

Religion and Culture in Mediation of International Child Abduction

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The devastating effects of parental abduction on children and their families are well-documented and the problem will likely grow along with globalization. The Abduction Convention has provided relief to many impacted families but it has not been adopted in most countries and numerous structural, procedural, cultural and economic barriers can limit the treaty's effectiveness. Recent initiatives in the international community suggest that mediation may be a promising alternative to litigation in some of these cases. There are a number of very difficult practical, ethical and cultural issues, however, that must be addressed when attempting to craft a mediation model that is effective in responding to the crisis of international child abduction. Mediators handling these cases must also be highly trained in dealing with issues of domestic violence and parental alienation. In addition, the influence of religion--both on the way in which the various laws applicable to this process are interpreted as well as on the parties' expectations and desires related to the upbringing of their children -- is also extremely relevant in these cases especially in cases involving countries that practice Shari'a law and are not signatories to the Abduction Convention. My presentation will attempt to address some of these issues in depth as well as report on recent initiatives in the United States to mediate these cases including some recent case studies.