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# Dissertation Submission Form

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**COMPARATIVE ANALYSIS OF FAMILY MEDIATION BETWEEN MEXICO AND  
IRELAND.**

By

Carlos Alberto Jimenez Vazquez.

A dissertation presented to the

FACULTY OF LAW INDEPENDENT COLLEGE DUBLIN.

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Higher Educational Training & Awards Council for the Degree of MA in Dispute  
Resolution

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## DEDICATED

My deepest gratitude goes out to my parents for instilling in me from a young age the work ethic and resiliency necessary to persevere through the challenges that life inevitably brings. I would not be where I am today without their unwavering support in every aspect of my life. Without it, I would not have been able to get here.

And to everyone in my family and circle of friends who has been there for me and encouraged me throughout this entire process, thank you.

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## **ACKNOWLEDGEMENTS.**

To begin, I would like to express my gratitude to God for granting me the opportunity to have such a fruitful experience while I was a student at this university. I could not have asked for a better outcome. Next, I would like to take this opportunity to thank the institution that I graduated from for giving me the opportunity to work in an industry that I am very passionate about. In conclusion, I would like to take this opportunity to extend my gratitude to each and every instructor who participated in the process of providing this all-encompassing training, which resulted in the production of this class of graduates as both a legacy and a living proof of the program's success.

In closing, I would like to convey my appreciation to everyone who has taken the time to read this chapter or any other component of my work. I am appreciative that you have spared some of your time to consider some of my experiences, findings, and recommendations.

## **ABSTRACT.**

This article is the result of a review that aimed to analyse the development of mediation aimed at the federal states and their promotion of family mediation, as well as the progress they have made with respect to the development of this alternative justice process at a national level, so that in order to make proposals in this area, it is necessary to investigate the current status of this alternative process and the way it is being used. In order to make proposals on the subject, it is necessary to investigate the current status of this alternative process and the way it is being



## INTRODUCTION.

This alternative dispute resolution mechanism is a specialised method that helps to resolve family conflicts of various kinds. It was one of the first methods to promote the resolution of disputes in this area in Mexico and Ireland without the need to go to court. Disputes can be resolved through this mechanism. Since family mediation is a specialised method that assists in the resolution of various types of family conflicts, the purpose of this paper is to conduct a qualitative study on the progress of family mediation in Mexico and Ireland. This alternative dispute resolution mechanism is a method that helps resolve family conflicts. In this sense, a study will be carried out starting from what family conflicts are and how they are classified, as well as the opinions of various doctrinal specialists working in the field, in order to provide a clear picture of what disputes are and how they can be resolved. This will be done in order to provide a clear picture of what disputes are and how they can be resolved. In order to accomplish this, we will begin by defining what family conflicts are and how they can be categorised.

After that, there will be an analysis of the fundamentals of family mediation, including the standards that have traditionally been used in the industry, such as those pertaining to confidentiality, equality, and impartiality, amongst other standards. After that, there will be a discussion regarding the future of family mediation. Following that, there will be an inquiry into the expansion of family mediation on a scale applicable to the entire country. On the other hand, it is important to inquire about the following topic: what advances have been made in the field of family mediation at the national level? What's the difference

between Ireland and Mexico? In this regard, family mediation was initially conceived of as an alternate method of conflict resolution.

In the first chapter, we will be able to observe some important definitions in order to understand our research topic. Some of these definitions include what mediation is, the mediator, family mediation, confidentiality, equity, family conflicts, and a brief review of the history of family mediation in Mexico and Ireland, exposing the most relevant aspects of that history.

In the second chapter, you can learn about the methodology that was used for this research. Here, you can see how it was built step by step, as well as the procedure that was carried out in order to get at the point where the objective was.

In chapter three, you will find the presentation of graphs and sample results. In this chapter, the responses of the interviewees who participated in this research study are given in a visual format.

The results that were acquired from the graphs that were discussed earlier will be shown in the fourth chapter.

And here, at long last, are the findings that this study project yielded for our perusal.

## **1-LITERATURE REVIEW.**

### **1.1- Mediation.**

When it comes to the actual practise of mediation, according to Professor Alan Kirtley (2017), people should be encouraged to work through their problems on their own, empathising with them and allowing them to release some of their frustrations about the situation, but then encouraging them to move on because mediation is primarily concerned with looking to the future. The realisation of the interests, desires, and goals that people, groups, or organisations may have in a manner that is not only comfortable but also convenient is made possible through the process of mediation.

In ancient China, mediation was seen as "the preferred technique to resolve disagreements," and it was widely used (Lee, 2019). It is still considered highly offensive to go to the judicial system without first attempting a direct settlement, which is an example that could be followed in the rest of the world. This is because the sense of honour is the highest value of the individual for Orientals in general, and the Chinese in particular. As was said earlier, mediation is a procedure in which a third party who is impartial and independent works with two or more parties who are in conflict to find a way to resolve the conflict cooperatively and by reaching an agreement. According to (The Mediators' Institute of Ireland, 2014) it typically starts when the disputing parties alone are unable to initiate fruitful negotiations or when they have started discussing the issue but have reached a halt.

The mediator's participation is not that of a judge, but rather that of a man or woman of goodwill who leads the parties to reconcile their interests and reduce the level of intensity of their positions, through their mutual co-operation in the Mediation process, so that if an

agreement is reached, all of the parties will have ended up winning in the end. If the parties are able to reach an agreement, the mediator will then fulfil the role of a facilitator of communication between the parties in conflict.

Mediators are typically third-party individuals or groups that are not affiliated with either of the disputing parties. They also typically do not have opinions that are biased, predetermined, or set in stone regarding how a dispute ought to be resolved. Instead, they take an objective and impartial stance toward the issues, needs, interests, problems, and relationships involving all of the parties involved.

To be more specific, Mediation and mediators assist disputing parties in opening or improving communications between them; establishing or building more respectful and productive working relationships; understanding and considering each other's needs, interests, and concerns; proposing and implementing more effective negotiation or problem-solving procedures; and recognising or constructing agreements that are mutually acceptable (Moore, 2014, p. 106).

Because it leads to a solution that is agreed upon by both parties and, to the greatest extent that it is possible, satisfies both of their interests, one could say that it is a strategy that results in a win-win situation. In this particular scenario, it is not necessary to comply with what the judge decided; rather, it is necessary to comply with what the parties themselves decided, so we are keeping our fingers crossed that the initial feeling of resentment will lessen or go away altogether. And because the parties, with the help of the mediator, are the ones who build the solution to the problem, once an agreement has been reached, the parties won't sign it unless they see that it is fair and equitable for their interests, which is a departure from the antagonistic positions they started from.

And for its fundamental qualities, it is hoped that mediation will soon become the primary ideal alternative. In mediation, there is no judge who punishes or frees anyone; rather, in accordance with the will of the parties, a solution is sought out by a neutral third party, whose only desire is to assist in making the issue better. The amount of time that is wasted is cut down, and the solution does not come at a high cost; consequently, this becomes the ideal way to solve conflicts, which is based on consensus, active tolerance, and solidarity. Former Lord Chief Justice of England and Wales, Lord Woolf de Barnes gives his word that the following is true:

*“Mediation has come a long way, but it still has much more to go. The field now needs to evolve into a true profession rapidly. Individual mediators must provide more and better information about their skills, abilities, and personalities. The quality and transparency will allow Mediation to grow.”* Cited in (Leathes, 2010).

## **1.2- The Mediator.**

The mediator serves as both the central axis around which mediation revolves and the differentiating factor in this process. The following is a list of the four necessary characteristics or qualities of a mediator, which can be used to determine what aspects of a mediator are essential: 1. Theoretical comprehension that includes information about the various models of mediation, the role of the mediator and the function that they serve, as well as the fundamental aspects of the conflict and the mediation principles; 2. Skills in the practise of mediation, including a command of the procedures essential to successfully manage the mediation process; 3. Ethical consciousness, given that the mediator needs to have firmly established ethical principles, and 4. Sensitivity to one's

own emotions as well as the emotions of others in order to understand and interpret those emotions (Behrens, 2003, p. 273).

In addition to these qualities, there should be a particular focus placed on the different kinds of interactions that take place. This should involve paying attention not only to the words that are exchanged, but also to the ways in which the body communicates and expresses intention, as well as the various gestures that can have an effect on feelings. This is beneficial for the process of mediation because it helps the mediator better understand the parties involved, which in turn allows them to improve their own methods. This can also help to improve communication between the people who are participating in the process, as the behaviour of the mediator should, ideally, serve as a model for how the parties and others should communicate with each other and treat each other while the Mediation is taking place (Macmillan, n.d.).

In relation to making it easier to read about all of the aforementioned aspects, preparation is essential for the mediator to ensure that there is an adequate level of familiarity with the topic of mediation and with a decent sense of the personalities and viewpoints of the parties to serve them in a convenient manner. This provides the mediator with the ability to identify the relationships between the parties in order to determine who carried the most weight, the difference in the value that they give to elements, and their way of working with each other. This will help with the difficulty of resisting any agreement, the stress of the ongoing dispute, detecting the person's needs, and any other information that could be useful for the mediator at the time of the interventions. The idea of personality will be investigated in the following section because the current work proposes

that determining the personalities of the parties involved can be helpful not only to the mediator but also to the people who are trying to reach a compromise.

### **1.3- Family Mediation.**

#### **1.3.1 Concept of family mediation.**

Due to this new lack of agreement on a single definition among the numerous authors who have researched the topic, the idea of family mediation can be understood in a number of different ways. It is clear that there are a variety of interpretations, and it is fascinating to gain an understanding of the differences between these interpretations so that each of us can formulate our very own interpretation. Some definitions are:

For author (Lisa, 2005), family mediation is "a process in which an impartial third party assists those involved in a family break-up, and a impartial third party helps those involved in a family breakdown, and in particular separating or divorcing especially couples in the process of separation or divorce, to communicate with each other and to reach their own and come to their own joint decisions, on the basis of sufficient information, regarding some or all of the sufficient information, on some or all of the issues related to separation, divorce, divorce, divorce and separation, divorce, children, finances or family property.

