

## **MALTA V**

Fifth Conference on the HCCH Children's Conventions  
as Bridges between Civil / Common Law and Islamic Law

### **Some Key Resources for Mediation in Cross-border & Parental Child Abduction Cases**

24-27 September 2024  
Grand Hotel Excelsior, Valetta, Malta

**Ishtar Khalaf-Newsome,**  
Co-CEO & Head of Advisory Services, **MiKK**  
Family Lawyer, Cross-border Mediator



# Mediation Safeguards the Best Interest of the Child!



Photos: I-stock.com



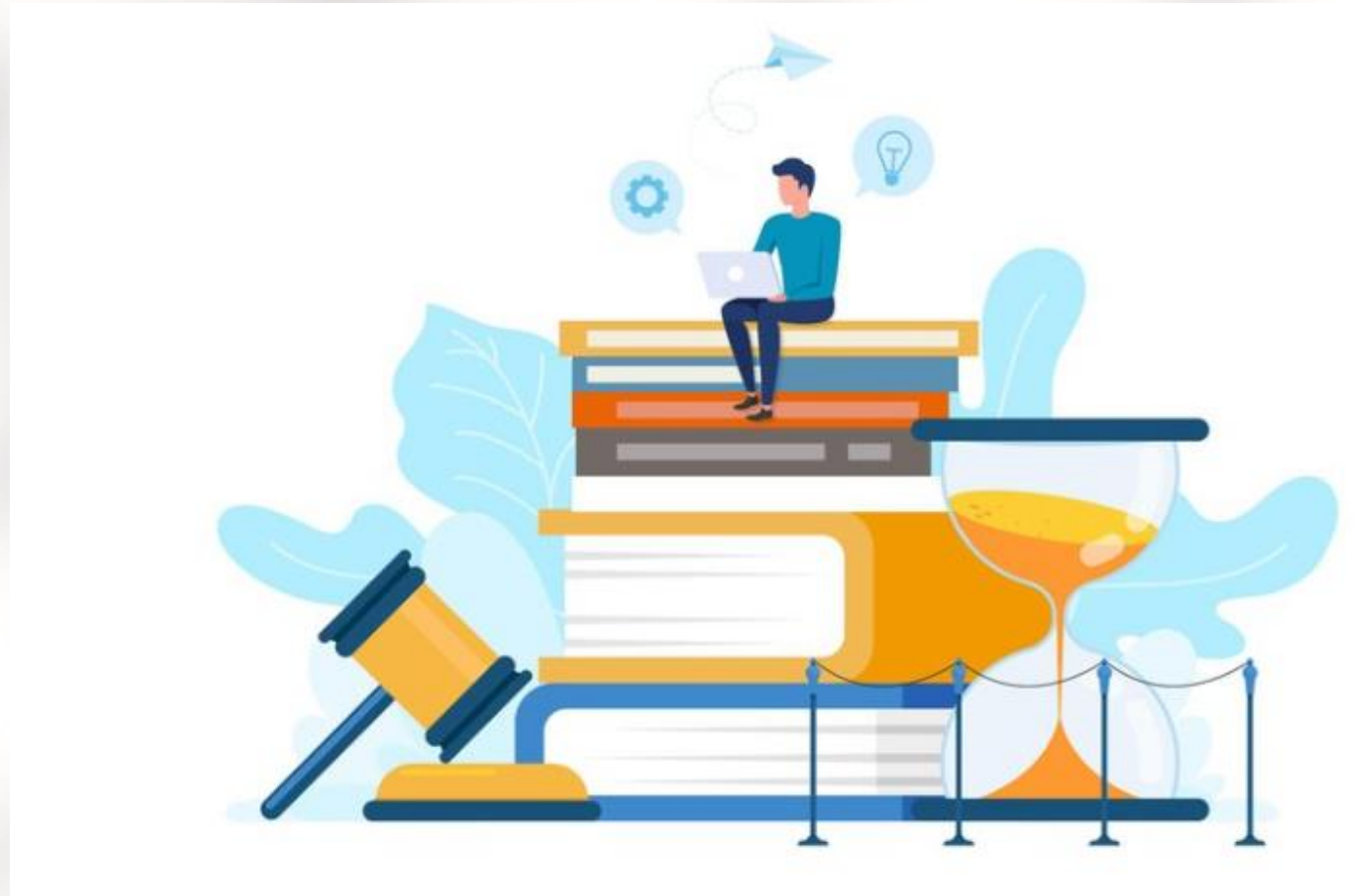
# Mediation Safeguards the Best Interest of the Child



