

Cross-Border Family Mediation (CBFM) Training for Ukrainian Mediators

ONLINE via ZOOM

Sunday, 10th-13th September 2023 (Module 1)

Wednesday, 9th -11th October 2023 (Module 2)

Almost 8 million Ukrainians have left Ukraine since the start of the full-scale invasion. Most of them are mothers and children. Unfortunately, due to disruptions in family communication, some of these families are faced with the issue of co-parenting while separated by an international border.

What challenges do these parents face? Both from a practical, emotional and legal point of view? How can parents settle their disputes regarding contact, country of residence, the involvement of grandparents and the extended family in the upbringing of children? How can mediation assist parents in resolving these issues amicably and what are the special features of mediating these cases having regard to the particular context and the specific challenges posed by the war?

To find the answers to these questions we would like to invite **Ukrainian family mediators**, residing in the Ukraine and those residing abroad, to participate in the **Cross-border Family Mediation Training for Ukrainian Mediators**. The 40-hour training course will also cover many other aspects of family mediation between parents separated by a border. It aims to qualify Ukrainian family mediators to mediate cross-border family disputes, including international child abduction, child access and custody cases. The course will cover relevant legal aspects of international family conflicts, including differences in national family law and the 1980 and 1996 Hague Conventions as well as the Voice of the Child in child abduction proceedings and mediation. Participants will get acquainted with the tools and methodologies of mediation in international family disputes with the aim of protecting the best interests of the child. Practical role plays form an integral part of the training.

This course has been specially adapted for the settlement of cross-border disputes between Ukrainian parents, taking into account the specific challenges presented by wartime. Other topics featured in this training include: Parental Alienation and the specifics of Trauma-informed Mediation.

Training Providers:

The training is conducted in partnership by the **Ukrainian Mediation Academy** and **MiKK - International Mediation Center for Family Conflicts and Child Abduction** with co-funding of the **European Union** (EU Co-financed projects *CONSENT* and *ACCORD*¹)

- [MiKK - International Mediation Center for Family Conflicts and Child Abduction](#), a leading international training provider in the field of international family mediation, and has been conducting such trainings internationally for more than 20 years. The standardised Cross-border Family Mediation (CBFM) Training concept was developed by MiKK in the EU co-funded Training in International Family Mediation (TIM) project in 2010. Over the past years, MiKK has continuously adapted, improved and updated its CBFM training to keep abreast of any changes in the mediation and legal environments and to take into account feedback from international participants. So far, mediators from more than 50 countries have successfully completed the MiKK CBFM training. For this training the MiKK CBFM training concept was modified in parts to allow the integration of specialist modules conducted by expert trainers from the Ukrainian Academy of Mediation so as to address the problems and particular challenges arising for families in times of war.
- [The Ukrainian Academy of Mediation \(UAM\)](#) was established in 2014 and is a leading non-governmental organisation in the field of mediation and ADR. Its mission is to promote the development and dissemination of

¹ UAM project *Consent: Enhancement of alternative dispute resolution (ADR) in Ukraine with focus on mediation*. (CRIS/OPSYS number 431-395), 2022

MiKK project *ACCORD: Advisory Service on Mediation in Custody Disputes and Child Abduction Cases for Parents and Outreach to Strengthen and Promote Judicial Co-operation in the EU* (JUST-2021-JCOO-JACC-OG-SGA)

mediation and other alternative dispute resolution (ADR) in Ukraine, as well as to increase the level of culture of peace and harmony in Ukrainian society. The UAM implements initiatives aimed at ensuring access to quality mediation services, promoting the harmonisation of Ukrainian legislation on ADR with the legislation of the European Union, facilitating the professional development of mediators, and conducting educational, training and research activities.

TRAINERS:

A team of international trainers from MiKK, UAM and experienced independent trainers, as well as representatives of the judiciary and Central Authorities all of whom are experts in their fields, will conduct this interactive training course, which aims to equip family mediators with the necessary knowledge, skills and tools to mediate complex international family disputes with a particular focus on cross-border disputes involving Ukrainian families.

TERMS OF PARTICIPATION, FEES & PREPARATION

General

- This training is **open to certified Ukrainian family mediators only**, regardless of their country of residence.
- The number of places is limited. Please apply as soon as possible. If the number of applications exceeds the maximum number of participants, preference will be given to practising family mediators.
- **Registration** for the training will be open **until August 10 2023** (participants will be informed by 17 August 2023 whether or not they have been selected to participate in the training).

