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**GUIDE ON THE PARTICIPATION OF CHILDREN IN FAMILY MEDIATION  
(CHILD INCLUSIVE MEDIATION)  
IN COUNCIL OF EUROPE MEMBER STATES**

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## **1. Introduction**

1. Many Council of Europe member States have introduced family mediation either through legislation or in national guidelines. Generally, participation in mediation is voluntary but, in some States, mediation for certain family disputes may be mandatory before court proceedings go ahead.
2. The use of Child-Inclusive Mediation (CIM) in family mediation offers children and young people the opportunity to express their views and wishes in parental separation/divorce and other major transitions in family life, so that their views and wishes can be taken into account by those responsible for making decisions and arrangements for the child concerned. CIM can also encompass other individuals, namely members of extended families, relatives and carers who may have a central role in looking after children and giving them support.<sup>1</sup>
3. However, CIM is rarely used in member States, apart from the United Kingdom (England and Wales), Norway and some regions of Italy, where it is well established.<sup>2</sup>
4. There are indeed objections that taking part in mediation would cause anxiety to the child and that the child might be asked to make choices and be held responsible for the outcome. Parents generally want to protect their children from involvement in their disputes and may fear being blamed or even rejected by their child. Many family mediators share these concerns and do not feel well equipped to talk with a child on their own. The potential cost of additional meetings may be a further obstacle where parents are concerned. Consequently, the possibility of CIM may be ruled out without understanding the process and its benefits for children and their families, and for the family justice system in taking complex family issues out of the court arena.
5. The purpose of this Guide is therefore to increase awareness and understanding of the objectives and process of CIM among member States and relevant stakeholders, that is to say, mediators, magistrates, family lawyers and family law professionals, education professionals and to promote its use when appropriate. The findings mentioned in this document are the result of an analysis of practices in the countries where CIM is used.

## **2. Definition and principles of CIM**

6. CIM is a specialised form of family mediation in which a CIM-trained mediator has a separate, confidential meeting with a child or young person to listen to their views and wishes about arrangements that are being made for them. Children need an opportunity to express their thoughts, feelings, concerns, and to make suggestions about arrangements that directly affect them, without being asked to make decisions.<sup>3</sup> In particular, CIM may be useful in difficult cases where a child is refusing contact and/or one parent is accusing the other parent of alienating behaviours. Children can explain their own reasons for resisting contact that parents are often able to deal with, when they understand them.

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<sup>1</sup> Throughout this Guide, 'parents' refers to parents, members of extended families, relatives and carers who may have a central role in looking after children and giving them support.

<sup>2</sup> See Appendix C.

<sup>3</sup> "Child Inclusive Mediation provides opportunities for children and young people to have their voices heard directly during the process of mediation, to help them feel respected and listened to and, at their request, to assist parents or carers to receive, understand and take account of the child's messages and/or suggestions regarding decisions and arrangements for the child" Family Mediation Council, England and Wales, Professional Standards and Self-Regulatory Framework updated 2024, Part 6, p.40.

7. For the purpose of the Guide, “children” should be understood to mean children and young people up to the age of majority, including birth children, adopted and fostered children and those in the care of a guardian.

8. The principles of CIM are in line with the core principles of family mediation. Family mediators must adhere to these principles, which should be explained to parents and also, in age-appropriate language, to the child or young person concerned.

**a) Safety**

9. Family mediation must be safe for all participants, including the mediator. Before starting mediation and also during the process, the mediator must check for any indication or concern relating to domestic abuse and/or that a child is suffering significant harm or is at risk of harm. Where the child may need safeguarding, the mediator must notify a child protection agency immediately so that the agency can investigate the concerns without delay and take any steps necessary to safeguard the child.

**b) Suitability**

10. As well as checking for any safety concerns, the mediator should consider whether mediation is suitable in the specific case. Contra-indications include imbalances of power that cannot be managed in mediation, or where a parent has a mental disability or mental illness, or where participants show no motivation to resolve their dispute. Other contra-indications can include the involvement of other professionals with responsibilities for the child's welfare and cases where parents are unwilling to receive and consider their child's message and wishes.