The concept of family mediation is described by the author (Romero, 2005) as, "an intervention in a conflict or a negotiation by a third person acceptable to the parties, impartial and neutral without any decision-making power and which aims to help them to

develop their own viable and satisfactory agreement that is able to respond to the needs of all the members of a family, in particular those of the children".

In this sense, more specific is the concept of (Perron, 1999), who defines family mediation as a way of helping in the management of conflicts and not precisely in their resolution, in which the parties are the separating parents and are guided by third parties not involved in the conflict process, who will also collaborate with the parties in the way of seeking solutions for the children, guaranteeing parental responsibilities until the end of the process either with a writ or with a court order. In this sense, family mediation is more specific

According to (Valdivia Salas, 2019.), it is mentioned that family mediation encourages dialogue, an understanding of problematic situations, the maturity to put collective interests before individual interests, and the generation of an environment that is conducive to sharing and debating ideas, as well as proposals that provide trust and also allow progress in the construction of agreements and consensus.

As a result of the information presented above, I am able to demonstrate that family mediation is a process in which the parties engage in a dialogue in which they redefine an unresolvable conflict as one that can be resolved, understanding that they have the ability to do so.



### **1.3.2 Characteristics of Family Mediation.**

It should be made clear that the following is a list of characteristics that are associated with family mediation:

- a) "The United States and Canada. Canada" are credited as being the pioneers in the use of family mediation.
- b) Helps resolve conflicts that arise out of issues such as divorce, separation, children, money, or other family assets.
- c) It is a place where the parties who are responsible for the conflict (parents, children, spouses, etc.) can learn to communicate with one another and negotiate the terms of their disagreements (however, as we will see later, in some countries such as Mexico there is a limit on public order).
- d) This approach, which is a variation on the standard method of mediating conflicts, "has a preventive effect by helping family members to become aware of the effects of a destructive approach to conflicts, thereby improving their relationship."

As a result, we can say that family mediation helps to re-establish relationships that have been affected by some destructive attitudes. As a result, we can say that it is obviously a rescue factor in the type of family problems that we are discussing here.

#### **1.3.4 Advantages of Family Mediation.**

After conducting an in-depth analysis of mediation, I am in a position to state that some of the benefits of using mediation are as follows:

- a) It makes it possible to mend relationships that have been broken as a result of negative attitudes.
- b) It provides the opportunity for the preservation of the institution of the family within society.
- c) There will be no financial burden.
- d) Communication between the parties is essential to the formation of any agreement.
- e) The establishment of agreements through the free will of the parties involved.

#### **1.3.5 Principles governing family mediation.**

The following are the basic principles of the procedure, which are essential to its development and results in terms of effectiveness and efficiency. They arise and coincide often in mediation agreements and comparable legislation:

- a) The principle of voluntariness refers to the parties attending the procedure without the presence of vices in the consent, since otherwise there would not be equality between the parties and the capacity and possibility of negotiating and reaching agreements would be vitiated, and similarly, that it can only be initiated at the request of the parties; The main attribute of mediation is its voluntary nature,

otherwise it makes no sense, since what it seeks is to establish agreements arising from the free and conscious will.

- b) Impartiality is essential, as it is a trait that has a direct influence on the equality of the parties involved in the procedure, which will make it easier for disputes to be settled. This is because impartiality promotes equality.
- c) The concept of neutrality refers to not taking sides or making a prior judgement in favour of or against the various interests or positions of one or both mediators. Neutrality is important because it allows for a more productive mediation process. To put it another way, the procedure and the mediator both need to ensure that the points of view of the parties in conflict are respected, which ensures that both sides are treated equally during the negotiation process.
- d) Maintaining confidentiality requires not revealing any information that was discussed or obtained during mediation sessions, regardless of whether it was communicated verbally, in writing, or in documents. It keeps the process's confidentiality, which is a secret that can only be broken with the express authorization of the parties, or for issues related to professional ethics, or for the commission of a crime. This ensures that no one can find out what is going on during the process.
- e) Flexibility implies that family mediation should be developed without being subject to any procedure established in the relevant codes. Instead, it should only be subject to the Minimum Rules established in the legislation governing mediation, which are in reality nothing more than requirements that ensure negotiation and agreements between the parties under conditions of equality and respect.

### **1.3.6 Who is family mediation for?**

Family mediation is primarily directed toward the members of the fundamental social unit known as the family. This is due to the fact that the family unit is the nucleus from which many different types of conflicts emanate, including those concerning separation, divorce, children, the economy, or family patrimony, amongst many other issues.

The following types of disagreements can be resolved through the use of family mediation:

- a. Disagreements between the child's parents regarding important aspects of the child's life, such as the child's education or where the child will live.
- b. Arguments that take place between parents and their children.
- c. Disagreement between brothers and sisters regarding the care of other family members.
- d. Contact between grandparents and grandchildren.
- e. Conflicts within the family over monetary matters.
- f. Conflicts within the family regarding various aspects of the family business.
- g. Issues with members of the family not being able to communicate effectively.
- h. Problems related to fostering and adopting children.

Due to the fact that the mediation is a private and confidential process, all members of the family who are present should experience feelings of safety and security.

#### **1.4- Confidentiality.**

On the other hand, there is the principle of confidentiality, which, according to (O.D., 2018), extends to the mediator, meaning that it is shielded by professional secrecy. This protects not only the mediation institutions but also the intervening parties, who are not permitted to disclose the information they obtain from the procedure. Therefore, confidentiality establishes that mediators or parties involved in the procedure are obligated to declare or provide documentation in a judicial procedure, about information and documentation deriving from an alternative justice procedure. this is because information and documentation deriving from an alternative justice procedure is considered confidential.

#### **1.5- Equality.**

Equality does not always mean treating each individual in the same manner; rather, it means treating individuals in such a way that the outcome for each individual can be the same. This entails putting measures into place that will assist individuals in achieving outcomes that are comparable to those desired.

In (John, 97)theory, equality is a constitutional guarantee that can only be attained through the implementation of a procedure that results in a "well-ordered society." This procedure places an emphasis on rational and reasonable deliberation. Reasonable because of the capacity of each individual to regulate personal conduct and to submit his or her judgements to discussion with others, which gives the process its political meaning.

Rational because each individual uses his or her own self-understanding to pursue his or her own interests in an intelligent way.

### **1.6- Family Conflicts.**

However, when a conflict arises, tools are also required to help resolve it, so these instruments must be used correctly, and have the necessary knowledge to help execute them in the terms that have been established. Conflicts or controversies have existed since ancient times, from wars to the most common conflicts between people. They have been the source of different problems that bring disastrous consequences in the social and economic environment and in different aspects of coexistence.

In this sense, the term "conflict" has been defined in a variety of ways within the specialised doctrine; therefore, a commonly accepted concept from Latin is the word "conflictus," which means to clash, afflict, or inflict. This is because, as Maria Elina Funquen Alvarado (Funquen Alvarado, n.d.) explains, "conflict" can also mean misfortune or bad luck, and it can be considered to be something aberrant or pathological, as well as violent.

In this context, while discussing family disputes, the specialised doctrine has developed a typology of these conflicts. According to Iglesias (E., 2018), family conflicts can be categorised as follows: Conflicts of Coexistence: this category of controversies arise from the interaction of various members of the family circle. As a result, within this category, they can be subclassified as intergenerational conflicts, which are disagreements between parents and children that are brought on by differences in the characteristics and values held by each generation. In a similar vein, we might speak of disagreements

that emerge from the coexistence of individuals who make up the family component, such as communication, respect, and the division of responsibilities.

### **1.7- History of family mediation in Mexico.**

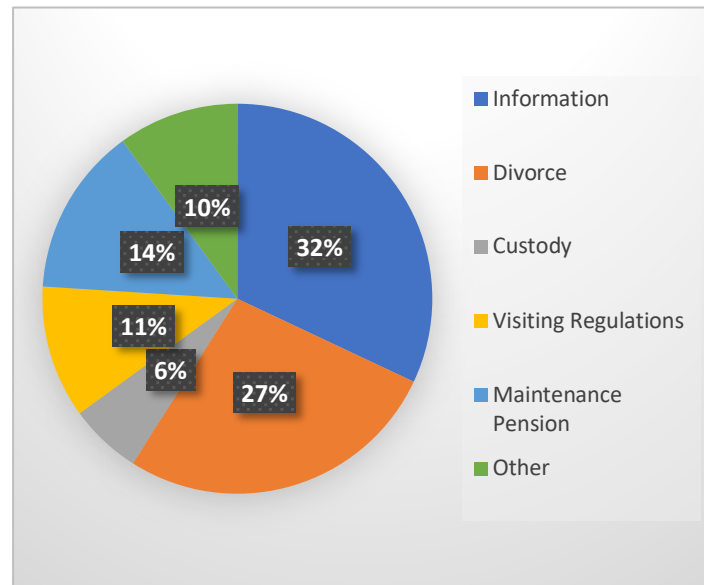
To begin, mediation in Mexico has been an extremely innovative paradigm in the way of solving conflicts in a variety of different domains. Furthermore, mediation has been a very effective resource for resolving disputes in criminal matters throughout the various stages of the Criminal Justice system, as well as in juvenile justice. However, mediation has also spread to other domains; however, when it comes to the resolution of family disputes, it is one of the methods that is most frequently sought after.

As a result, family mediation was introduced for the first time in Mexico in 1986, through a process that is known as prior hearing and conciliation. However, after that, the Federal Judiciary Council issued a series of agreements, such as 16-26/2003, where it approved the implementation of stages of an alternative justice project, which later, through agreement 19-47/2003, created the Alternative Justice Centre of the Superior Court of Justice of the Federal District, as well as the Alternative Justice Centre of the Superior Court of Justice.

According to Carina (Carina, 2012) , the Alternative Justice Centre in Mexico City did not have an organic law; however, subsequent laws were issued to regulate the matter. One such law is the Alternative Justice Law of the Federal District Superior Court of Justice, which was published in the Official Gazette of the Federal District on 20 December 2007 and entered into force on 8 March 2008. Therefore, alternative means of redress were already beginning to echo their effectiveness prior to the reform in 2008 that elevated

them to constitutional rank in Article 17 of the Constitution. On the one hand, Carina (Carina, 2012) mentions the first cases that were successfully resolved in family disputes in the Federal District, which is now known as Mexico City. These cases were as follows:

Graph depicting the different types of family cases that were brought forward in the 2000s.



