

International Family Mediation (IFM)

Access to Professionals, Cooperation and Advocacy



THE GLOBAL SOCIAL WORK ORGANISATION

Mediation in cross-border family conflicts

International Family Mediation (IFM) is an amicable and neutral method of conflict resolution. It prevents or complements judicial proceedings to bridge different legal systems and allows for tailor made agreements that can be made legally binding. Mediation takes into consideration the protection and the interests of the children and all parties involved while handling cultural differences of a social, psychological, and/or legal nature. Outcomes of mediation may include formal agreements regarding caring arrangements, contact arrangements and maintenance, parental collaboration, as well as reducing parental conflict, improvement in parental communication, and continuity of parent-child relations.

How is mediation addressed within the HCCH 1980 Child Abduction Convention and the 1996 Child Protection Convention?

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

In the Malta Process - a dialogue between HCCH 1980 and 1996 Contracting States and non-Contracting States whose legal systems are based on or influenced by Islamic law - mediation is at the heart of practical co-operation in child custody, contact and abduction matters. The Malta Process has resulted in the establishment of Central Contact Points for Mediation in a number of States.

What is needed to ensure IFM implementation and effectiveness?

- **A strong and sustained political will (initiated by intergovernmental organisations in recent years)** to encourage recourse to mediation by strengthening co-operation between competent authorities and mediation professionals;
- **IFM Formalisation** – recognise, in each State, key international principles for the conduct of mediation such as those encompassed in [The Charter for International Mediation Processes](#);
- **IFM Professionalisation** – work with reliable and competent mediators from recognised networks; utilise secure mediation settings and equipped facilities; encourage access to independent legal advice for mediation participants; and support training initiatives to raise the global level of competency;
- **Recognition & Promotion** – integrate mediation with the international legal framework and protection measures: e.g., encourage mediation services to run parallel to, and in conjunction with, mechanisms under the HCCH 1980 and 1996 Conventions.

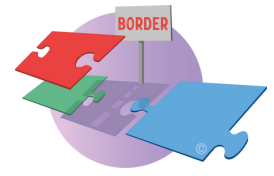
Since 2010, a global effort has focused on: training; adopting competency standards; sharing of practical tools for mediators; increasing knowledge of the perspective of the child and cultural diversity; promotion of IFM within administrative and legal authorities; and advocacy efforts.

ISS in essence:

- Is a professional and specialised **global network** founded in 1924 with 132 members in 125 States;
- Has been serving the needs of children and families **for 100 years**;
- Contributes to **law and policy development and advocacy efforts**;
- Maintains a **long-standing and close co-operation with** the Hague Conference on Private International Law (**HCCH**) and its Central Authorities (**CAs**);
- Hosts the [International Reference Centre for the Rights of Children deprived of their family \(ISS/IRC\)](#), a program of the ISS General Secretariat based in Geneva, with a mission **for more than 30 years** to equip child protection, alternative care, and adoption professionals across the world with up-to-date research, publications, training, and technical assistance projects;
- Is always at the forefront of **implementing international standards and raising awareness about children's rights** through its direct cross-border case management and advocacy efforts.

International Family Mediation Moving Forward

- In 2015, ISS created a **Collaborative Process** among international family mediation practitioners from all over the world to discuss shared understandings of cross-border family mediation and jointly work towards the advancement of IFM practice. All recognised IFM structures worldwide, and all IFM pioneer mediators and experts are part of this global endeavour, which is based on the principles of sustainability, reliability and collaboration.
- A **multilingual website** WWW.IFM-MFI.ORG (2016). This resource provides wide-ranging access to reliable and continuously updated information on IFM. A by-country directory provides information on mediation services, public services, and charitable organisations that can assist (e.g. authorities for cross-border disputes, social, and child protection services).
- A **multilingual guide** (2014). The first guide intended for families and the professionals who support them, available in 9 languages. It conforms with all relevant legislations and depicts the emotional impact of child abduction on all family members.
- An **international Charter** (2016). The Collaborative Process jointly drafted [The Charter for International Family Mediation Processes](#), an international reference document for the conduct of cross-border family mediation.
- A **guide for professional mediators** (2022). ISS Italy, together with other European organisations, elaborated a guide for professional mediators as a tool to mediate in child abduction cases ([the iCare project in support of Central Authorities](#)). [International family mediation in the best interest of the child](#) essentially refers to the work of the Collaborative Process and is based in particular on the international Charter and the multilingual guide.
- **Recognition & Advocacy**. ISS advocates for the wider recognition of IFM practice as it is defined in existing reference documents within political organisations such as, inter alia, the UN Committee on the Rights of the Child, the HCCH, the Organisation of Islamic Cooperation, the European Union, and the Council of Europe.



ISS Casework services may include:

- Referral to reliable mediation services, including abroad;
- Pre-mediation services, in or without the cooperation with Central Authorities (CAs), established under the HCCH 1980 and 1996 Conventions;
- Mediation sessions;
- Provision of Central Contact Point for IFM under the Malta Process;
- Information and awareness-raising sessions on mediation for families, administrative and legal authorities.

Scope of IFM advancement & long-term vision:

- Dissemination of IFM instruments & tools among all actors involved in the management of cross-border family conflicts;
- More co-operation between competent authorities and qualified practitioners to encourage and establish an effective recourse to IFM worldwide;
- Creation of a global body of knowledge regarding IFM practice, which integrates practitioners from various cultures.

Guiding international standards and ISS documents:

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

