

Kluwer Mediation Blog

Giving Children a Voice

Sabine Walsh (Sabine Walsh Mediation) · Tuesday, November 11th, 2014

*“There can be no keener revelation of a society’s soul than the way in which it treats its children.”
(Nelson Mandela)*

The inspiration for this piece has come from a two very different sources. First the extraordinary event that was the World Conflict Resolution Day conference in Stafford in October which focused on children and conflict resolution, and second a conversation I had with a 10 year old boy recently.

We like to think we have come a long way in Ireland in recognising the rights of children and the importance of hearing their voices in decisions that affect them, and to some extent we have made progress, but it only takes an attempt at implementing these ideals to cause one to realise just how far we have to go.

Legislation has changed, policies giving children a voice have been written, and endless research has been done on the importance of involving children in decision making on their futures. And yet, the vast majority of my fellow mediators will not consider speaking to children directly, many judges only do so reluctantly, and on occasion, and training in direct consultation with children is hard to come by. I may in a past blog have mentioned a mediation where two parties had been to court over contact with a (by then) 11 year old child 52 times, and not once had anyone asked the child what their views were. In fact, the only thing the parties did agree on was that the child should have a say but this had not been facilitated.

Even when an attempt at involving a child is made, the child’s messages must usually travel through guardians ad litem, child psychologists or social workers. Rarely does a mediator or judge hear from the child directly.

I was flummoxed recently when trying to set up a short interview with a child for a piece of research and was met with a subtle but distinct reluctance on the part of a number of parents that I asked to allow their child to engage in such an exercise. More surprising even were the questions directed at me along the lines of “what a strange thing to ask?” “why would you want to do that?” As the introduction indicates though, I did find a willing set of parents, and an even more willing 10 year old who was just a joy to talk to. His feedback to my questions was considered, articulate and insightful. He had no hesitation to ask questions back and to reveal his opinions. He was not, I am reliably informed, troubled or confused by our conversation, nor did he think it was strange that I was talking to him about my work which is, after all, “grownup stuff”.

Based on my conversation with him, with other children including, of course, my own and with colleagues (most of them from different jurisdictions) who DO work regularly with children, the children themselves are not the blocks to this kind of work. So what is it? Have all the horror stories, and the resulting legislation and regulation on child protection made us nervous around children, or somehow made us insecure around how to act when working with them? Do we not trust them to have well-considered, valid opinions on matters? Or have we just not quite come far enough out of the traditional, rather paternalistic view of children that has traditionally been part of our culture?

There are many ways to give children a voice. A few of the initiatives introduced in Stafford deserve a mention. Kids in the Middle (www.kidsinthemiddle.org.uk), the brainchild of social entrepreneur Duncan Fisher, is “a place where the experiences of children in separating families can be told, a place where they can find reassurance from their peers that their situation is not their fault and that it is okay to seek support”. Children are encouraged to tell their own stories, in the form of videos uploaded to the website, for the benefit of other children going through the same thing. The children can access expert advice and support via the website also, but the focus is on receiving this from their peers. Nicola Watson, a teacher and former family lawyer, presented on her work with very young children, teaching them conflict resolutions skills with a view to building social competence. Paola Farinacci from Italy spoke about her experience running Gruppo di Parole, “talking groups” where children whose parents have separated come to talk to other children, and the facilitator about their experiences and to support each other. Other mediators from a variety of jurisdictions reported on their models and experiences of bringing the voice of the child into the mediation room.

And just to reassure readers that Ireland is moving in the right direction also, I was able to present an [information video](#) produced earlier this year by the Courts Service in cooperation with the office of the Ombudsman for Children. This short video, available on DVD and online, features young people explaining parental separation, and the options that separating parents have, to other young people. It explains the difference between court proceedings and mediation, and also offers suggestions on how children and young people can make their voices heard in these processes. Most importantly, in my view anyway, listening to the kids featured in the video sends the loud, clear message that children can no longer be ignored or sidelined by those working with their parents and that their voices need to be heard in litigation, and in mediation, and preferably directly.

For my part, I’m off to Bristol next week to train in Direct Consultation with Children with Resolution (www.resolution.org.uk) and I intend to have more conversations like that with my 10 year old friend. Children have a lot to say...

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