

Mapping: Mediation in Navarre

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Mapping: Mediation in Navarre

Mediation: A look at history:

- Originally mediation was a religious activity: Mediation between God and man in the Old Testament.
- This means there is a conflict between God and man.

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- Old Testament: Prophets and religious leaders are the mediators.
- Aim: Submission to God's will. ([Ha.](#) of Jonah and the town of Nineveh) .

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- In the civil field:
Mediation is carried out through diplomacy:
- Diplomacy = Activity between states to resolve conflicts of interests, borders etc. in a peaceful way.

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- Mediation:

an activity that takes place in response to social conflicts in societies that are complex, differentiated and individualized.

Principle: My way of seeing things is different from yours . Plurality as source of conflict.

Aim: Social life in coexistence (\pm harmony)

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Social areas in which mediation takes place:
(infinity, more and more):

- finances, work , neighbours, **intercultural** ,
evictions, etc.

-In our study:

- Between members of a family : family mediation,
- and in schools: educational mediation.

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- Map of Navarre and statistics
- 620.000 inhabitants
- 100.000 inhabitants more than in the year 2000

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- Transformations en family life:
 - Liberation of sexual behaviour.
 - Divorce and separation
 - Multiple ways to establish relationships
 - Women's equality
 - Individual security
 - A wide range of family constellations
 - Low birth rate(1.20 a 1.40)

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- Legal changes concerning the family :
- At state level
 - Gender Equality Act 2005
 - Divorce Law (1981, 2005,2011, 2012
 - Law of mediation in civil and commercial matters (05.07. 2012).

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- In Navarre:
“Regional Law 12/2003, of March 7th, an ammendment to the regional law, of July 2nd, in order to adopt comprehensive measures to combat gender violence .

Mapping: Mediación en Navarra

- Mediation: (follow-up)
- Family mediation is referred to as the intervention of specialists in psycho-social-family and legal matters, aimed at finding points of agreement in aspects related to separation, divorce ,marriage annulment or partnership splits with the objective to avoid potential conflicts or disputes.

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- Three aspects to take into account:
 1. Mediation becomes a juridical act.
 2. Mediation is a professional activity.
 3. Mediation has legal effects.

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- Triple task assignment by the Government of Navarre to Society “Kamira”.
 - Family mediation (more than 200 a year)
 - Family counseling (more than 340 a year)
 - Meeting Points (3 points in Pamplona)

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- Family mediation : starts in the USA in the 70ties and has spread through Europe and Spain mainly from the year 2000 onwards. In Navarre it is defined as follows:
“Family mediation is a specialized Social Service. It’s a system for the resolution of conflicts between the members of a family (in the broad sense) that through a voluntary and confidential process enables communication between the parties to the dispute so as to reach viable agreements, which are satisfactory to everybody and which take into account the needs of the family as a group. The professional mediator is responsible for the mediation process and acts in a neutral and impartial way.” (regional order 147/2007 23 July 2007)

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Access through:

- Community-based Social Services and Neighbourhood Units.
- Municipal Women's Centres
- Women's centres
- Health and Mental Health centres
- Family courts and other courts with competence in family proceedings
- Departments for educational guidance.
- Directorate-General for Family, Infancy and Consumer affairs.
- The Child Protection Section of the Directorate-General for Family, Infancy and Consumer affairs.

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- Recipients:
 - Couples that have decided to separate without having started the legal proceedings.
 - Couples who have started their separation or divorce proceedings or other proceedings concerning their children and who are referred to mediation by judiciaries with competence in family proceedings who consider the process might be benefited by a mutual agreement.
 - Couples who have solved their separation or divorce legally but who are still in a crisis situation regarding the execution of the former court rulings and who find it necessary to renegotiate them.

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Principles:

- Respect for people and their diversity
- Confidentiality
- Voluntary participation of stakeholders
- No judging
- Priority to the protection of minors
- Impartiality
- Responsibility and involvement of stakeholders

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- Legal framework
 - LOE (Spanish Education Law)
 - Regional law 847/2010, 23 August)
 - Regional order (204/2010, 16 December)

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- Regional Order: All schools are to have a plan on how to live together.
- “The Plan includes preventive measures, mediation, commitments for living together, rules of living together, etc and the peaceful resolution of conflicts.

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- An educational counselling service is created by the Ministry of Education of Navarre as a support to mediation in schools.

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- There are 312 educational centres: 245 are state schools and 67 are subsidized private or private schools.
- There are about 95295 students between 3 and 18 years old.

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- Intercultural mediation

This kind of mediation is directed to ethnic minorities and to immigrants. There is a wide range of courses, offers and experiences , which is difficult to evaluate. Most of them consist in intervening in problems with the language , social counselling, educational counselling and housing counselling

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- Number of mediations carried out per area(2012)
 - Legal-Administrative :689 - 19,3%
 - Labour-economic: 689 - 19,3%
 - Social: 606 – 17,0%
 - Immigration: 323 – 9,1%
 - Educational: 319 - 8,9%
 - Others
 - **Total: 3.565**