

Kluwer Mediation Blog

Conference Report: Mediation in Cases of International Family Conflict and Child Abduction

Sabine Walsh (Sabine Walsh Mediation) · Friday, July 5th, 2013

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The School of Law, National University of Ireland, Galway hosted in association the UNESCO Child and Family Research Centre, NUIG and the Irish Centre for International Family Mediation a Conference on Mediation in Cases of International Family Conflict and Child Abduction on a typically damp Saturday in May in the West of Ireland. A relatively small but significant step was taken towards highlighting the advantages of using mediation in parallel with both criminal and civil litigation in some of the most complex, costly and distressing cases of International family conflict and child abduction.

The conference brought together for the first time in Ireland the judiciary, legal professions, academics, the Irish central authority and mediation practitioners both from the public and private spheres to discuss these hugely important topics. The focus of the conference was a practical one, which raised the questions of why mediation should be used in cases of international family conflict and how it can work in practice.

The Conference was chaired by the newly appointed Prof. Donncha O'Connell, Head of the School of Law, who reiterated the School's desire to progress the growth and academic development and understanding of the benefits of alternative or as he put it "appropriate dispute resolution" in particular cases of highly emotive international family conflicts and child abduction. He welcomed all participants, both from home and broad and encouraged all present to seize the occasion to grow their understanding of mediation in general and in particular in light of the presentations they would hear of the benefits of international family mediation.

Prof. Patrick Dolan, holder of the UNESCO Chair in Children, Youth and Civic Engagement address the conference at the outset from the Child's point of view. He alluded to the long term detrimental effects family disputes can have on the child. He eloquently gave voice to the child's needs and how mediation can enable the child's voice to be heard which can all too often get drowned out in litigation.

Mr. Justice Henry Abbott of the Irish High Court located the questions referred to above firmly in the Irish legal system in his address. As one of the judges who work primarily in this area, he was anxious to point out the shortcomings of litigation in addressing cases of child abduction and related family conflict. He was also at pains to point out that the Irish judiciary are very much in

favour of resolving such disputes by amicable means such as mediation, and will take all necessary steps to give legal effect to agreements reached in mediation. This message was an important one for all the lawyers present, and for members of the public to hear, in a country where litigation is still often the only avenue considered for the resolution of family conflicts, despite the availability of mediation.

Hilde Demarré from Child Focus in Belgium, one of the agencies that organised the first ever EU wide training for international family mediators (see some of my previous blogs), then set out the EU Model for international family mediation and introduced the EU Network of International Family Mediators (www.crossbordermediator.eu) which was launched last year. Her contribution to the conference made it clear that international family mediation is not a theoretical concept, but a service that is available throughout Europe and beyond, and that mediators are readily accessible no matter where parents and their children might be located.

Eberhard Carl, a retired German Judge and Mediator with extensive experience in Child Abduction cases, their mediation and the role of children in such proceedings, gave his perspective on how mediation and complex legal proceedings such as those that arise out of a child abduction can be integrated successfully. He impressed upon all professional there, in particular, the need to make sure that the two processes work together and not against each other if mediation is to be successful. This required knowledge of the relevant law and legal systems on the part of the mediator, and of the mediation process on the part of the lawyers and the judge(s).

Strengthened by an excellent lunch, proceedings then extended beyond the EU with Dr. Mohamed Keshavjee's fascinating presentation on Cross-Cultural Mediation with families from non EU and, in particular, Muslim backgrounds. Having just launched his book on Islam, The Sharia and ADR, Dr. Keshavjee is a specialist on cross cultural mediation and Islamic Law. His focus was also a practical one, and a very necessary one for Irish mediators who, having until relatively recently dealt primarily with Irish or sometimes Western European or Northern American clients, are now experiencing a need for additional skills when working with non-Irish clients and those from culturally enormously different backgrounds.

The final session provided the conference attendees with an opportunity to see the theory in action – a live role play of an international child abduction mediation enacted by members of the Irish state-run Family Mediation Service, members of which are trained international family mediators. This gave the audience a taste of what challenges and issues might face parties, mediators and lawyers in such a setting, but also what opportunities such a mediation can provide and how effective such a process can be in bringing parents towards agreement.

My co-author for this piece and I were tasked with summarising and wrapping up a very successful day, and I would make the same comments here as I did on the day. For me, having the opportunity to gather some of the most important players in this field in Ireland – lawyers, judges, the civil servants who deal with such cases, mediators, family support workers and researchers – and present to them the experience in Europe and further afield of how important the mediation option is for families experiencing conflicts with an international dimension, and what its potential is, was the culmination of many months planning and scheming, and, I think, had the desired effect. The message that international family mediation is available and works is out there. But, to borrow an awful political slogan from some years ago while there is much done, there is more to do.

My hopes for the Centre are that it will serve as an information resource for parents experiencing

international family conflict and that it will assist in opening up the mediation option to such parents. I would also hope that it will continue to network with our partners in the EU and the rest of the world. Ultimately the aim is to jointly house the Irish Centre for International Family Mediation within the School of Law and the UNESCO Child and Family Research Centre, NUI Galway as a centre in order to assist families and to provide an information resource for all stakeholders. Key to the mission of the proposed centre is that it would research international family mediation.

Also, watch this space for more on International Family Mediation in next month's blog – a report on a simulation of a child abduction mediation – ONLINE!


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The graphic features a black background with white text and a circular icon. The icon depicts a group of stylized human figures, with a magnifying glass positioned over one of the figures, suggesting a search or analysis function. The text is arranged in a clean, modern layout, with the main title in a large, bold font and the company logo at the bottom left.

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