

MEDIATION

STRENGTHENING FAMILIES

WHAT IS MEDIATION?

Mediation is a voluntary, private, and confidential process facilitated by a trained and impartial mediator.

The mediator hosts a conversation with two or more people, in order to resolve a dispute and develop a mutually acceptable solution

MEDIATION AT FIDA-KENYA

With a view to enhancing family unity and building family relations, FIDA-Kenya advocates for mediation at the first instance as a way of settling family concerns.



WHY TRY MEDIATION

Whereas court hearings and other forms of litigation give power to others to handle your conflicts, mediation will empower you to determine the outcome. You make your own solutions to your own issues.

HOW DOES MEDIATION HELP?

Mediation takes place in a neutral environment where each participant has equal power and talking time. It's a process that nurtures constructive communication. The mediator is present to make sure the conversation stays respectful and productive

MEDIATION IS NOT



IS NOT A COURT PROCEEDING

Mediation is not the place to be seeking legal advice or present evidence to determine who is at fault. In mediation, there are no judge or jury to decide the outcome - that power is left to the parties

The decisions made in mediation are not legally binding unless the parties write their own agreements down - listing whatever outcome they agree to follow through with



IS NOT THERAPY or COUNSELLING

While mediation is a process that encourages people to express their emotions and needs, you will not be prescribed advice or treatment

IDEAL MEDIATION DISPUTES

Mediation can be used in practically all types of disputes that are not criminal in nature. Such include:



Family disputes, child custody & maintenance



Environmental disputes and Disputes involving Land and Inheritance

However at FIDA-Kenya, mediation is not applied to cases of abuse, divorce or separation where there is violence or threats of harm.

Mediation now has a legal basis through the Kenyan constitution. As part of the ongoing judicial transformation, the Judiciary has embraced mediation as one of the ways of reducing backlog of cases in court

CHALLENGES OF MEDIATION PROCESS

The voluntary nature of the process means parties may choose not to attend the mediation and or implement the argument.

Virtual mediation sessions can sometimes be inefficient as it is totally reliant on stable/ reliable internet.

The common challenges are:

01. BREAKING ICE

The parties introduce themselves and the mediator makes an opening statement. The purpose is to establish communication between parties.

02. NARRATION

Each party is given an opportunity to provide his or her perspective of the dispute or present their version of the facts.

03. DETERMINING INTERESTS

The mediator will confirm the interests of the parties by summarizing for each disputant his or her understanding of the dispute.

04. SETTLING OUT ISSUES

The mediator assists the parties to develop a list of key issues.

05. BRAINSTORMING

Having prepared a list of issues, the mediator will encourage the parties to generate options with which they are familiar.

06. SELECTING DURABLE OPTIONS

The mediator will help the parties to pick realistic options for resolution. For instance, by encouraging parties to choose the most objective options of the scenario presented.

07. CLOSURE

The mediation will hopefully result in an agreement.



FIDA-Kenya conducts mediations in its three regional offices every month. Parties are encouraged to visit FIDA-Kenya's offices to resolve their family disputes.