Training Course Fee

- There is **no training fee is payable** for participating in this training, however **in return for participating**, mediators are asked to agree to making themselves available for conducting **two pro-bono mediations** in an international family dispute between Ukrainian parents. To implement this obligation, mediators are kindly requested to register on the mediation-help.com platform **before September 1st**. After successful conclusion of the *CBFM Training for Ukrainian Mediators*, mediators are obliged to include their offer to conduct 2 free-of-charge mediations to their *Mediation Help* profile (as was agreed as a condition for participating in the training).

Preparation for the Training:

- Please allow at least 3,5 hours to prepare before the first training session. Preparation will involve: familiarising yourself with the applicable international legal instruments, answering some questions on National Family Law (Ukraine and other countries) and watching a 35-minute film (online). All of this information will be sent to participants in advance.

Certificate & Listing:

- Active participation in **at least 90% of the training is required in order** to be selected and to receive a **certificate**.
- In addition to being listed on the Mediation Help Platform, each participant who has successfully concluded the training and has fluent English or German will be able to join the International **MiKK Mediators listing free-of-charge** for two years (until 2025) .

KEY DETAILS OF TRAINING :

Training Dates: The training will take place in two parts/modules: 10-13 Sept (4 days) & 9-11 Oct (3 days) 2023.

Times: Please note that there are shorter training days (11am-3pm) and longer days (11am-5.30pm) as follows:
from 11:00 a.m. to 3:00 p.m. Kyiv time (10 & 12 September, 10 & 11 October);
from 11:00 a.m. to 5:30 p.m. Kyiv time (11 & 13 September; 9 October).

Format: Online (via Zoom)

Training language: English with simultaneous translation into Ukrainian; Some training sessions will be conducted in Ukrainian. Please note that the language of the role plays will be Ukrainian (the role-play sessions will be supported by the Ukrainian trainer team).

Programme / Overview

SEPTEMBER MODULE 1

10th September
Day 1, Sunday
 11.00 – 15.00

Mediating Across Cultures & Models of International Family Mediation

Christoph C. Paul, Ischtar Khalaf-Newsome, Svitlana Stadnyk

- Introductions – expectations - programme
- Models of International Family Mediation
- **Break 15 min**
- Mediation Styles
- Framework and Specifics of Mediating Hague Cases
- Film: Discussion

11th September
Day 2 Monday
 11.00- 17.30

Framework and Specifics of Mediating Hague Convention Cases

Christoph C. Paul, Ischtar Khalaf-Newsome, Anna Zubachova

- Introduction to the Case Study
- Co-mediation and Understanding the Other's Perspective
- **Break 15 min**
- Agreement to Mediate
- Stages of Mediation
- Mediation Tools
- Role-Play & Feed-back Rules
- **Break 30 min**
- **Role-Play Session:** Role Play in Groups stage 1 & 2 "Setting the Stage & the Agenda"

15.00-15.30

12th September
Day 3 Tuesday
 11.00 - 15.00

Legal Module

Ischtar Khalaf-Newsome, Svitlana Stadnyk, Luiza Romanadze

- International Legal Instruments in Matters of Parental Responsibility (1980 and 1996 Hague Conventions)
- **Break 15 min**
- National Family Law of different countries
- HCCH Guide to Good Practice, Principles of Mediation etc.
- Mediation law of Ukraine. International and Ukrainian context
- Code of Ethics of Ukraine
- Ethical Dilemmas

13th September
Day 4 Wednesday
 11.00- 17.30

Mediators in the Courtroom

Judge Martina Erb-Klünemann, Olha Zozulia (Central Authority Ukraine), Svitlana Stadnyk, Ischtar Khalaf-Newsome

- MiKK Mediators in the Courtroom (MIC) in Ukrainian Cases
- Making the MOU Legally Binding
- Hague Convention Liaison Judges Network
- Ukrainian Hague Return Cases – German Judge's Report
- **Break 15 min**
- Report from the Ukrainian Central Authority
- Domestic Violence as an issue in child abduction cases
- Prep for Role Play Stage 3: The Heart of the Mediation & relevant Tools
- **Break 30 min**
- **Role-Play Session:** Role Play stage 3 "The Heart of the Mediation"

