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JUSTICE PROGRAMME

GA No. 101192457

**iCare2 - Better judicial cooperation and family
mediation in international child abduction cases**

**Work Package 4: Piloting pre-mediation
info desks**

D4.1 Pre-mediation methodology

WP4 Leader – Droit D'Enfance



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Version1.1	DCI Italy (F. Maoli, G. Gallizia)	30.5.2025
Version 2		

Fine-tuning on pre-mediation methodology

The present report illustrates the process of fine-tuning on the pre-mediation methodology, preliminary to the launch of the four Pre-Mediation Info Desks in France, Italy, Poland and Bulgaria (Deliverable 4.3 of the project).

The leader of WP4, Droit d'Enfance, has outlined a specific methodology (see Annex below) based on other experiences (Zank, Iko, Reunite), which has been discussed and passed on to partners through specific online meetings. The four meetings saw the participation of at least 1 representative each from DROIT D'ENFANCE, DCI, ITAKA, LIF and MCE:

Meeting 1: February 6th 10am – 12pm

Meeting 2: March 5th 10am – 12pm

Meeting 3: April 2nd 10am – 12pm

Meeting 4: May 6th 10am – 12pm

The agenda, PPT presentation, attendance list and flash report of each meeting are in the following Annexes.

Agenda

Premediation methodology - ICARE II

February 6th 10am – 12pm

ICARE II is a transnational project, implemented in Bulgaria, Belgium, Italy, Poland and France and aimed to ensure the access to international family pre-mediation and mediation in case of parental child abduction. This meeting is leaded by ISS France (Droit d'Enfance) to build capacities on pre-mediation desk methodology

Objective of the meeting : Presentation of ISS France methodology regarding pre-mediation and brainstorming

Session Title	Presented by	Duration
Introduction : - Presentation of Droit d'Enfance / ISS France - Activities leaded by Droit d'Enfance on WP 4 of ICARE II	Sandrine PEPIT	15 mn
Roundtable	Wiem GUEDIRA	10 mn
Brainstorming		
1) How do you define pre-mediation?	Wiem GUEDIRA	15mn
2) Does pre-mediation exist in your country? Who carries it out?	Amina DOUMI	15mn
3) Do you provide pre-mediation or mediation services in your organization?	Wiem GUEDIRA	15mn
4) Is international family mediation widespread in your country?	Amina DOUMI	15mn
Presentation of ISS methodology Starting to build a common methodology Inputs of the coming study visit	Wiem GUEDIRA	15mn
Your expectations for the upcoming work meetings	Amina DOUMI	10mn

Attendance list

Pre-mediation methodology - ICARE II

February 6th 10am – 12pm

Last name	First name	Organization	Country
GALLIZIA	Gabriella	Defence for Children	Italy
MAOLI	Francesca	Defence for Children	Italy
RIMINI	Moirà	Defence for Children	Italy
DOUMI	Amina	Droit d'Enfance / ISS France	France
GUEDIRA	Wiem	Droit d'Enfance / ISS France	France
PEPIT	Sandrine	Droit d'Enfance / ISS France	France
BOHOSIEWICZ	Malgorzata	ITAKA	Poland
SZCZEPANSKA	Patrycja	ITAKA	Poland
SWIERGIEL	Izabel	ITAKA	Poland
LACHOVA	Maria	LIF – Law and Internet Foundation	Bulgaria
STOILOVA	Rada	LIF – Law and Internet Foundation	Bulgaria
IEVEN	Aagje	Missing Children Europe	Belgium

PARTICIPANTS REPORT ONLINE MEETING 1

Titre de la r�union	ERRATUM - iCare2 - Pre mediation Methodology (WP4) - Online meeting 1
Participants pr�sents	14
Heure de d�but	2/06/25, 9:55:03 AM
Heure de fin	2/06/25, 12:06:13 PM
Dur�e de la r�union	2h 11�m 9s
Temps de participation moyen	1h 38�m 50s

2. Participants

Nom	Premi�re participation	Heure du dernier d�part	Dur�e de la r�union	Adresse de courrier	ID du participant	R�le
Amina DOUMI	2/06/25, 9:57:28 AM	2/06/25, 12:06:10 PM	2h 8�m 42s	Amina.DOUMI@droit	amina.doumi	Organisateur
Ma�gorzata Bohosiewicz-Sucho� (Ex	2/06/25, 9:57:46 AM	2/06/25, 10:01:09 AM	3�m 22s	mediator.Malgorzata	mediator.Ma	Pr�sentateur
Gabriella Gallizia DCI (Non v�rifi�)	2/06/25, 9:58:38 AM	2/06/25, 11:57:42 AM	1h 59�m 4s			Pr�sentateur
read.ai meeting notes (Non v�rifi�)	2/06/25, 9:58:54 AM	2/06/25, 11:05:59 AM	1h 7�m 5s			Pr�sentateur
Wiem GUEDIRA 116000	2/06/25, 9:59:51 AM	2/06/25, 12:06:13 PM	2h 6�m 21s	wiem.guedira@11600	wiem.guedira	Pr�sentateur
Francesca Maoli (Externe)	2/06/25, 10:00:30 AM	2/06/25, 11:57:45 AM	1h 57�m 14s	francesca.maoli@un	Francesca.M	Pr�sentateur
Iza (ITAKA) (Non v�rifi�)	2/06/25, 10:00:47 AM	2/06/25, 11:12:43 AM	1h 11�m 55s			Pr�sentateur
Rada Stoilova (Externe)	2/06/25, 10:01:29 AM	2/06/25, 11:57:43 AM	1h 56�m 14s	rada.stoilova@netla	rada.stoilova	Pr�sentateur
Moir� Rimini (Non v�rifi�)	2/06/25, 10:02:01 AM	2/06/25, 11:57:45 AM	1h 55�m 44s			Pr�sentateur
ma�gorzata bohosiewicz suchon (Nc	2/06/25, 10:02:20 AM	2/06/25, 11:57:44 AM	1h 55�m 24s			Pr�sentateur
Maria Lachova (Externe)	2/06/25, 10:02:35 AM	2/06/25, 11:01:20 AM	58�m 44s	maria.lachova@netla	maria.lachova	Pr�sentateur
Aagje Ieven	2/06/25, 10:03:23 AM	2/06/25, 11:57:43 AM	1h 54�m 20s	secretary.general@n	secretary.gen	Pr�sentateur
Patrycja Szczepa�ska /ITAKA (Non v�	2/06/25, 10:05:53 AM	2/06/25, 11:57:44 AM	1h 51�m 51s			Pr�sentateur
Sandrine PEPIT	2/06/25, 10:08:35 AM	2/06/25, 12:06:09 PM	1h 57�m 34s	sandrine.pepit@droit	sandrine.pep	Pr�sentateur

3. Activit s en r union

Nom	Heure d'arriv�e	Heure de d�part	Dur�e	Adresse de courrier	R�le
Amina DOUMI	2/06/25, 9:57:28 AM	2/06/25, 12:06:10 PM	2h 8�m 42s	Amina.DOUMI@droit	Organisateur
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Sandrine PEPIT	2/06/25, 10:08:35 AM	2/06/25, 12:06:09 PM	1h 57�m 34s	sandrine.pepit@droit	Pr�sentateur

Pre-mediation Methodology – ICARE II

Online meeting 1

February 6th, 2025

Summary – Flash Report Meeting 1 – iCare2 (February 6, 2025)

Definition and Scope of Pre-Mediation

Pre-mediation is a preparatory phase often misunderstood as mediation before an abduction. It aims to inform and prepare the parties and can take place before conflict escalation, especially in international family contexts. It is not limited to child abduction cases.

Country-Specific Overview

- Bulgaria: Seen as a single preparatory step before formal mediation, with no dedicated centers.
- Italy: No cross-border mediation currently. An InfoDesk concept was proposed to help link parents and authorities.
- Poland: No state-funded services. Private centers exist. One mediation center initiative failed, but collaboration with public institutions is ongoing. Public awareness about mediation is low.

Main Challenges

- How to initiate first contact with parents (separately or jointly).
- Families are unaware mediation can be used early in conflicts.
- Need to clarify required skills for effective pre-mediation delivery.

Existing Services and Methods

- No dedicated national or international pre-mediation desks.
- Italy works with the central authority for cross-border family conflicts.
- Poland offers informal support via the 116000 hotline by volunteers.
- Information sharing and mediator lists available in some countries.

ISS France Methodology

- Contact points: professionals (judges, NGOs, child services) and families.
- Process: ISS member contacts the parent in their own country to seek the other parent's agreement (letter, email).
- Languages: French, English, Arabic, Spanish.
- Services: Can be requested directly by families or proposed by ISS depending on the case.

Pre-Mediation Objectives

- Raise awareness about mediation.
- Encourage communication between parents.
- Avoid judicial procedures.
- Maintain parent-child relationships.

Future Focus Areas

- Identify country-specific challenges and needs.
- Develop strategies to engage families.
- Define mediator competencies.
- Ensure data protection and privacy.
- Align methodologies and services across countries.
- Adapt to local and cultural contexts.
- Use case studies to highlight effective practices.

Logistics Note

Partial participation (e.g., Aagje's absence on one day) may require schedule adjustments or alternative planning.



WP4.1 : Pre-mediation Methodology

Capacity-building Online Meeting n°1

February 6th, 2025

Agenda

- 01) ROUNDTABLE**
- 02) BRAINSTORMING ON PRE-MEDIATION METHODOLOGY**
- 03) PRESENTATION OF ISS METHODOLOGY**
- 04) YOUR EXPECTATIONS FOR THE UPCOMING MEETINGS**



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ROUNDTABLE

1 - Roundtable



**In a few words:
What does pre-mediation
mean to you?**



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BRAINSTORMING ON PRE- MEDIATION METHODOLOGY

2 – Brainstorming on Pre-mediation methodology



- 1 How to define pre-mediation?
- 2 Does pre-mediation exist in your country? Who carries it out?
- 3 Do you provide pre-mediation or mediation services in your organization?
- 4 Is international family mediation widespread in your country?



2 – Brainstorming on Pre-mediation methodology

2.1. How to define pre-mediation ?

- **Warning on pre-mediation definition:** Pre-mediation is often misunderstood as mediation before an abduction, but it should be defined as a preparatory phase where parties are informed and prepared for mediation.
- **In the case of an info desk:** Provide info to parents about the situation to explore when going into mediation and how to collaborate and be a bridge between the central authority and cross-border mediators. Share info about mediation used in family conflicts.
- **Pre-Mediation Availability:** Pre-mediation can be utilized at any stage of a conflict, not just after it has escalated. This is crucial to prevent issues from growing more complex.
- **Challenge - Engage with both parents:** One of the challenges is deciding how to make the first contact with parents. Example: The IKO Center contacts both parents separately to initiate pre-mediation. But often, convincing the other parent to agree to mediation is no easy task. The pre mediator in one country would work with the parent in that country. His role also entails providing info to the other pre mediator in the other parent's country.
- **Competencies Needed:** It's essential to define the skills needed for a pre-mediation desk to ensure effective support. Example : Do we need family mediators or international family mediators?

2 – Brainstorming on Pre-mediation methodology

2.2. Does pre-mediation exist in your country? Who carries it out?

General Overview: No dedicated pre-mediation desks (national or international) currently exist in the discussed countries.

BULGARIA

- No dedicated pre-mediation centers, mediation desks are available, led by the court system.
- Regulation: Only one existing regulation on mediation; no specific regulation for pre-mediation.

ITALY

- Cross-Border Specificities: Italy has regulations for cross-border family cases.
- Info Desk Concept: A proposed InfoDesk to provide mediation information to parents, bridging communication with mediators and authorities. This has not been implemented yet.

POLAND

- Mediation Information is provided by the court system, but limited to formal mediation.
- Private Mediation Centers exist but are not state-funded.
- Previous Effort: A project for a mediation center for parents was closed. Ongoing efforts to collaborate with other government organizations to address the service gap.

FRANCE

- No dedicated pre-mediation centers, central authority transfers pre-mediation cases to ISS France (Droit d'Enfance) although we are not an official service.

2 – Brainstorming on Pre-mediation methodology

2.3. Do you provide pre-mediation or mediation services in your organization?

ITALY

- **Cross-Border Casework:** Provides information and support for cross-border family cases. Works with parents, lawyers, and social workers. A list of 10 trained cross-border family mediators exists.
- **Coordination with Central Authority:** Ongoing coordination with the central authority for cross-border cases. Cooperation with the central authority is crucial and should be incorporated into case methodology.