Source: Revista Política, Globalidad y Ciudadanía. (Universidad Autonoma de Nuevo Leon, 2021)

In this way, it is possible to see that the beginnings of family mediation in Mexico were gradually beginning to show results. On the other hand, in spite of the low percentages, significant changes were reflected in the way conflicts were handled in this region.

In September 2003, in the area that is now Mexico City, bodies such as the Alternative Justice Centre were established under the auspices of the Superior Court of Justice of the Federal District, a body that did not have an organic law at the time, however, an agreement was provisionally drawn up establishing the regulations for its operation. This



body was established under the auspices of the Superior Court of Justice of the Federal District.

As a consequence of this, it was not until 2008 that the Alternative Justice Law of the Federal District, which had been published in the official gazette of the Federal District in the year 2007, finally went into effect.

The fact that these mechanisms started to be implemented before going to the courts was unheard of back then, so it was something of a novelty. It is important to note the favourable reception that these alternative methods received from the people living in the capital. Testimonies from staff members who had worked at the Alternative Justice Centre commented that they had been given negotiated solutions to their conflicts, in addition to mentioning the personal changes and personal relationships that had occurred within themselves. It is important to note that the population of the capital had a positive reception to these alternative methods (Luis, 2009).

As a result, another of the states that took on the challenge of putting themselves at the forefront of alternative dispute resolution mechanisms was the state of Jalisco. In this regard, the state managed the task of implementing various citizen consultation forums in different parts of the state in 2004, with the participation of the following: the state attorney general's office, the state attorney general's office, the state attorney general's office, the state attorney general's office, the state attorney general's office The Office of the Attorney General, the Bar Association, lawyers, jurists, and academics from universities participated in these forums, with the purpose of discussing the creation of a law on the subject, as well as providing a solution to conflicts in civil, family, and some

criminal matters, which ultimately resulted in the presentation of the initiative of a draught Law on Alternative Justice.

In the years that followed, Jalisco's system of alternative justice was modernised. This was possible as a result of changes made to Article 56 of the Political Constitution of the state, which paved the way for the establishment of a specialised body charged with the administration of alternative justice. In this sense, the first sessions were held, and during those sessions, Jorge Garcia Dominguez and Oscar Magallanes de la Rosa were appointed as directors of alternative methods and validation, as well as directors of accreditation, certification, and evaluation, respectively.

Since Jalisco offers the necessary accreditation, certification, and evaluation for all candidates who wish to obtain a position in the practise of mediation, it can therefore be considered an advanced state in this field.

There were a total of 38,344 trials in 2009, of which 7894 were family cases. A total of 2856 agreements were reached, of which 1398 were in family matters. In 2009, the number of trials continued to rise, resulting in a total of 38,344. In the year 2010, there were a total of 3779 cases that were brought forward for family mediation, and out of those, 1396 agreements were reached in the same field.

It is important to mention that since the reform of article 17 of the Constitution in June 2008, the majority of states have begun to update their family law. This indicates that the population has begun to consider alternative dispute resolution mechanisms as an alternative solution with an effective and simple procedure. Despite the fact that the

number of trials was increasing, the number of cases in this specialty began to increase, as did the number of agreements.

However, at the moment, González compiles a list of the states that expressly contemplate family mediation in each of their laws, as well as those states that do not:

In legal matters involving families, an unequivocal statement that there was no instance of violence within the family is obligatory.	Aguascalientes.
However, despite the fact that family matters are considered distinct from civil matters, mediation is not expressly provided for in this domain.	Baja California Sur, Estado de Mexico, Jalisco, Campeche, Nayarit, Yucatan, San Luis Potosi, Chiapas, Ciudad de Mexico, Chihuahua, Colima.
Although it is not expressly contemplated, the law governing juvenile justice does take into consideration instances of family violence involving minors.	Coahuila.
The mediation process can be terminated if it is determined that there has been family violence.	Hidalgo, Oaxaca.
Mediation within the family context is not specifically mandated.	Michoacan, Sonora, Baja California Norte, Tabasco, Puebla, Morelos, Tamaulipas,

	Guerrero, Guanajuato, Queretaro, Veracruz.
There is no such thing as finality when it comes to agreements that have been made by private institutions and then later restricted.	Nuevo Leon.
Legal representation is not permitted in family matters because these are considered to be personal matters.	Quintana Roo, Durango.
Unless otherwise specifically provided for.	Sinaloa.

Source: (Alfredo Sanchez, 2020)

Although there are authors who consider the possibility of carrying out this type of alternative mechanisms on a specialised basis for the reconstruction of this problem, it can be seen that currently only three states are contemplating the denial of mediation in cases of domestic violence. On the other hand, it can be seen that only three states currently contemplate the denial of mediation in cases of domestic violence.

Even if it is not expressly provided for in the states of the republic, the possibility of family mediation is always possible, given that the bodies necessary to carry it out are already in place. Alternatively, there may be laws that tacitly open up the possibility of using what is known as alternative justice.

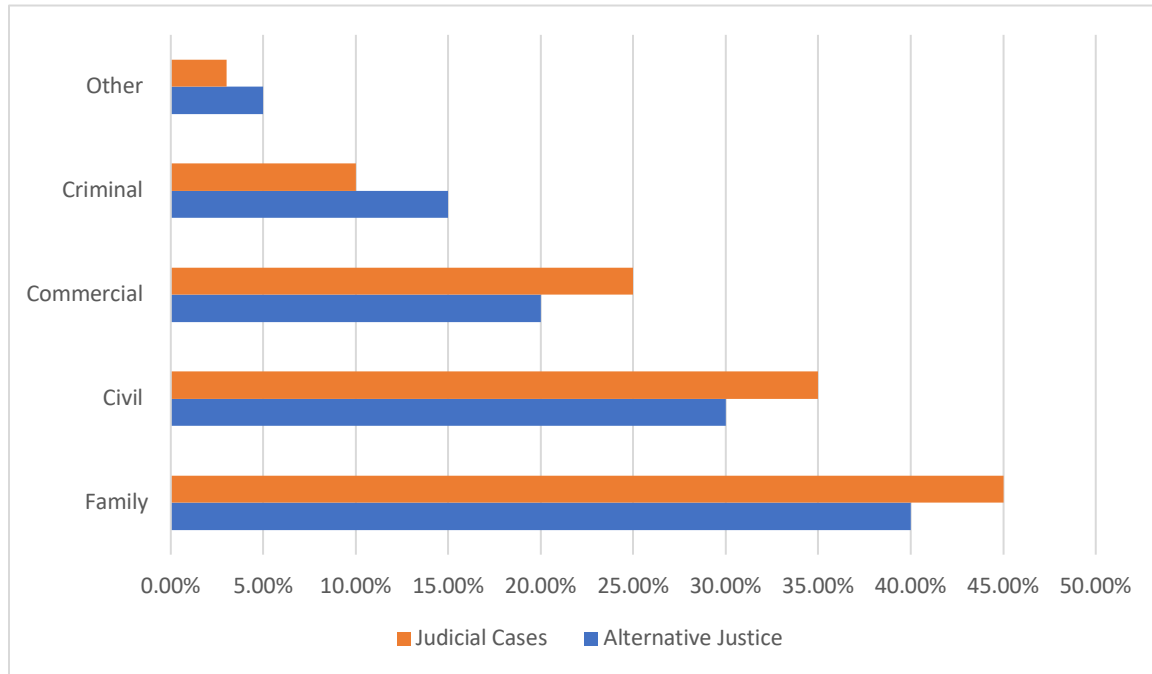
However, even if this is not contemplated in the legislation, the right to alternative mechanisms is already considered a universal human right. As a result, it follows that everyone has the right to request them in the judicial instances. This is true even if the legislation does not take this into consideration.

It is interesting to look at how family mediation has developed over the past four years, which we will see from the statistics that the National Institute of Statistics and Geography (INEGI) has elaborated in its reports on the progress of the State Censuses on the Administration of Justice by year. These reports can be found on the website of the National Institute of Statistics and Geography.

In this regard, the National Institute of Statistics and Geography (INEGI, 2016) reports that during the year 2015, a total of 164,244 requests for access were received through alternative dispute resolution mechanisms. Of those, 150,475 were deemed admissible, while 13,769 were deemed inadmissible. Similarly, 84.2 percent of the requests were for mediation, while only 8% were for conciliation. As a result, 39.5 percent of the open files were related to family matters (54,515), 30 percent were related to civil matters, 11.7 percent were related to commercial matters (16,110), and 9.4 percent were related to criminal matters (13,034). The remaining 9.4 percent of the matters make up 9.4 percent of the total (13,027).

Next, during the year 2016, the National Institute of Statistics and Geography (INEGI, 2017) mentioned in its National Census on the Administration of Justice 2017 that 156,899 cases were admitted in alternative justice centres. These cases are outlined in the following paragraphs:

Figure 2 shows the total number of cases that were submitted to the Alternative Justice system.



Source: Censo Nacional de Impartición de Justicia Estatal – INEGI.

In a similar vein, it can be observed that the number of family mediation cases at the national level has been growing each year, which demonstrates positive results in the growth of this model of justice that is offered in the extrajudicial and intrajudicial modalities that were examined in the sections that came before this one.

Therefore, family mediation in Mexico has made significant advancements in terms of how it has developed and the number of cases opened and concluded, which is a fantastic indicator that mechanisms of alternative dispute resolution are the best option for resolving family conflicts outside of the confines of the legal system and without the necessity of going to court.

Although it is true that not all cases are resolved, it is important to keep in mind that although the statistics show a large volume of cases in the alternative justice centres, the agreements that are reached are still very low; the reasons for this are due to a variety of factors, such as a lack of aptitude or a lack of knowledge. In my opinion, what should be anticipated is that there is still a long way to go in matters pertaining to families. This is primarily due to the number of cases that enter the mediation rooms. The reasons for this can be attributed to a number of different factors, including a lack of capability or lack of knowledge regarding the development of alternative mechanisms on the part of mediators, as well as an incorrect development of mediation on the part of the professional.

