Dear Workshop participant,

In preparation of the participatory workshops in October, we kindly ask you to read the following document and fill in where appropriate.

Your remarks, thoughts and proposals will serve as input for the practical organisation of the participatory sessions. Of course, there will be plenty of opportunities to also discuss face to face.

Your « homework » consists of 3 parts:

1. Key principles: Can you agree with the proposed changes to the list of principles according to the feedback shared through Enquiry 1 (p.3)?
2. Promising practices: Please choose topics you would like to discuss in Geneva (p.4).
3. Training, competence and qualification of the mediators: Please choose your topic (p.7).

Please fill in, save your document and send us the word file via email.

Kind regards,

The organising committee.
1. ABOUT YOU

Please add your name, contact details.

NAME : FIRST NAME :

CITY : COUNTRY :

EMAIL :

AFFILIATED STRUCTURE: YES NO

NAME OF THE MEDIATION STRUCTURE AND/OR NETWORK:
### HOMEWORK 1 – Block 1 / Can you agree with the changes made?
(Changes of content and wording highlighted in orange)

<table>
<thead>
<tr>
<th>Initial list of Principles</th>
<th>Revised list of Principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Voluntary participation</td>
<td>1. Voluntary participation</td>
</tr>
<tr>
<td>2. Impartiality/Fairness of the mediators</td>
<td>2. Multipartiality of the mediators</td>
</tr>
<tr>
<td>3. Independence of the mediators</td>
<td>3. Independence of the process</td>
</tr>
<tr>
<td>4. Qualifications of mediators and adherence to national Code/s of Practice</td>
<td>4. Qualifications of mediators</td>
</tr>
<tr>
<td>5. Respect for individuals of all cultures</td>
<td>5. Cultural awareness and sensitivity</td>
</tr>
<tr>
<td>6. Consideration of the personal safety of participants and safeguarding of children</td>
<td>6. Relevance of mediation</td>
</tr>
<tr>
<td>7. Consideration of the needs and well-being of the child</td>
<td>a. Consideration of the personal safety of participants</td>
</tr>
<tr>
<td>8. Recognition of the rights of the child</td>
<td>b. Capacities to engage in mediation</td>
</tr>
<tr>
<td>9. Decision-making by the parties</td>
<td>c. Consideration of judicial and administrative proceedings</td>
</tr>
<tr>
<td>10. Confidentiality of the mediation process subject to the applicable law</td>
<td>7. International Family Mediation is centred on the interests of the child</td>
</tr>
<tr>
<td>11. Access for each party to independent legal advice to ensure informed decision-making</td>
<td>a. Consideration of the needs and well-being of the child</td>
</tr>
<tr>
<td>12. Individual capacities and voices of parties involved are at the heart of the process</td>
<td>b. Recognition of the rights of the child</td>
</tr>
<tr>
<td></td>
<td>c. The voice of the child in mediation</td>
</tr>
<tr>
<td></td>
<td>8. Decision-making by the parties</td>
</tr>
<tr>
<td></td>
<td>9. Confidentiality of the mediation process</td>
</tr>
<tr>
<td></td>
<td>10. Access for each party to independent legal advice</td>
</tr>
<tr>
<td></td>
<td>11. Party-driven and party-empowered process</td>
</tr>
<tr>
<td></td>
<td>12. Flexibility of settings for cross-border family mediation</td>
</tr>
<tr>
<td></td>
<td>13. Transparency of mediation processes</td>
</tr>
</tbody>
</table>

NB: Regarding the wording of the principles, our revised proposal adopted some names of principles frequently suggested by mediators who responded to the enquiry. However, we have taken note of all your ideas, and will take them into consideration when possible for the description of principles in the draft Charter.

**DO YOU AGREE?**  YES [ ]  NO [ ]

**REMARKS:**
The answers to the enquiry provided many examples and ideas for the development of a set of promising practices for inclusion in the Charter. You will find them annexed in the *Summary document*, and we have organized them under the most relevant key principle.

Based on the analysis of this feedback, we have developed the following five (5) main topics for discussion of practices during the meeting. The proposals and concerns received through your feedback are reflected in these 5 broader topics. Hence, there will be the opportunity for discussing and highlighting the main challenges in practice that were shared. We place emphasis on the mutual learning aspect of this Block, and request that to prepare for the meeting, all participants please use their experiences, examples, and ideas that would be of interest and learning for the entire group.

- **Screening whether mediation is appropriate and advising parties regarding expectations of the process**
  - The answers to the enquiry show that this initial phase is paramount to mediators from all regions, and this is an area where mediators seek ideas and guidance as to how to strengthen the assessment process.
  - During the meeting, we hope you would be prepared to discuss with the group what works well and what difficulties are encountered during this phase of screening: topics like identification of power imbalance and domestic violence can be raised here, as well as ways to deal with threat of honour killing, allegations of sexual abuse, or how to guarantee the safety of the child if there is a meeting with the left behind parent and the child.

