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"Mediating conflict in the LGBT+ community"

By

Luciano Rodrigues Pereira Júnior

A dissertation presented to the

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Abstract

This study investigates the role of mediators in enhancing the effectiveness of Mediation with members of the LGBT+ community. The purpose of this research is to serve as a guide for mediators by establishing which practices should be adopted during and before Mediation to increase LGBT+ individuals' confidence in using this procedure to resolve their conflicts.

Based on an interpretivism philosophy and inductive approach, two surveys were conducted using a mixed methodology to collect quantitative and qualitative data – one with ten Mediators and another with one hundred fourteen persons, the majority of whom were LGBT+. The examination of the collected data revealed that most mediators are confident in their ability to resolve LGBT-related matters. Despite this, half of the sample believes that all parties participating in mediation would benefit from specially trained mediators.

According to the survey of LGBT+ individuals, virtually all respondents felt that rather than being a certain age, gender, sexual orientation, or believing in a specific religion, mediators should have a greater understanding of LGBT+ culture and be empathetic while dealing with their sensitive issues.

It was concluded that mediators' qualifying training should include discussion of LGBT+ issues and the applicable legislation in order to make the mediation process more inclusive and efficient for them.

Keywords: Mediation, LGBT+ community, Empathy, Effectiveness

List of Tables/ Figures

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Introduction

Mediation is an alternative dispute resolution (ADR) technique. In theory, it is a procedure in which an impartial and unbiased third person mediates the discussion between stakeholders to assist them in resolving their concerns. The Mediation ACT 2017, which provides the procedure framework and specifies legal standards for mediators to follow, governs the process in Ireland.

The legal framework's main characteristics are self-determination, voluntariness, impartiality, and confidentially. These components are essential for the process. Mediation is extensively utilized in various contexts, including business, the workplace, family, community, international, and peer relationships. The mediator is an impartial and independent party who liaison between the parties and guides the process. The mediator's primary responsibility is to ensure that the parties feel welcomed and heard and maintain the required neutrality for the Mediation to be beneficial for all stakeholders.

On May 22, 2015, Ireland became the first country in the world to recognize the legal right to same-sex marriage by a public vote in a referendum. After the legalization of same-sex marriage, many LGBT couples decided to formalize their unions through marriage. If the relationship breaks down or the couple conflicts, divorce can become inevitable.

Mediation has been selected as one of the preferred strategies for resolving LGBT-related conflicts. The specificities of the LGBT+ community, such as gender issues, lifestyle, limited legal rights, and the mediators' lack of experience in dealing with this type of issue, make it a novel challenge for them. As a result, this in-depth study will seek to shed light on this new subject, along with supporting mediators and stakeholders.

The sensitivity of same-sex relationship disagreements emerges from the prejudice they face from straight individuals and their peers. Ireland is primarily a Christian country. Thus, it is critical to comprehend the impact of religion in the mediators' ability to execute the process, observing the impartiality, neutrality and confidentially that Mediation demands, especially in these situations.

Aim and objectives

This dissertation aims to investigate what the mediator can do to make Mediation more effective for the LGBT+ community. Therefore, the specific research question is: What can be done to make Mediation more welcoming and effective for the LGBT+ community?

In the endeavour to ascertain the response to the research question, the investigation will focus on the following objectives:

1. To investigate the nuances of LGBT+ issues and their approach in Mediation.

2. To determine what mediators should be mindful of when mediating in the LGBT+ community.

3. To provide recommendations for optimizing Mediation processes involving the LGBT+ community.

The scope of this study is to give mediators in LGBT-related issues a better grasp of the mediation process and to act as a guide for them. Additionally, it aims to analyse what policies and procedures should be developed to inspire greater confidence in these minorities as they embrace mediation to settle their disputes.

Contribution

The primary contribution of this project will be the compilation of literature on the LGBT+ community's rights. Second, the presentation of the conclusions from an unprecedented survey with LGBT+ individuals regarding their vision of mediation. Thirdly, the well-founded instructions are directed to mediators who want to handle mediations involving members of these minorities. Fourth, the recommendation to professional mediation organizations on how to train its members to make the mediation process more appealing, effective, and promising for resolving conflicts involving members of the LGBT+ community.

Dissertation roadmap

In chapter 1, a critical examination of the current literature will be developed to ascertain what it has to offer about the topics discussed in this research. The literary critique will begin with a broad overview of homosexuality, then trace the history of the LGBT+ community's rights globally and in Ireland, before moving on to more particular points of Mediation regarding the LGBT+ community. In chapter 2, the methodology and methods applied in this study will be presented, with regard to the collection, presentation and analysis of data obtained through primary research. The data gathered from the surveys will next be presented in Chapter 3. Following that, chapter 4 will outline the findings that come from the data analysis. Chapter 5 will be reserved for a discussion about the integration of the primary data and the literature review and a critical evaluation of their similarities and differences. Finally, conclusions will be drawn based on a comparison of the literature to the primary research findings.