- ✓ Puts the **child** back into the parents' **FOCUS!**
- ✓ **De-escalates** the dispute
- ✓ **Underlying (emotional) aspects** of the conflict can be explored
- ✓ Facilitates **direct communication** between **the parents**
- ✓ **Safe and confidential** space to brainstorm **flexible** proposals
- ✓ **Trust** between parents can be rebuilt
- ✓ **Co-parenting** abilities are strengthened
- ✓ More **sustainable** solutions

# Mediation in Hague Abduction Proceedings

## Resources & Best Practices



# HCCH Guide to Good Practice

## Child Abduction Convention: **Part V - Mediation**



The **English**, **French** and **Spanish** versions of the Mediation Guide were produced by the Hague Conference on Private International Law.

Translations in **other official languages of the European Union** and **Arabic** are available thanks to the support of the European Commission/DG Justice:

**Bulgarian | Czech | Dutch | Estonian | Finnish | German  
Greek | Hungarian | Italian | Latvian | Lithuanian | Maltese  
Polish | Portuguese | Romanian | Slovak | Slovene | Swedish**

The **Russian** translation is available thanks to support provided by the Scientific and Methodological Center for Mediation and Law, Moscow, Russia.

The **Mandarin** translation was funded by the Government of Canada.

The **Turkish** translation is available thanks to support by the Ministry of Justice of the Republic of Turkey.

The translation into **Ukrainian** was carried out with the financial support of the European Union, granted to the MiKK - International Mediation Centre for Family Conflict and Child Abduction (EU project ACCORD SGA 2023) and to the Ukrainian Academy of Mediation (UAM) (EU project CONSENT)

The Catalogue of HCCH publications and order form are available [here](#).



➤ **Downloadable for free from the HCCH Website**

➤ **Available in 26 Languages**

# HCCH Guide to Good Practice

## Child Abduction Convention: **Part V - Mediation**



<https://www.hcch.net/en/publications-and-studies/details4/?pid=6561>



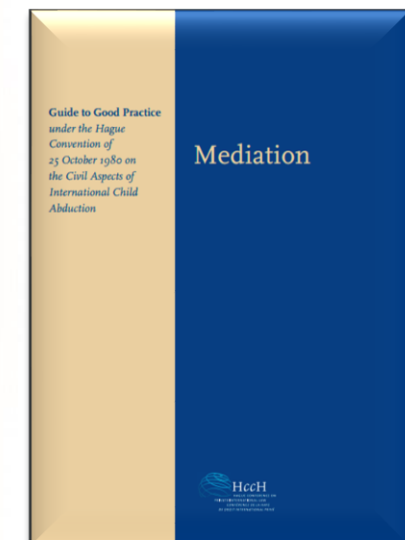
# Specialized Mediators Additional Training

## HCCH Guide to Good Practice:

*“Mediation in international family disputes is much more complex and requires mediators to have relevant additional training. The interplay of two different legal systems, different cultures and languages makes mediation much more difficult in such cases. [...]” (HCCH Guide, p. 26)*

### Specialized Mediators who:

- Understand international legal framework
- Have intercultural competence
- Are skilled in handling highly escalated cases
- Handle cases under big time pressure!