POLAND

- **Previous Support and Mediation Center:** Poland previously had a support and mediation center. Currently offers "unofficial" pre-mediation services through the 116000 hotline.
- **Pre-Mediation Process:** Lawyers work with parents who contact Itaka via email. Provides information on mediation and next steps. Services are volunteer-based, making it non-systematic.

BELGIUM

- **Offering premediation service :** Not part of their activities in principle, but actually deal with cases requiring pre mediation. There is a list of mediators which is shared to parents when needed.



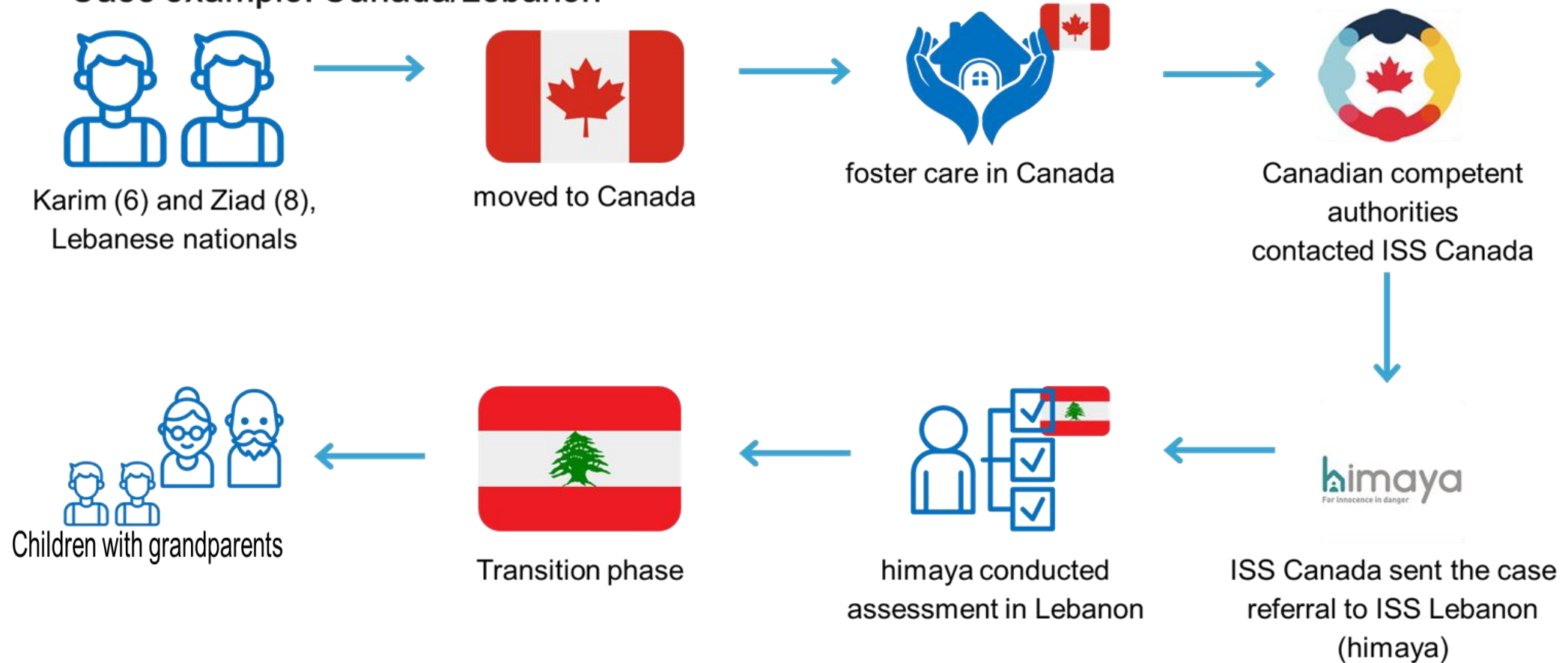
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PRESENTATION OF ISS FRANCE'S METHODOLOG Y

3 – Presentation of ISS France methodology



- Case example: Canada/Lebanon



4 – Presentation of ISS France methodology



Who can contact us ?

ISS France is contacted to assist on international situations by :

- Professionals (such as central authorities, judges, childwelfare services, NGO's)
- Families (parents involved in child abduction situations or other family conflict)

How does it work ?

- We offer pre-mediation services as long as both parties wish to establish contact. ISS member send a letter to the other parent in order to get his agreement to start the process. Each ISS member is in contact with the parent who resides in its country.
- We use the ISS office as a point of exchange for letters, e-mails or videoconferences.
- We provide a safe space for the first meeting, and prepare for subsequent ones if appropriate.
- We conduct international family pre-mediation interviews in French, English, Arabic and Spanish.

4 – Presentation of ISS methodology



Pre-mediation services are set up in 2 ways:

- Pre-mediation/mediation services are requested directly by the people who contact ISS.
 - This applies particularly to countries that regularly use pre-mediation (Switzerland, Canada, Germany, etc.).
- Pre-mediation services are advised by members of our team in the proposed action strategy. Using the information in our possession, we identify whether mediation can be set up (e.g.: communication is difficult between the parents).

Objectives of pre mediation for ISS France :

1. Raising awareness on what is mediation ;
2. Gather the parents around the table;
3. Try to find an agreement w/o going into mediation or in court ;
4. Maintain contact between the parents and their child –in most cases-.



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UPCOMING MEETINGS & YOUR EXPECTATIONS

4 – Next steps & your expectations for upcoming meetings



REMINDER

The upcoming work sessions

- **Wednesday March 5th ; 10.00am - 12.00pm**
- **STUDY VISIT : Monday 24th & Tuesday 25th March**
- Wednesday April 2nd ; 10.00am - 12.00pm
- Tuesday May 6th ; 10.00am – 12.00pm



4 – Next steps & your expectations for upcoming meetings



Identification of Best Practices and Specific Methods:

- Share and discuss best practices in pre-mediation services and strategies that have proven effective in different countries.
- Identify and refine methods that can be adapted or improved for local needs

Focus on Family Involvement and Mobilization Strategies:

- Discuss strategies for engaging families in the pre-mediation process.
- Focus on how to encourage and mobilize families to participate actively in the mediation process.

Competencies and Skills Required for Mediators:

- Define the competencies and skills needed for mediators involved in pre-mediation services.
- Explore the common methods and approaches that can be used effectively across countries

National and Local Contexts:

- Address how pre-mediation services can be adapted to national contexts and how local cultural factors may affect the approach.
- Discuss the role of national arguments and strategies in promoting and supporting pre-mediation efforts

Case Studies and Practical Applications:

- Share case studies to highlight successful approaches to pre-mediation

THANK YOU !

Agenda

Premediation methodology - ICARE II

March 5th, 2025

- 1) Definition of Pre-mediation (definition and scope)**
- 2) Posture, ethics, and required competencies for pre-mediation**
- 3) Cases suitable for mediation**
- 4) Pre-mediation process – 1st step: conduct an informational interview**
- 5) Conclusion and next steps**

Attendance list

Pre-mediation methodology - ICARE II

March 5th, 2025

Last name	First name	Organization	Country
DI NAPOLI	Ester	Defence for Children	Italy
GALLIZIA	Gabriella	Defence for Children	Italy
LA CIVITA	Francesca	Defence for Children	Italy
RIMINI	Moirra	Defence for Children	Italy
WENKE	Daja	Defence for Children	Italy
DOUMI	Amina	Droit d'Enfance / ISS France	France
GUEDIRA	Wiem	Droit d'Enfance / ISS France	France
SZCZEPANSKA	Patrycja	ITAKA	Poland
SWIERGIEL	Izabel	ITAKA	Poland
LACHOVA	Maria	LIF – Law and Internet Foundation	Bulgaria
STOILOVA	Rada	LIF – Law and Internet Foundation	Bulgaria
TOSHKOV	Tomislav	LIF – Law and Internet Foundation	Bulgaria
IEVEN	Aagje	Missing Children Europe	Belgium

PARTICIPANTS REPORT ONLINE MEETING 2

Titre de la r�union	iCare2 - Pre mediation Methodology - Online meeting 2
Participants pr�sents	15
Heure de d�but	3/05/25, 9:58:27 AM
Heure de fin	3/05/25, 12:36:00 PM
Dur�e de la r�union	2h 37�m 33s
Temps de participation moyen	1h 45�m 47s

2. Participants

Nom	Premi�re participation	Heure du dernier d�part	Dur�e de la r�union	Adresse de courrier	ID du participant	R�le
Amina DOUMI	3/05/25, 9:59:04 AM	3/05/25, 11:58:58 AM	1h 59�m 54s	Amina.DOUMI@droit	amina.doumi	Organisateur
Gabriella Gallizia DCI Italy (Non v�rifi�)	3/05/25, 9:59:25 AM	3/05/25, 11:58:46 AM	1h 59�m 21s			Pr�sentateur
Aagje leven	3/05/25, 9:59:26 AM	3/05/25, 12:35:28 PM	2h 32�m 44s	secretary.general@r	secretary.ge	Pr�sentateur
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Daja Wenke	3/05/25, 10:00:34 AM	3/05/25, 11:58:47 AM	1h 57�m 2s			Pr�sentateur
Moir� DCI Italia (Non v�rifi�)	3/05/25, 10:00:58 AM	3/05/25, 11:58:55 AM	1h 57�m 57s			Pr�sentateur
Ester di Napoli (Non v�rifi�)	3/05/25, 10:01:03 AM	3/05/25, 11:58:45 AM	1h 57�m 42s			Pr�sentateur
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Izabela �wiergiel ITAKA (Non v�rifi�)	3/05/25, 10:05:42 AM	3/05/25, 11:58:41 AM	1h 43�m 31s			Pr�sentateur
Patrycja Szczepa�ska/ ITAKA (Non v�rifi�)	3/05/25, 10:07:19 AM	3/05/25, 11:58:43 AM	1h 51�m 23s			Pr�sentateur
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Daja Wenke	3/05/25, 10:00:34 AM	3/05/25, 11:34:21 AM	1h 33�m 47s		Pr�sentateur
Daja Wenke	3/05/25, 11:35:32 AM	3/05/25, 11:58:47 AM	23�m 15s		Pr�sentateur
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Pre-mediation Methodology – ICARE II

March 5th, 2025

1. OBJECTIVES OF THE SESSION

- Clarify the **definition, scope, and aims** of pre-mediation.
- Define the **ethical principles and professional posture** expected from pre-mediators.
- Identify **cases suitable** for international family mediation.
- Detail the **first step of the pre-mediation process**: the informational interview.
- Share **best practices** and outline **next steps** within the project.

2. DEFINITION OF PRE-MEDIATION

According to the Grant Agreement, **pre-mediation** is a **support service** provided **remotely (phone/email)**, aimed at both **families** and **professionals** (social workers, lawyers, central authorities).

Core functions:

- **Inform** about international family mediation.
- **Assess** if the case is suitable for mediation.
- **Refer** families to appropriate mediators.
- **Facilitate temporary agreements** in the best interests of the child.
- **Guide** families through the organisational aspects of mediation at national level.

