

Wrocław Declaration on Mediation of Bi-national Disputes over Parents' and Children's Issues

German and Polish mediators met for the first time in Berlin in May 2007, and again for a second mediation seminar in October 2007 in Wrocław. We intend to continue this valuable exchange and cooperation.

The topic of both seminars, in addition to an exchange of views and an opportunity to get to know each other, was the preparation of basic principles for resolving bi-national disputes over parents' and children's issues through mediation. In doing so, particular attention was paid to making mediation proceedings conform 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 on the implementation of such bi-national mediations, we, the participants in today's seminar, 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 each party in the mediation. For example, in the case of a German-Polish abduction there should be one mediator from Poland and one from Germany. **In this way mediators reflect the different cultural backgrounds of the parents.**
3. One mediator should be female and the other should be male. In this way the genders of both the mother and father are represented by the two mediators.
4. One mediator should have a psychological/pedagogical professional background and the other should have a legal background. These high-conflict proceedings require one mediator to have 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 contact/visitation rights proceedings).
5. In abduction proceedings, both mediators should be available to conduct mediation preferably within one to two weeks of the assignment.

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

Bi-national mediation proceedings are a sensible complement to existing international legal instruments. Through such proceedings, international disputes over parents' and children's issues can be settled in a way that is oriented toward the needs and interests of the children and parents concerned.

Wrocław, October 8, 2007