**c) Voluntary participation**

11. The courts may encourage CIM but should not have power to order the child's participation. CIM is a voluntary process for parents and for the child. The mediator should seek the written consent of both parents (or those holding parental responsibility) to agree to their child's participation. Where the mediator who is meeting with the parents is not trained to undertake CIM, they should be referred to a CIM-trained family mediator who discusses the process further with them. With their consent, the CIM mediator may then send a personal invitation to their child, offering a meeting to talk about their views and wishes. It should be made clear to the child that he or she is free to accept or decline the invitation.

**d) Confidentiality**

12. The mediation process is legally privileged (not reportable to the court), except where a child is at risk of significant harm, and/or in special circumstances where the judge can order the mediator to disclose information to the court.<sup>4</sup> If the mediator provides a written summary of the outcome of the mediation, setting out the proposed terms of settlement, this document is confidential and may not be shown to the court unless both parties sign it and make a joint application to the court for a consent order based on the terms of the summary.

13. The summary prepared by the CIM mediator may record the fact that the child talked with the mediator about their views and wishes but may not record the child's words. Within the boundaries of confidentiality, children may request the mediator to give a message to their parents in their own words, without adding further information or interpretation.

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<sup>4</sup> In a case brought under the 1996 Hague Conference Child Protection Convention, a judge said that he wished to reassure mediators that, except where there is risk of significant harm to a child, ‘the cloak of confidentiality remains as securely fastened as ever it was.’ (BL v TC and LD [2017] EWHC 3363).

14. The CIM mediator should provide sound-proofed or sufficient isolated rooms to prevent conversations from being overhead, ensuring that children can speak freely without fear or interruption.

**e) Impartiality of the mediator**

15. Mediators must maintain their impartiality in talking with a child or young person and remain neutral regarding the outcome of the mediation, except where a child is, or may be, at risk of harm. The mediator's role is to facilitate communication and encourage co-operation between family members, without acting as the child's advocate or representative, or becoming aligned with a parent or with a child. The mediator should not give advice, express opinions or steer participants towards an outcome favoured by the mediator.

**f) Decisions remain with parents and/or those with parental responsibility**

16. Children may express their wishes and offer suggestions, but they are not asked, or given power, to make choices and they do not carry responsibility for decisions. The CIM mediator encourages parents to take full account of their children's views in reaching their decisions. The CIM mediator should take care not to raise a child's hopes of achieving the solution they want and should make it clear to the child that they are not responsible for the outcome and should not feel responsible in any way.

**g) Diversity**

17. CIM mediators should provide ways to involve children of all ages, including adopted and fostered children, children with special educational needs or disability<sup>5</sup> and those in local authority care. The child's involvement, structure of meetings and timescale should be planned carefully with parents to maximise the benefits and minimise any potential difficulties for the child or children involved. In promoting the inclusion of all children, the CIM mediator should consult the child's parents as to whether any adjustments are needed in planning the approach and conversation with the child so that the child will feel comfortable and supported when talking with the CIM mediator.

**h) Age limit**

18. A child under 5 years old may be considered too young to be able to express views on arrangements that will affect the child in the longer term. However, in a large-scale study involving a sample of 467 children aged from 5 – 16, researchers found that a child as young as 5 could express views through maps and pictures and that their views chimed with those expressed by older children.<sup>6</sup> Another study found that, provided children receive care and support, they can be skilled in thinking and using language by the time they start primary school.<sup>7</sup>

19. The great majority of young people say that they want their voices to be heard when arrangements are being made for them that affect their lives.<sup>8</sup>

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<sup>5</sup> Different kinds of neurodiversity, such as autism, ADHD and dyslexia, may be classified as a disability, although these conditions are often accompanied by special abilities.

<sup>6</sup> Dunn and Deater-Deckard 'Children's Views of their Changing Families' (2001) Joseph Rowntree Research Findings 931.