### **1.8- History of Family Mediation in Ireland.**

The 20th century witnessed a significant development in Ireland's history of mediation. As a direct result of the "troubles" that started in 1965 in Ireland, peace centres were established in the north of the island. Since 1974, peace workers from the Glencree Peace and Reconciliation Centre have been actively working toward the practical establishment of peace and the reconciliation of differences in Ireland's north and south. (Glencree, 2013).

Because the state recognised the need to have options available in addition to the judicial system, alternative dispute resolution has developed over the years. Since 1984, the government of the Republic of Ireland has provided financial support for divorce mediation as a method of conflict resolution for couples who are going their separate ways. The Tallaght Mediation Service was the first community mediation service to be established in the Republic of Ireland in 1990. It served the Tallaght area. Since that time, community

services have been established in many centres throughout Ireland with the support of Community Law and Mediation's service, which is a community mediation service that was founded in Dublin in 2004 to address the demand for free mediation at the community level. Community mediators are typically tasked with resolving disagreements between neighbours, as well as housing disputes, harassment complaints, conflict within families, and even certain disagreements in the workplace. After the publication of a report on the subject in 1998 by the National Crime Forum, restorative practises gradually started making their way into the Irish justice system. In tandem with this shift, restorative practise and mediation have become more prevalent in a variety of settings, including educational institutions, places of employment, religious communities, and regions with a long history of political violence. These settings all share the common goal of cultivating constructive interpersonal connections and a strong sense of community (Casey, 2013). As is the case with the Traveller Mediation Service, mediation services have also developed in conjunction with restorative justice in the community.

The Mediators' Institute of Ireland (MII) has been growing as an organisation ever since it was founded in 1992. – And in tandem with that growth, the field of mediation has expanded to become a respected profession. During that time period, there has been an increase in the number of qualified mediators working in the private sector who offer mediation services. The MII has 663 members as of September 2020, and they are active in a wide variety of fields, including but not limited to the following: family (divorcing couples, elderly, and international child abduction); workplaces; commercial; farming; and community. A significant number of these involve the private contracting of mediation



services. Others hold positions in organisations that are supported by the state and offer mediation services as a component of the alternative dispute resolution (ADR) suite that was discussed earlier.

The legislative framework that has recently been enacted in the Republic of Ireland is a significant new development that will have an effect on practise. On the first of the year 2018, in particular, the Mediation Act 2017 (Ireland, n.d.) became operational. It is essential to conduct high-quality research in order to understand what is happening, how it is happening, and why it is happening in order to inform future decision-making – from the perspective of individuals, groups, and larger cohorts. This is important for determining the contributions made to government policy and regulation, as well as the challenges faced in their development, as well as for the development of the profession of mediator and mediation standards. It is also essential for better informing decisions regarding the use of mediation as part of the alternative dispute resolution suite of conflict management choices that the state has available to it.

Since 1989, mediation has been an integral part of the legal framework in Ireland that governs all aspects of divorce and separation, and since 1986, the Irish state has made it possible for families to receive mediation services at no cost (S., 2017).

Despite this, participation in mediation among parties involved in family law disputes is still relatively low. In 2015, slightly more than 1,500 couples made their initial mediation appointments with the Family Mediation Service, which is funded by the state (Board,

2016).A total of 1,603 additional people participated in a mediation session held in a courtroom (Board, 2016) .

The Family Mediation Service has a well-established function in the process of resolving conflicts within families. In the past thirty years, there has been a significant expansion in the field of family mediation. Even though it is abundantly clear that mediation is not a replacement for counselling, therapy, legal advice, or access to litigation, it is now widely accepted as a viable form of conflict resolution that can result in a wide variety of positive outcomes. The results that the Family Mediation Service in the Republic of Ireland has achieved over the past decade are comparable to those that have been reported for similar services in other countries. The Family Mediation Service in the Republic of Ireland is in line with international practises, methods, and philosophies.

In Ireland, as is the case in other countries and regions, a minority of divorcing or separating couples each year opt to resolve their issues through mediation. Between the years 2003 and 2010, approximately 800 married couples participated in mediation each year, which represents approximately 12 percent of all participants. It is not possible to say whether this share will likely increase or decrease in the future without having access to additional data, nor is it possible to determine the potential benefits of providing access to a wider audience.

The potential benefits of family mediation were first advocated in the United Kingdom in the middle of the 1970s, and during the subsequent two decades, new services mushroomed all over the country. Some of these were associated with the courts, while others had their headquarters out in the community.

Early mediation services in Bristol, England served as inspiration for the development of Ireland's Family Mediation Service (FMS) (Corry, 2011). The Family Mediation Service (FMS) was the very first family mediation service in Europe that received funding from the public sector when it opened its doors in 1986 after being established as a three-year pilot project. By 1986, several other mediation schemes had been established in England and Scotland, but the FMS is one of the pioneering services, setting the pattern for the future development of services across all four jurisdictions. Other mediation schemes had been established in England and Scotland by 1986. (Ireland, England and Wales, Scotland and Northern Ireland).

The range of activities that mediators are responsible for gradually expanded as family mediation became increasingly popular in the 1980s and 1990s. The early programmes concentrated their efforts primarily on the resolution of disputes relating to the arrangements made for children. These disagreements were referred to as "custody and access disputes." As time went on, it became increasingly obvious that it would be nearly impossible for the mediators to confine the negotiations to the aforementioned topics if other issues, such as finances and property, were also up for debate. The fact that the parties were encouraged to be conciliatory when settling issues relating to children but forced to use the courts to settle other matters was confusing to them (Walker, 2001).

As a consequence of this, during the 1990s there was a significant but gradual shift in the practises of mediation toward something that came to be known as "all-issues mediation." This decision was made by the FMS in Ireland, which was somewhat unique in

comparison to other mediation services because it was made from the very beginning of the organization's existence.

The following table demonstrates that there has been a discernible rise in the number of requests for assistance in civil legal matters submitted during the past few years. A little more than 10,100 people submitted applications for legal assistance in 2007, but in 2010, that number had climbed to 17,200 people, representing an increase of roughly 70 percent. At the same time, the number of asylum claims lodged in the jurisdiction has decreased, which has led to a decrease in the number of applications submitted to the Refugee Legal Service.

<b>YEAR</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>
<b>Law centres</b>	17,175	14,073	11,888	10,164
<b>Refugee services</b>	1,448	2,298	3,219	2,650
<b>Total</b>	18,623	16,371	15,107	12,814

2 November 2011 , The Minister of Justice, Equality, and Defense made the announcement today that the Family Mediation Service will be formally incorporated into the Legal Aid Council.

According Minister Shatter said *"This is a particularly significant development and evolution of family related services in Ireland. It has long been evident to me that mediation in many family law cases offers a better route and outcome for the parties than the adversarial environment of the courts. I am therefore delighted to have been able to drive reform and modernisation in this critical area and to put in place a process and structure which facilitates a coherent and integrated approach to resolving certain family*

*law disputes. As I said in the Dáil in July last 'greater connectivity between the Legal Aid Board and the Mediation Service will result in many more estranged couples or parents using the service, especially dealing initially with custody and access disputes many of which could be readily resolved in mediation but unnecessarily end up with hearings in the District Court.'* (Shatter, 2011)

### **Strategy and Plan for the Provision of Family Mediation Services 2021- 2023.**

The following is a list of the objectives that the strategy should aim to achieve:

- Users should expect to meet people who have been trained to provide information on mediation, and they will be provided information that is both pertinent and timely in reference to the options open to them for resolving their disagreement.
- Users will have access to a service that is facilitated with a quicker service in terms of waiting times to use the service as well as the typical amount of time it takes to mediate a disagreement until it is resolved.
- Users who are not located in close proximity to our offices will be able to access the service through the utilisation of various technical options.
- Users who are seeking legal services from the Board will not be required to wait in line to use the family mediation services that are provided by the Board.
- There will be a presentation of business cases to the Department of Justice in an effort to expand in step with the growing demand for the service as an efficient alternative to handle family disputes.

(Board, 2021)

Location and Structure of FMS Services.

Location of FMS Offices	
Full-time	Part-time

Galway	Athlone
Limerick	Castlebar
Cork	Letterkenny
Dublin (St Stephen's Green)	Portlaoise
	Dundalk
	Blanchardstown (Dublin)
	Raheny (Dublin)
	Wexford
	Waterford
	Tralee
	Tallaght (Dublin)
	Sligo

## **2-RESEARCH METHODOLOGY.**

A theoretical framework that provides a perspective on our research questions has been established through the process of reviewing the existing body of scholarly literature. In order to delve deeper into the nature of the inquiry, we will need to formulate a guide, which in this instance will be in the form of a hypothesis. With the assistance of this guide, we will be able to reformulate and more precisely define the objectives of the research. After that, an analysis will be done on them in order to determine the most effective methods and tools to use in order to achieve them.

According to (Salgado Levano, 2007), we can summarise the steps for the methodology as follows: identify the problem statement; determine the general and specific objectives; determine the type of research; determine the research design; select the sample for the research; collect the data; analyse the data; and present the findings of the research.

This chapter lays out and justifies these and other aspects of the methodology, and then continues on to provide a detailed description of the design and implementation of the methods that were selected.

## 2.1- Hypothesis.

*In the countries that were just mentioned, family mediation is currently undergoing a process of development that is leading to the creation of a process that helps the parties through the mediation process.*

It was necessary to conduct additional research in order to determine whether or not the aforementioned assertion is true. In order to comprehend and firmly establish the basis of the methodology for this master's thesis, as well as to plan the research methodology, the "onion" model developed by Saunders was utilised. Saunders presented this model, which can be seen depicted in Figure 2.1, in his book entitled "Research Methods for Business Students" (Saunders, 2019).