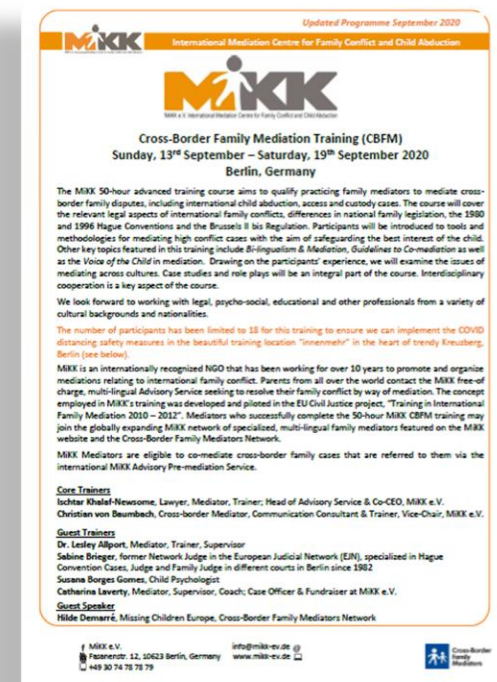
# MiKK CBFM Trainings

## 50-hour Advanced Cross-border Family Mediation Training

in Berlin, Madrid, Singapore, Japan

in English, German, Spanish

- Interactive, Case Studies & Role Plays
- International Legal Framework
- Culture & conflict resolution
- Mediation Tools
- Co-mediation
- The Voice of the Child
- Framework & Specifics of Mediating Child abduction cases
- Bi-lingualism and mediation
- Drafting Mediation Agreements (Memorandum of Understanding)
- Enforceability of Mediated Agreements
- Online Mediation



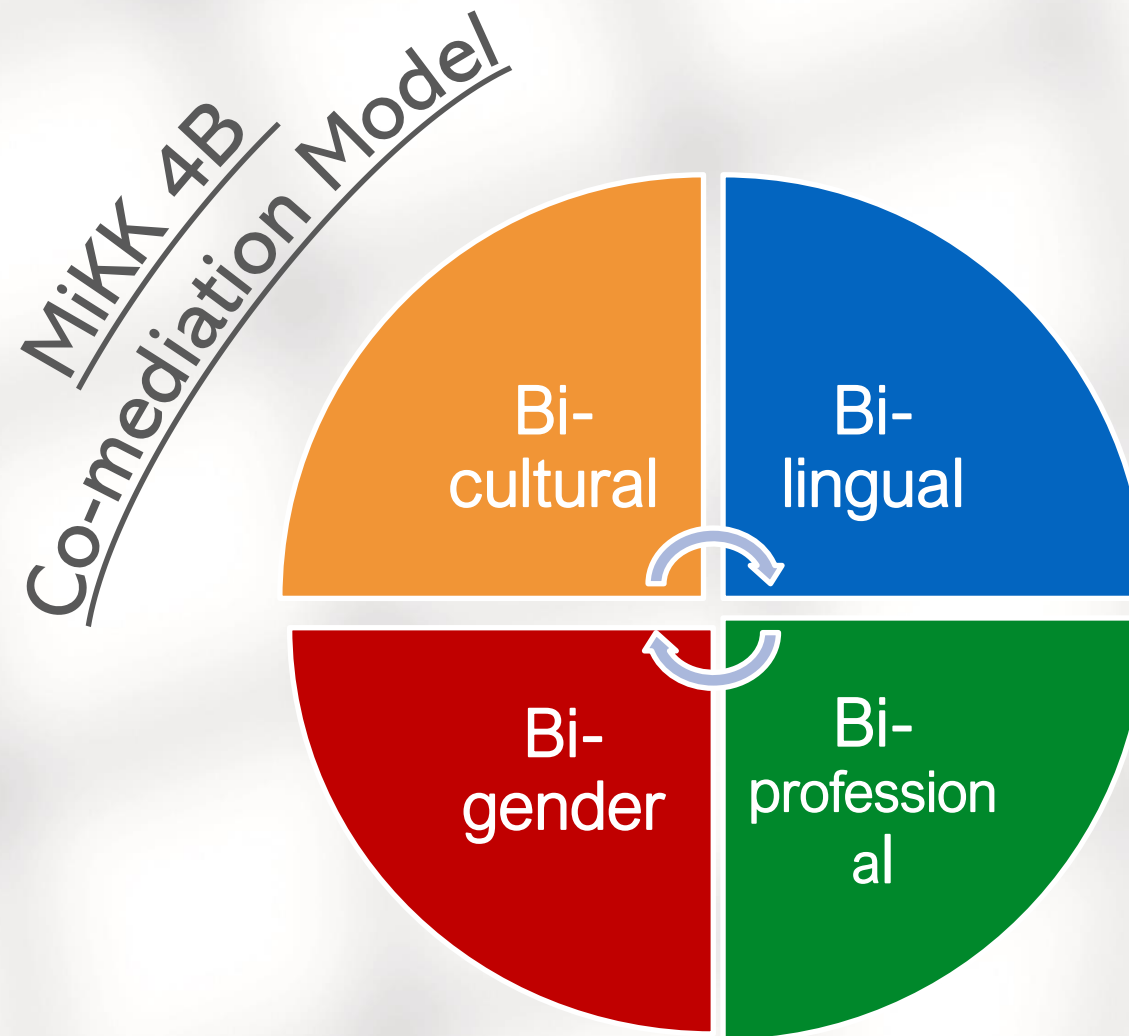
***450 international mediators from 50 countries  
have been trained by MiKK***