3. ETHICAL FRAMEWORK & PROFESSIONAL POSTURE

Pre-mediators are expected to uphold key **ethical principles and deontological standards**:

Key values:

- **Voluntary participation** (no pressure from courts or authorities)
- **Independence & neutrality**
- **Confidentiality**, with informed consent
- **Impartiality**
- **Child's best interest and protection**
- **Equal access** (free of charge, inclusive of language/disabilities)
- **Cultural and gender sensitivity**
- **Transparency, flexibility, human rights approach**

Professional competencies required:

- Adequate training in international family mediation
- Knowledge of cross-border family law and national contexts

- Strong interpersonal, intercultural and legal awareness skills

4. CASES SUITABLE FOR MEDIATION

Relevant situations:

- **Before** a potential international child abduction (preventive)
- **In the event of** an abduction
- **In the context of** ongoing parental conflict or lack of communication

Actors involved:

- Parents with or without legal custody
- Legal guardians
- In some cases, children (with careful consideration)

Timing:

- Can be initiated **before, during, or after** legal proceedings

5. PRE-MEDIATION PROCESS – STEP 1: INFORMATIONAL INTERVIEW

Process overview:

1. **Introduction** of the caseworker and the organisation
2. **Explanation** of the call (approx. 30 minutes):
 - Purpose and structure of the pre-mediation service
 - Context and origin of the referral
3. **Information gathering** via guided questions:
 - Identity, residence, children's living situation
 - Relationship and legal status with the other parent
 - Previous or ongoing legal actions
 - Representation (lawyer), goals, and expectations
4. **Conclusion of the call:**
 - Inform next steps and follow-up timing
 - Confirm mutual contact information

6. NEXT STEPS

- Continue formalising the **pre-mediation methodology**
- Develop and harmonise **training and operational tools**
- Share experiences and align practices **among EU partners**



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WP4.1 : Pre-mediation Methodology

Capacity-building Online Meeting n°2

March 5th, 2025



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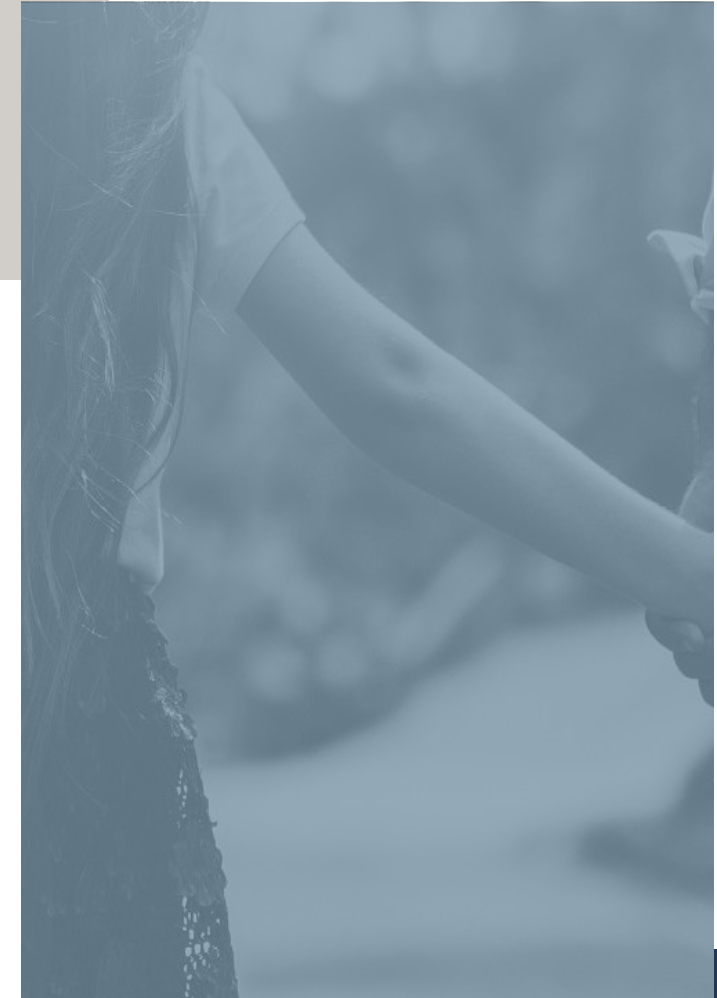


Missing
Children
Europe



Agenda

- 01** Definition of Pre-mediation (definition & scope)
- 02** Posture, ethics, and required competencies for pre-mediation
- 03** Cases suitable for mediation
- 04** Pre-mediation process – 1st step: Conduct an informational interview
- 05** Conclusion & next steps



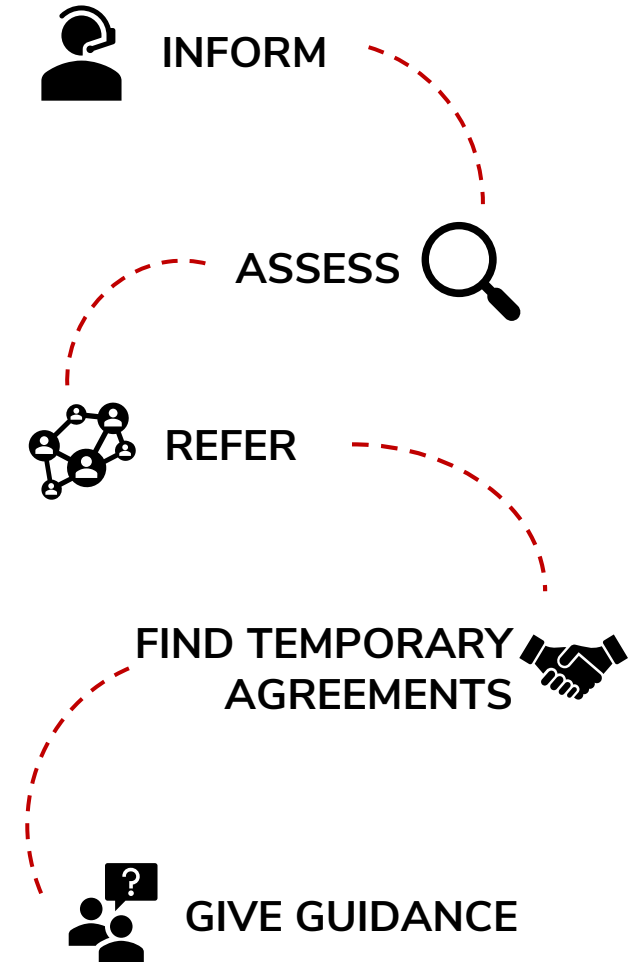
01. Definition

Reminder - Grant Agreement's definition:

“Pre-mediation is conceived as a service, accessible through phone and/or email, which is at disposal of family members (but also to professionals such as social workers, lawyers, and central authorities' staff), with the following functions:

- **Give** reliable **information** on international family mediation;
- Make a first, **preliminary assessment** on whether the family's situation is suitable for a mediation;
- **Orient** families suitable for mediation to mediators – using the already established contacts that partners have with the professional category in each Member State involved;
- Find **temporary agreements** while waiting for mediation to start focusing on the need and the rights of children;
- **Give guidance** in organizing the mediation on the basis of the services at disposal at the national level.”

(Grant Agreement, Part B, p. 3)



02. Ethics, Posture and Deontology

What are, for you, the deontological principles required to conduct a pre-mediation ?

02. Ethics, Posture and Deontology

- Clarity in communication
- Equality
- Impartiality
- Child's best interest at the center
- Child protection
- safeguards for children and both parents
- Attitude of de-escalation
- Data protection
- Transparency
- Reporting obligations
- Voluntarism
- Science-based approach
- Confidentiality
- Provide clear information to parents
- Accessibility (so both parents have the same level of info + fair treatment)
- + accessibility as free of charge (as a preventive service) + in terms of language + health issues/disabilities
- Multidisciplinary
- Sensitive to gender and culture
- Human rights based
- Participative
- Openness
- Flexibility

02. Ethics, Posture and Deontology

Reminder of Mediation principles

MEDIATION PRINCIPLES
Voluntary participation
Suitability of mediation
Decision-making by the participants
Access to independant legal advice for each participant
Confidentiality
Independance
Neutrality
Impartiality
Consideration of rights and interests of children
Qualifications of international family mediators
Cultural awareness and sensitivity of mediators

02. Ethics, Posture and Deontology

- **Voluntary participation:** participants to pre-mediation must not be pressured by National authorities, lawyers, mediator or anyone in contact with us or to participate in the family mediation process.
- **Decision making by the participant:** the pre-mediator has no decision-making power regarding the matter of the dispute and should not influence the outcome process
- **Confidentiality:** this principle is that all matter and information discussed during the mediation or informational interview previous mediation should remain confidential and not be disclosed. The principle is tailored for the purpose of pre-mediation as follows: Information discussed during the informational interview will be disclosed to our partner with the consent of the parent.
- **Independence:** the pre-mediator must be independent of the state or court related structure that contacted him/her. The pre-mediator service must be separate and distinguished from the ongoing judicial or administrative process.

02. Ethics, Posture and Deontology

- **Neutral:** the pre-mediator the mediator has no personal or professional interest in the subject of conflict. This guarantees an unbiased perspective on the issues at stake.
- **Consideration of rights of interest of the children:** pre-mediator must have in mind the needs and wellbeing of the children involved in the case. And pay a special attention to the children's resumption and maintenance of relationships (physical as well as virtual) with both parents and families where it is in their best interest.
- **Qualification of pre-mediator:** appropriate training is required to operate as a pre-mediator. Pre-mediator will face many challenges due to cross-border family disputes specificities and their national mediation context. It is mandatory for pre-mediator to develop knowledge of international cross-border family framework, mediation process, national family mediation framework and cross cultural awareness.
- **Cultural awareness and sensitivity of pre-mediator:** pre-mediator will be facing cultural diversity, it is important for him/her to respect and manage cultural differences

03. Cases suitable for mediation

1) What ?

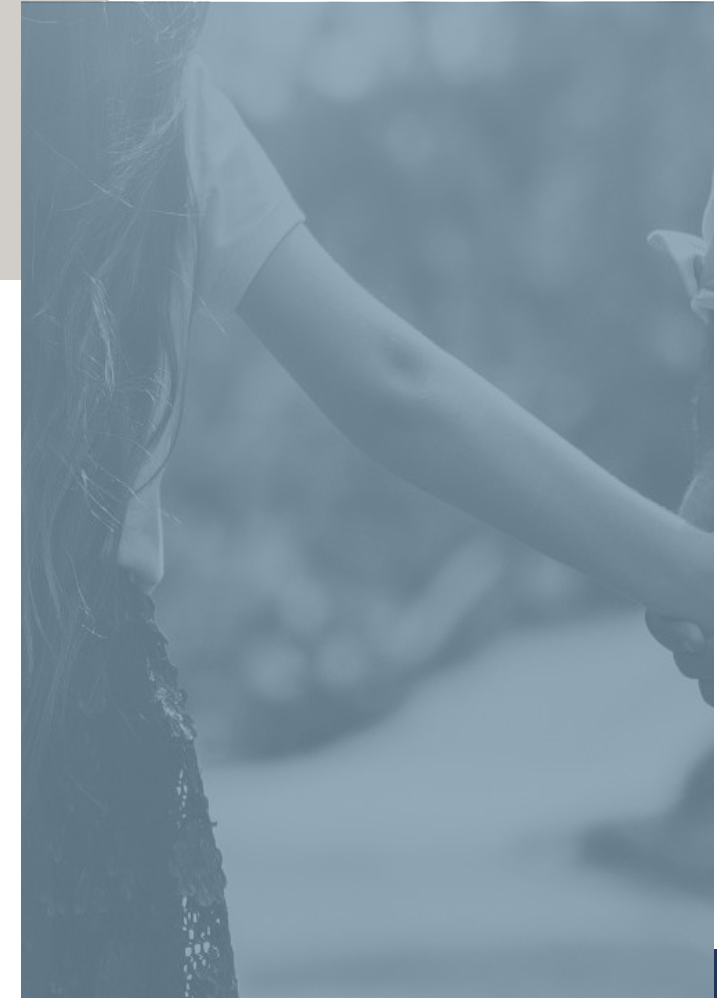
- ✓ Before the international parental abduction (to prevent it)
- ✓ In case of international parental abduction
- ✓ Parental conflict or lack of communication

2) Who ?

- ✓ Parents with parental rights (custody or not).
- ✓ Legal guardians ?
- ✓ The child (would it be possible ?)

3) When

- ✓ At any moment during the proceedings (before/ during / after)



04. Pre-mediation process

1st step: Conduct an informational interview

1) Introduction of the case worker and the organization:

At the beginning, the case worker :

- introduces themselves,
- provides a brief overview of the services provided in its organization and its role in the process.

2) Explanation of the procedure:

At the beginning, the case worker :

- explains that it is a first call, lasting 30 minutes and has for purpose to gather the necessary information to begin the process.
- discusses the procedure and the steps of a pre-mediation process,
- resume the context that led to the initiation of this procedure, providing a clear understanding of why the process is taking place.

04. Pre-mediation process

1st step: Conduct an informational interview

Questions to be asked:

- What is your name?
- Where do you live?
- What's the name of your children?
- Do you live with your children? If not, where do they live?
- What's the situation with the other parent?
- Did you decide on custody together?
- Did you make any legal procedures?
- Do you have a lawyer?
- What are your perspectives for this pre-mediation process?
- Are you

04. Pre-mediation process

1st step: Conduct an informational interview

Conclusion of the first call :

- When the case worker has gathered all the elements needed, they have to explain the next step to the parent and tell them when they will be contacted again.
- Also, the case worker has to make sure they have all the element of contact of the parent, and the parent has also the contact if needed.