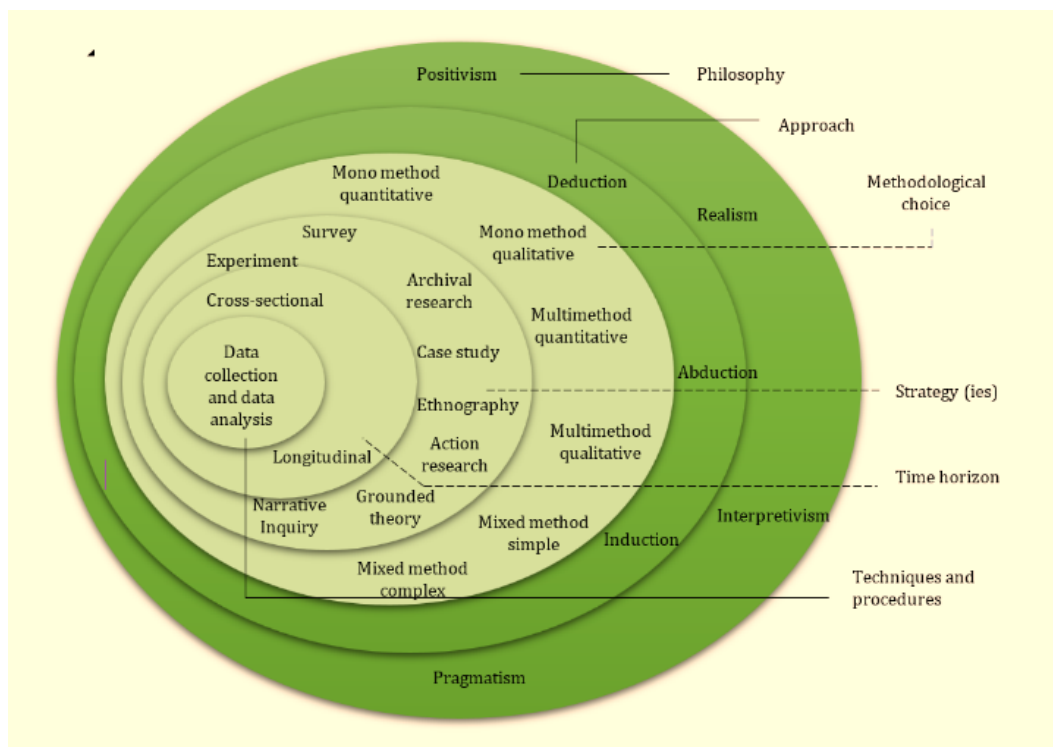




Figure 2.1 Research Onion Model (Saunders, 2019).

Data collection techniques can be viewed as an onion, with each layer of the onion representing a different aspect. By peeling back the layers one by one, the onion becomes more and more explicit, allowing for a smooth progression in project design and being useful in a variety of contexts because of its adaptability. The core consists of the methods that were utilised in order to collect the data (such as questionnaires, interviews, and observation, in addition to secondary data), as well as the processes that were utilised in order to analyse the data. At the same time, the layers stand for other components of the design. These other components give the context and the boundaries within which the approaches for data collecting and analysis are chosen. It is crucial to have a solid understanding of the link between the nucleus and each of the "external" instances because taking into account all of these components enables us to develop a plan that is consistent with the goals of our investigation and is effective in meeting those goals. Since it requires the interaction of various dimensions and the strategies or procedures that can be put into practise, it is believed that the approach of this method can complement and transfer the design of this project in a way that is reflexive, logical, and critical. This is due to the fact that it requires the interaction of different dimensions (Sahay, 2016).

## **2.2- Philosophy.**

Before beginning the research work, it is essential to clarify a stance or philosophical position that will serve as a guiding compass for the research process and the scientific evaluation of the results obtained; otherwise, they will be rejected or criticised for their ambivalence or indefiniteness. Defining a stance or philosophical position can be done in a number of ways.

The term "research philosophy" refers to the set of assumptions that has been established regarding how the world is perceived, including what we consider to be real and known, as well as our axioms. The consistent and coherent operation of this system is essential to the development of a strong research philosophy, and it will serve as the basis for the subsequent layers of the methodology (Saunders, et al., 2007).

This work is being carried out within the context of a social comparison in the field of family mediation between two countries (Mexico and Ireland). Because of this, the most appropriate philosophy has been chosen in order to carry out an analysis and capture the information in an objective manner. The comparison being carried out is between Mexico and Ireland.

Within the scope of this study, our primary concern is determining the level of development that has taken place in the field of family mediation between Ireland and Mexico. This is the reason why it is necessary to gather impartial information.

In this study, a non-experimental design was utilised, and a bibliographic review of the literature specialising in alternative dispute resolution mechanisms in family matters was carried out. Additionally, an exploration of websites specialising in statistics, where statistics on alternative justice in family disputes are analysed, was also carried out. Together, these two methods comprised the research methodology. Similarly, this study

employs a qualitative methodology to investigate each of the previously mentioned statistics on the development that has been made on a national level in the field of family mediation. This is the reason why each of the displayed graphs is also analysed.

### **2.3- Approach.**

The word "deduce" derives from the action and effect of the verb "deduce," which means "to infer consequences from a principle, premise, or assumption." This is where the "deductive technique" comes from. The process of deductive reasoning involves looking for patterns in the interactions between different variables. In this research work, the deductive method will be used in order to start from general aspects of the research in order to arrive at particular situations, which will be to know how the transformation of family mediation has been in different countries. This will be done in order to know how to know how the transformation of family mediation has been in different countries. Utilizing this line of reasoning, we will put the hypothesis to the test by conducting an experiment to determine whether it will be confirmed or disproved (Saunders, et al., 2007).

In this dissertation, the hypothesis will be tested using a qualitative methodology, which will rely on data collection to test the hypothesis and measurement and analysis to test the theory. Whether the hypothesis will be confirmed or not will be determined by the results of this methodology.

## **2.4- Strategy.**

Interviews, as well as other research methods, served as the basis for the development of the research instruments, which have been discussed previously. Methods of observation were also taken into consideration; however, this would need to be done over a longer length of time and under different conditions, such as the distance that separates the two countries. Interviews using a qualitative methodology are conducted in order to obtain individual workers' perceptions of the processes that are being researched.

As a consequence of this, the instrument that was chosen was:

- An interview that was conducted with four citizens of Mexico and four citizens of Ireland on the subject of family mediation.

In semi-structured interviews, there is some structure in the way the questions are asked and answered; the interviewer will come prepared with a list of topics or central questions to discuss. It gives the interviewer the ability to be flexible in order to make the most of the opportunities that are presented to enrich the data (That, 2016).

## **2.5- Methodological Choice.**

This study could be carried out using a mono method, in which case there would be a single data collection technique and the corresponding analysis procedure, or it could be carried out using a multi method, in which case there would be over than one data collection method and more than one data analysis method. When collecting data for a design, mixed methods refer to the practise of using both qualitative and quantitative approaches. (Saunders, et al., 2007)

In this particular instance, data will be gathered so that the qualitative method can be utilised.

## **2.6- Time Horizon.**

Exploratory research is the method that we should employ in this case study because we have a restricted amount of time and resources. Since its goal is to explore and analyse specific material that has not been investigated in depth before, in this case the comparison between our two countries that was discussed earlier, its primary focus will be on information that has not been thoroughly researched. In other words, we will make an initial approach with the intention of afterwards (in the future) carrying out an inquiry that is more in-depth. (Saunders, 2012)

## **2.7- Data Collection.**

For the purpose of this study, the method described above—conducting interviews with people from Mexico and Ireland—served as the instrument used to collect data. The goal of these discussions was to discover the individuals' levels of familiarity with the topic that was the focus of the investigation.

- Interviews.

Because it is regarded as a qualitative instrument, the analysis of it was carried out concurrently with the collection of the data. It was essential to develop an interview for the purpose of applying it, and then apply that interview to a total sample of eight different people. In order to investigate

and evaluate the respondents' level of familiarity with the topic of family mediation, questions were posed to a group consisting of four Mexicans and four Irish persons.

In contrast to the closed-ended questionnaire used for data collection and inquiry on a topic of interest, volunteers in this semi-structured interview have the opportunity to react in any way they see fit (Kawamura, 2011).

The application of interviews has the purpose of collecting information on the subjects that are relevant to the research study, comparing and contrasting those subjects, and performing an overall analysis of the interview and the data that was gained via it.

A total of ten primary questions were asked during the interview to guarantee accurate data gathering. The opinions and responses will be analysed in order to gain insight into the level of knowledge about family mediation that exists in each nation. This will be accomplished by determining the purpose of the interview. (see Appendix B).

The participants have given their agreement to take part in the study process that I am leading, taking into consideration the ethical considerations that are involved in research. The task was carried out when the consent form was made available and after the interview was given the green light.

After the interviews were finished, the information that was collected was used to generate graphs, which were then used to structure the research topic.

## **2.8- Research Ethics.**

The fundamental ethical principles of objectivity, honesty, respect for the rights of others, equal relationships, and critical analysis for the prevention of risks and harmful effects are adhered to in this work, just as they are in any other type of labour. In order to protect the

respondents' privacy and reassure them that the data gathered from them will only be used for the purposes of the study, ethical standards are adhered to at all times.

## **2.9- Research Limitations.**

The analysis that needs to be developed is about a comparison between two different countries, Mexico and Ireland. However, due to the distance between one country and the other, it was a bit complicated to gather some necessary information that is not provided in any online form. The two countries that will be compared are Mexico and Ireland. Developing the analysis will involve developing the analysis.

### 3- PRESENTATION OF DATA.

The information that was gathered as qualitative data from the methods and instruments that were described in the previous section is displayed graphically in this chapter. This gives us the opportunity to visualise and contemplate the development and operation of each of the variables that are at play. For the purpose of presenting the findings, several graphical tools were used.

The sample of information utilised for descriptive statistics was obtained by the utilisation of the information collected from the interviews. In order to obtain the results, an interview was carried out with the two countries in question. The purpose of the interview was to analyse the knowledge that each of the countries has in the field of family mediation and, as a result, to be in a position to have an answer that will assist our research in comparing how much progress each country has made.

The level of knowledge regarding the subject of mediation is displayed in figure 3.1. Using this graph, we are able to assess the level of familiarity that our respondents have with the subject of the research.