## Specialized Mediators: Co-Mediation

HCCH Guide to Good Practice:

*“Bi-cultural, bilingual co-mediation addresses the specific needs for intercultural competence as well as language skills when mediating between parties from different States of origin with different mother-tongues.”*  
(HCCH Guide, p. 64)





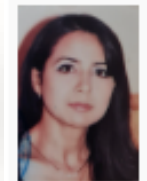

# MiKK International Mediators Network

+49 (0) 30 74787879 info@mikk-ev.de EN f t v Donate

**MiKK** ABOUT US MEDIATION INFORMATION NEWS CONTACT

**Find a professional**

Mediator country language 1 language 2

	<b>Nadja Hatem</b> Lawyer Mediator	English Swedish Arabic	nh@hatemsjunghamn.se phone: +46 8 121 378 02 https://hatemsjunghamn.se
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	<b>Dominic Raeside</b> Mediator	English	dr@flip.co.uk phone: +44 (0) 207 420 5000 mobile: +44 (0) 778 654 1743 www.flip.co.uk
	<b>Noura Addad</b> Mediator	English French Arabic Italian Turkish	noura_addad@yahoo.fr phone: +33 663 83 89 84 Tun Rue altèr 400
	<b>Fedoua Ait-Baha</b> Mediator	Dutch French English Arabic	fee.aitbaha@gmail.com Belg Naz 984
	<b>Mohamedreza Doran</b> Lawyer Mediator	English Farsi Persian	mrdownran@gmail.com

- ✓ **200+** specialized, bilingual cross-border mediators on MiKK website
- ✓ Based in **45+** countries
- ✓ Mediating in **40+** languages
- ✓ All 50-hour CBFM trained

plus

- ✓ *Informal global network of 350+ Mediators*



5

# The International **MiKK** Advisory & Pre-Mediation Service

**Free of charge • Mult-lingual • Global**



- ✓ For Parents Worldwide
- ✓ Advice in **7** Languages  
(EN, DE, PL, FR, ES, HUN, IT)
- ✓ Organisation of Specialized  
Bi-lingual & Bi-cultural  
Mediations

[www.mikk-ev.org](http://www.mikk-ev.org)

[info@mikk-ev.org](mailto:info@mikk-ev.org)

+ 49 (0) 30 74787879

+ 49 (0) 151 669 688 29 (WhatsApp)

Zoom & Skype

Photo: Istock



# MiKK International Parental Child Abduction Support Groups (Europe & Asia Pacific)

New Dates on  
the website!!