15.00-15.30

OCTOBER MODULE 2

9th October
Day 5 Monday
11.00 – 17.30

15.00-15.30

The Voice of the Child in Mediation

Dr. Lesley Allport, Tatyana Bilyk

- Focusing on “the Best Interests of the Child” in Mediation
- Child Inclusive Mediation
- **Break 15 min**
- Input PPP & Discussion: Child Psychology, Trauma through War
- Engaging With Children in Mediation (Age Appropriate Interview Techniques & Tools)
- Role Play: “The Voice of the Child”
- **Break 30 min**
- **Role-Play Session:** Role Play stage 4 “Developing & Reviewing Options in the best interest of the child”

10th October
Day 6 Tuesday
11.00 – 15.00

War in Ukraine related knowledge and Parental Alienation

Tetiana Bilyk, Lisa Parkinson

- Trauma informed practice in family mediation: Key characteristics of crisis mediation.
- Practical tools for effective practice in the face of stress and trauma of participants in the mediation process.
- Principles of communication in mediation with participants who have experienced a traumatic event.
- Recommendations for family mediators practising in crisis conditions.
- **Break 15 min**
- Role play "First contact with the parties in crisis mediation"
- Understanding Parental Alienation and Justified Resistance

11th October
Day 7 Wednesday
11.00 – 15.00

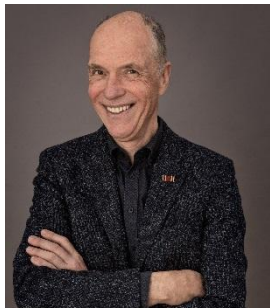
Drafting the Memorandum of Understanding (MOU), Joining CBFM Community

Ishtar Khalaf-Newsome, Luiza Romanadze, Magdalena Janczuk,

- Input Drafting the Memorandum of Understanding (MOU)
- Role Play stage 5 “Drawing up the MOU”
- **Break 15 min**
- Cross border family mediation related information on Ukrainian Mediation Academy
- Cross border family mediation related information on MiKK
- Discussion – Feedback – Evaluation – Certificates

Information on the Trainers

Core Trainers



Christoph C. Paul is an attorney, notary (rtd) and mediator in Berlin. He is co-founder and Patron of *MiKK e.V. International Mediation Centre for Family Conflict and Child Abduction* and co-editor of *Cross-Border Family Mediation*, Paul, C.C. and Kiesewetter, S. (eds.), 2014.

Awarded the Order of Merit of the Federal Republic of Germany for the implementation of cross border mediation in conflicts involving parents and children.

Awarded the Sokrates-prize for mediation 2010 for his work as a long-standing mediator and as a “mediator of mediation” in institutional contexts.

Contact: www.paul-partner.eu ; www.imker-christoph-paul.de



Ishtar Khalaf-Newsome is Head of Advisory Services and Co-CEO of *MiKK e.V. - International Mediation Centre for Family Conflict and Child Abduction* in Berlin. She is a cross-border family mediator, family lawyer and *MiKK* cross-border family mediation trainer. Prior to joining *MiKK* in 2014 she practised family law with Dawson Cornwell, a London based family law firm specialising in international family law and 1980 Hague child abduction cases. Before that, Ishtar worked as a case manager at the child abduction NGO reunite International in London. She holds a Master’s Degree in Near & Middle Eastern Studies, Arabic and Islamic Law from SOAS (School of Oriental and African Studies) University of London, and a Master’s Degree in German & English from the Freie Universität Berlin. Ishtar qualified as a mediator with the Family Mediators Association (FMA) in London and with

Inmedio (Multi-Track Peace Mediation) in Berlin. She trained in Child Inclusive Mediation (CIM) with the FMA. Ishtar has developed content and conducted mediation trainings for *MiKK* and other institutions such as ERA, EJTN and for EU co-financed projects (LEPCA, VOICE, I-CARE). Ishtar has co-conceived EU co-financed projects for *MiKK* (i.e. AMICABLE, ACCORD). She has published on family law and cross-border family mediation in e.g. *Research Handbook on International Child Abduction Handbook*, Edward Elgar Publishing (2023), *The Family Law Journal* (2009), *Spektrum der Mediation* and *Die (Wirtschafts)Mediation* (2017). She is a contributor and co-editor of the forthcoming publication: Paul, Kiesewetter, Khalaf-Newsome (eds). (2023) *Cross-border Family Mediation*. Berlin: Wolfgang Metzner. Contact: ishtar.newsome@mikk-ev.de

Запрошені Тренери // Guest Trainers



Anna Zubachova

Co-founder of NGO "League of Mediators of Ukraine". Practising family and business mediator, and a mediator for Hague Convention Cross-Border Child Abduction cases certified by *MiKK e.v.*, supervisor and trainer of mediators, psychologist, psychotherapist with 11 years of practical experience.