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Thank You

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Agenda

Pre-mediation methodology - ICARE II

April 2nd, 2025

Title: WP4.1 – Pre-Mediation Methodology

Organized by: ISS France, co-funded by the European Union

Meeting Objectives:

- Clarify the concept and objectives of pre-mediation
- Compare practices and procedures in different partner countries
- Discuss harmonization vs. diversity of practices in the EU
- Establish components for a pre-mediation methodology

Session Title : Premediation methodology - ICARE II
10:00 – 10:15 Welcome & Introduction Overview of the meeting agenda and objectives
10:15 – 10:45 Defining Pre-Mediation What is pre-mediation? Key functions: Information, assessment, temporary agreement, maintaining child-parent link
10:45 – 11:15 Country Practices & Diversity Presentations from France, Bulgaria, Poland, and Italy Discussion: One definition or recognition of diverse models?
11:15 – 11:30 Assessment and Guidance Procedures Temporary agreements and assessment prior to mediation Multidisciplinary team roles
11:30 – 11:45 Discussion: Child's Role in Pre-Mediation Should the child be included? Limits and ethical considerations
11:45 – 12:00 Next Steps & Closing Next meeting: May 6th, 2025 Focus on assessment procedures and national consultations

Attendance list

Premediation methodology - ICARE II

April 2nd, 2025

Last name	First name	Organization	Country
DI NAPOLI	Ester	Defence for Children	Italy
GALLIZIA	Gabriella	Defence for Children	Italy
RIMINI	Moirà	Defence for Children	Italy
WENKE	Daja	Defence for Children	Italy
GUEDIRA	Wiem	Droit d'Enfance / ISS France	France
PEPIT	Sandrine	Droit d'Enfance / ISS France	France
BOHOSIEWICZ	Malgorzata	ITAKA	Poland
SWIERGIEL	Izabel	ITAKA	Poland
LACHOVA	Maria	LIF – Law and Internet Foundation	Bulgaria
STOILOVA	Rada	LIF – Law and Internet Foundation	Bulgaria
TOSHKOV	Tomislav	LIF – Law and Internet Foundation	Bulgaria
IEVEN	Aagje	Missing Children Europe	Belgium

DECLARATION OF HONOUR

I, the undersigned, **Sandrine PEPIT** serving as Director of National and International Programmes, and responsible for Work Package 4 (WP4) of the European project iCare2, at Droit d'Enfance, hereby declare on my honour the following:

On 2nd of April 2025, an online session entitled « iCare2 – pre-mediation methodology – Online meeting 3 » was held as part of the European project iCare2.

Due to a technical issue, the recording of the webinar could not be launched. This same issue also prevented us from retrieving or exporting the full list of participants from the online platform (TEAMS).

Despite these technical difficulties, the online session was conducted as planned, from 10.30 to 12.00, and was attended by numerous participants. To mitigate the impact of this incident, a list of participants and a summary report detailing the webinar's agenda, topics discussed, and main contributions are enclosed.

As a corrective measure, we have decided to implement reinforced technical procedures for all upcoming sessions. These include systematic pre-session checks and shared responsibility for initiating recordings and exporting attendance lists to avoid any recurrence of such incidents.

I hereby confirm that the above information is true and accurate to the best of my knowledge and remain at your disposal for any further clarification.

Made in Malakoff, on 30.05.25.



Pre-mediation Methodology – ICARE II

April 2nd , 2025

Meeting Objectives:

1. Clarify the concept and objectives of pre-mediation
2. Compare practices and procedures in different partner countries
3. Discuss harmonization vs. diversity of practices in the EU
4. Establish components for a pre-mediation methodology

Key Takeaways:

1. Definition of Pre-Mediation

Four core functions were identified: informing, assessing, referring, and guiding parents to preserve the parent-child relationship. Participants discussed whether to adopt a common definition or accept a diversity of national practices.

Country Experiences

France: Free service, conducted by trained caseworkers; supportive of a multidisciplinary approach.

Bulgaria: Direct referral to mediators; emphasis on assessment and information.

Poland: Pre-mediation used to highlight the value of mediation; currently limited in practice.

Italy: Multidisciplinary teams involved; comprehensive evaluation of cases.

2. Staffing & Training

No consensus on who should perform pre-mediation. Options include mediators, social workers, lawyers, and psychologists — with strong emphasis on adequate training in family conflict, legal aspects, and mediation.

3. Child's Role

Mixed views on including the child in the pre-mediation phase. General agreement on informing parents about mediation, with caution around the child's direct involvement unless they express the wish to participate.

4. Methodology Drafting

Proposal to prepare a general draft allowing country-specific adaptations. Importance of outlining why a pre-mediation desk is needed, followed by objectives and ethical principles.

Next Steps

- Develop procedures for assessment and parental guidance.
- Organize consultations with national mediators to avoid duplication.
- Next meeting scheduled for May 6th, 2025.



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WP4.1 : Pre-mediation Methodology

Capacity-building Online Meeting n°3

April 2th, 2025



Notes

➤ What is pre-mediation ?

4 objectives : information, analysis/assessment, find a temporary agreement and try to keep the link between the child and the parent

Pre-mediation only as information on mediation ? Debate on needing a clear definition before making the methodology. We have to see what can be put in place in each countries.

- Pre-mediation has different forms in each countries, methodology can recognize that there are not only on definition (depending on each country) - do we need to have only one definition or accept many ?

Notion of harmonizing the procedures in UE // recognizing the diversity of practices.



Notes

Temporary agreement : on one or a few session – depending on each situation and if it is easy to reach the parent. We need to have flexibility. Sometimes more than one as we need to discuss it with the other partner in touch with the other parent.

In Bulgaria : information, assessment and direct to a mediator.

Importance of **keeping the link between the parents and the child** > child must be in the center of every steps of the procedure. Every professionals must guide the parents with this objective.

At the European level, we can determine a general perimeter.

Notion of assessment before going to mediation : the idea is not to delay (problem with the lack of family mediator).

Collaboration with a group of international family mediator or include in the team a professional.



Notes

Pre-mediation can be a way to **start discussing with the family** as a less formal way. The service is also free of charge in France for the moment.

In Poland : pre-mediation as an information on the importance of mediation for the family conflict. It is not a very common procedure for the moment.

Pre-mediation definition :

- **Inform**
- **Assess**
- **Refer**
- **Give guidance to maintain the link**

Each countries can than develop more or less the procedure with the parents.

Providing information on the child's rights and legal advices.

Notes

- Methodology on the assessment – for the moment on how to refer the case, values and ethics to respect... It is free of charge and by telephone so it is an easy procedure for the parents in France.

Who is doing the pre-mediation ? It depends on each countries, mediator, social worker, legal officers... No consensus for the moment.

In Poland : a mediator/lawyer, a social worker more as an adviser.

In Bulgaria : a mediator.

In Italy : a multidisciplinary team, to see the case from different perspectives.

In France : a trained caseworker (trained specific topics such as parental conflict) , in favor of a multidisciplinary team too.

Notes

Importance to have a worker that had a formation on mediation – **family conflicts, mediation and de-escalation.**

Also a person that understands legal aspects on child abduction, not needed to have a mediator.

Legal persons must be trained on family conflicts. If it is a psychologist, need to be formed on legal aspects.

Do we have to hire someone specialized on international family mediation ?

For France : it can be good to have a person included to lounge the pre-mediation desk, with training on mediation – if it is not possible than the person will be then formed.

Organization of a training (meeting online) on capacity buildings. Idea of bilateral meetings to be sure of the cooperation between each countries before the launching.

On the methodology : the profile should not be to restrictive.



Notes

We could have a **draft** of the written so each countries can add their specificities.

Idea to include at the start of the methodology : Why is it necessary to have a pre-mediation desk ? Then a kind of definition of pre-mediation and the objectives.

(Prevention included in cases suitable for pre-mediation.)

What about the **inclusion of the child** at the pre-mediation stage after an abduction ? Pre-mediation to convince parents that it is a good idea to have a mediation, but also importance to verify the protection of the child (is it the role of the pre-mediation desk ?).

The point is to inform the parents on the procedure of mediation in general, it is difficult to include the child at that point.

The child can have the right to be heard if they wish to participate.

Notes



Next meeting : develop procedure on assessment, guidance of the parents.

Each partners can speak to national mediators – consult on other practices so we don't duplicate.

Next meeting : May 6th, 2025.



Steps of pre-mediation

- 1) Conduct an informational interview
- 2) Write down your conclusions
- 3) Coordination meeting with the professional
- 4) Organize contacts with the parents





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Thank You

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et nouvelles technologies



Agenda

Premediation methodology - ICARE II

May 6th, 2025

- 1) Introduction**
- 2) Focus on the annex documents**
- 3) Procedure for assessment**
- 4) Exchange between partners and case worker**
- 5) Support guidance of parents**
- 6) Orient to mediation**

Attendance list

Pre-mediation methodology - ICARE II

May 6th 10am – 12pm

Last name	First name	Organization	Country
GALLIZIA	Gabriella	Defence for Children	Italy
MAOLI	Francesca	Defence for Children	Italy
RIMINI	Moira	Defence for Children	Italy
WENKE	Daja	Defence for Children	Italy
GUEDIRA	Wiem	Droit d'Enfance / ISS France	France
PEPIT	Sandrine	Droit d'Enfance / ISS France	France
BOHOSIEWICZ	Malgorzata	ITAKA	Poland
KOZIARSKI	Lukasz	ITAKA	Poland
STOILOVA	Rada	LIF – Law and Internet Foundation	Bulgaria
IEVEN	Aagje	Missing Children Europe	Belgium
CARR-BRULARD	Sophie	Missing Children Europe	Belgium

PARTICIPANTS REPORT ONLINE MEETING 4

Titre de la r�union	iCare2 - Pre mediation Methodology - Online meeting 4
Participants pr�sents	13
Heure de d�but	5/06/25, 9:57:41 AM
Heure de fin	5/06/25, 11:38:38 AM
Dur�e de la r�union	1h 40�m 56s
Temps de participation moyen	1h 7�m 11s

2. Participants

Nom	Premi�re participation	Heure du dernier d�part	Dur�e de la r�union	Adresse de courrier	ID du participant (UP R�le
Wiem GUEDIRA 116000	5/06/25, 9:59:15 AM	5/06/25, 11:38:38 AM	1h 39�m 22s	wiem.guedira@116000	wiem.guedira@1160 Pr�sentateur
Aagje leven	5/06/25, 10:01:04 AM	5/06/25, 11:34:07 AM	1h 33�m 3s	secretary.general@mi	secretary.general@r Pr�sentateur
Sophie Carr-Brulard	5/06/25, 10:01:06 AM	5/06/25, 11:34:02 AM	1h 32�m 56s	policyassistant@missi	policyassistant@mis Pr�sentateur
Rada Stoilova (Externe)	5/06/25, 10:01:06 AM	5/06/25, 11:09:01 AM	1h 7�m 54s	rada.stoilova@netlaw.	rada.stoilova@netla Pr�sentateur
Francesca Maoli (Externe)	5/06/25, 10:01:08 AM	5/06/25, 11:34:05 AM	1h 32�m 56s	francesca.maoli@unig	Francesca.Maoli@ur Pr�sentateur
read.ai meeting notes (Non v�rifi�)	5/06/25, 10:01:08 AM	5/06/25, 11:06:08 AM	1h 4�m 59s		Pr�sentateur
Moira DCI Italy (Non v�rifi�)	5/06/25, 10:01:56 AM	5/06/25, 10:02:13 AM	16s		Pr�sentateur
Daja Wenke - DCI Italy (Non v�rifi�)	5/06/25, 10:03:18 AM	5/06/25, 11:34:04 AM	1h 30�m 45s		Pr�sentateur
Moira Rimini DCI Italy (Non v�rifi�)	5/06/25, 10:03:19 AM	5/06/25, 10:34:08 AM	30�m 15s		Pr�sentateur
ma?gorzta bohosiewicz-Itaka (Non v�rifi�)	5/06/25, 10:04:34 AM	5/06/25, 11:38:37 AM	1h 34�m 2s		Pr�sentateur
Gabriella Gallizia	5/06/25, 10:05:02 AM	5/06/25, 10:05:47 AM	44s		Pr�sentateur
?ukasz Koziarski	5/06/25, 10:10:56 AM	5/06/25, 11:38:37 AM	1h 27�m 41s		Pr�sentateur
Moira Rimini DCI Italy (Non v�rifi�)	5/06/25, 10:35:35 AM	5/06/25, 11:34:10 AM	58�m 34s		Pr�sentateur