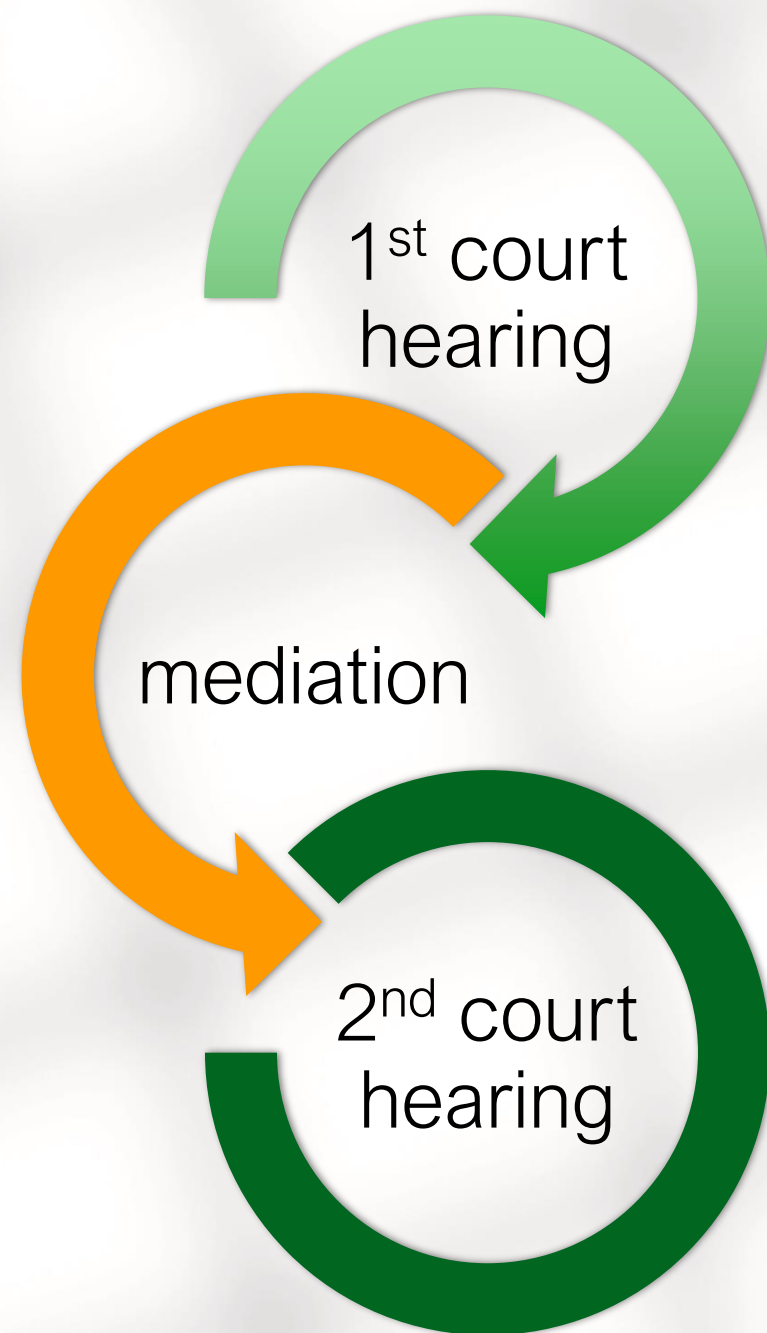


- Online (ZOOM)
- Free-of-Charge
- Confidential

Facilitated by international MiKK Mediators with  
psycho-social background professions based in:

Australia, Japan, Singapore, Hong Kong,  
Germany, France, Cyprus

## “Pressure Cooker” Mediations: 10-15 hours • 3-5 sessions



- In Netherlands, Germany, England: **Mediation embedded into Hague Proceedings.**
- **2 Hearings listed 10 days apart in Child Abduction Cases**
- **No delay of 6 week timeframe** in Hague child abduction cases!!
- Concluding a **“Package Agreement”**
- **Judicial Encouragement is Key!**

**Expert Group of HCCH:**

*“Package agreements should be promoted because they serve the best interest of the child”*



# Information Flyer about MEDIATION

## In 31 Languages

Downloadable from the MiKK website  
[www.mikk-ev.org](http://www.mikk-ev.org)





# Template Information Letter from the Court about Mediation (for Parents /Lawyers)

+ 49 (0) 30 747878 info@mikk-ev.de DE f t Spenden

**MiKK**

ÜBER UNS MEDIATION **INFORMATIONEN** TRAINING TERMINE PROJEKTE MITMACHEN KONTAKT

## Informationen für Richter

Sehr geehrte Frau Richterin,  
sehr geehrter Herr Richter,

Sie sind mit einem Verfahren nach dem Haager Kindesentführungsabkommen (HKÜ) befasst. Wir möchten daher beide Eltern anregen, über die grundsätzliche Frage der Rückführung des Kindes miteinander zu verhandeln und bei dieser Gelegenheit zu klären, ob eine Vereinbarung getroffen werden kann, mit der gleichzeitig auch weitere das gemeinsame Kind betreffende Fragen geregelt werden können. Da Sie sich im Rahmen des als besonders beschleunigtes Verfahren ausgestalteten HKÜ-Verfahrens nur mit dem Antrag auf Rückführung, nicht aber mit den weiteren die Eltern und das Kind betreffenden Fragen befassen können, möchten wir auf die Möglichkeit der Eltern aufmerksam machen, parallel und in enger zeitlicher Abstimmung zum gerichtlichen HKÜ-Verfahren eine Mediation in Anspruch zu nehmen. Die Erfahrungen zeigen, dass Ihre Empfehlung zur Mediation ganz wesentlich zur Akzeptanz bei den streitenden Eltern führt und die Wahrscheinlichkeit einer einvernehmlichen gemeinsamen Regelung der Eltern maßgeblich erhöht.