Chapter 1 – Review of the Literature

1.1. Introduction

The goal of this study will be to improve knowledge of mediation processes affecting the LGBT+ community. It is expected that by doing a literature study in conjunction with primary research, it will be possible to make judgments about the Mediator's performance in such mediations and, eventually, suggest ways of acting in order to make the Mediation more effective for the parties.

1.2. A critical analysis of LGBT+ issues in Mediation

In this session, a historical overview concerning homosexuality will be drawn, demonstrating the legal/political/social evolution on a global scale. In addition, the developments witnessed in Ireland and the nuances of Mediation involving the LGBT+ community will be investigated.

1.2.1. Historical-cultural nuances of Homosexuality

Homosexuality, from Greek (*homo* = equal) and Latin (*sexus* = sex), means sexual interest in the same biological sex. Its origin is unknown, but it is understood that it was already known in pre-Christian societies and often part of the culture of particular peoples. In this north, it is necessary to understand the threshold of this reality and its manifestations throughout history, in the most diverse cultures, and understand how paradigm shifts occurred in each society and each evolutionary moment until today. Another term that has been frequently used to describe the relationship between people of the same sex is "*homoaffectivity*" since affection is one of the principles that characterize family entities. Klosowska (2019) informs that this term was invented by several researchers rather than originating from the theoretical work of a single person.

There is a maxim that homosexuality is as old as heterosexuality. The first records of same-sex sexuality date back to the 5th century B.C. (Pickett, 2021), but such behaviour has been inculcated in human history since the dawn of antiquity. Thus, it is imperious to understand this phenomenon and its roots rather than attribute its existence to young people's profligacy in the modern world.

There are reports of numerous intellectuals of antiquity who were homosexual. Homosexual behaviour has also been registered amongst some animals. Therefore, it must be concluded that homosexuality is not something intentional, much less the result of character deviation or depravity.

As per Hinsch (1990, pp. 16-18), homosexuality appears to have been common in the Chinese Zhou dynasty civilization (1122-256 B.C.), whose social circumstances encouraged open displays of affection amongst males. He argues that such an environment, in which males could shamelessly, passionately, and unapologetically gallant their male colleagues, was undoubtedly favourable to the pan-sexual attitude that permeated the royal courts of Zhou and Han. Similarly, Michael Foucault asserts that

in Greece, truth and sex were linked, in the form of pedagogy, by the transmission of a precious knowledge from one body to another; sex served as a medium for initiations into learning. (Foucault, 1980, p. 61)

In the Middle Ages, homosexuality was more present in monasteries and military camps. However, curiously, the Church, through the Holy Inquisition, was the greatest persecutor of LGBT+ people. The idea that the homosexual act is a perversion is present in religious discourses because the biblical scripture in Leviticus 18:22 determines that '*you shall not lie with a male as with a woman; it is an abomination*' (The Holy Bible, 1986). However, invoking the Bible to condemn homosexuality is to nurture the prejudice of the faithful and the self-prejudice of LGBT+ individuals who place their faith in the sacred scriptures.

Despite the cultural acceptance of homosexuality and other forms of expression of same-sex orientation in ancient civilizations, this is still a sensitive matter, and the LGBT+ people have been stigmatized for many centuries worldwide. Among the numerous obstacles faced by the LGBT+ community to the recognition of their rights, some of them are related to religious fundamentalism, which is used as a justification for prejudice and the non-granting of fundamental rights to persons who have a relationship with another person of the same sex.

1.2.2. LGBT+ rights worldwide

There are nearly 200 countries around the world. Each one has its traditions, culture, language, currency, people. Many nations even share some of these characteristics. Despite their differences, notably in body phenotype, they all have one thing in common: they are all humans. Despite this, in 69 countries, homosexuality is still outlawed (Reality Check Team, 2021). Amnesty International (2001) attests that '*some governments seek not only to exclude lesbian and gay people from local culture but also to deny that they are members of the human race*.'

Despite this sad reality that still exists in many countries, the last three decades have given LGBT+ people optimism for the acknowledgement of their civil rights. LGBT+ rights have been gaining ground in social and legal discussions, achieved favourable court decisions, and has gained increasing support from society, legislators, and jurists in an attempt to ensure that the LGBT+ people are treated equally, with access to the same rights as heterosexuals. Since then, several countries worldwide have been passing laws and adopting policies to guarantee rights for LGBT+ persons that were previously exclusively granted to heterosexuals.