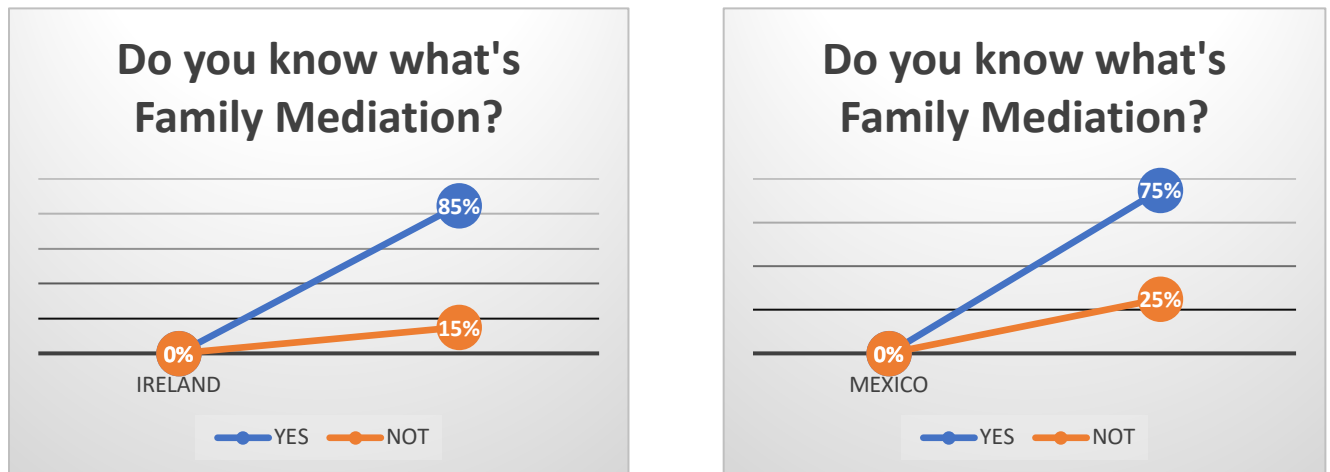


Figure 3.1

Figure 3.2 was created with the intention of discovering the very first word that comes to people's minds when they hear the term "family mediation." This graph will assist us in developing a viewpoint to determine how closely related each of these words is to the subject matter.

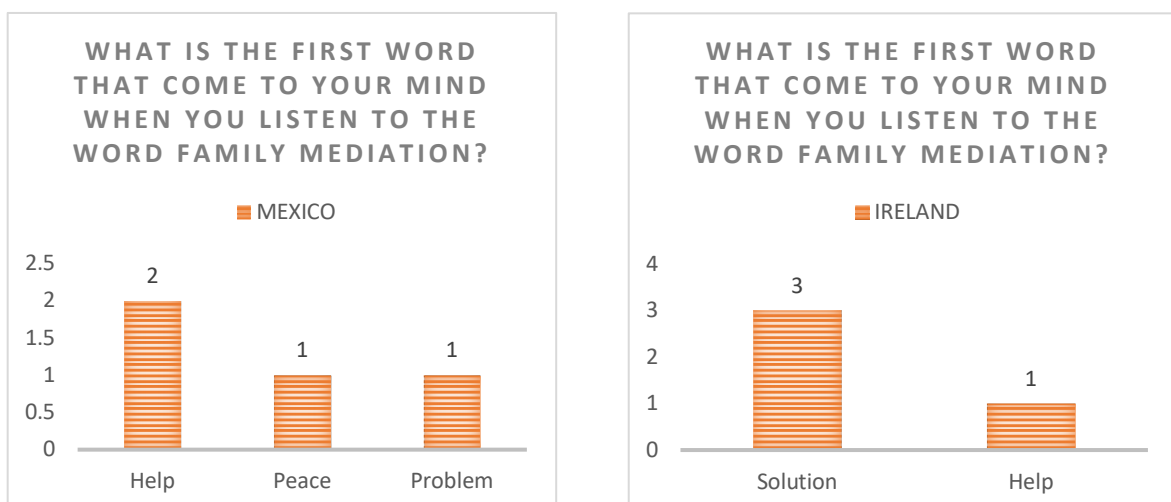


Figure 3.2

The purpose of the parameter shown in Figure 3.3 is to enable us to identify the nation that is host to the greatest number of mediations.

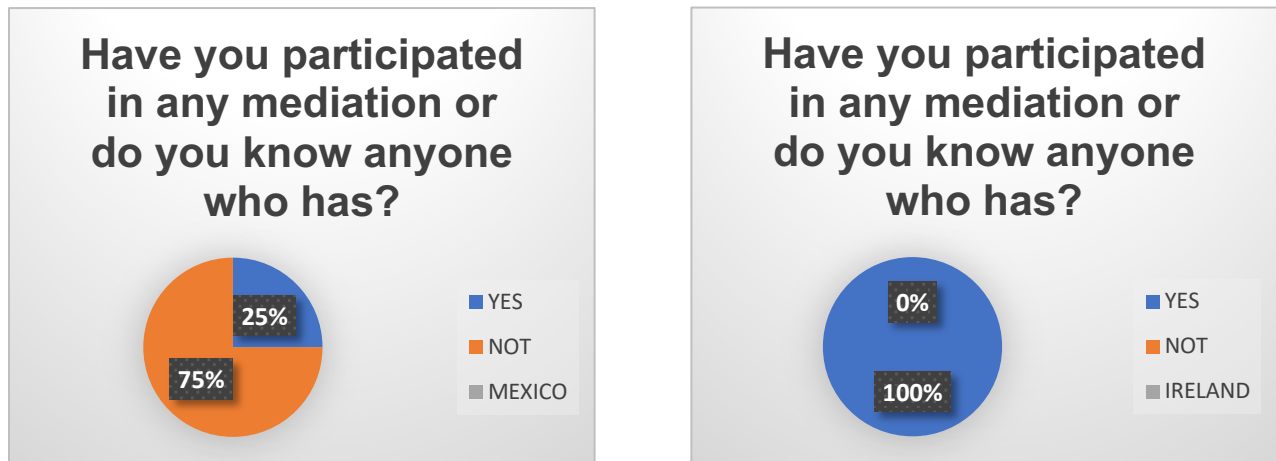


Figure 3.3

In our figure 3.4, we put more of an emphasis on the subjects that should be brought up during a family mediation. In order to accomplish this goal, many potential subjects that could be discussed during a family mediation were brought up during the interview, and the people who took part in the interview were given the opportunity to name those potential themes.

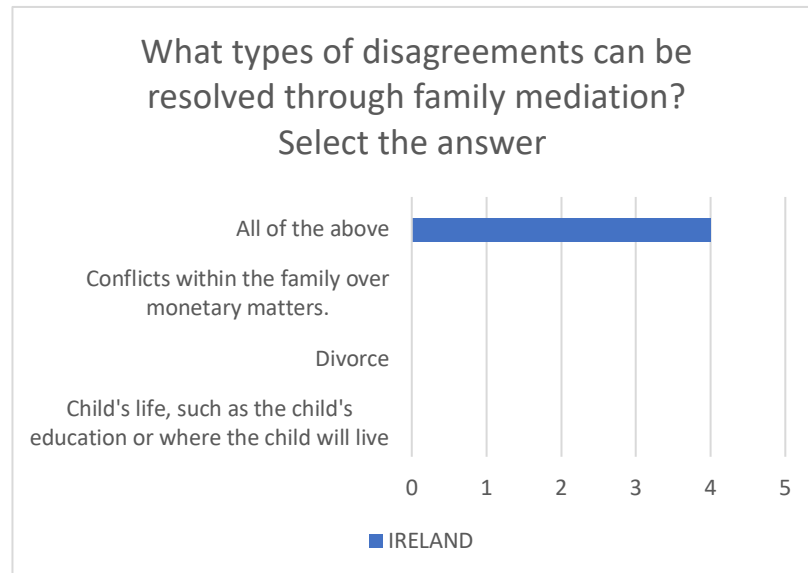
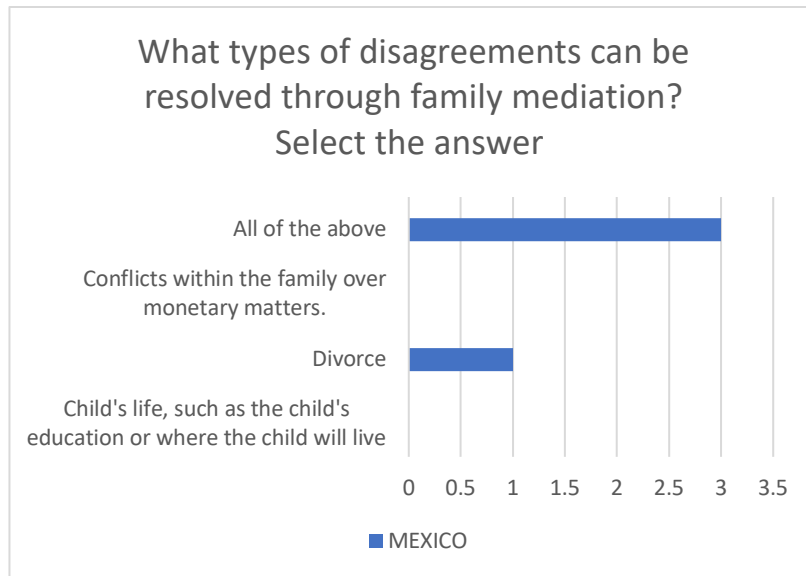


Figure 3.4

This kind of question is asked in our figure 3.5 because there is a lack of information on the issue of mediation, which means that many individuals do not turn to this style of dispute resolution. Because of this, the question is worded as it is.