Es wird angestrebt, die Ergebnisse der Mediation verbindlich vor dem Gericht zu protokollieren; anschließend kann im Einzelfall noch eine entsprechende Absicherung im anderen Land erforderlich werden.

Im Interesse des Kindes sollte versucht werden, seitens beider Eltern eine autonome Regelung der das Kind betreffenden Fragen zu unterstützen. Wir sind uns sicher, dass eine Information der Eltern durch Sie als Richter über die Möglichkeit, eine Mediation in Anspruch nehmen zu können, hilft, den Konflikt nachhaltig zu befrieden und eine zukunftsorientierte Lösung für alle Familienmitglieder zu finden.

Unter dem folgenden Link finden Sie Anschreiben an die Parteien in verschiedenen Sprachen:  
[Infoschreiben](#)

**Fachleute finden**  
HILFE IN VIELEN LÄNDERN

**Häufige Fragen**  
HILFE IN VIELEN LÄNDERN

**Flyer**  
FLYER IN VERSCHIEDENEN SPRACHEN

**AKTUELLE TERMINE**

**13 | MAI | 2021**  
**AMICABLE – National Seminar in Italien (online)**

20126 MILANO | PIAZZA DELL'ATENEO NUOVO, 1  
13. Mai 2021  
**MEHR ERFAHREN**

In all EU Languages  
& more:

Georgian, Japanese, Russian,  
Turkish, Ukrainian

**Downloadable from  
MiKK website!**

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Lawyer ▾

country ▾

language 1 ▾

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	<b>Carolina Marín Pedreño</b> Lawyer	English Italian Spanish	<a href="mailto:cmp@dawsoncornwell.com">cmp@dawsoncornwell.com</a> phone: +44 (0) 20 72 42 25 56 fax: +44 (0) 20 7831 0478 <a href="http://www.dawsoncornwell.com">www.dawsoncornwell.com</a>	<b>United Kingdom</b> 11 Staple Inn WC1V 7QH London	Spanish Abogado, cross-qualified as a Solicitor, Specialized in International Child Abduction, registration and enforcement of foreign contact orders and relocation cases Professional focus: Resolution accredited in Child Abduction and Children Law
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- ✓ 30+ countries represented
- ✓ Expertise in cross-border and child abduction cases
- ✓ Bi-lingual



# AMICABLE Best Practice Tools

## General EU Tool & 4 Country-specific Tools (PL, SP, IT, DE)

Developed by MiKK & 3 Project Partners:

University of Wroclaw

University of Milano-Bicocca

**University of Alicante**

and German Legal Experts

Downloadable free of charge at:

[www.amicable-eu.org](http://www.amicable-eu.org)

In English,  
German,  
Spanish,  
Polish  
Italian



Co-funded by the  
European Union





# HCCH Practitioner's Tool

The Practitioners' Tool aims to explain how agreements made in the area of family law involving children ("family agreements") can be made enforceable in one State and then recognised and enforced in other States through the operation of mechanisms under HCCH Conventions, specifically the 1980 Child Abduction Convention, 1996 Child Protection Convention, and 2007 Child Support Convention.

Family agreements can have a very important role in deterring parental child abduction and facilitating the continuation of a meaningful relationship for a child with both of their parents when the parents are living in different States. The Practitioners' Tool will serve as a valuable resource for legal or professional advisers (e.g., mediators) who are helping families with children navigate cross-border issues through a formal agreement, bringing greater certainty and stability to family arrangements across the globe.

This publication is available in the following languages:

**English**

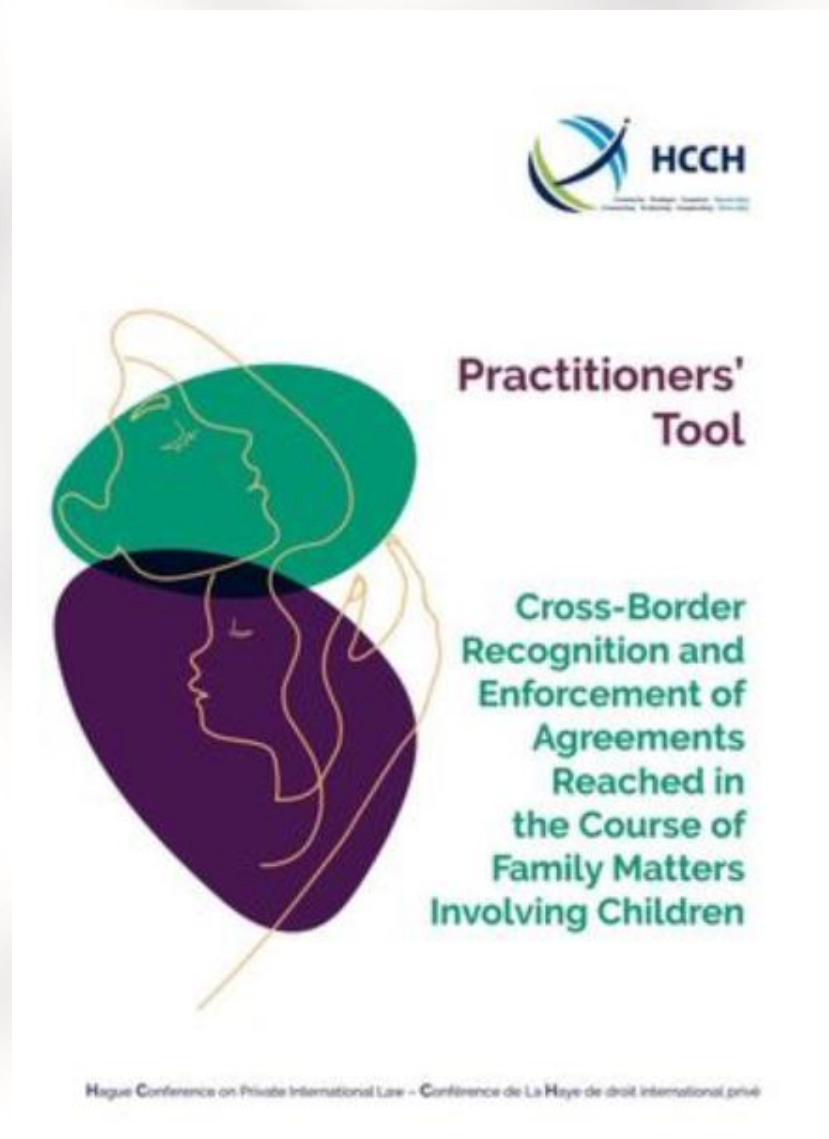
€25.00

ISBN: 978-90-83248-12-7

**French**

€25.00

ISBN: 978-90-83248-13-4



An electronic copy of this publication is available for download in:

[English](#) | [French](#).

Short & Comprehensive Information **Film**  
for EU Judges (& Lawyers):

