISS Network throughout the period. The ISS Network acknowledged the programme of being of interest for the network and ISS members offering mediation, or referring cases to mediation services in their country supported the programme by posting links on websites, participating in the collaborative process, translating materials. However, the ISS General Secretariat continues to find it difficult to secure sufficient funds to support the

programme, which raises questions regarding the viability of the future of the programme, an issue that will be addressed through the evaluation.

### 3. Evaluation Scope

#### *Scope of this evaluation:*

1. Time-frame: February-March 2018. The outcomes will allow ISS GS to take and communicate decisions to the ISS Network during the General Assembly of 2018 and, depending on the outcomes, prepare a presentation of the subject matter to the GA. The outcomes will also accompany development and decision-making regarding the creation of the global network, as the Steering Committee is working on a first draft to be submitted to practitioners and institutions across the world by April 2018.
2. Scope of evaluation criteria: relevance/appropriateness, efficiency, effectiveness (including timeliness), connectedness/sustainability, partnership and coordination. The leading issues for this evaluation relate to the relevance of the network under which circumstances, readiness to partner, readiness to engage human and financial resources.
3. Scope of stakeholders: Stakeholders to be interviewed include ISS GS Staff, ISS network, partner organizations, EU actors and other professional stakeholders (list to be provided).

### 4. Evaluation Criteria and Key Evaluation Questions

#### **Relevance (Appropriateness) & Effectiveness:**

- Are the various programme partners satisfied with ISS's input towards professionalization of international family mediation practice and access to mediation for families involved in cross-border conflicts?
- Is the programme meeting the priority needs of professional mediators and institutions/authorities dealing with cross-border family conflicts and children's rights?
- Were consultations regionally representative and representatives competent?
- Are target audiences satisfied with the tools and materials produced?

#### **Coordination & Efficiency**

- Was the Mediation Unit efficient and deemed efficient for a follow up programme?
- Was coordination and/or cooperation amongst partnering structures and organizations democratic, participative, fair?
- Were methodologies appreciated?

#### **Relevance & Sustainability**

- Are partners well informed and satisfied with follow up measure from the May 2017 Meeting in Geneva and the idea of creating a global network?
- Is the programme well supported from an institutional point of view (within ISS), from external stakeholders and does it enjoy adequate financing (internally and externally)?

Specific question for partnership and engagement in the future:

- Is strengthened partnership desired?
- Can partners commit to the project with expertise, funds, participation?
- Can institutional partners commit to participate and advance the relevant agenda related to cross-border family conflict (training of mediators, cooperation between legal authorities and psychosocial professionals, provide reliable information on national systems, advocacy)?

## 5. Evaluation Process

The evaluation will be conducted by one senior external consultant, mostly over skype and phone. He or she will be responsible for the overall evaluation from design, preparation of tools, data collection, coordination with relevant parties, and the production of a final report. (The final report being the property of the ISS General Secretariat will be finalising the report).

### Key milestones of the evaluation are:

Activities	Number of days (evaluator)	Expected dates
Desk review + discussions with ISS programme staff	2	w/b 8 February 2018
Development of evaluation tools, including semi-structured interview script	1	w/b 8 February
Interviews with all agreed stakeholders (27)	5-6	12-23 February
Analyse data, prepare a presentation of initial key findings*	2-3	26 Feb – 7 March
Write up full draft report for comments	4-5	7–16 March
Finalise report after review of the report by ISS and other stakeholders on draft report	1	19-23 March
Total number of days	15-18	

\* The evaluation process may be halted (either temporarily or permanently) after the presentation of the initial key findings with the agreement of the ISS Secretary General.

The evaluation process will be followed to ensure stakeholder input while maintaining the integrity and independence of the evaluation report according to the following lines:

- **Inaccuracy.** Inaccuracies are factual, supported with undisputable evidence, and therefore should be corrected in the evaluation report itself.
- **Clarifications.** A clarification is additional, explanatory information to what the evaluators provided in the report. It is the evaluators' decision whether to revise their report according to a clarification; if not, the evaluation management response team can decide whether to include the clarification in their management response.
- **Difference of opinion.** A difference of opinion does not pertain to the findings (which are factual), but to the conclusions and/or recommendations. These may be expressed to the evaluators during the evaluation process. It is the evaluators' decision whether to revise their report according to a difference of opinion; if not, the evaluation management response team can decide whether to include the clarification in their management response.