Luiza Romanadze

Attorney, mediator (DeutscheAnwaltAkademie), trainer, PhD, Associate Professor, Honored Lawyer of Ukraine. CARA Fellow at University of Southampton (UK). President of Ukrainian Academy of Mediation, Team Leader of EU Project "CONSENT: Enhancement of Alternative Dispute Resolution in Ukraine with the Focus on Mediation". Co-founder and Honorary member of the National Association of Mediators of Ukraine, member of the Supervisory Board of the Association of Family Mediators of Ukraine, head of the Mediation Committee of the National Bar Association of Ukraine.

Co-author of Law on mediation, Mediator Code of Ethics, Basic Principles of Training in Basic Mediator Skills, Principles of Training in Family Mediator Skills.



Martina Erb-Klünemann is a German family court judge. She worked as a judge in general civil and criminal law cases at various courts before her appointment as a family judge in 1996. In this capacity she is responsible for international family conflicts pending at her court in Hamm/ North Rhine-Westphalia as a specialized court for a district covering nine million inhabitants.

She has extensively published in the field of international family law and acts as an expert for the Hague Conference on Private international law and on the European level.

Martina is a network judge in the European Judicial Network in civil and commercial matters (EJN) and in the International Hague Network of Judges (IHNJ) as well as co-chair of the Association of International Family Judges (AIFJ). She runs Europe-wide training courses on cross-border family law. For years she is involved in the training in cooperation in civil matters run by the European Judicial Training Network (EJTN). Her main focus is on strengthening children's rights in cross-border proceedings.



Olha Zozulia is a lawyer. She is in charge of operations with the international treaties on child protection sphere in the Ministry of Justice of Ukraine.

Her professional skills and knowledge concern the theme of child protection and child abduction, including procedure of mediation in cross-border family disputes, custody issues and scope of the parental responsibility and other legal representatives of the child, applicable law, jurisdiction, procedure of recognition and enforcement.



Svitlana Stadnyk is a co-founder and a Member of the Board of the NGO "Association for Family Mediators of Ukraine" (AFMU), honorary member of the "National Association for Family Mediators of Ukraine". Svitlana is an experienced family mediator certified in Ukraine and the United Kingdom and a mediator for Hague Convention Cross-Border Child Abduction cases certified by MiKK e.v. Contact: svitlana.stadnyk@gmail.com



Dr. Lesley Allport has a long career in mediation spanning the last 26 years. Working initially as a family mediator in the 1980's, she has been involved in developing new areas of practice, particularly in the context of Special Educational Needs and Disability Conciliation. She mediates in workplace disputes, has experience in community mediation and is trained to mediate in cross border family disputes and parental child abduction cases. Lesley began training mediators 18 years ago. She delivers foundation courses in several contexts as well as training for supervisors and mediators working directly with children and general continuing professional development. She has a keen interest in developing professional standards. She is a Board member of the College of Mediators and currently chairs the Professional Standards Committee. She also sits on the editorial board of the new College journal "Mediation: Theory and Practice".

Lesley also has an academic interest in mediation. In 2005, she completed a European Masters' Degree in Mediation, as part of which she developed a model of supervision specific to mediation. In 2016, she successfully completed her Ph.D. at the Birmingham Law School where she was examining the comparative growth of mediation, identifying similarities and differences of practice across a number of contexts of mediation delivery. Contact: lesley.allport@ladr.net



Tetiana Bilyk

Accredited international mediator (2009 CEDR, UK; 2021 MiKK, Germany), trainer and supervisor of mediators; Chairman of the Board of the NGO "League of Mediators of Ukraine"; Chairman of the Board of the NGO "International Training Center "Mediation School"; Co-founder and Member of the Supervisory Board of the NGO "Association of Family Mediators of Ukraine"; Contact of ISS (International Social Service, General Secretariat, Switzerland) in Ukraine within the framework of cooperation on cross-bordering family mediation. Psychologist, psychotherapist.