In 2006, the International Commission of Jurists (ICJ) and the International Service for Human Rights (ISHR), as well as renowned human rights experts, met at the University of Gadjah Mada in Yogyakarta (Indonesia). The meeting aimed to unify several basic principles and rights of the LGBT+ community and make them more effective. As a result of the meeting, the so-called Yogyakarta Principles were created. The Yogyakarta Principles cover a wide variety of conventions and their applicability to concerns of sexual orientation and

gender identity (SOGI). There are twenty-nine Yogyakarta Principles, elaborated by twenty-nine experts from twenty-five countries. Among the principles, there is the right to equality and non-discrimination, the right to life, and recognition before the law. (The Yogyakarta Principles, 2017)

According to the website www.yogyakartaprinciples.org

> on 10 Nov. 2017 a panel of experts published additional principles expanding on the original document reflecting developments in international human rights law and practice since the 2006 Principles, The Yogyakarta Principles plus 10. The new document also contains 111 'additional state obligations', related to areas such as torture, asylum, privacy, health and the protection of human rights defenders. (The Yogyakarta Principles, 2017)

In terms of the legal treatment of homosexual behaviour, countries worldwide can be divided into three major groups. Therefore, there are repressive countries, which continue to criminalize and punish homosexual behaviour; indifferent countries, which, while not punishing, do not implement favourable measures to the cause; and advanced countries that use affirmative actions, albeit in varying degrees, to promote LGBT+ rights. It should be noted that many countries are extremely conservative and presumptuous, whether due to religious fanaticism or historical traditions. Nevertheless, many rights are legally established in other countries, while others are still being debated.

The Islamic and Muslim countries, where homosexuality, both male and female, is punishable by death, are included in the group of extreme repression. Furthermore, as reported by the Reality Check Team (2021) of BBC News, almost half of the 69 countries in which homosexuality is considered a crime are in Africa. In Saudi Arabia, Brunei, India, Mauritania, and several Nigerian states, being homosexual may lead to death, while in other countries such as Afghanistan, Egypt, Pakistan and Morocco, prison is the penalty. In Iran, those convicted of sodomy are sentenced to death or amputated legs and arms, among other punishments. The Amnesty International (2001) remembers that *'in 1995 President Robert Mugabe of Zimbabwe branded gays as "less than human"'*. Twenty-five years later, homosexuality is still outlawed in Zimbabwe. Diversly, there have been improvements in some countries such as Angola, Gabon, Sudan, Botswana, Mozambique and Seychelles. Contrarily, existing anti-homosexuality laws have been strengthened in certain nations, notably Uganda and Nigeria.

In the group considered advanced, several European countries have already legalised homoaffective unions. According to Rainbow Europe (2021), among the European countries that most respect LGBT+ rights are Malta, Belgium, Luxembourg, Portugal, and Norway. Contrarily, Azerbaijan, Turkey, Armenia, Romania, and Moldova are the European countries with the most discrimination and disregard for LGBT people's human rights. The BBC News Reality Check Team (2021) highlights a global movement to decriminalise same-sex relationships. As reported by ILGA, 28 countries currently recognise same-sex marriages, while 34 others give some partnership status for same-sex couples. Moreover, by the end of 2020, 81 nations had legislation prohibiting employment discrimination based on sexual orientation, whereas there were just 15 of them twenty

years ago. More recently, 64% of the Swiss' voters supported same-sex marriage in a referendum in September. Switzerland, therefore, becomes the thirty-first country in the world to legalize same-sex marriage (BBC News, 2021).

As per Biblarz and Savci (2010, p. 480), in September 2000, the Netherlands pioneered allowing same-sex couples the right to marry. The following decade saw a significant increase in legal rights and recognitions. In 2003, Belgium became the second country to grant same-sex couples the right to marry. Following them, Norway, Sweden, Spain, South Africa, Canada, and Mexico City legalised same-sex marriage, as did Vermont, Iowa, Massachusetts, Connecticut, New Hampshire, and Washington-DC in the United States. After that, dozens of other countries and jurisdictions have granted same-sex couples marriage-related privileges through domestic partnerships, civil unions, and other means.

For all the above, it is noted that several countries already admit civil unions or even marriages between people of the same sex, some even for more than two decades, as is the case of the forerunner Netherlands. This fact shows the degree of social development of these nations - which do not succumb to the pressures of a minority who believe that LGBT+ individuals should not have their rights respected and that increasingly feed prejudice and discrimination –, that should serve as a paradigm for countries with more conservative legislation.

1.2.3. LGBT+ rights in Ireland

The narrative of LGBT rights in Ireland began in the worst conceivable way on August 6, 1861, with the commencement of the Offences Against the Person Act (1861). Its section 61 determined that *'whosoever shall be convicted of the abominable crime of buggery, committed either with mankind or with any animal, shall be liable to be kept in penal servitude for life.'* Halpin (2018) remember that this legislation was enacted in the Victorian era and affected the lives of countless LGBT+ people for nearly 140 years. It was only in the middle of 1993 that the Criminal Law (Sexual Offences) 1993 Bill decriminalised homosexuality (Halpin, 2018; Higgins et al., 2016). This legislation continued to punish the crime of buggery, but only when committed to a person under 17 years. Thus, according to section 3 of the Criminal Law (Sexual Offences) 1993, the practice of sodomy between two persons over 17 is no longer subject to punishment.