### Tentative Timeline

- Interview in Geneva or London with ISS team (before middle of February 2018)

- Skype and phone interviews between February 13<sup>th</sup> and 28<sup>th</sup>
- Initial findings presentation 7 March 2018
- First draft report 12<sup>th</sup> March 2018
- Final draft report end March 23<sup>rd</sup>, 2018

## 6. Evaluation Deliverables

**Inception Report:** This will include the proposed methodologies, data collection and reporting plans with draft data collection tools such as interview guides, a timeframe with firm dates for deliverables.

**Initial Findings Presentation:** A presentation provided by the consultant (either in person or over Skype) with an accompanying document sharing initial findings, recommendations and follow-up actions.

Should the ISS SG decide to continue to the second phase of the evaluation, the consultant will provide a full draft report as follows:

**The First Draft report:** A draft report, consolidating findings from the evaluation, identifying key findings, conclusions, recommendations and lessons for the current and future similar programme, submitted according to the schedule agreed upon in the ToRs (section 5) to ISS. This report will be structured as follows:

1. Introduction/background of programme
2. Evaluation process and methodologies used and limitations experienced
3. Key findings and lessons learned
4. Conclusions
5. Recommendations (10-12 recommendations)

**Final report:** The final report, incorporating adjustments in response to feedback from the ISS GS will follow the above structure with the addition of an executive summary (no more than 4 pages) and a main body of the report (approximately 20 pages). Recommendations should outline recommendations that the informants and the reviewer have in common or different views. The final report should also contain appropriate appendices, including a copy of the ToR, cited resources or bibliography, a list of those interviewed and any other relevant materials (e.g., tools).

## 7. Evaluation Quality & Ethical Standards

The evaluator should take all reasonable steps to ensure that the evaluation is designed and conducted to ensure that the evaluation is technically accurate and reliable, is conducted in a transparent and impartial manner, and contributes to organizational learning and accountability. The evaluator will sign and adhere to the ISS Code of Conduct.

The evaluation standards are:

1. **Utility:** Evaluations must be useful and used.
2. **Feasibility:** Evaluations must be realistic, diplomatic and managed in a sensible, cost effective manner.
3. **Ethics & Legality:** Evaluations must be conducted in an ethical and legal manner, with particular regard for the welfare of those involved in and affected by the evaluation.
4. **Impartiality & Independence:** Evaluations should be impartial, providing a comprehensive and unbiased assessment that takes into account the views of all stakeholders.

5. **Transparency:** Evaluation activities should reflect an attitude of openness and transparency.
6. **Accuracy:** Evaluations should be technical accurate, providing sufficient information about the data collection, analysis, and interpretation methods so that its worth or merit can be determined.
7. **Participation:** Stakeholders should be consulted and meaningfully involved in the evaluation process when feasible and appropriate.
8. **Collaboration:** Collaboration between key operating partners in the evaluation process improves the legitimacy and utility of the evaluation.

## 9. Qualifications

Selection of the external evaluation consultant will be based on the following qualifications:

- Previous experience in conducting evaluation aiming at strategic decision making consistent with available resources and realistic projection regarding possibility to raise funds
- Proven strong qualitative and quantitative data collection and analysis
- English and French language skills.
- Good diplomacy and facilitation skills to interact with different stakeholders

## Annex Two - Bibliography

### **Documents**

Background documentation for 2015 and 2017 Geneva conferences

Output reports from 2015 and 2017 Geneva conferences

Flash Report of Services Valued by ISS Members; Houseman, C. (Children and Families Across Borders, the UK branch of ISS), February 2018

Draft Proposal Action Plan and Terms of Reference: Summary of Discussions from Interim Steering Committee; March 2018

Funding proposal to Nippon Foundation for Foundation and development of the Global International Family Mediation Network; ISS General Secretariat, March 2018

L'institutionnalisation de la médiation familiale internationale; Caratsch, C (ISS General Secretariat) AIFI

La médiation familiale et son rôle dans la stabilité familiale (presentation) ; ISS General Secretariat; December 2015

### **Websites**

ISS website - <http://www.iss-ssi.org/index.php/en/what-we-do-en/mediation-en>

IFM website - <http://www.ifm-mfi.org>

Interactive Platform on IFM practices - <http://www.ifm-mfi.org/testmediation/login/index.php>

MiKK e.v. website - <https://www.mikk-ev.de/en/>

Missing Children Europe - <http://missingchildreneurope.eu/>

Reunite International - <http://www.reunite.org/>

National Council for Family Affairs - <https://www.queenrania.io/en/initiatives/national-council-family-affairs>

The International Conciliation and Arbitration Board - <https://the.ismaili/microsite/conciliation-and-arbitration-board>