Lisa Parkinson

Lisa is a grandmother in family mediation, as well as in her own family. 45 years ago, she co-founded the first family mediation centre in the UK and a few years later, helped to set up the first national association of family mediators with a Code of Practice and training programme. Lisa drew from her experience in mental health social work and family therapy to develop a family systems approach to mediation with separated couples, parents and carers, rather than settlement-seeking mediation focused on adult negotiations without considering the child's right to be heard. Parental conflict harms children's well-being and development, especially where there is litigation and continuing dispute. Together with five family lawyers in London, Lisa launched a pilot project in 1986 to extend mediation from child-related issues to all issues, including finance and property.

The Family Mediators Association was founded in 1988 (Lisa was appointed director and now a Vice-President), providing cross-disciplinary training in co-mediation on all issues. As a founder member of the European Forum on Family Mediation and World Mediation Forum, Lisa has taken part in conferences and given mediation training in many countries including Argentina, Canada, Finland, France, Germany, Italy, Kazakhstan, Morocco, Portugal, Russia, South Africa, Spain, Switzerland, Turkey, Ukraine and the US. The 4th English edition of

her book, *Family Mediation*, was published in 2020, with seven editions in other languages. Now retired from mediation practice, Lisa continues to give training mainly in child-inclusive mediation (ChiM – children in mediation), so that children and young people can be offered the opportunity to talk with a ChiM-qualified mediator, if they wish, and have their views and suggestions taken into account by their parents. Arrangements agreed within the family work better and last longer than a court order. In 2022 Lisa was delighted to win the National Mediation Significant Achievement Award.



Magdalena Jańczuk

is Co-CEO of MiKK e.V. International Mediation Centre for Family Conflict and Child Abduction since 2019. She has been working at MiKK since 2014. As co-managing director is responsible for the financial and organisational aspects of the association's work as well as for human resources.

Trained as a mediator and cross-border mediator, she graduated in administration from the Faculty of Administration and Social Sciences at the Warsaw University of Technology (MA).

She has been involved in several EU projects implemented by MiKK at different stages, from planning to implementation (LEPCA II, iCare, ACCORD), as well as being largely responsible for the planning and preparation of the financial plan and implementation of the EU project AMICABLE developed by MiKK, which involved project partners from four EU countries.

Suggestions for Reading



Kiesewetter, S. & Paul, C.C., Family Mediation in an International Context. In: Christoph C. Paul and Sybille Kiesewetter in cooperation with MiKK (eds.). Cross-Border Family Mediation - International Parental Child Abduction, Custody and Access Cases. 2014, Frankfurt/Main: Wolfgang Metzner Verlag, second and updated edition. **3rd updated edition with additional topics & authors coming soon in October 2023!**

EU Parliament. IPOL Policy Department for Citizens’ Rights and Constitutional Affairs: In-depth Analysis – 40 years of the Hague Convention on child abduction: legal and societal changes in the rights of a child, November 2020; p.1-20, PDF ISBN 978-92-846-7452-7; [https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/660559/IPOL_IDA\(2020\)660559_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/660559/IPOL_IDA(2020)660559_EN.pdf)

Freeman, Marilyn and Taylor, Nicola (eds). Research Handbooks on International Child Abduction. 1980 Hague Convention. Research Handbook in Family Law Series. Research Handbook on International Child Abduction Handbook, 2023, Edward Elgar Publishing.

Freeman, Marilyn. Parental Child Abduction: The Long-Term Effects. 2014

<http://www.famlawandpractice.com/researchers/longtermeffects.pdf>

Hague Conference on Private International Law (HCCH): Guide to Good Practice Mediation under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. 2012

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

Keshavjee, Mohamed. Islam Sharia and ADR – Mechanisms for Legal Redress in the Muslim Community. 2013, I.B.Tauris & Co Ltd.

Parkinson, Lisa: Family Mediation – Appropriate Dispute Resolution in a New Family Justice System. 2011, Jordan Publishing Limited, Bristol

Paul, Christoph C. & Walker, Jamie: An International Mediation: From Child Abduction to Property Distribution. In: American Journal of Family Law 3/2009, p. 167-173

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