

## **Wroclaw Declaration on Mediation of Bi-national Disputes over Parents' and Children's Issues**

In May 2007, German and Polish mediators met for the first time in Berlin and they met again for a second mediation seminar in October 2007 in Breslau. We intend to continue the fruitful exchange and cooperation.

The topic of both of the seminars, in addition to an exchange and getting to know one another, was the preparation of basic principles for resolving bi-national child custody conflicts with the assistance of mediation. In doing this particular attention was paid to conforming mediation proceedings to the framework of international agreements and conventions such as the Hague Child Abduction Convention and the Brussels IIa Regulation. Based on our discussions and the German experiences gained from German-French and German-American mediation projects regarding the implementation of such bi-national mediations, we, the participants in the seminar today, make the following recommendations:

1. The mediation should be conducted as a **bi-national co-mediation**.
2. The mediators should have the same national origin as both parties to the mediation. Thus, in the case of a German-Polish abduction there should be one mediator from Poland and one mediator from Germany. **In this way both mediators reflect the very different cultural backgrounds of the parents.**
3. One mediator should be female and one mediator should be male. In this way the genders of both the mother and the father are represented by the two mediators.
4. One mediator should have a psychological/pedagogical professional background and the other mediator should have a legal professional background. Based on its high conflict dynamic, such proceedings require that one mediator has particular psychological-communicative abilities. The other mediator should have additional training in the legal particularities of international child abduction proceedings and other international parents' and children's issues (e.g., custody and visitation rights proceedings).
5. In abduction proceedings, both mediators should be prepared to be available to conduct a mediation within one to two weeks of the assignment.

The described approach may entail increased expenditures of time and higher costs. This is justified for the following reason: in mediation proceedings, in addition to return, questions of parental custody, visitation, and other issues, e.g., financial, can be resolved sustainably.

Bi-national mediation proceedings are a sensible addition to existing international legal instruments. Through such proceedings, international child custody conflicts can be effectively settled in a manner that is oriented toward the needs and interests of the children and the parents concerned.

Wroclaw, October 8, 2007

Signatories pursuant to the attached list