Association Association Pour la Médiation Familiale - <https://www.apmf.fr/>

Association internationale francophone des intervenants auprès des familles séparées - <https://www.aifi.info/>

Scientific and Methodological Center for Mediation and Law - [http://www.mediacia.com/en/en\\_index.htm](http://www.mediacia.com/en/en_index.htm)

## Annex Three - Evaluation Matrix

	ToR Questions	Semi-structured interview questions	Which Informants
0		<ul style="list-style-type: none"> <li>Please briefly describe your role in your organization and the mission of your organization.</li> <li>To what extent have you had contact with the International Family Mediation work that has been facilitated by ISS?</li> </ul>	All
<b>1. Relevance (Appropriateness) &amp; Effectiveness</b>			
1.1	Is the programme meeting the priority needs of professional mediators and institutions/authorities dealing with cross-border family conflicts and children's rights?	<ul style="list-style-type: none"> <li><i>Overall</i>, do you believe that the IFM programme is meeting the needs of <b>families experiencing cross-border conflicts</b>? Please explain your answer.</li> <li><i>Overall</i>, do you believe that the IFM programme is meeting the needs of <b>mediators, institutions and authorities</b> dealing with cross-border family conflicts? Please explain your answer.</li> </ul>	All
1.2	Are target audiences satisfied with the tools and materials produced?	<p><b>TOOLS/MATERIALS</b></p> <ul style="list-style-type: none"> <li>Which tools created through the project are you familiar with? <ul style="list-style-type: none"> <li>The Guide to International Family Mediation</li> <li>The multilingual Website on International Family Mediation</li> <li>The Charter for International Family Mediation Processes</li> <li>The "How to Use" guide for the Charter</li> <li>The Interactive Platform on Good Practices</li> </ul> </li> <li>Which of these tools are most relevant and effective in your opinion? Why?</li> <li>Do you have evidence that these are being used?</li> <li>Do you have any issues/concerns regarding any of these tools?</li> <li>Are these tools being advertised appropriately? Are there other things that the IFM programme should be doing in order to raise awareness of these tools?</li> <li>Are there other tools that are needed to advance the knowledge and reach of international family mediation?</li> </ul>	All

1.3	Are the various programme partners satisfied with ISS's input towards professionalization and/or support to institutionalization of international family mediation practice and access to mediation for families involved in cross-border conflicts?	<p><b>NETWORK</b></p> <ul style="list-style-type: none"> <li>• How important is the creation and facilitation of a global network for IFM? What is the added value of such a global network?</li> <li>• How would such as a network function in relation to other networks that may exist?</li> <li>• Are there other options for creating and maintaining such a network, such as expanding other existing networks?</li> <li>• Did you attend the May 2017 meeting in Geneva? If yes, Are you satisfied with the follow up to this meeting related to the creation of a global network? Explain your answer.</li> </ul> <p><b>PROFESSIONALIZATION and CERTIFICATION</b></p> <ul style="list-style-type: none"> <li>• How important do you believe it is to actively seek to professionalize IFM through certification or other means?</li> <li>• If ISS is not facilitating this, how could this be achieved?</li> <li>• How achievable do you believe this is at this time?</li> </ul> <p><b>SERVICES</b></p> <ul style="list-style-type: none"> <li>• Are there other services that ISS's IFM and the Mediation Unit provides that you value?</li> <li>• If ISS were not providing these services, are there other organizations that could provide them (or could take this on)?</li> </ul>	All  Attendees at May 2017 meeting only
1.4	Were consultations regionally representative and representatives competent?	<i>See 2.2 below</i>	
<b>2. Coordination &amp; Efficiency</b>			
2.1	Was the Mediation Unit efficient and deemed efficient for a follow up programme?	<ul style="list-style-type: none"> <li>• How efficient and effective has ISS's Mediation Unit been in facilitating the IFM programme to date? Has the Unit added value to the ISS network through its role?</li> <li>• Do you have any recommendations about how it could carry out its role in order to increase the impact of the programme?</li> </ul>	ISS representatives and Hcch