With subtitles in  
all EU languages

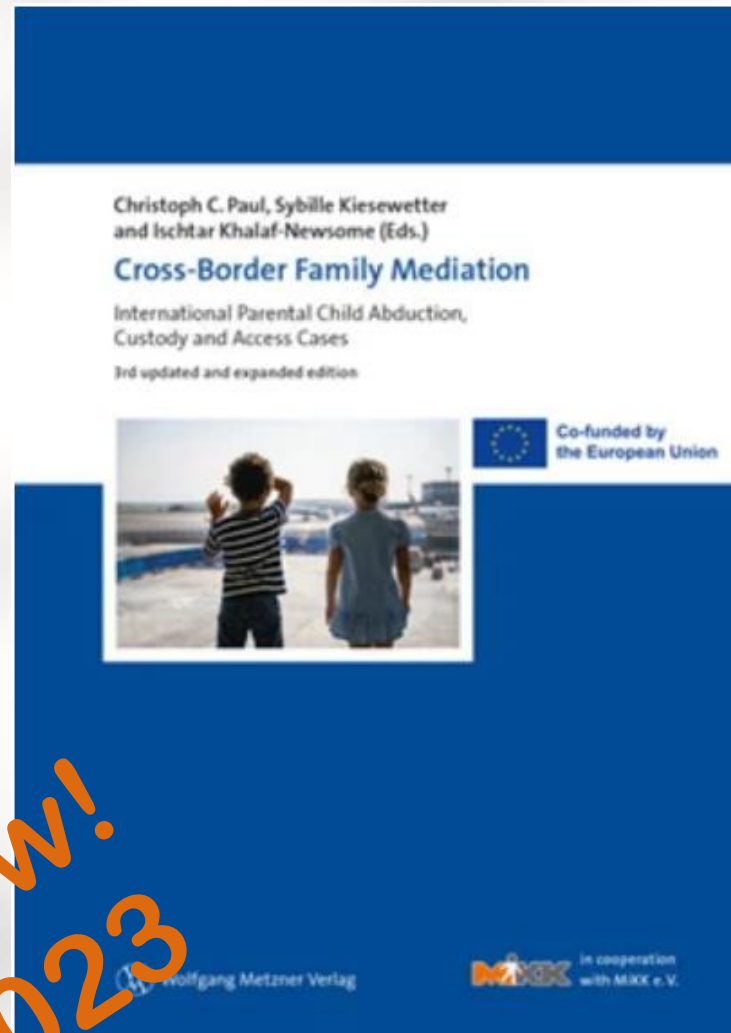


***Mediation in Child Abduction Proceedings  
1980 Hague Convention, Brussels IIb Recast***

<https://www.mikk-ev.de/informationen/information-videos/>

# Cross-border Family Mediation Textbook

All you need to know on Cross-border Family Mediation!  
Specialized Chapter Contributions from 15 experts!



New!  
2023

- The Voice of the Child in Mediation
- Enforceability of Mediated Agreements
- Online Mediation
- Template Choice of Court
- Template Mediation Agreements
- Checklists and Practical Guidance
- Mediation in Non-Hague Countries
- A Personal Story...
- ...and much more

**Cross-border Family Mediation.**

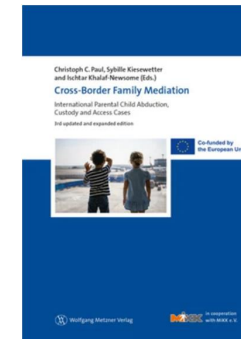
**International Parental Child Abduction Updated, Custody and Access Cases.**

Updated & Expanded, 3rd Edition, October 2023

Paul, Kiesewetter, Khalaf-Newsome (eds.), Wolfgang Metzner.



# Testimonials



*"As the International Mediation Centre for Family Conflict and Child Abduction (MiKK) is celebrating 20 years of expertise, it is publishing the 3rd edition of Cross-Border Family Mediation! The 3rd edition covers all the relevant topics and latest developments in the field. It is an extremely practical tool; a must-have for anyone involved in international family law, including international child abduction."*

**Philippe Lortie**, First Secretary, Hague Conference on Private International Law (HCCH)

*"This comprehensive guide to cross-border mediation is an invaluable resource for professionals from all disciplines working in the field of cross-border child abduction."*

**Lisa Parkinson**, Mediator and Mediation Consultant, United Kingdom

*"This book is the only book co-authored by experts who are engaging daily with parents and professionals in children cross border disputes. Their experience and professionalism make it the go to book in the market for every professional and parent involved in international cross border disputes. The reading makes it clear that mediation is proven to have significant value in these cases and the fact that international projects in this field continue to grow is a testament to its success. The book has a chapter dedicated to the current projects across several jurisdictions. I highly recommend the reading of this book to enhance your knowledge of international cross border mediation and most importantly to understand its value."*

**Carolina Marin Pedreno**, Partner and Head of Children Department, Dawson Cornwell, UK  
Specialist Practitioner on International Cross-border Children Issues

# Does Mediation work?

(Partial) Agreement reached in MiKK Mediations\*  
(Child Abduction Cases Only )

**70%** of cases



*\*Since 2015 (Covid year 2020 excluded)*

**Thank you for your attention!**  
**Any Questions?**



**Contact: Ishtar Khalaf-Newsome,**  
**[Ishtar.newsome@mikk-ev.org](mailto:Ishtar.newsome@mikk-ev.org)**



*Merci*

Thank You

شكرا

*Teşekkür ederim*

Grazie



paldies

*tack*

*Gracias*

*Arigato*

**dziękuję**

*Vielen Dank*

**aciū**

**Kiitos**

Благодаря ти

Благодаря ви

مننه

Благодаря

**do jeh**

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ευχαριστώ

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**köszönöm**

**obrigada**

**Ačiū**

**mulțumesc**



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Programme of the European Union