<sup>7</sup> Donaldson M. Children's Minds Fontana Press 1987.

<sup>8</sup> See Bucharest EU Children's Declaration | UNICEF Romania and See 13th European Forum on the rights of the child: towards the EU Strategy on the rights of the child - European Commission.

### **3. Stages of the CIM process**

CIM should be carefully planned and undertaken in a series of stages, rather than as a one-off event.

**Stage 1:** The mediator explains the objectives, principles and benefits of CIM to parents and, unless there are contra-indications, seeks their consent to their child being offered this opportunity. If the mediator is not trained in CIM, parents who are willing to agree to CIM should be referred to another mediator who is CIM-trained, in order to continue the process. Parents should sign a letter confirming their consent and their willingness to receive and consider the message that their child asks the mediator to share with them. The consent letter should include undertakings in which parents confirm that they will not coach the child on what the child should say (or not say) to the mediator, nor question or reproach the child afterwards about what the child said or did not say.

**Stage 2:** The mediator explores with the parents the possible timing and different options for the child's participation and explores these possibilities with the parents. CIM at an early stage enables children to offload their worries and concerns and their messages to their parents, encourage co-operation and reduce conflict. If the mediator who meets with the parents is CIM-trained, the same mediator may meet with the children or a different CIM-trained mediator may talk with the children, or there may be co-mediators, at least one of whom must be CIM-trained. Most parents like their child to talk with the mediator they know and trust, rather than with a different mediator they have not met. Siblings may be seen together initially but should also be seen separately, as their needs and views may differ. CIM may begin with a family meeting with parents and children together, for introductions and a welcome to help put children at ease.

**Stage 3:** Having considered and decided on the preferred option, the mediator sends a personal invitation to the child, explaining the purpose of the meeting and that the child is free to accept or decline the invitation. Many children say that they would rather talk freely and in confidence with a mediator who is trusted by both their parents, rather than with a social worker or psychologist who will make a report to the court.

**Stage 4 –** If the child or young person accepts the invitation, they should be asked about their preferences, namely, together with their siblings or on their own, or first together and then separately. When a date and time have been arranged, the mediator welcomes the child and explains the purpose of the meeting and confidentiality before encouraging the child to talk freely about their views and wishes and to decide any messages that the child asks the mediator to share with their parents or carers.

**Stage 5:** At the child's request the mediator shares the child's messages and suggestions with their parents together, or with each parent separately, or in a family meeting with the child attending as well.

**Stage 6:** The mediator should offer a further talk with the child, as the child may think afterwards of something else, they wanted to say or they may have second thoughts or the situation may change. If the child wishes to have another talk, their parents' consent should be reconfirmed.

### **4. Measures that can be taken to promote the use of CIM**

20. In order to promote CIM various measures should be adopted to develop availability, and accessibility and also to raise awareness of different stakeholders responsible for the care and protection of children.

#### **a. Availability**

**Measure 1: States should ensure that during the process of family mediation children should be provided the opportunity to, at their request, have their voices heard directly to help them feel respected and listened to, to assist parents to receive, understand and take account of children's message and/or suggestions regarding pertaining decisions and arrangements.**

21. Although there is evidence from research that CIM is beneficial where arrangements for children are involved, particularly in improving children's mental health and well-being, there are obstacles to its use. Formal recognition of CIM would raise awareness and strengthen appropriate use of CIM, while guiding mediators, parents or carers on a best practice approach.

22. in this regard, Council of Europe and international instruments, such as the United Nations Convention on the Rights of the Child (UNCRC), in particular, article 12, state that children's rights should be recognised and embedded in legislation.<sup>9</sup>

**Measure 2: Family mediators who undertake to talk with children should complete a training programme organised to develop the skills and knowledge required for effective CIM practice.<sup>10</sup>**

23. The extensive range of knowledge required by CIM mediators cannot be covered in a short training course and should be extended in continuing professional development, such as training courses to develop and update skills and knowledge in specific areas. Expanding theoretical, legal and practical knowledge, attending or giving a conference, workshop or lecture relevant to CIM theory or practice, or writing or contributing to publications on the matter could also be useful.<sup>11</sup>

#### **b. Accessibility**

**Measure 3: States are encouraged to make legal aid available for participants in CIM in the same way as for family mediation, in order to make CIM accessible to low-income families.**

24. States should adopt appropriate measures to guarantee that parents are not excluded from CIM due to their inability to pay.