3. Activit s en r union

Nom	Heure d'arriv�e	Heure de d�part	Dur�e	Adresse de courrier	R�le
Wiem GUEDIRA 116000	5/06/25, 9:59:15 AM	5/06/25, 11:38:38 AM	1h 39�m 22s	wiem.guedira@116000	Pr�sentateur
Aagje leven	5/06/25, 10:01:04 AM	5/06/25, 11:34:07 AM	1h 33�m 3s	secretary.general@mi	Pr�sentateur
Sophie Carr-Brulard	5/06/25, 10:01:06 AM	5/06/25, 11:34:02 AM	1h 32�m 56s	policyassistant@missi	Pr�sentateur
Rada Stoilova (Externe)	5/06/25, 10:01:06 AM	5/06/25, 11:09:01 AM	1h 7�m 54s	rada.stoilova@netlaw.	Pr�sentateur
Francesca Maoli (Externe)	5/06/25, 10:01:08 AM	5/06/25, 11:34:05 AM	1h 32�m 56s	francesca.maoli@unig	Pr�sentateur
read.ai meeting notes (Non v�rifi�)	5/06/25, 10:01:08 AM	5/06/25, 11:06:08 AM	1h 4�m 59s		Pr�sentateur
Moira DCI Italy (Non v�rifi�)	5/06/25, 10:01:56 AM	5/06/25, 10:02:13 AM	16s		Pr�sentateur
Daja Wenke - DCI Italy (Non v�rifi�)	5/06/25, 10:03:18 AM	5/06/25, 11:34:04 AM	1h 30�m 45s		Pr�sentateur
Moira Rimini DCI Italy (Non v�rifi�)	5/06/25, 10:03:19 AM	5/06/25, 10:04:42 AM	1�m 23s		Pr�sentateur
Moira Rimini DCI Italy (Non v�rifi�)		5/06/25, 10:05:15 AM			Pr�sentateur
Moira Rimini DCI Italy (Non v�rifi�)	5/06/25, 10:05:15 AM	5/06/25, 10:34:08 AM	28�m 52s		Pr�sentateur
ma?gorzta bohosiewicz-Itaka (Non v�rifi�)	5/06/25, 10:04:34 AM	5/06/25, 11:38:37 AM	1h 34�m 2s		Pr�sentateur
Gabriella Gallizia	5/06/25, 10:05:02 AM	5/06/25, 10:05:47 AM	44s		Pr�sentateur
?ukasz Koziarski	5/06/25, 10:10:56 AM	5/06/25, 11:38:37 AM	1h 27�m 41s		Pr�sentateur
Moira Rimini DCI Italy (Non v�rifi�)	5/06/25, 10:35:35 AM	5/06/25, 11:34:10 AM	58�m 34s		Pr�sentateur

Pre-mediation Methodology – ICARE II

May 6th, 2025

Introduction:

- Plan a session in Nov/Dec to see how the project was implemented in the different countries
- Plan meetings to discuss the central authority's role -> it can be bilateral meetings

Focus on the annex:

Letter of contact = letter to ask the other party if they want to have contact with us, it serves to start the process when we have been contacted by one of the parties

Purpose of this letter:

- We can't contact directly a parent by phone for example
- It is less intimidating than a direct contact
- After, we let the party contact us. When we don't receive answer, we say it to the first party, we can send another letter or at least call the parent to check if he has received the letter well
- It serves when the parents don't communicate anymore

Postal letter or email if we don't have the address of the person

Content of the letter: Presentation of our service, Explanation of the situation, who has contacted, etc. (without putting any personal information) and Our objective

+ Add data protection, add a request consent... (suggested during the meeting)

Before sending the case to another ISS, we check the information, ask court decisions...

Report session = gather all the information that we will need

First part of the document: Date, Session format, Duration, Name of the professional, Parents information (name, address...), Child information, General information

Second part of the document: Facts, Needs, kind of conflict, actions to be taken, necessity of another session or not, actions to be taken with the parents or the other professional, general observation of the situation (behavior of the parents, first feeling...)

Procedure for assessment:

Is the parent able to go through mediation?

Each parent is contacted individually by the caseworker in each country. The aim is to make sure that both parties have the same info and support.

Very important: **confidentiality and voluntary participation**

Structured interview and communication mode:

- Understand the parent's perspective, emotional state...
- Assess their openness to dialogue and cooperation
- Identify specific needs: language support, cultural mediation, legal context...

When the caseworker thinks there can be a pre-mediation process:

- Internal synthesis:
 - o A short and neutral report
 - o Key observations: parent's position, points of blockage, context...
 - o Intern validation before sharing
- Information sharing with partner SSI:
 - o Secured channel -> possibility to put a password
 - o Meeting if needed to be sure that everything is clear -> depends on the situation, culture difference...

Support and guidance of parents:

Question of involvement or not of the children

Present the role of the mediator and the mediation process

Provide a clear and informative document to explain the process -> depends on the case, if the parents understand quickly or not

Orient to mediation:

Preparation through pre-mediation session. After one or more session (1 to 5), the professional will estimate if the parties are ready to go to mediation.

How to know if they are ready?

- Less conflict (if there is domestic violence or parent's alienation, mediation can't be organized)
 - o How parent's alienation can be established medically? Psychiatric medical assessment but it is very rare
 - ➔ More than one meeting with a medical professional will be necessary to establish a diagnostic, several talks and test
 - ➔ The judge can ask for psychiatric assessment
- The number of sessions is getting higher
- Both parties show interest for mediation
- Both parties agree to receive info about mediation
- Both parties agree on starting mediation
- Both parties are acting in good faith

The decision is made jointly to go through mediation:

- Between parties
- Between both caseworkers if applicable. It never happened that the parents both agreed but not the caseworkers, usually, caseworkers work together and listen and trust each other (ex: in a Lebanon case, one of the caseworkers was in contact with the parents and the child so SSI trusted him)

How to orient?

- Keep the communication with the other caseworker
- Give reliable information on mediation services existing
- Take into consideration conditions required by both parties when looking for the mediator, based on the discussions during the meetings: Language, Culture, Communication mode, Distance, Implication of the child, Fees, Or any other specific conditions

And after?

This is the end of pre-mediation process

➔ Good practice:

- Take some news 2 or 3 weeks later to see if the mediation process has started
- Keep information to have statistics and indicators (ex: if the child has been included, if the process succeeded), but it depends on the parents' agreement to share this type of information and the organization's data protection policy.
- Close the case:
 - Parents are informed that the support is over + at SSI France we have policy to delete their file one year after the closing (one year « security » in case the person contacts us back)
 - The other caseworker has to close it as well if applicable



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WP4.1 : Pre-mediation Methodology

Capacity-building Online Meeting n°4

May 6th, 2025



LAW AND INTERNET
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et nouvelles technologies



Agenda

- 01 Introduction
- 02 Focus on the annex documents
- 03 Procedure for assessment
- 04 Exchange between partners and case worker
- 05 Support guidance of parents
- 06 Orient to mediation



Introduction

- Pre-mediation methodology

Pre-mediation methodology + annex + example of a successful case

Updated in the Google drive.

Draft document, we still need to amend it

Get a look on the document and make comment or feedback

Please note the deadline if you have any comment -> May 21st

> Deadline for submission to the EC by Droit d'Enfance -> **before May 30th**

- Next meeting

Open discussion to see if another session is needed (for example at the end of the year to see how the pre-mediation is implemented in each country)

Bilateral meetings can be organized to discuss AC role and relationship.



Focus on the annex documents

Check on the Google drive all annex

1) Letter of contact

When -> to start the process once one of the parties of a professional has contacted you

Introduce your organization

Reach out the other partie

Give your contact information to let the partie contact you

2) Report session

When -> to be used during or after the session

Gather information

Identifiy facts, needs and action to be taken



Annex 1 : Letter of contact

Subject: Proposal for Pre-Mediation

Dear Sir,

I am reaching out to you following the referral of the International Social Service (ISS) France by our partner, the Swiss Foundation of the International Social Service.

The International Social Service (ISS) is a non-governmental organization that supports children and families facing complex social and legal issues in an international context. Comprised of a network of partners present in 120 countries, it works on cross-border family issues, placing the child's best interests at the center. It aims to support both parents jointly in developing a solution that primarily focuses on the well-being of their children. You can find more information about our objectives, ethics, and services on our website.

The mother of your children, Mrs. xxx, residing in Switzerland, has contacted our colleagues at ISS Switzerland, informing them of difficulties in exercising her cross-border visitation rights with your children, YYY. She expresses a preference for an amicable process rather than a judicial one. In this context, ISS Switzerland has requested the cooperation of ISS France so that we may contact you in order to:

1. Present the information provided by Mrs. xxx;
2. Obtain your perspective on these matters;
3. Assist in restoring communication between you and Mrs. xxx, with the aim of finding solutions that allow your children to maintain relationships with both parents, as stipulated by the International Convention on the Rights of the Child.

Also, if you agree, we would like to discuss your situation and that of your children over the phone as part of a "pre-mediation" process. During this process, our service will communicate with you, and our colleagues from ISS Switzerland will communicate with Mrs. xxx. Depending on the progress of the case, we may consider organizing a discussion involving Mrs. xxx, you, ISS Switzerland, and ISS France.



Annex 2 : report session

MEETING		PARENT		CHILD / CHILDREN		GENERAL INFORMATION	
Date		Parent name's		Number of children		Name of the other parent	
Session format (in person / online / visio)		Adress		Children name's		Adress	
Duration		Email		DOB		Court decision or not	
Name of the professional		Tel		Place of residence of the child		Other legal proceeding	

Annex 2 : report session

- Facts
- Needs
- Actions to be taken
- General observation of the professional



Procedure for assessment

Initial Contact and Information

- Each parent is contacted individually by the caseworker in each country.
- Purpose of the contact is explained: preparation for a potential pre mediation process.
- The same type of interview is offered to both.
- Confidentiality and voluntary participation are clearly stated.

Individual Assessment Interview

- A structured interview is conducted to:
 1. Understand the parent's perspective, emotional state, and communication ability.
 2. Assess their openness to dialogue and cooperation.
 3. Identify specific needs: language support, cultural mediation, legal context.

Exchange between partners and caseworker

Internal Synthesis

- A short, neutral report is written (standard form)
- Key observations are highlighted: the parent's position, points of blockage, contextual elements, limits

Sections: family situation, parent's attitude, expectations, observations.

Serves as a shared reference tool between partners.

- The document is validated internally before sharing.

Information Sharing with Partner SSI

- Information is transmitted via secured channels (email or platform). See annex 2
- A meeting may be scheduled to align on understanding.

Support and guidance of parents

- Provide clear explanations about the mediation process.
- Normalize doubts or concerns, without forcing participation.
- Support the parent's reflection and decision-making.
- Distinguish between mediation and legal proceedings: it is not a decision-making process, but a structured dialogue.
- Present the role of the mediator: a neutral third party, not a judge, responsible for maintaining the framework.
- Provide a clear and informative document to explain the mediation process.

Orient to mediation

Parties are supported to initiate mediation throughout the pre-mediation process.

After one or several sessions with each parent, the professional is able to determine if the parties can be oriented to mediation service.

Number of session during the pre-mediation phase -> 1 to 5.

How to identify that parties are ready ?

- ✓ The conflict is deescalating
- ✓ The number of session per parent is getting higher (if +3 session)
- ✓ Both parties shows interest to establish communication with the other parent
- ✓ Both parties agreed to receive information about mediation service available
- ✓ Both parties agreed on starting mediation

Orient to mediation

The decision is made jointly:

- Between parties
- Between both caseworkers if applicable

In case of any doubt, professionals can take advice from mediators or from their supervisor.

Orient to mediation

How to oriente ?

1. Keep communication with the other caseworker.
2. Give reliable information on mediation services existing (center of mediation or independant mediators).
3. Take into consideration conditions required by both parties. These conditions has been identified during the contact between caseworker.s and parties.

It can be :

- langage,
- culture,
- communication mode (online/ in person),
- distance,
- child to te included,
- fees,
- any other specific condition,



Orient to mediation

And after ?

1. Take some news to see if the mediation has effectively taken place.
Could be after 3-4 weeks.
2. If possible, keep information in order to have indicators and statistics.
Check if pre-mediation process has effectively lead to mediation.
3. Close the case
 - Parents are informed that the support is over.
 - Other caseworker as well if applicable



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Thank You

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JUST-2024-JCOO
Action grants to promote judicial cooperation in civil and criminal matters
JUSTICE PROGRAMME
GA No. 101192457

Better judicial cooperation and family mediation in international child abduction
cases
iCare2

Methodology on pre-mediation

International family mediation in the best interests of the child



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Glossary

This glossary is based on key terms and definitions used in the methodology and orientations for mediation in cases of international child abduction, as developed within the European project iCare.