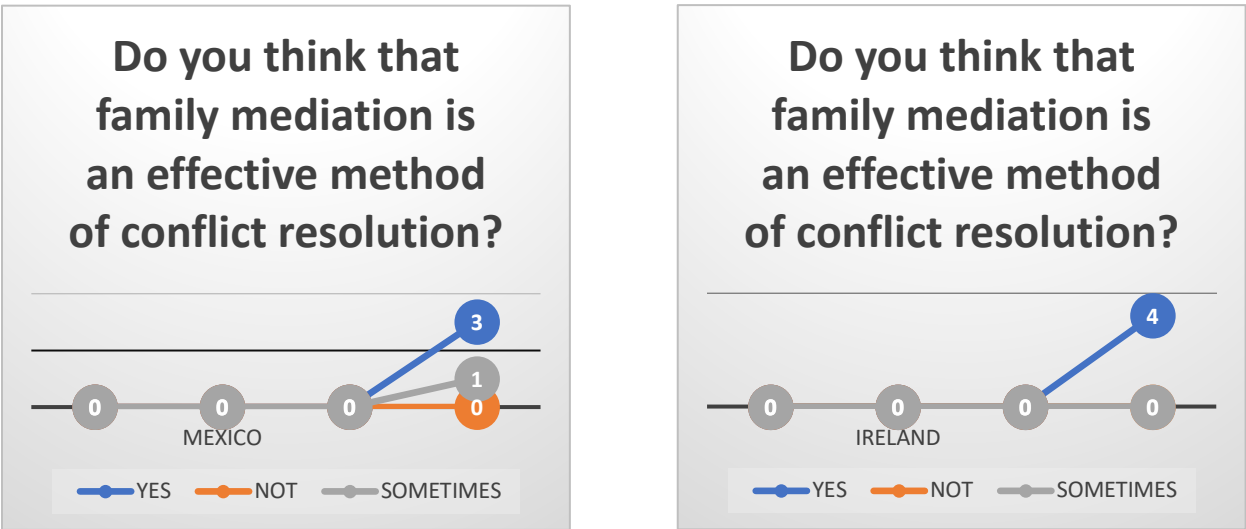


Figure 3.5

The purpose of the 3.6th sample is to discover the extent to which members of the public are willing to participate in mediation procedures prior to initiating legal actions.

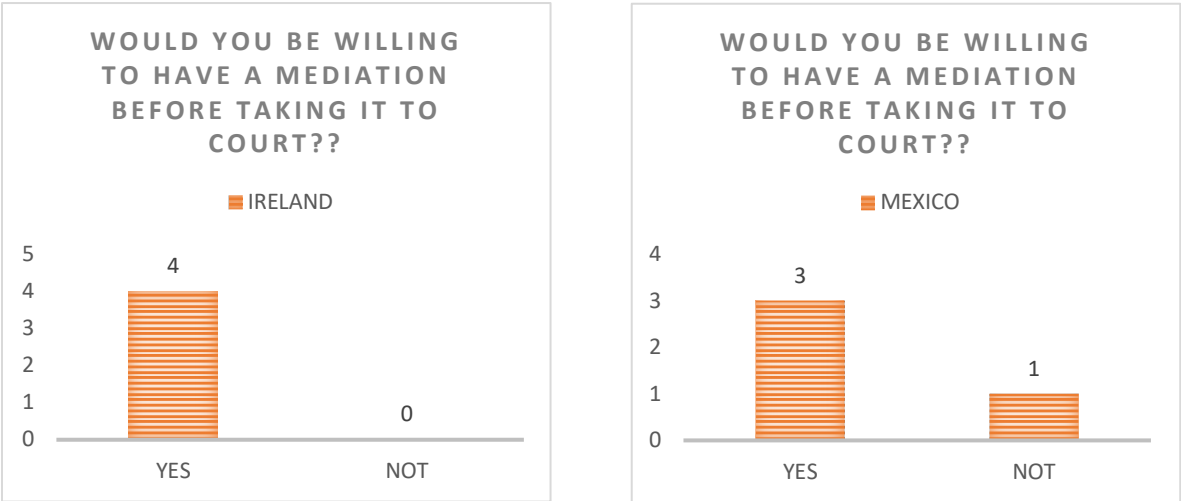


Figure 3.6

Figure 3.7 is a single pie chart that was put together with the population that was interviewed. This was done in order to gain a basic picture of what people in both nations believe about family mediation and to produce an average between the two countries.

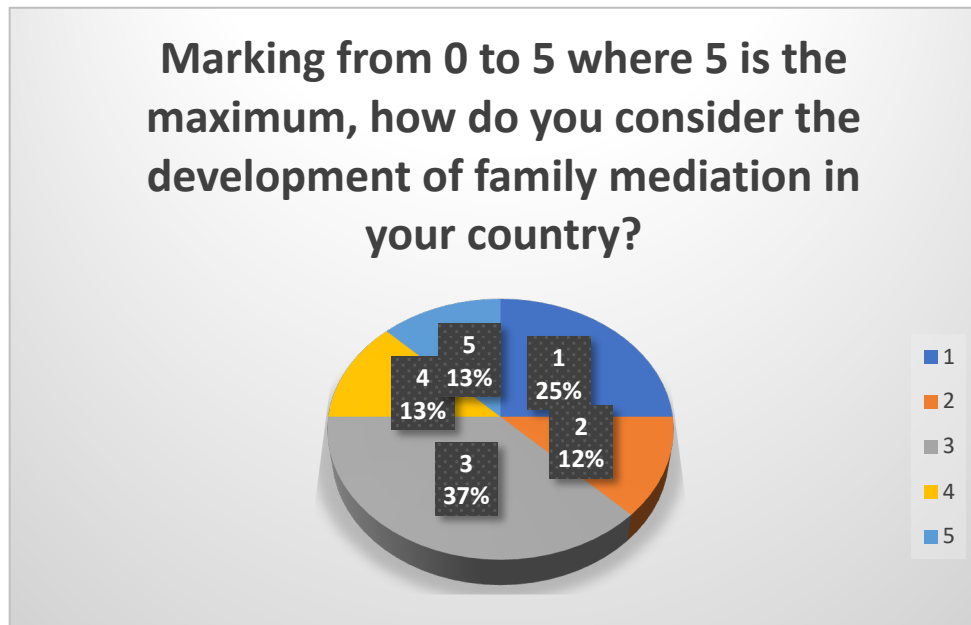


Figure 3.7

The purpose behind the creation of Figure 3.8 was to find out whether or not members of the public had an interest in knowing more about this new form of conflict resolution known as mediation.



Figure 3.8

#### **4- ANALISIS & FINDINGS**

As was just said, the poll was carried out with a total of four Mexicans and four Irish. In order to provide an answer to the study questions, the following is a set of graphs which reflect the responses from both of the countries.

Figure 3.1 As can be seen, practically the entire population in both of these nations is connected in some way to the process of mediation, leaving only a small percentage who are completely unfamiliar with it.

As can be seen in Figure 3.2, the focus of our line of inquiry for this study is on determining what is understood when one hears the phrase "family mediation," with the words "help" and "solution" being the most common responses.

The fact that only one individual in Mexico has participated in family mediation demonstrates that this approach is not widely used in that country at the present time, as shown by Figure 3.3. In contrast, the acceptance of this kind of alternative therapy is prevalent in Ireland.

According to the findings of our graph 3.4, the vast majority of the people is knowledgeable about the problems that can be resolved through family mediation.

The data presented in Figure 3.5 illustrates a variable that can be found in Mexico. Out of the four persons in Mexico, three of them believe that mediation is a successful way to resolve conflicts, while the other person believes that it is not. On the other hand, when it comes to Ireland, we find the exact opposite: each of the four respondents there gave a loud yes.

Both countries' results are depicted in Figure 3.6; however, this time the data pertain to the question of whether or not respondents would prefer to try mediation first before proceeding to court.

The overall outcome for both countries is shown in Figure 3.7, where it is shown that both countries believe, on average, that mediation is causing change in their respective countries.

According in the figure 3.8 to our most recent graph, the people of Ireland have an interest in having an information campaign on conflict resolution. The same can be said for the people of Mexico, with the exception of one person who believes that their country is not prepared for that kind of transformation.

#### **4.1- Conclusion.**

Because of the several sources that have participated in this investigation and provided their support, these findings are regarded as being reputable. The material that was supplied was in line with the findings of the literature study and was useful in developing a data source strategy. This strategy enables analysis to be conducted across the topics that were offered, which in turn helps to facilitate discussion in the following chapter.

#### **4.2 Researcher bias.**

In every type of research, there is always the possibility that the researcher's bias could be swayed by a variety of factors, particularly in research work that could result in interpretation. As an example, I am an introvert, which may have had a role in the process of formulating a hypothesis, giving the introvert a significant part to play in the mediation process. I am the author of this research. In the case of the gathering of data, the protocol has been followed in order to prevent this from being impacted in any way. For the



purpose of the interviews, consent was collected in the form of signed consent forms. The debate on how the results should be interpreted will be presented in the following chapter.

## **5- DISCUSSION**

This chapter will focus on the identification of the findings of the aspects that were analysed in the previous chapter. A comparison between these findings and the hypothesis of this study will be made in this chapter.

Following is the sequence in which the information and statistics obtained from the nation analysis will be given, beginning with Mexico and concluding with Ireland.

### **5.1- MEXICO.**

As participants in family mediation in Mexico avoid presenting evidence that could lead to a conviction, this kind of alternative dispute resolution enables parties to make agreements with less emotional strain than in the context of a legal proceeding.

Family mediation is one of the most suitable methods or systems for resolving family conflicts because it is based on the agreement of wills between the parties and on the human sense that the traditional judicial system has lost. As a result, family mediation is one of the most suitable methods or systems for resolving family conflicts.

Since the majority of people in society are unaware of the fundamental methods that are available to solve their conflicts, the majority of cases typically end up being resolved through the judicial process. As a result, alternative methods of conflict resolution, such as family mediation, should be further developed and disseminated. In a similar vein, the administration of justice in our country has experienced difficulties as a result of the excessive workload, which have an impact on the efficiency and efficacy of the resolutions it provides. As a result, the judges in the courts located on national territory are unable to devote the amount of time that is required for each individual case, which lowers the

overall quality of their judgements and makes it more difficult for people to voluntarily comply with them.

It is important to clarify that the fact that the parties agree on their interests does not mean that we are in the scenario of a private justice, but rather that we are making use of this free autonomy of will through dialogue, and that this aims to resolve the dispute in the most effective manner possible with the assistance of the tools of positive conflict management.

## **5.2- IRELAND.**

In the case of Ireland, the creation and diffusion of these approaches are more organised, as the vast majority of the population is already familiar with the various strategies that are available for conflict resolution. As was noted above, one of the developments that has occurred in recent years for the country of Ireland was in 2011 when Family Mediation was linked with the Legal Aid Board. This is just one example of how the development of Family Mediation in Ireland has been improving over the years.

The provision of civil legal aid and advice to individuals with limited financial resources is the responsibility of the independent statutory agency known as the Legal Aid Board.

