



Long-term impact and mediation **FROM THE PERSPECTIVE OF A MEDIATOR**

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Mediation

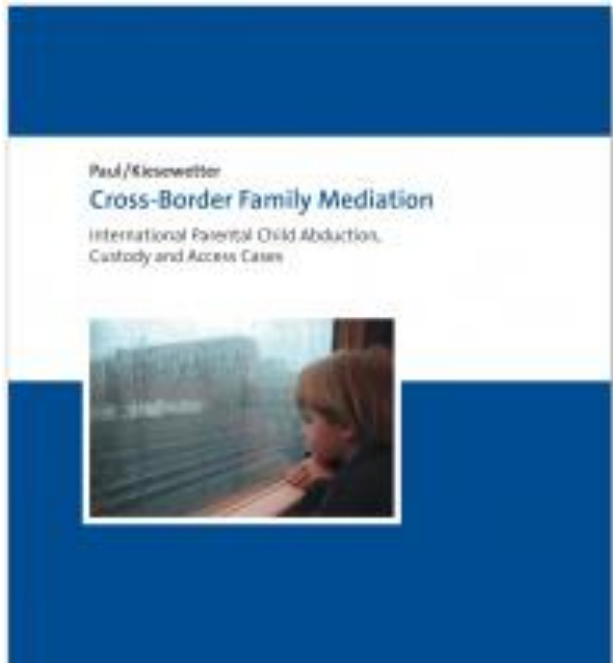
- Voluntary, structured process whereby a mediator facilitates communication between the parties to a conflict enabling them to take responsibility for finding a solution to their conflict
- Mediation principles – international standards
 - Voluntary
 - Informed consent
 - Neutrality, independence, impartiality and fairness
 - Confidentiality
 - Consideration of the interests and welfare of the child

Source: Guide to Good Practice Child Abduction Convention - Mediation



Cross-border and international mediation

- Useful sources



Paul /Kiesewetter “Cross-Border Family Mediation”
<https://www.wm-verlag.de/produkt/site/62001-0>

