As globalization progresses and migration increases, the number of international and cross-cultural relationships and marriages is increasing. This brings a new richness and diversity to our societies, but can also bring new challenges and difficulties when these relationships break down. One of the difficulties that can occur is international parental child 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, and a time of intense anxiety and stress for all family members involved. It is this, and the broader areas of dealing with the fallout from the end of a bi-national relationship, that family mediation is playing an increasingly important part.

I recently had the pleasure of taking part in the First Training in International Family Mediation, organized by a number of organizations involved in international child abduction and mediation - AFD from Germany, Child Focus and the Katholieke Universiteit Leuven from Belgium, and DIKOBRA (Katholieke Universiteit Leuven) from Belgium. The project was funded by the European Commission. Twenty-one trainees from twenty countries and three countries were trained in Brussels over a period of three days approximately. Very importantly in cases of child abduction, arrangements are often made for the child or children involved to make a return visit to the parents in their country of origin, with which the child or children should remain in contact. This was not always achievable but at the very least, one mediator should be from each of the parties’ home countries. In cases where arrangements for a return visit are not possible, it is important that both legal and psycho-social mediators are available to work on the case.

I must admit to being heartened when, on the first day of the project, I heard about the project, that mediation could possibly work in exceptional circumstances. From the basic premise of how mediation could work when both the parents were alive, to definitions, would it be different in different countries caused me to scratch my head and wonder. Sometimes the legal and psychological differences cannot be overcome, and that is true both of the Hague Convention and, in addition, the Hague’s Brussels II bis Regulation. If we take the case of an Irish-German family, for example, one mediator should be Irish and one should be German. Both joint mediators must be bilingual and able to communicate with both parents in their home languages. Both joint mediators must also be fluent in English as a working language. The location will be dependant on where the child or children are living, but in many cases, it is important that one of the joint mediators is able to go on site to observe and interview the child. This may also sometimes be used, though it is generally preferable if a common language can be found to mediate in.

I have found that mediation is not only possible in these cases, but very much valuable, as it offers specific advantages to parties which traditional legal mechanisms cannot offer. Some of these advantages are relevant to family mediation in general. The key to a successful mediation is conflict resolution, which requires a process of negotiation. It is in mediation that this negotiation process can be fully explored, and where the provision of a third party mediator can provide an opportunity for a resolution of conflict. The role of the child or children in the mediation process is critical, as it is important that they have a say in the negotiations and decision-making. Where a common language can be found, the child or children should be able to participate in the mediation process, either by means of an interview with a third party such as a psychologist or social worker. The parties’ legal representatives are actively involved at all stages, particularly when it comes to drafting the agreement, and translators or interpreters may also sometimes be used, though it is generally preferable if a common language can be found to mediate in.

I believe that this very broad overview of the first training and challenging case that I have read of mediation has been worthwhile. From my point of view as a mediations and as a participant in the training programme, I see many important benefits for international families in using mediation to resolve, even prevent the cases that can result in child abduction than their home country and in the national court. Thanks to the hard work, expertise and dedication of the organizers, trainers and participants involved in the International Family Mediation Training Project, I feel better equipped to work in this area, and very much looks forward to developing and expanding the network of international family mediation.