Child

The UN Convention on the Rights of the Child defines a child as any person below the age of 18 years (UNCRC, Article 1)¹. This definition is upheld also by Regulation EU 2019/1111 (Article 2.2.6)².

The 1980 Hague Convention on the Civil Aspects of International Child Abduction clarifies in Article 4 that it applies to children who have not yet reached 16 years of age³.

Parents

The persons who are considered parents of a child under national law.

The Hague Conference on Private International Law notes that, in "... a small number of cases within the scope of the 1980 Convention it is a person other than the parent (a grandparent, a step-parent or any other related or unrelated person) or an institution or other body whose custody rights are breached by a wrongful removal

or retention of the child." In light of these considerations, the terms parents, left-behind parent⁴ and taking parent⁵ are used to refer to any other person or body whose custody rights are allegedly breached by a wrongful removal or retention or who are alleged to have wrongfully removed or retained a child⁶.

Domestic violence

Domestic violence refers to all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. Council of Europe Convention on preventing and combating violence against women and domestic violence ("Istanbul Convention"), CETS No. 210, 2011, Article 3.b.

¹ United Nations Convention on the Rights of the Child, 1989

² Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (Regulation EU 2019/1111).

³ Hague Conference on Private International Law, Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, No. 28 (1980 Hague Convention).

⁴ The parent or person whose custody rights have allegedly been breached by the wrongful removal or retention of the child.

⁵ The parent or person who is alleged to have wrongfully removed or retained the child.

⁶ Hague Conference on Private International Law, Mediation, Guide to good practice under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, 2012, p. 11

Requesting parent

It refers to the parent who makes the initial request for assistance to the mediation desk

Non-requesting parent or other parent

Refers to the parent that did not initiate contact with the pre-mediation desk

Pre-mediator

Refers to the professional in charge of conducting the pre-mediation process. He/She is part of the multidisciplinary-team that makes up the pre-mediation offices

Introduction

The present pre-mediation methodology may be subject to further additions and/or modifications following its practical implementation starting from October 2025.

This methodology is part of the iCare2 project, which complements the first iCare project and aims at “improving the situation of children affected by international child abduction by strengthening international family mediation (IFM) as a complement to judicial proceedings, with particular attention to the best interests of the child.”⁷

The UN Convention on the Rights of the Child states in Article 3.1 that the best interests of the child shall be a primary consideration in all decisions and actions concerning the child.⁸ The principle of best interests means promoting the integrity and dignity of the child, ensuring the child’s holistic physical, mental, spiritual, moral, psychological, and social development, and guaranteeing the full and effective enjoyment of all the rights recognized in the Convention.⁹

Emphasizing the importance of sustaining the child’s relationship with both parents is crucial, even if this is achieved through a temporary agreement, provided that no violence against the child is identified. Maintaining contact with the child at each stage is vital, and professionals should assist conflicted parents in making decisions that prioritize the child’s well-being.

The project is in line with this approach. Depending on the State, it has been observed that it can sometimes be difficult or time-consuming to obtain a family mediation appointment due

⁷ International family mediation in the best interests of the child, Methodology and orientations for mediation in international child abduction, page 10

⁸ International family mediation in the best interests of the child, Methodology and orientations for mediation in international child abduction, page 45

⁹ Committee on the Rights of the Child, General Comment No. 14 (2003) on the right of the child to have his or her best interests taken as a primary consideration, CRC /C/GC/14, 29 May 2013, para. 4.

to the particular nature of cross-border family disputes. The iCare2 project supports parents in these complex family situations by launching pre-mediation desks.

The definition and framework of pre-mediation, which is the subject of this present methodology, are the result of consultations between the fifth iCare2 project stakeholders¹⁰.

This methodology is aimed at all organizations specializing in supporting family conflict, safeguarding, and protecting children's rights, and wishing to develop their own pre-mediation desk.

Pre-mediation definition and objectives

Pre-mediation in international family mediation cases is a service that occurs during the preparatory phase of the mediation process. During this phase, the parties involved, especially parents, are informed and supported in preparation for the upcoming mediation. Pre-mediation is less formal than the mediation itself. This stage includes several key actions:

1. **Inform:** Provide clear and accurate information about the mediation process, the rights of the parents and the child or children concerned, and the available options.
2. **Assess:** Analyse the situation to identify the specific needs and concerns of all parties involved, particularly the child. Make a first, preliminary assessment on whether the family's situation is suitable for a mediation¹¹;
3. **Refer:** Orient the family suitable for mediation to mediators – using the already established contacts that organization have with the identified mediators in each country involved;
4. Find, if possible, **temporary agreements** while waiting for mediation to start focusing on the need and the rights of the child or children concerned;
5. **Give guidance to maintain family links:** offer advice on how to preserve or rebuild positive family relationships, in accordance with the rights and responsibilities of both parents and the best interests of the child.

¹⁰ Defence for Children International (DCI) , Law and Internet Foundation (LIF) , Droit d'Enfance – ISS France , The ITAKA – Centre for Missing People and Missing Children Europe (MCE)

¹¹ See the criteria in section **“suitable case”**

Primary Objective:

The main objective of pre-mediation is to work towards reaching an agreement that supports the well-being of the child and the family (*see annex 3 for an example of a successful pre-mediation case*). The approach may vary depending on the specific situation and the ability to contact the parent(s) involved.

NB: Please note that each country can adapt this procedure depending on local cultural, legal, and social norms, considering the national system with a focus on providing parents with information about the child's rights and appropriate legal advice. The definition of pre-mediation may encompass various interpretations depending on the context.

What are the opportunities and benefits of a pre-mediation desk?

A pre-mediation desk not only helps families move past deadlocks and find constructive solutions, but it also ensures that children's rights and well-being are at the center of all actions. By collaborating with relevant partners and facilitating cross-border coordination, it strengthens the support available to families facing complex and international challenges.

1. Breaking impasse and initiating solutions

The pre-mediation desk helps families that have reached an impasse to find a way forward or a starting point for resolving their conflict.

2. Child-centred support

It provides essential support to individuals, guiding them toward solutions that prioritize the best interests of the child. This includes ensuring that, whenever possible, the child maintains regular personal relations and direct contact with both parents—unless such contact would be contrary to the child's best interests.

3. Collaboration with multiple organizations

The pre-mediation desk works in collaboration with all partners involved in each situation, fostering a multidisciplinary approach to support families.

4. Coordination among parties and across borders

It facilitates coordination among the various parties involved in the family situation, always with the best interests of the families in mind. Additionally, it supports coordination between different countries, which is especially important in international family disputes

Who can conduct the pre-mediation?

The pre-mediation process benefits from a multidisciplinary team, comprehensive and ongoing training, and strong cooperation between organizations across countries. This

ensures that all professionals are well-prepared to support families and uphold the best interests of the child

➤ **Multidisciplinary team composition**

The pre-mediation process should ideally be conducted by a multidisciplinary team. While a professional mediator is often involved, the team may also include social workers, legal professionals, or other qualified individuals. The profile of pre-mediation professionals should remain flexible and not be overly restrictive, to ensure a wide range of expertise and perspectives.

➤ **Training and competencies**

It is crucial that anyone responsible for pre-mediation has received at least two days of training in family mediation or other alternative dispute resolution processes for family conflicts, and/or in de-escalation techniques relevant to pre-mediation. Additionally, all pre-mediation professionals must have a clear understanding of the legal aspects related to international child abduction.

Professionals involved in pre-mediation should undergo specific training based on international and European standards regarding family law, the rights of the child, and child-friendly justice. This methodology can be used to support pre-mediation training. Each organization launching a pre-mediation desk must ensure that their team receives regular training on all relevant topics, at least once a year.

Training should adopt a multidisciplinary approach. For example, legal professionals should be trained in alternative dispute resolution processes and their application to cross-border family conflicts while psychologists should be educated on the legal aspects of such cases.

All individuals involved in the pre-mediation process must be equipped with the necessary skills and knowledge, particularly regarding the procedure, their national mediation context, and, most importantly, the best interests of the child.

➤ **Child-centred approach**

If the child wishes to participate (as outlined in the section “The Child-Centred approach in pre-mediation”), pre-mediators must possess the necessary qualifications and competencies to effectively listen to and consider the child’s perspective according to their own legal requirements in each country.

➤ **Bilateral cooperation**

Bilateral meetings can be organized between an organization wishing to launch a pre-mediation desk and an organization that already operates one in accordance with this methodology. Such meetings help ensure cooperation between countries providing pre-mediation services and support the successful implementation of new pre-mediation desks.

Ethics, Posture and Deontology

Principles of ethics, posture and deontology on pre-mediation are inspired from the principles commonly used for mediators. We recommend follow the International Social Service documentation¹² and European documents on this topic¹³.

Voluntary participation: participants in pre-mediation must not be pressured by National authorities, lawyers, mediators or anyone to contact us or to participate to the family mediation process.

Decision making by the participant: the pre-mediator has no decision-making power regarding the matter of the dispute and should not influence the outcome process

Confidentiality: this principle is that all matter and information discussed during the mediation or informational interview previous mediation should remain confidential and not be disclosed. The principle is tailored for the purpose of pre-mediation as follow: Information discussed during the informational interview will be disclose to our partner with the consent of the parent. Each organisation is responsible for providing a document to the parent with the name of each organization receiving and using the personal data (*see annex 2 : consent form*).

Independence: the pre-mediator must be independent of the state or court related structure that contacted him/her. The pre-mediator service must be separate and distinguished from the ongoing judicial or administrative process.

Neutral: the pre-mediator must have no personal or professional interest in the subject of conflict. This guarantees an unbiased perspective on the issues at stake.

Consideration of rights of interest of the children: The interests of the child will always be considered as a primary consideration. The pre-mediator must have in mind the needs and wellbeing of the children involved in the case. And pay a special attention to the children's resumption and maintenance of relationships (physical as well as virtual) with both parents and families where it is in their best interest.

Qualification of pre-mediator: appropriate training is required to operate as a pre-mediator. Pre-mediator will face many challenges due to cross-border family disputes specificities and their national mediation context. It is essential for pre-mediator to develop knowledge of international cross-border family framework, mediation process, national family mediation framework and cross-cultural awareness.

¹² Charter for International Family Mediation Processes, a collaborative process, 2017 https://www.ifm-mfi.org/sites/default/files/CHARTER/ENGLISH/IFM%20Charter_ENG.pdf

¹³ European Code of Conduct for Mediators, 2004.

Council of Europe, European Commission for the Efficiency of Justice (CEPEJ), European Code of Conduct for Mediation Providers, CEPEJ(2018)24, 3-4 December 2018.

Cultural awareness and sensitivity of pre-mediator: pre-mediator will be facing cultural diversity, it is important to respect and manage cultural differences

Suitable cases for pre-mediation

The individuals concerned by pre-mediation are parents (holders of parental responsibility rights, whether or not they have custody), grandparents, and, if applicable, any guardian.

Pre-mediation—just like mediation—can be initiated before, during, or after any legal proceedings.

Cases suitable for pre-mediation service include:

- ✓ **International parental abduction or risk of abduction,**
- ✓ **Parental conflict or lack of communication,** including situations where parents are in contact but unable to communicate constructively due to persistent or high conflict.

CAUTION: In accordance with national law, cases where domestic violence is identified can be excluded from pre-mediation.

Assessing suitability for mediation:

A core function of pre-mediation is to establish whether a case is suitable for formal mediation. This assessment is based on clear criteria:

- ✓ Existence of a conflict or disagreement that can be addressed through mediation
- ✓ Willingness of the parties to participate in the process
- ✓ Absence of domestic violence or significant risks to safety, especially for the child
- ✓ Capacity and good faith of the parents or involved parties to engage in discussion
- ✓ Primacy of the child's best interests at every stage

If the family situation is suitable for mediation, the pre-mediator must refer the parties to mediators—using the already established contacts that pre-mediation services have with mediation providers.

The scope of pre-mediation covers a wide range of situations, from simple actions like sending gifts to more complex and urgent issues such as preventing child abduction. Each scenario requires adaptable strategies tailored to the specific circumstances and the parties involved. In all cases, the methodology emphasizes flexibility and adaptability, ensuring that each situation is addressed with the child's best welfare in mind—whether the issue involves the parents or other family members, such as grandparents. The strategies must be adjusted as needed to address the specific needs of each case.

