As globalization progresses and migration increases, the number of bi-national and bi-cultural relationships and marriages is increasing. This brings a new richness and diversity to our society, but can also bring new challenges and difficulties when those relationships break down. One of the difficulties that can arise is international family abduction, where one parent abducts the child or children to another country, often their country of origin, without the other parent’s consent. This usually results in complex legal proceedings under the Hague Convention on the Civil Aspects of International Child Abduction (1980) and the time of intense anxiety and stress for all family members involved. It is in this area, and the broader area of dealing with family issues formed from a bi-national relationship, that mediation is playing an increasingly significant part.

I recently had the privilege of taking part in the first Training in International Family Mediation, organised by a number of organisations involved in international child abduction and mediation - WMMI, from Denmark, the Child Focus and the Katholische Unionsfrauen vom Berghof, and the District Court of Braine-l’Alleud from Belgium. The project was funded by the European Commission. Twenty-one mediators from twenty countries qualified as mediators in this new area of work in Brussels in May 2011. The training programme was divided into three main stages, similar to the steps of the Hague Convention. First, a theoretical stage, followed by a practical stage in which the mediators worked as part of teams consisting of one male and one female mediator from different countries for a period of three days approximately. Very importantly in cases of child abduction, arrangements are often made for the left-behind parent to have contact with the child at some stage during, though not actually in the mediation. I have discovered that mediation is not only possible in these cases, but very much desirable, as it offers specific advantages to parents which traditional legal mechanisms cannot offer. Some of these advantages are revealed in family constellation models, where the legal action often dominates the process, leaving behind the needs of the children. This is an advantage of family mediation in general, as is the flexibility of the process.

I was asked on my return from Brussels whether something as specific as cross border family mediation could possibly work in the Hague Convention and the Brussels II bis Regulation, and a time of intense anxiety and stress for all family members involved. It is in this area, and the broader area of dealing with family issues formed from a bi-national relationship, that mediation is playing an increasingly significant part.

Mediation however is often a number of specific advantages to parents in the context of a child abduction case. One of these would be the involvement of the Hague Convention or Brussels II bis Regulation, as each country is a party to one of these conventions. Second, the process is mediation, not litigation. This means that the court has no jurisdiction to decide on any other matters relevant to the case, such as custody, contact, maintenance, or any other matters. In such cases it may not even make sense to mediate, unless the case is an attempt to see if the two parties can reach a voluntary agreement, and therefore avoid the costs of the legal process for the return of the child (statistically more often the father), would in fact be satisfied with the legal process for the return of the child and the parties will not. This means, especially in cases where the two parties are in different countries, mediation can be useful for the parents to try to come to an agreement, or at least to keep the case of mediation in mind. Then there are the issues of working in different languages, and most importantly, with different cultures, value systems, religions, beliefs and traditions, all of which form both the background to the dispute and are relevant to family breakdown in general. The potential for a speedy, cost-effective resolution of a conflict, where the parents can address all the issues relevant to family breakdown in general, as is the flexibility of the process. Focus on the needs and interests of the children, as it is relevant to family breakdown in general, as is the flexibility of the process. Focus on the needs and interests of the children, and in particular their interests, is of a confidential environment is an advantage of family mediation in general, as is the flexibility of the process.

Another potential advantage of mediation in child abduction cases, particularly where there is early intervention, is the potential for mediation to be used as an alternative to legal proceedings. This is particularly important in cases where the parents are in different countries, as this means that the court in one country will have no jurisdiction to decide any other matters relevant to the mediation. In mediation however, the scope of the mediation is not limited to the return of the child, and the parties can address all the issues relevant to family breakdown in general, as is the flexibility of the process. Focus on the needs and interests of the children, as is the flexibility of the process. Focus on the needs and interests of the children, and in particular their interests, is of a confidential environment is an advantage of family mediation in general, as is the flexibility of the process. Focus on the needs and interests of the children, as is the flexibility of the process. Focus on the needs and interests of the children, and in particular their interests, is of a confidential environment is an advantage of family mediation in general, as is the flexibility of the process. Focus on the needs and interests of the children, as is the flexibility of the process. Focus on the needs and interests of the children, and in particular their interests, is of a confidential environment is an advantage of family mediation in general, as is the flexibility of the process.

I have now discovered that mediation is not only possible in these cases, but very much desirable, as it offers specific advantages to parents which traditional legal mechanisms cannot offer. Some of these advantages are revealed in family constellation models, where the legal action often dominates the process, leaving behind the needs of the children. This is an advantage of family mediation in general, as is the flexibility of the process.

As globalisation progresses and migration increases, the number of bi-national and bi-cultural relationships and marriages is increasing. This brings a new richness and diversity to our society, but can also bring new challenges and difficulties when those relationships break down. One of the difficulties that can arise is international family abduction, where one parent abducts the child or children to another country, often their country of origin, without the other parent’s consent. This usually results in complex legal proceedings under the Hague Convention on the Civil Aspects of International Child Abduction (1980) and the time of intense anxiety and stress for all family members involved. It is in this area, and the broader area of dealing with family issues formed from a bi-national relationship, that mediation is playing an increasingly significant part.

I recently had the privilege of taking part in the first Training in International Family Mediation, organised by a number of organisations involved in international child abduction and mediation — WMMI, from Denmark, Child Focus and the Katholische Unionsfrauen vom Berghof, and the District Court of Braine-l’Alleud from Belgium. The project was funded by the European Commission. Twenty-one mediators from twenty countries qualified as mediators in this new area of work in Brussels in May 2011. The training programme was divided into three main stages, similar to the steps of the Hague Convention. First, a theoretical stage, followed by a practical stage in which the mediators worked as part of teams consisting of one male and one female mediator from different countries for a period of three days approximately. Very importantly in cases of child abduction, arrangements are often made for the left-behind parent to have contact with the child at some stage during, though not actually in the mediation. I have discovered that mediation is not only possible in these cases, but very much desirable, as it offers specific advantages to parents which traditional legal mechanisms cannot offer. Some of these advantages are revealed in family constellation models, where the legal action often dominates the process, leaving behind the needs of the children. This is an advantage of family mediation in general, as is the flexibility of the process.

Another potential advantage of mediation in child abduction cases, particularly where there is early intervention, is the potential for mediation to be used as an alternative to legal proceedings. This is particularly important in cases where the parents are in different countries, as this means that the court in one country will have no jurisdiction to decide any other matters relevant to the mediation. In mediation however, the scope of the mediation is not limited to the return of the child, and the parties can address all the issues relevant to family breakdown in general, as is the flexibility of the process. Focus on the needs and interests of the children, as is the flexibility of the process. Focus on the needs and interests of the children, and in particular their interests, is of a confidential environment is an advantage of family mediation in general, as is the flexibility of the process.