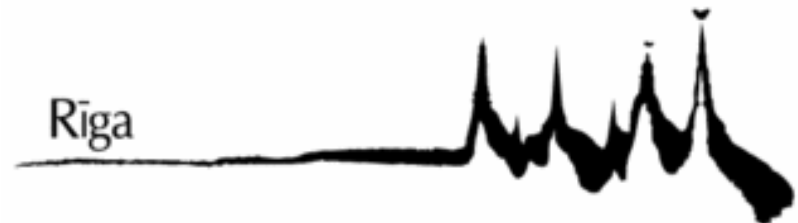


http://www.hcch.net/upload/guide28mediation_en.pdf



Riga Orphans' Court mediation service

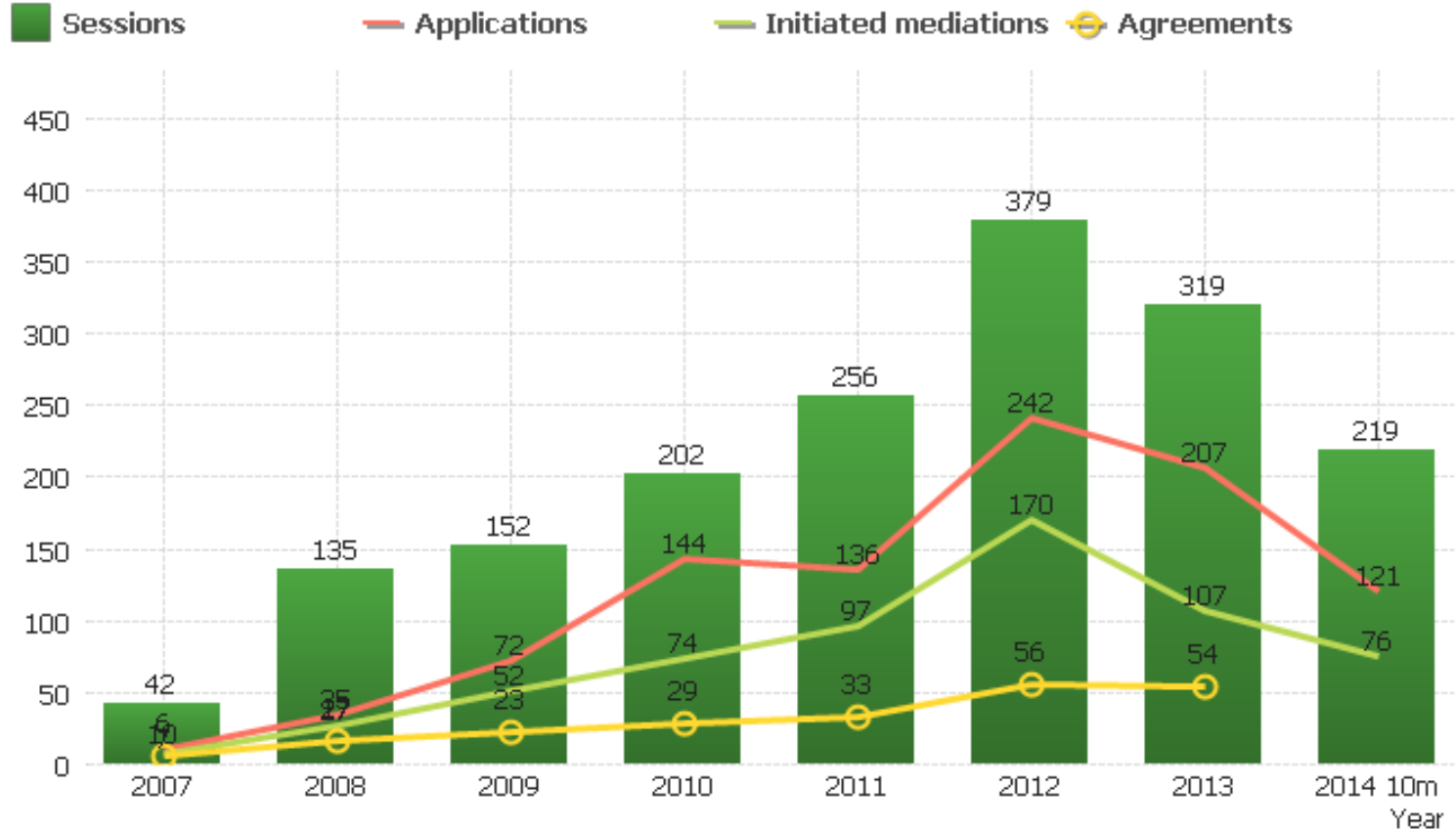
- Free service to Riga residents available since 2007
- 1 full time / 2 part time mediators
- Average capacity ~100 mediation cases per year





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Mediation statistics





Cross-border mediation experience in Riga Orphans' Court 2011-2014

- 20 applications (8 cases)
 - 4 international child abduction
 - 16 custody, access or visiting rights conflicts
- Outcomes:
 - 4 agreements
 - 4 without agreement
 - 12 not started / not possible

General statistics:

~700 applications
(450 cases)

~ 170 agreements

~ 250 not started





Insights from the cross-border mediation experience

- Low ROI (return of investments) – lot of preparatory works, low number of mediation cases
- Cross-border cases require special arrangements and extra time
- Co-mediation is useful but hardly available
 - Bilingual, bi-national and bi-cultural mediation
 - Gender balance in mediation
 - Balance in professional background of the mediators ...
- Paid mediation services are rarely used

A possible solution – to implement a state-funded cross-border mediation service in accordance with best practice standards by the Central Authority.

Difficulties and challenges

Distance between parties

Using the telephone, Skype or on-line mediation

Language barrier

Co-mediation (bilingual, binational)
Using of interpreter

High mediation costs

Implementation of state-funded mediation

Mutual distrust

Ensuring enforceability of an agreement in both countries

High conflict escalation

Promoting the using of mediation at an early conflict stage





How to use mediation without mediation?

- **Keeping neutrality**
- **Giving the possible encouragement and trying to understand the unmet needs of children as well as unmet needs of parent**
- **Using the empathic and non-violent communication approach in contact with the parents of vulnerable children at all agencies and institutions**





How to empathize and encourage the empathy

- *We know that every child needs both parents and the child loves his mum and his dad. And the child miss his parent(s)*
- *Also to parents it is too difficult to withstand the fear of losing a child. It is only natural that parents may feel desperate and helpless now.*
- *“How do you think, what the other parent is currently worried or afraid of the most?”*
- *“What could let him/her feel safer?”*
- *“What should happen so that she or he is not to hide and does not avoid the contact?”*
- *“If you had the opportunity to meet her/ him, what can you do / say differently than usual?”*





rīgas bāriņtiesa

Thank you!

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