## **5.3- Answer to the objectives of the study.**

The study of mediation encompasses a very wide range of subfields, and understanding the subject as a whole paves the way for many new avenues of inquiry. At this stage, having carried out the research on the subject of family mediation and utilising the appropriate technique helped to answer the research questions that were posed.

It is possible to draw the conclusion that the comparison of family mediation in Mexico and Ireland based on the interviews that were conducted demonstrates that Ireland has advanced more than Mexico on the subject of mediation. This is because for the citizens of Mexico who were interviewed, mediation is not a new subject, nor is it unknown; rather, it is a subject that is simply going to become more well-known as more time passes. It was clear that Ireland had a deeper understanding of the topic and was actively contributing more to the field of dispute resolution through the use of family mediation.

The progress that was made in each country was distinct; for example, in Mexico, development consisted of several states in the country beginning to incorporate mediation as a tool for conflict resolution, whereas Ireland already possessed this instrument thanks to its Act 2017, which was passed in 2017. The work plan that Ireland proposed for the coming years, which includes those with limited resources, is an additional advance that was presented and described above.

Following the completion of the investigation, it is possible to state that the comparison between the countries Mexico and Ireland is not valid due to the fact that Ireland demonstrates a more advanced level of development than Mexico does.

As was just indicated, Mexico is beginning to investigate the possibility of implementing family mediation in certain states within their nation. This development demonstrates that Mexico has the potential to one day reach the same level of excellence as Ireland.

#### **5.4- Limitations of the study.**

At the time that the research study was being carried out, one of the significant constraints that were discovered was that there had not been any previous research studies carried

out on the topic, which meant that there was a lack of information pertaining to the topic as a result of this circumstance. It was believed from the very beginning that we would be able to dig into the research more completely; nevertheless, the small amount of information that was uncovered was a limitation. In the end, it was feasible to answer the research questions by using the approach that was applied along with the information that was found.

## CONCLUSION.

The principles that govern family conflicts, such as confidentiality, which is an example of the latter and describes situations in which the information that is disclosed in mediation is considered to be sensitive, were discussed in this work. Additionally, concepts related to family conflicts and family mediation were covered.

In a similar vein, although a consensus on what family mediation entails has not been reached, the vast majority of authors are in agreement that disputes of this nature involve issues such as inheritance, marital relations, parental authority, and alimony. This is the reason why, in our opinion, specialists in family matters are required to be able to understand the parties, as well as the specialisation of mediators in this field, in order to comprehend the requirements and objectives of the individuals who are required to go through this kind of process.

### Areas for Further Research.

It is possible that the lack of information and the fact that the sample that was presented was very small are to blame for the fact that the results obtained are good, but they are not as expected. Because of this, it is recommended that additional interviews be conducted with a more diverse cross-section of the population.

It is also recommended to conduct out a study in which a combination of personalities, lifestyles, and socioeconomic classes is formed, in order to be able to profile these individuals and create a new information graph.

Since this study can serve as a foundation for subsequent research on family mediation and its application as a tool for conflict resolution, it would be beneficial to continue exploring this topic directly with families who have utilised mediation.

It would be interesting to investigate with mediators from both Ireland and Mexico to find out if the same mediation processes are used in both countries, in order to create a comparison that goes beyond just family mediation, because we need a mediator to get to family mediation. The purpose of this investigation would be to determine whether or not the same mediation processes are used in both countries.

## REFLECTION.

The completion of this research project has presented me with a significant personal hurdle; this is the very first project that I have worked on while using a language other than my native tongue. Throughout the course of the project, there were a variety of challenges, including, but not limited to, differences in language, personal reasons, and others. I was able to learn how to overcome them so that I could finish the project, and as a result, both my professional and personal lives have been profoundly impacted by the experience.

Because of this, I gained the ability to put my thoughts and information into practise in a manner that is both more in-depth and more expertly done.

As I moved forward with this research project, my understanding of the subject matter improved, which encouraged me to conduct additional study on the subject.

The assistance I received in general was really helpful for the growth of the research work that I was working on.

It was really rewarding for me to have my supervisor present at the meeting since it pushed me to continue with my topic and gave me the confidence that it would be very fascinating; for that, I would like to thank him.

When I told my family about what I was learning in school, they told me that they did not know about the topic in Mexico. As a result of this, I began to wonder what family mediation is like in my country, and this led me to become interested in what Mexico can learn from Ireland in this area. The topic of this research was inspired by my desire to find out what Mexico can take away from Ireland in this area.



My research presented me with a number of challenges, the most significant of which was organising the information and ideas I uncovered in such a way that I could answer the question I set out to investigate and arrive at a conclusion without straying too far from the topic at hand, discussing only those aspects that were significant and essential to my investigation.

According to the results of the analysis of the data that was gathered, family mediation is a method of conflict resolution that is gaining popularity everywhere; on the other hand, there is still a lot of ground to cover in Mexico about the knowledge required for this subject.

This research inspires me to keep working in the field of family mediation, both in the sense of conducting additional research on the topic as well as learning more information about it so that I can put it into practise.

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## APPENDIX A.

<b>Form A: Application for Ethical Approval</b>	
<b>Undergraduate/Taught Postgraduate Research</b>	
This form should be submitted to the module leader for the relevant initial proposal and/or the relevant supervisor if the proposal has already been accepted. Please save this file as <i>STUDENT NUMBER_AEA_FormA.docx</i>	
<b>Title of Project</b>	Comparative Analysis of Family Mediation between Mexico and Ireland.
<b>Name of Learner</b>	Carlos Jimenez.
<b>Student Number</b>	51713951
<b>Name of Supervisor/Tutor</b>	Richard Brophy

**Check the relevant boxes. All questions must be answered before submitting to the relevant lecturer / supervisor.**  
**Note: only one box per row should be selected.**

Item	Question	Yes	No	NA
1	Will you describe the main research procedures to participants in advance, so that they are informed about what to expect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Will you tell participants that their participation is voluntary?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Will you obtain written consent for participation (through a signed or 'ticked' consent form)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	If the research is observational, will you ask participants for their consent to being observed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Will you tell participants that they may withdraw from the research at any time and for any reason?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Will you give participants the option of not answering any question they do not want to answer?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Will you ensure that participant data will be treated with full confidentiality and anonymity and, if published, will not be identifiable as any individual or group?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Will you debrief participants at the end of their participation (i.e., give them a brief explanation of the study)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	If your study involves people between 16 and 18 years, will you ensure that passive consent is obtained from parents/guardians, with active consent obtained from both the child and their school/organisation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	If your study involves people less than 16 years, will you ensure that <u>active</u> consent is obtained from parents/guardians <u>and</u> that a parent/guardian or their nominee (such as a teacher) will be present throughout the data collection period?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	If your study requires evaluation by an ethics committee/board at an external agency, will you wait until you have approval from both the Independent College Dublin and the external ethics committee before starting data collection.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.) will you inform participants in writing that their grades and/or evaluation will be in no way affected by their participation (or lack thereof) in your research?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.), does your study involve asking participants about their academic or professional achievements, motivations, abilities or philosophies? (please note that this does not apply to QA1 or QA3 forms, or questionnaires limited to market research, that do not require ethical approval from the IREC)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	Will your project involve deliberately misleading participants in any way?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14	Will your project involve deliberately misleading participants in any way?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
15	Is there any realistic risk of any participants experiencing either physical or psychological distress or discomfort?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
16	Does your project involve work with animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
17	Do you plan to give individual feedback to participants regarding their scores on any task or scale?	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
18	Does your study examine any sensitive topics (such as, but not limited to, religion, sexuality, alcohol, crime, drugs, mental health, physical health, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
19	Is your study designed to change the mental state of participants in any negative way (such as inducing aggression, frustration, etc?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
20	Does your study involve an external agency (e.g. for recruitment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
21	Do your participants fall into any of the following special groups?  <i>(except where one or more individuals with such characteristics may naturally occur within a general population, such as a sample of students)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		

☐

<p>If you have ticked any of the shaded boxes above, you should consult with your module leader / supervisor immediately. <b>You will need to fill in Form B Ethical Approval</b> and submit it to the Research &amp; Ethics Committee <b>instead</b> of this form.</p> <p>There is an obligation on the researcher to bring to the attention of the Research &amp; Ethics Committee any issues with ethical implications not clearly covered by the above checklist.</p>	
<p>I consider that this project has <b>no</b> significant ethical implications to be brought before the relevant Research &amp; Ethics Committee. I have read and understood the specific guidelines for completion of Ethics Application Forms. I am familiar with the codes of professional ethics relevant to my discipline (and have discussed them with my supervisor).</p>	<input checked="" type="checkbox"/>
<b>Name of Learner</b>	Carlos Jimenez.
<b>Student Number</b>	51713951
<b>Date</b>	18/05/2022
<p>I have discussed this project with the learner in question, and I agree that it has no significant ethical implications to be brought before the Research &amp; Ethics Committee.</p>	<input type="checkbox"/>
<b>Name of Supervisor/Lecturer</b>	Dr Richard Brophy
<b>Date</b>	19/05/22

## APPENDIX B.

Interview information sheet

Dissertation for the degree of MA Dispute Resolution.

Dear participant I am Carlos Jimenez and I am a MADR student in Independent College of Dublin completing my dissertation. You are invited in participate in my research as a mediator student. This is confidential and anonymous.

Thank you for you support.

1- Consent: Do you agree to participate in this research?

YES NOT

2- Select your country.

Mexico. Ireland.

3- Do you know what's Family Mediation?

YES NOT

4- What is the first word that come to your mind when you listen to the word Family Mediation?

5- Have you participated in any mediation or do you know anyone who has?

YES NOT

6- What types of disagreements can be resolved through family mediation? Select the answer

- Child's life, such as the child's education or where the child will live.
- Divorce.
- Conflicts within the family over monetary matters.

- Problems related to fostering and adopting children.
- All of the above.

7- Do you think that family mediation is an effective method of conflict resolution?

YES NOT SOMETIMES

8- Would you be willing to have a mediation before taking it to court?

YES NOT

9- Marking from 0 to 5 where 5 is the maximum, how do you consider the development of family mediation in your country?

0 1 2 3 4 5

10- Do you think your country should run a campaign to inform people about this method of conflict resolution?

YES NOT WE ARE NOT PREPARED