		<ul style="list-style-type: none"> <li>Are there other approaches to achieving progress in IFM without having a dedicated Unit supporting it (eg other forms of practical cooperation)?</li> </ul>	
2.2	Was coordination and/or cooperation amongst partnering structures and organizations democratic, participative, fair?	<p><b>Consultations</b></p> <p>Have you/your organization been involved in IFM consultations? If yes:</p> <ul style="list-style-type: none"> <li>How useful do you believe these consultations were/are?</li> <li>Were they regionally representative?</li> <li>Were the appropriate people/organizations involved?</li> <li>Do you have any recommendations as to how they could be improved and made more relevant?</li> </ul> <p><b>Coordination and Cooperation</b></p> <ul style="list-style-type: none"> <li>Do you believe that the IFM programme has fostered effective, participative and democratic cooperation and coordination between partners and organizations with an interest in IFM?</li> <li>Do you have any recommendations related to how this could be improved going forward (if you believe this to be important)?</li> </ul>	Those who were part of the Collaborative Process
2.3	Were methodologies appreciated?	<i>Covered in 1.2 and 1.3 above</i>	
<b>3. Relevance &amp; Sustainability</b>			
3.1	Are partners well informed and satisfied with follow up measure from the May 2017 Meeting in Geneva and the idea of creating a global network?	<i>Covered in 1.3 above</i>	
3.2	Is the programme well supported from an institutional point of view (within ISS), from external stakeholders and does it enjoy adequate financing (internally and externally)?	<ul style="list-style-type: none"> <li>How well has the programme been supported to date (financially and institutionally)? Do you know how the programme has been funded? How do you think it should be funded?</li> <li>Does your organization have the possibility of raising or committing funds, or facilitating access to sponsors, or cooperating on projects to allow the ISS Secretariat (or</li> </ul>	All  ISS and world orgs

		<p>another) to continue to support this initiative, for example creating a platform to host the network, hosting a meeting related to the network creation, facilitating access to mediation training, active promotion of the network, etc?</p> <ul style="list-style-type: none"> <li>• With only limited funding, what do you believe should be the priorities for the IFM going forward?</li> </ul>	
<b>4. Partnership and Engagement in the Future</b>			
4.1	Is strengthened partnership desired?	<ul style="list-style-type: none"> <li>• Thinking about the future, is strengthened partnership around IFM desirable? How do you think it can be achieved?</li> <li>• Would your organization be in favour of joint collaboration around advocacy campaigns or in other areas? Do you foresee any conflict of interest with States' policies?</li> </ul>	All  Political Organizations
4.2	Can partners commit to the project with expertise, funds, participation?	<i>Covered in 3.2 above</i>	
4.3	Can institutional partners commit to participate and advance the relevant agenda related to cross-border family conflict (training of mediators, cooperation between legal authorities and psychosocial professionals, provide reliable information on national systems, advocacy)?	<ul style="list-style-type: none"> <li>• Are there other organizations that could take on the role of disseminating the Charter, promoting the Network and supporting advocacy efforts for the establishment of mediation?</li> <li>• Would Hcch, through the Malta Process, be able to take on any or all of these roles or actively cooperate with ISS in the field of cross-border family conflicts?</li> <li>• Would Hcch be able to handle the development of the Malta Process on its own, or would a multi-organizational approach be useful?</li> </ul>	All  Hcch
5		<ul style="list-style-type: none"> <li>• Do you have any final observations or recommendations to ISS regarding its future role with the IFM programme?</li> </ul>	All

## Annex Four – Interviewees

<b>NAME</b>	<b>ROLE</b>	<b>ORGANIZATION</b>
Stephan AUERBACH	Sector Head, Transnational Services	ISS Switzerland
Jean AYOUB	Secretary General	ISS GS
Cilgia CARATSCH	Coordinator, IFM	ISS GS
Sam CHAPMAN	Mediator	Reunite International, UK
Hilde DÉMARRÉ	Policy Officer	Missing Children Europe, UK
Mike FORD	Advisor	MiKK e.V., Germany
Helen FRERIS	International Family Mediation Service Manager	ISS Australia
Ignacio GOICOECHEA	LAC Representative	HccH Argentina
Nuria GONZÁLEZ	Private International Law Researcher	US and Mexico
Julien GUILLEMARD	Officer, IFM	ISS GS
Ishtar KHALAF-NEWSOME	Head of Advisory Services and Mediator	MiKK e.V., Germany
Melissa KUCINSKI	Family Law Attorney and Chair, Interim Steering Committee for IFM Network	USA
Shan MOMIN	Executive Officer	International Conciliation and Arbitration Board, US
Kevin NG	Judge	Singapore
Peretz SEGAL	International Law Specialist/Mediator	Israel
Alison SHALABY	Director	Reunite International, UK
Tsisana SHAMLIKASHVILI	President	Centre for Mediation and Law, Russia
Marianne SOUQUET	Mediator	Mediator and member of AIFI, France
Mai SULTAN	Head of Research Unit	National Council of Family Affairs, Amman, Jordan
Sabina TITARENKO	Officer, IFM	ISS GS