**Measure 4: States are encouraged to adopt funding mechanisms to support and develop CIM, in order to ensure that CIM is both accessible and high quality.**

25. Access to CIM relies on a budget allocated to fund public and private initiatives in CIM training scholarships, infrastructure investments, awareness campaigns, research and evaluation studies.

#### **c. Awareness**

**Measure 5: CIM should be included in the training programmes for lawyers.**

26. Lawyers well versed in the principles and practice of CIM can offer families far more than advice and assistance on a division of assets or parenting schedules. They become trusted guides in a process that centres on the child's voice, acknowledges children's needs and helps parents reach solutions that work well for all concerned. When advising clients in separation or divorce proceedings or other family matters, lawyers should explain CIM and the benefits of the process to encourage parents to offer this opportunity to their children.

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9 See Appendix A, and Barlow A and Ewing J 'Children's voices, family disputes and child-inclusive mediation: The right to be heard' Bristol University Press 2024

10 See Appendix B.

11 Ibid.

**Measure 6: Appropriate information and advice on CIM should be distributed to the potential participants so that they can consider this option at an early stage in the settlement of family matters.**

27. Clear and concise information about the procedure, its safeguards and aims, accompanied by written information (leaflets or websites) should be designed to encourage a positive reaction from participants, particularly if they are not aware of CIM.

**Measure 7: States should consider public raising awareness campaigns about the opportunity provided by CIM to assist parents to receive and take account of children's messages or suggestions regarding arrangements affecting them.**

28. States jointly with CIM mediators and stakeholders who have a central role in looking after children and giving them support play an important role in disseminating CIM through initiatives aiming at explaining CIM to the general population, including non-legal professionals, such as teachers or doctors who are in contact with separating families and children.

29. Schools are also in a good position to provide information in an educationally and socially supportive setting. For this reason, combining outreach efforts with public discussion of CIM in schools would make a highly useful contribution to its wide promotion. When children, families, mediators, educators and school community members come together in open dialogue, they not only learn about CIM's core principles but also explore real-world applications, challenges and success stories.

30. Awareness-raising activities should include spreading of information via websites, social media, leaflets, focused awareness programmes and seminars and conferences.

## 5. Appendices

### **Appendix A – United Nations, Council of Europe and European Commission for the Efficiency of Justice’s standards**

#### **United Nations Convention 1989 on the Rights of the Child (UNCRC)**

The United Nations Convention on the Rights of the Child (1990)<sup>12</sup> recognises the child as a subject of legal rights, instead of being an object of adult possession and control. Article 12 (1) of the UNCRC states that ‘States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child should be given due weight in accordance with the child’s age and maturity. For this purpose, the child shall be provided the opportunity in any judicial or administrative proceedings affecting the child to be heard, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law’. Under Article 13 of the UNCRC, ‘the child shall have the right to freedom of expression: to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of the child’s choice. The UN Committee on the Rights of the Child emphasises that recognition of a child as a holder of rights “is anchored in a child’s daily life from the earliest stage”. Noting that children’s views are not systematically taken into account in decisions concerning the child, the UN Committee on the Rights of the Child is calling for stronger action “to promote the meaningful and empowered participation of children, including children in disadvantaged situations, within the family, community, schools and include children in decision-making in all matters relating to children”.

#### **Council of Europe’s standards**

The understanding that children are to be heard according to their age and maturity in proceedings concerning them is acknowledged in various instruments adopted by the Council of Europe.