  ➔ As a special request to all, we would be grateful if you could describe and share with the group how you proceed in this initial phase, and attach and send any supporting materials that would be helpful for others.

  Please describe here or send in a separate document:

- **Flexibility of the mediation process**
  - The answers to the enquiry show the necessity to adapt the mediation process to fit the needs of each case and to different environments.
  - During the meeting, this group will discuss, for example, promising practices to conduct mediations at distance, such as through online tools; or, ways to be inclusive of other individuals in the process, such as grand-parents, extended family, community leaders, etc.; or, how to conduct mediations in ad hoc locations in a secure way and meet the needs of the parties.

- **Relations with Administrations / Authorities**
  - The answers to the enquiry highlight a series of recommendations that you, as practitioners, wish to bring before state authorities. We will present them to you during the meeting for approval and communication to the Central Authorities on the last day.
of the meeting. It appears that relations with administrative and legal authorities need to be strengthened so there is a level of partnership and understanding.

- During the meeting, this group will discuss examples and ways to apply and maintain confidentiality and independence throughout the mediation process, as well as promoting understanding of the mediation process with the authorities to strengthen cooperation and facilitate homologation processes; or, ways to facilitate access to independent legal advice to parties, including in cases of a possible unfair settlement.

⇒ Here, please think of examples of successful experiences to share.

- **Mediation process centred on the interests of the child**
  - The answers to the enquiry highlight the importance of the interests of the child in the mediation process everywhere, and also how this may be approached differently according to cultures and regions.
  - During the meeting, this group will discuss the different ways practitioners use or explore to bring the parties to consider the wellbeing of the children involved in the conflict. For example, how to bring the voice of the child into the mediation process, and ways to follow up the respect of mediation agreements.

- **Empowering the parties, and building their trust and confidence in the mediation process**
  - The answers to the enquiry show that practitioners seek guidance on the means available to practitioners to better empower the parties to help them fully participate in the mediation process. These seek guidance on how to, for example, help parties to overcome pressures from various sources; or, help them to gain confidence in the credibility of the mediation process.
  - During the meeting, this group will discuss, for example, the benefits of co-mediation, ways to demonstrate cultural awareness and non-judgmental approach; to help parties express their doubts and fears openly; to gain trust and confidence in the mediation process, including the multi-partiality of the mediator and equal opportunities for parents.

Prior to, and in preparation for, the meeting, we request that you please choose three (3) out of the five (5) topics above according to your personal interest, expertise or practice to share in a brief presentation (3-4 minutes each) during the workshops.

- Screening and advising parties regarding expectations of the process  
  - YES [ ]  
  - NO [ ]
- Flexibility of the mediation process  
  - YES [ ]  
  - NO [ ]
- Relations with Administrations / Authorities  
  - YES [ ]  
  - NO [ ]
- Mediation process centred on the interests of the child  
  - YES [ ]  
  - NO [ ]
- Empowering the parties, building trust and confidence in the process  
  - YES [ ]  
  - NO [ ]

**REMARKS:**
The answers to the enquiry reflect the importance of specialised training for building competency in mediating cross-border family conflicts. Interestingly, the enquiry also stresses that specialised training can take many different forms, such as:

- Continuous and advanced training
- Sensitisation modules, for example, 3-day trainings
- Mutual learning and sharing based on practice, including cross-geographical and cross-cultural learnings
- Inter-vision (with colleagues), supervision (with seniors or trainers) and apprenticeship (practical observations of mediations), including at distance with the support of online tools

We will provide a list of the ideas and feedback gathered through the enquiry during the meeting. This information can help towards the goal of development in the areas of training and qualifications to fit the needs of the global context.

It is also apparent that there is a need to identify ways to recognise and value the experience of mediators in measuring competency and success in managing mediations. Ideas shared through feedback will be opened for discussion during the meeting.

Focusing on areas such as specialised training and recognition of experience will, in the long term, help to develop and determine qualifications required to be a part of a global network of mediators. To begin this discussion and process, there will be a group discussion at the meeting around understanding of essential and flexible components of “mediator qualification”, and how to demonstrate and measure them. We also hope to learn at the meeting what professionals without direct access to specialised training can commit to.

Please choose one of the following three (3) topics to participate in a substantial discussions:

- Training in international family mediation: the way forward
  
  YES ☐ NO ☐

  ○ If you wish to present any concrete proposals on contents for specialized training for this discussion, please briefly describe your proposal here (this allows the flexibility for you to participate in this group discussion, or another while the facilitator raises your proposal for the group in your absence).
CROSS BORDER CHILD PROTECTION – PROFESSIONAL CONSULTATION & WORKSHOPS

DESCRIBE:

- Value and recognition of mediation experience
  YES □ NO □
  - If you have any concrete proposals on how experience can be assessed, please describe briefly your proposal here (this allows the flexibility for you to participate in this group discussion, or another while the facilitator raises your proposal for the group in your absence).

DESCRIBE:

- Competence and qualifications (essential and flexible) for international family mediation processes
  YES □ NO □
  - This will be an open, facilitated discussion