Pre-mediation is particularly relevant in cases of persistent conflict between separated parents, even when some level of communication already exists but is ineffective or negative.

Child centred approach in pre-mediation

Throughout the entire pre-mediation process, the child's best interests must be given primary consideration. In accordance with UNCRC Article 9.3., the child has the right to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. The child has the right to form and express his or her views freely in all matters affecting the child, including in any judicial and administrative proceedings affecting the child, either directly, or through a representative, in accordance with applicable law¹⁴. To be heard is a right of the child, not a duty. If it is the case see in the section **"Who can conduct the pre-mediation?"** for information on how the pre-mediator should be trained to communicate with the child. Pre-mediators involved must guide the parents with this guideline in mind.

Contact with the parents

The pre-mediation process should be accessible to any parents or stakeholders, involved in a situation identified above, through any means of communication first by phone and/or email and/or letter (*more details in the STEP 1 of the process*), then by phone/email/letter/video-calls.

To make the initial contact with the non-requesting parent, it is preferred to send a letter in order to preserve confidentiality as much as possible, as we do not know who might answer the phone, etc., as shown in **Annex 1**.

For the next steps in the process (informational interviews), we prioritize communication via phone or videoconference. This ensures that communication can take place efficiently and at times that are most suitable for the families involved. However, it is essential that this communication remains non-intrusive, respectful of privacy. It includes offering families the option to initiate contact through a preferred channel without feeling pressured. Communication should be clear, with no requirement for personal or sensitive information unless necessary for the process. For example, not asking too many questions to have details that are not necessary or essential to understand the situation or to ask intimate questions when not necessary to assess a danger for the child.

This approach promotes accessibility while safeguarding the privacy and comfort of the individuals involved. It also allows for flexibility, enabling families to engage in the pre-mediation process at their own pace, while still ensuring that the process remains focused on resolving issues in the best interest of the child.

¹⁴ UNCRC Article 12 - CoE Guidelines on Child-friendly justice IV.D.3.46

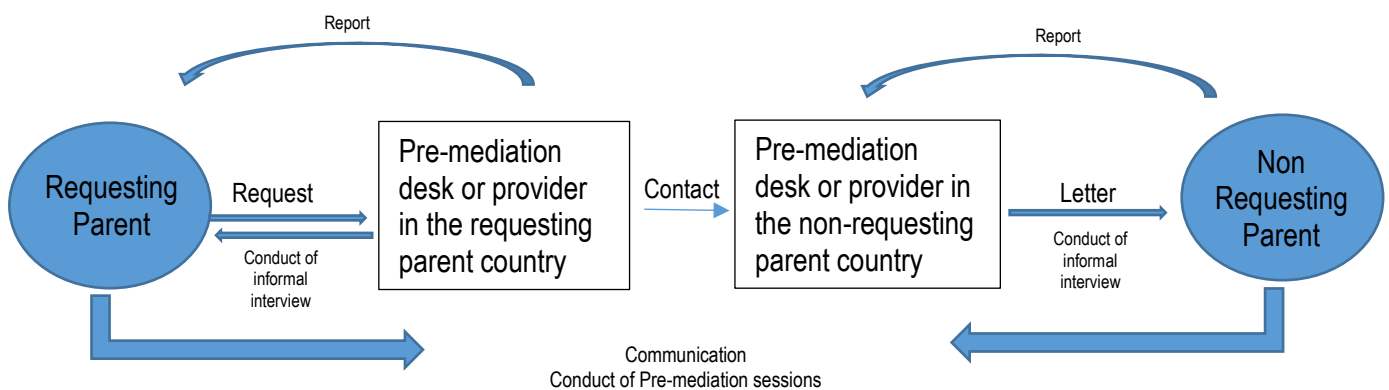
Pre-mediation process

Different steps will be followed to engage the pre-mediation process.

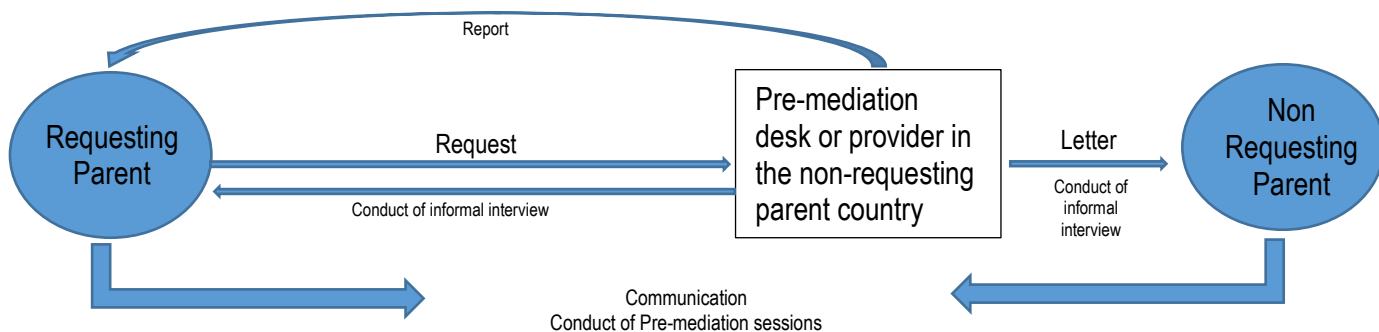
STEP 1: Initial Contact

3 cases scenarios:

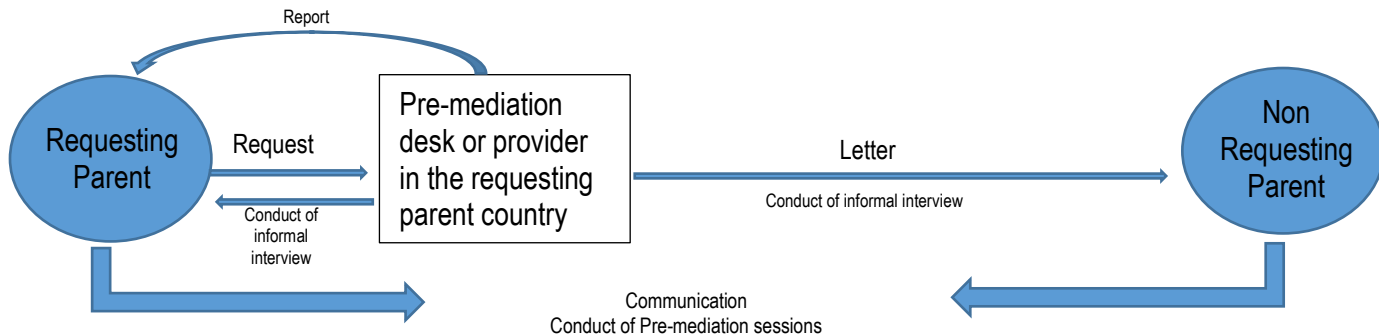
- a. There is a pre-mediation desk in the country of residence of each parent. The requesting parent contacts the pre-mediation desk in his/her country of residence by phone or by email. An appointment will be made after this initial contact for an informational interview (STEP 2). At this stage, the parent will be provided with an information sheet and a consent form regarding their participation in the process and the collection of their personal data. These documents must be signed prior to the start of the process (Annex 4). The pre-mediator contacted will contact the pre-mediation desk of the requested country by phone or by email providing the elements needed for the desk to be in a position to contact the other parent. Pre-mediators will be in contact with the parent residing in his/her country after sending a letter to propose the pre-mediation process accompanied with the same document provided to the requesting parent: information sheet and a consent form regarding their participation in the process and the collection of their personal data.



- b. There is no pre-mediation desk in the country where the requested parent leaves, the parent will contact the pre-mediation desk in the country of residence of the other parent. The pre-mediator contacted will be in contact with both parents following the same process as above.



- c. There is no pre-mediation desk in the country where the non-requesting parent resides: the pre-mediator contacted in the country where the requesting parent leaves will contact both parents.



The purpose of the contact is explained: preparation for a potential pre-mediation process. This initial contact follows 3 steps:

- 1) **Introduction of the pre-mediator and the organization.**
- 2) **Explanation of the procedure:** the pre-mediator explains that it is a first call, lasting 30 minutes and whose purpose is to gather the necessary information to begin the process, the pre-mediator discusses the process and the steps of a pre-mediation process. When in contact with the non-requesting parent, the pre-mediator resumes the context that led to the initiation of this procedure, providing a clear understanding of the reason why the process is taking place.

Questions to be asked to the requesting parent or both parents if applicable during this contact:

- What is your name?
- Where do you live?
- What's the name of your children?
- Do you live with your children? If not, where do they live?
- What's the situation with the other parent?
- Did you decide on custody together?
- Did you make any legal procedures?
- Do you have a lawyer?
- What are your perspectives for this pre-mediation process?

- 3) **Conclusion of the first call:** When the pre-mediator has gathered all the elements needed, he/she explains the next step to the parent and tells the parent when he or she will be contacted again. The pre-mediator has to make sure he/she has all the elements to be able to contact the parent, and that the parent has also the contact if needed.

Confidentiality and voluntary participation are clearly stated and document related sent to the parents (*see annex 2 : consent form*).

STEP 2: Informational interview to assess the situation, as outlined in the 'Contact with the family' section.

- The pre-mediator will conduct a structured interview to:
 1. Understand the parent's perspective, emotional state, communication ability and the parents ability and willingness to care for and meet the needs of the child and to respect the rights of the child.
 2. Assess the parent's openness to dialogue and cooperation.
 3. Identify specific needs: language support, cultural mediation, legal context.
- The interview lasts 30 minutes up to 1 hour.

STEP 3: Internal Synthesis

- The mediator prepares a short, neutral report (*see annex 3: report session*)
- Key observations are highlighted: the parent's position, points of blockage, contextual elements, limits, views on the best interests of the child in the specific situation, any experiences of violence - between the parents, against the child - or other
 - Sections: family situation, parent's attitude, expectations, observations. Serve as a shared reference tool between partners.
- According to each organization process, this report may need validation from your supervisor.

STEP 4: Information Sharing with pre-mediator in the other country or organization providing mediation services.

- Information is transmitted via secured channels, through email or platform.
- A meeting may be scheduled between both pre-mediators to align on the understanding of the situation. It can occur after the first contact with the requesting parent or at any stage of the process.

STEP 5: Conduct pre-mediation session and orient to mediation

When both parents agree to participate to the pre-mediation process, several pre-mediation sessions can be conducted to continue providing information and guidance.

During the sessions, the pre-mediator provides support and guidance to the parents, it can be to both parents

- Provide clear explanations about the mediation process.
- Normalize doubts or concerns, without forcing participation.
- Support the parent's reflection and decision-making.

- Distinguish between mediation and legal proceedings: it is not a decision-making process, but a structured dialogue.
- Present the role of the mediator: a neutral third party, not a judge, responsible for maintaining the framework.
- Provide a clear and informative document to explain the mediation process.
- Providing information on the child's rights and legal advice, parents' rights and responsibilities.

Orient to mediation: After one or several sessions with each parent, the professional is able to determine if the parents can be referred to mediation service.

- Criteria that can help identify if the parents are ready to start a mediation:
 - ✓ The conflict is deescalating
 - ✓ The number of sessions per parent is getting higher (if +3 session)
 - ✓ Both parties show interest to establish communication with the other parent
 - ✓ Both parties agreed to receive information about mediation service available
 - ✓ Both parties agreed on starting mediation
- The decision is made jointly:
 - ✓ Between parents
 - ✓ Between both pre-mediators if applicable

In case of any doubt, pre-mediator can take advice from mediators or from their supervisor.

- How to orient?
 1. Keep communication with the other pre-mediator.
 2. Give reliable information on mediation services existing (center of mediation or independent mediators).
 3. Take into consideration conditions required by both parties. These conditions have been identified during the contact between pre-mediators and parties.

It can be:

- Language,
- Culture,
- Communication mode (online/ in person),
- Distance,
- Child to be included,
- Fees,
- Any other specific condition

NB : It is recommended to have established a list of mediators and/or mediation services to be able to refer suitable families to mediators.

Number of sessions and duration

The pre-mediation process involves contacting parents, (*see sample letter – annex 1*). The number of sessions will depend on the specific case and the ease of contact with the families involved. The average number of sessions is of 1 to 5 sessions during the complete process from the first contact to the end of the pre-mediation case. Each session is lasting 30 min to 1 hour.