That is the case of the “Recommendation 1639 (2003) on “Family mediation and equality of sexes”<sup>13</sup> of the Parliamentary Assembly which stipulates (paragraph 6) that the child “should also be heard in the mediation process because he or she is recognised as having rights. Children should be allowed their say if a solution is to be found that is genuinely in their best interests.”

Furthermore, the “Guidelines for a better implementation of the existing Recommendations of the Committee of Ministers to the Member States concerning family mediation and mediation in civil matters (Rec(98)1 et Rec(2002)10)”<sup>14</sup>, adopted in 2007 by the CEPEJ, which are addressed to a wide range of intended audiences, not only to member States and stakeholders involved in the administration of justice, namely, judges, prosecutors, magistrates, lawyers and family mediators, and also the parties to the dispute prescribed (paragraph 27) that “it is therefore recommended that member States and other bodies involved in family mediation work together to establish common valuation criteria to serve the best interest of the child, including the possibility for children to take part in the mediation process.”

Likewise, the “Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice” adopted by the Committee of Ministers of the Council of Europe on 17

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<sup>12</sup> [Convention on the Rights of the Child text | UNICEF](#)

<sup>13</sup> [Rec. 1639 - Recommendation - Adopted text](#)

<sup>14</sup> <https://rm.coe.int/16807475b6>

November 2010 and explanatory memorandum”<sup>15</sup> also state that children should be heard in legal proceedings and that, paragraph 25, “children should be thoroughly informed and consulted on the opportunity to have recourse to either a court proceeding or alternatives outside court settings. This information should also explain the possible consequences of each option. Based on adequate information, both legal and otherwise, a choice should be available to use either court procedures or alternatives for these proceedings whenever they exist. Children should be given the opportunity to obtain legal advice and other assistance in determining the appropriateness and desirability of the proposed alternatives. In making this decision, the views of the child should be taken into account.”

Furthermore, the Recommendation Rec(2025)4 of the Committee of Ministers to member States on the protection of the rights and best interest of the child in parental separation proceedings<sup>16</sup> provides (paragraph 52) that “the right of the child to be heard and to participate, where appropriate, in alternative dispute resolution processes should be ensured, in accordance with the child’s best interests.”

Finally, supporting the same principle, the Recommendation Rec(2025)5 of the Committee of Ministers to member States on the protection of the rights and best interest of the child in care proceedings<sup>17</sup> (paragraph 20) prescribes that “the child should be provided with a genuine and an effective opportunity to express his or her views, either directly or otherwise, and be supported in doing so through a range of child-friendly mechanisms and procedures. The child’s level of understanding and ability to communicate, as well as the circumstances of the case, should be taken into account.”

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<sup>15</sup> [Child-friendly justice - Children's Rights](#)

<sup>16</sup> [CM/Rec\(2025\)4](#)

<sup>17</sup> [CM/Rec\(2025\)5](#)

## **Appendix B - Example of training for family mediators on CIM**

Family mediators who talk with children have a distinct role that calls for specific additional training, irrespective of their previous qualifications and experience. Personal qualities are important, not only knowledge and skills. Mediators need warmth and empathy to engage with children and gain their trust, especially when the child is shy and anxious. Children should be respected as equals, with their own individuality and point of view. If they feel patronised by an adult, they are likely to disengage.

In England and Wales, specific training in CIM consists of a 40-hour programme in which a minimum of 21 hours attended in person, with practical exercises such as role-play and opportunities for the trainers to observe each mediator in role play. The remainder of the programme consists of designated reading and written assignments. The training should be designed to develop the 'competencies' (areas of knowledge) required for effective CIM practice. The Family Mediation Council in England and Wales requires mediators to demonstrate the key capabilities in order to be formally recognised as CIM-qualified.

Outlined below is the training program adopted by the Family Mediation Council, provided as an illustrative example.

### **Areas of knowledge should include:**

- a) Family systems theory**
- b) Attachment theory**
- c) Child and adolescent development**
- d) Crisis and resilience theory**
- e) Child and adolescent development (physical, cognitive and moral development)**
- f) Risks and resilience theory**
- g) Research on the effects of separation and divorce on children, the significance of their involvement in decision-making and models of CIM practice.**
- h) Potential effect of power imbalances between parents and children in CIM practice**
- i) Range of communication and behaviours resulting from culture, age, gender, ability, additional need, racial or religious diversity and how to respond to these.**
- j) Relevant legislation and statutory requirements on safeguarding and domestic abuse, risk assessment and safeguarding.**

### **The skills needed for CIM practice include the following:**

- a) Inviting the child and offering the child options such as meeting in person, talking online, talking with siblings together and then separately.**
- b) Engaging with the child and building rapport.**
- c) Explaining the principles of CIM, especially confidentiality and its limits.**
- d) Showing friendly interest, asking about the child's favourite activities and hobbies.**
- e) Asking different kinds of questions.**
- f) Listening, repeating and summarising.**
- g) Acknowledging feelings and concerns.**

- h) Inviting ideas and suggestions.
- i) Helping the child to decide a message for their parents/carers.
- j) Encouraging the child to reframe a negative message in positive terms.
- k) Sharing the child's message, either directly in mediation or via the mediator working with the parents/carers, without adding any further information or advice.
- l) Encouraging parents/carers to take account of the child's views and wishes
- m) Writing to thank the child and to let them know that their message has been shared and their parents/carers will explain their decisions and arrangements
- n) Offering a further meeting, if the child would like to talk further
- o) Maintaining notes and file records.

## **Appendix C - Research findings on CIM practice**

### **United Kingdom (England and Wales)**

Until relatively recently, CIM In England and Wales was used by only a small number of mediators in a minority of mediations and its practice was generally viewed with skepticism. This situation changed in 2017-18 when mediators not trained in CIM were required to attend a CIM Awareness and Understanding Day given by CIM trainers. Feedback was very positive. More mediators applied for CIM training and the use of CIM in child-related mediations almost doubled. Research at the University of Exeter with a sample of children and parents who had taken part in CIM found significant benefits for the children and their families.<sup>18</sup>

### **Italy**

The Italian mediators' association, Mediamente, based in Florence, provides CIM training for mediators who undertake CIM in the surrounding region<sup>19</sup>. Mediamente is working with Defence for Children International Italy and the EU iCare project on a national methodology on international family mediation in the best interests of the child in Italy.

### **Norway**

Attendance at a one-hour mediation session is mandatory in Norway for all separating/separated/divorcing couples or cohabiting partners with children under the age of 16. Further mediation sessions can be arranged if required, up to a maximum of seven hours. Children are systematically included because 'separation and divorce are recognised as one of the important contexts in which children must be heard'.<sup>20</sup> After talking with the parents, the mediator talks with the child alone or with siblings together. The parents then rejoin the meeting and the mediator shares messages from the children, expressed as closely as possible in the child's own words. Parents retain responsibility for decisions. If they are unable to reach agreement after the children have been heard, the mediation continues without the children being present. Researchers in Norway found that children's participation in mediation influenced parents' decisions and that there was no evidence that including children in mediation had any adverse consequences. In a follow-up study,<sup>21</sup> children were asked to complete a questionnaire and 345 children (97%) answered one or more questions. 86% said they had liked talking with the mediator and 92% said they had felt well understood.

## **Research findings on CIM in non-European countries**

### **Australia**

In Australia, child-inclusive mediation is standard practice funded by the State. the great majority (86%) of children in a follow-up study said they had found it helpful to be included and have the opportunity to talk. One child said: 'It helped to have someone listen to what I said, for it to be confidential, but also she would pass on to my parents what I wanted them to know. I was allowed to speak and say what I want. I could speak about problems. Afterwards I felt really good, like much better.' The researchers concluded that enabling children to talk with a child specialist offered them 'a safe, specialist avenue for their views

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18 See footnote 10

19 <https://www.associazionemediamente.org/la-parola-dei-figli/>

20 United Nations Committee on the Right of the Child General Comment No 12, 2009, points 50 and 52.

21 Thórnblad and Strandbu, 'The Involvement of Children in the Process of Mandatory Family Mediation' in Nylund et al. (eds), *Nordic Mediation Research*, (Springer Books, 2018), 183–208.