The duration of the process will be variable according to each case. It may take **between 1 week to several months** depending on the complexity of the situation, the flexibility required, and the number of meetings needed.

Flexibility is crucial in this process, as there may be situations where more than one session is necessary, especially when discussions involve other participants involved in the situation. This adaptable approach ensures that all aspects of the case are addressed appropriately and that the child's best interests are a primary consideration.

STEP 6: End of the process

Pre-mediation generally ends when its primary objectives have been met and the process transitions into formal mediation. Here are the key points defining when pre-mediation typically ends:

Transition to mediation: Pre-mediation concludes when the parties are ready to engage in full mediation, meaning they have received sufficient information, initial assessments are complete, and the mediator or pre-mediator determines that mediation is appropriate.

Assessment of suitability: If, during pre-mediation, it is determined that mediation is not suitable (for example, due to safeguarding concerns or high conflict without the necessary framework for dialogue), pre-mediation may end with a referral to other services or the issue of a decision from one or both of the organizations stating that mediation is not appropriate.

Achievement of temporary agreements: In some cases, pre-mediation ends when temporary agreements have been reached between the parties while they await formal mediation, and the parties are ready to move forward.

However, the process is flexible and may vary depending on the specific circumstances of each case.

STEP 7: Follow up of the case

1. Take some news to see if the mediation has effectively taken place. It can be after 3 to 4 weeks.
2. If possible, keep information in order to have indicators and statistics. Check if the pre-mediation process has effectively led to mediation.
3. Close the case:
 - Parents must be informed that the support has come to an end. The pre-mediator should justify the decision of closing the case.
 - The other pre-mediator must be informed as well if applicable

Limits of the pre-mediation

- **Violence:**
When there is psychological or physical violence between parents or against the child/children, pre-mediation is not appropriate. Please refer to your national law to assess whether it is appropriate to provide such service when domestic violence has been identified.
- **When both parties want to find a solution:**
If both individuals are willing to engage in finding a solution, we shift from pre-mediation to mediation. The decision can be taken by the parents or the pre-mediator.
- **Contact or discussion between the parents:**
While pre-mediation is primarily intended for cases where parents are not communicating, it can also be considered when parents are in contact but unable to communicate effectively due to high conflict. Ultimately, the decision to offer pre-mediation or mediation should be guided by the specific circumstances of each case.

ANNEXES

Annex 1: Sample Letter

Subject: Proposal for Pre-Mediation

Dear [Sir/Madam],

I am reaching out to you following the referral of [name of your organization] by the organization, [name of the organization that referred the case + country].

[2 to 3 lines of presentation of your service]. You can find more information about our objectives, ethics, and services on our website : [www.]. .

The [mother/father] of your [child/children], [M./Mrs.] xxx, residing in [country], has contacted our colleagues at [requesting organization name], informing them of difficulties in exercising her cross-border visitation rights with your [child/children], YYY. [He/she] expresses a preference for an amicable process rather than a judicial one. In this context, [requesting organization name] has requested our cooperation so that we may contact you in order to:

1. Present the information provided by [M./Mrs.] xxx;
2. Obtain your perspective on these matters;
3. Assist in restoring communication between you and [M./Mrs.] xxx, with the aim of finding solutions that allow your [child/children] to maintain relationships with both parents, as stipulated by the International Convention on the Rights of the Child.

Also, if you agree, we would like to discuss your situation and that of your [child/children] over the phone as part of a "pre-mediation" process. During this process, our service will communicate with you, and our colleagues from [requesting organization name], will communicate with [M./Mrs.] xxx. Depending on the progress of the case, we may consider organizing a discussion involving [M./Mrs.] xxx, you, [requesting organization name], and us [organization name]..

Annex 2: Consent form

Consent for the treatment of personal data

Consent should be obtained for the gathering, storing, use, transfer, and processing of data. The consent may be given by the parent who is in direct contact with the organization leading the pre-mediation process.

NB : In case the child is included in the pre-mediation process, his consent should be taken as well.

PARENT :

Last Name:

First Name:

DOB:

Address:

Postal Code:

City:

Country :

CHILD / CHILDREN :

1) Last Name:

First Name:

DOB:

Address:

Postal Code:

City:

Country :

2) Last Name:

First Name:

DOB:

Address:

Postal Code:

City:

Country :

3) Last Name:

First Name:

DOB:

Address:

Postal Code:

City:

Country :

I hereby give my consent for the treatment of the personal data stated above, as well as

information about the parent requesting our service and the child/children included in case documents such as written reports, any court decisions and notes of the caseworker.

To be transmitted to the following organization
located at :

This transmission aims to enable our organization to liaise with the partner organization in the other country (where the other parent or the child is) and to invite the other parent to a pre-mediation process.

Your personal data and the personal data of your partner/spouse and child/children will be treated in accordance with the General Data Protection Regulation (Regulation EU 2016/679 of 27 April 2016 – GDPR). You have the right to access, rectify, delete, and object to the processing of your personal data.

If you wish to exercise these rights or request information concerning the treatment of your data, please contact:

Date: **at:**

Signature:

Annex 3: Report session

MEETING		PARENT		CHILD / CHILDREN		GENERAL INFORMATION	
Date		Parent name's		Number of children		Name of the other parent	
Session format (in person / online / visio)		Address		Children name's		Address	
Duration		Email		DOB		Court decision or not	
Name of the professional		Tel		Place of residence of the child		Other legal proceeding	

The report session must provide 4 sections:

- 1) Facts and ongoing proceeding
- 2) Needs of the parties
- 3) Actions to be taken
- 4) General observation of the professional

Annex 4: Successful Pre-Mediation Cases

(In this case, the ISS network facilitated the connection between two parents located in different countries.)

Mr. XXXX and Ms. XXXX were married and lived in Switzerland. From their union, XXXX was born on May 3, 2011. The entire family holds French nationality.

In 2014, Ms. XXXX was reportedly expelled from Switzerland and returned to France with the child. A divorce was granted, awarding custody of XXXX to Ms. XXXX and granting Mr. XXXX visitation rights, including half of the school holidays. The terms related to other forms of personal contact between Mr. XXXX and his son are not specified.

Since the separation, Ms. XXXX is said to have failed to respect the visitation rights and the child's right to personal contact with his father. According to Mr. XXXX, visits occur only "at Ms. XXXX's discretion," depending on her availability, and she does not respect the appointments they agreed upon.

Mr. XXXX is currently detained at the closed facility of XXXX in the canton of Geneva. This makes it even more difficult for him to maintain contact with his son.

Mr. XXXX has repeatedly tried to send packages to his son as gifts, but Ms. XXXX is said to have prevented this. At present, Mr. XXXX does not know the exact address of his former partner and is worried about his child's well-being.

Ms. XXXX is reportedly working at XXXX in XXXX, and the child is said to be attending school at XXXX in XXXX. Mr. XXXX therefore assumes that Ms. XXXX and the child reside in one of these areas.

According to Mr. XXXX, Ms. XXXX allegedly used heroin and currently lives with a new partner aged 74. Mr. XXXX had contact a few months ago with this man's children, who expressed concern that Ms. XXXX might be exploiting their father financially.

Currently, Mr. XXXX wishes to have regular phone contact with his son and, most importantly, to be able to send him letters and gifts, particularly a birthday package on May 3.

Mandate of ISS and Objective of the Intervention

The International Social Service – Switzerland was mandated by Mr. XXXX and his social worker, Mr. XXXX, to help re-establish contact between Mr. XXXX and Ms. XXXX, the mother

of his son XXXX, with the aim of reaching a parental agreement that ensures Mr. XXXX's visitation and contact rights are respected and that a relationship can be maintained between father and child — including the ability to send gifts by mail.

Required services

Given the above, we kindly request your valuable collaboration to approach Ms. XXXX within a mediation framework, in order to open a dialogue and raise awareness of the importance of the relationship between the child and his father, as well as the importance of complying with legal decisions regarding visitation and personal contact rights granted to Mr. XXXX.

More specifically, the contact with Ms. XXXX should allow for discussion of the following aspects:

- xxxx (*depending on the situation*)
 - xxxx....
-

Following this request, email exchanges took place between Mr. XXXX and ISS France, and between Ms. XXXX and ISS Switzerland. The collaboration between the two entities led to the father being able to send a gift to his son via the town hall of the mother's place of residence. Through this pre-mediation service, a temporary agreement has been concluded enabling the father to send gifts to his son and having news of his situation.

Photos from the four pre-mediation methodology meetings:

01. Definition

Reminder - Grant Agreement's definition:

"Pre-mediation is conceived as a service, accessible through phone and/or email, which is at disposal of family members (but also to professionals such as social workers, lawyers, and central authorities' staff), with the following functions:

- Give reliable **information** on international family mediation;
- Make a first, **preliminary assessment** on whether the family's situation is suitable for a mediation;
- **Orient** families suitable for mediation to mediators – using the already established contacts that partners have with the professional category in each Member State involved;
- Find **temporary agreements** while waiting for mediation to start focusing on the need and the rights of children;
- Give **guidance** in organizing the mediation on the basis of the services at disposal at the national level."

(Grant Agreement, Part B, p. 3)

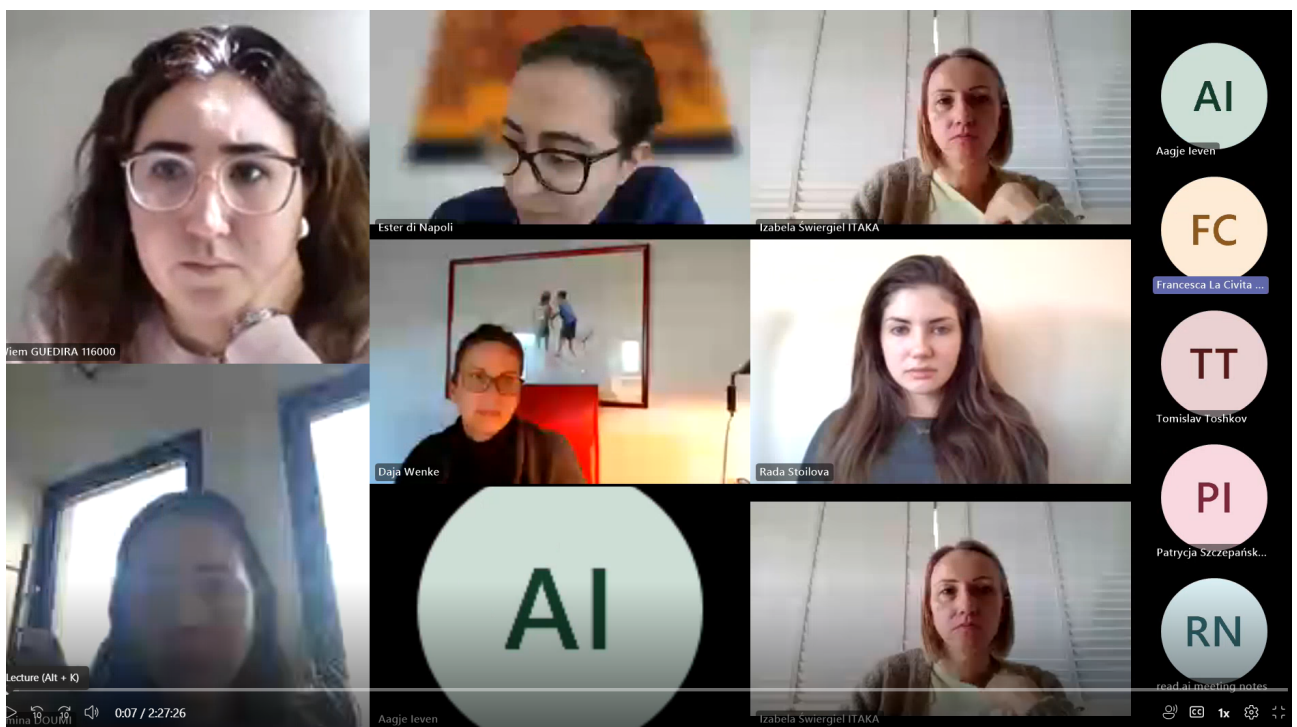
Amina DOUMI

Registrazione e trascrizione
Partecipando alla riunione, acconsenti a essere incluso.

Agenda

- 01 Definition of Pre-mediation (definition & scope)
- 02 Posture, ethics, and required competencies for pre-mediation
- 03 Cases suitable for mediation
- 04 Pre-mediation process – 1st step: Conduct an informational interview
- 05 Conclusion & next steps

Amina DOUMI



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