and needs to be considered and indeed to impact significantly upon the way in which their parents were able to resolve their parenting disputes'.<sup>22</sup>

## **Argentina**

A research study (unpublished) on the use of CIM in the Bahía Blanca region of Argentina, on the same principles as those used in the UK and offering similar options for children and young people, reports very positive outcomes. 88% of parents in their sample accepted their children's proposals. 70% of the agreements reached were fully complied with and a further 19.5% were partly complied with. The authors of the study consider that 'the simple, yet profound, perspective offered by children and young people in mediation is indispensable in informing the decisions that are being taken by their parents or carers'.<sup>23</sup>

### **CIM in cross-border mediation in child abduction cases**

The Council of Europe's Recommendation Rec(98)1 of the Committee of Ministers to member States on family mediation noted the rising number of disputes over children in cross-border cases. The European Directive of 2008 states that 'agreements resulting from mediation are more likely to be complied with voluntarily and are more likely to preserve an amicable and sustainable relationship between the parties. These benefits become even more pronounced in situations displaying cross-border elements'.

Under the 1980 Hague Child Abduction Convention, 'the court may refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.' Listening to the child's views and wishes is extremely important in considering whether 'there is a grave risk that his or her return would expose the child to physical or psychological harm or would otherwise place the child in an intolerable situation.' When Hague Conference proceedings are commenced, the court with jurisdiction may refer the parents to one of the non-governmental, national and bi-national agencies that provide international cross-border mediation in parental abduction cases. These agencies include Reunite in the UK, International Social Service based in Switzerland and MiKK (International Center for Family Disputes and Child Abductions) in Germany. Reunite's report on their pilot project in international cross-border mediation, published in October 2006, explained that a child consultant talks with the child and conveys the child's wishes and views to co-mediators, who share them with parents in mediation and encourage their consideration. Reunite reported that children taken to another country were likely to lose their contact and relationship with the left-behind parent and with other family members as well. Many children experienced profound dislocation. When the court concluded that it was in the child's best interests to remain in the country to which they had been removed, the child's relationship with the non-resident parent was unlikely to be maintained, owing to travel costs and other difficulties. In his judgment in a 1980 Hague Convention case<sup>24</sup>, the judge said that 'the availability of mediation in the intense crucible of post-abduction family relations is a vital part of the first aid kit that can be used to heal the damage caused by abductions.'

In 2022 the EU iCare project funded by the European Commission developed a European methodology for international family mediation in the best interests of the child with a group of partners led by Defence for Children International Italy, Missing Children Europe, MiKK, and others. In the second phase of the project, also co-funded by the European

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22 McIntosh, J, Smyth, Kelaher, Wells and Long, 'Child-focused and child-inclusive family law dispute resolution' (2007) 13(1) *Journal of Family Studies*; 'Child-Focused and Child-Inclusive Divorce Mediation: Comparative Outcomes' (2008) 46(1) *Family Courts Review*, Association of Family and Conciliation Courts.

23 Elstein, S and Felibert, M, *Listening to Children in Mediation*, May 2023, La Trama, Buenos Aires [revistalatrama.com.ar](http://revistalatrama.com.ar) (translated by Lisa Parkinson).

24 BL v TC and LD [2017] EWHC 3363 (Fam).

Commission, Defence for Children International Italy is coordinating the translation and adaptation of the European methodology in the national contexts of Bulgaria, France, Italy and Poland.

The MiKK based in Berlin provides multi-lingual advice and support to parents and carers involved in cross-border disputes over children. MiKK has trained cross-border mediators in over 50 countries. In the spring of 2025, a mediator in Belgium working with a mediator in Greece, both of them trained by MiKK, organised a CIM training programme online for 15 cross-border mediators in 9 European countries including Bulgaria, Estonia, Poland and Sweden.