This major significant step towards the recognition of LGBT+ rights in Ireland was taken in 1993. Nevertheless, Halpin (2018) remembers that the fight to abolish LGBT discrimination in Ireland began far earlier, with actions led by the former lecturer at Trinity College Dublin, David Norris. Despite the failure of the legal process that he initiated in 1977 to decriminalise homosexuality, in 1993, he appealed to the European Court of Human Rights (ECHR). The cause gain achieved at the ECHR opened the path for decriminalising homosexuality in Ireland, consolidated by the Criminal Law (Sexual Offences) 1993.

In 2010 another important law recognised more rights for the LGBT+ people. The Civil Partnership Act 2010 defined civil partners as

> either of two persons of the same sex who are (a) parties to a civil partnership registration that has not been dissolved or the subject of a decree of nullity, or (b) parties to a legal relationship of a class that is the subject of an order made under section 5 that has not been dissolved or the subject of a decree of nullity. (Civil Partnership Act 2010)

Consequently, the act granted LGBT+ partners the same rights and duties as married couples to each other.

Five years later, the LGBT+ community continued to achieve recognition and respect before the Irish legal system and the Irish society. As reported by Halpin (2018) in a Referendum held on the 22nd of May 2015, the amendment to modify the Constitution to allow marriage between same-sex couples was supported by 62% of voters, while 38% voted against it. Higgins et al. (2016, p. 29) acknowledge that as a result, Ireland became the first country in the world to legalize same-sex marriage by a popular vote. After that, in July of the same year, the Gender Recognition Act 2015 was approved in Ireland. This Bill grants transgender persons full legal recognition of their preferred gender and allows them to obtain a new birth certificate indicating the preferred gender. It is important to mention that since 2008 transgender citizens have already been able to obtain a passport showing their preferred gender, as expressly authorized by the Passport Act 2008.

Another accomplishment of the LGBT+ community towards gaining equal rights as heterosexual people was the lifting of gay men prohibition from donating blood for all their lives. According to Ryan (2017), the lifetime ban was lifted on the 16th of January 2017. Nevertheless, Halpin (2018) remembers that the prohibition has not yet been removed entirely. Since that date, only males who last had sex with another man more than 12 months earlier can donate blood if he satisfies the other blood donor selection requirements. More recently, in 2019, President Higgins signed the Civil Registration Bill 2019 into law. The amendment states that certain same-sex parents will be able to use either the denomination "mother" and "father" on their child's birth certificates or the term "parent" instead. Thus, both parents can have their names identified on their child's birth certificate regardless of their gender (McCrave, 2019).

As a result of all the legislative achievements mentioned above, Ireland is considered by ILGA-Europe (Rainbow Europe, 2019) the 15th country in Europe with more respect to LGBT+ rights. ILGA-Europe stands for the International Lesbian, Gay, Bisexual, Trans and Intersex Association. It is a non-governmental organisation founded in 1996 to fight for equal treatment and human rights for LGBT people in Europe. Still, it is part of the internationally renowned ILGA, which was created in 1978. According to their website, *'the three main pillars of ILGA-Europe work are advocating for human rights and equality, strategic litigation, and strengthening the LGBTI movement in Europe and Central Asia'*.

The latest annual review published by ILGA-Europe (2021) is related to the year 2020. The review acknowledged the occurrence of violence against a young homosexual couple that was assaulted and stabbed

in the town of Kildare. It also reported the existence of a video in which around ten classmates of a private school in Dublin verbally assaulted a peer who had recently come out. Despite the removal of the video, no official reaction was given. According to the annual review, '*TENI (Transgender Equality Network Ireland) and the University of Limerick launched the results of the first-ever study of the post-primary school experiences of trans youth in Ireland*'. The findings reveal that trans and gender diverse young people are marginalised in school and face misnaming and misgendering, discrimination from staff, peer bullying, toilet accessibility, and other forms of disrespect. Additionally, during the epidemic, the LGBT Ireland helpline saw a significant surge in calls. Young individuals, who were forced to stay at home with unfriendly family members, were among those who sought assistance the most.

For all of the above, the gradual recognition of rights to LGBT+ citizens is remarkable. However, it cannot be said that there is legal or social equality concerning heterosexual individuals.

1.2.4. Mediation in the context of LGBT+ community

Same-sex marriage is now a reality in Ireland, and with marriages, sadly but naturally, come divorces. A couple´s separation is not always a smooth and friendly process. In fact, a divorce is usually a troubled process, full of emotions, and with many decisions to be made by a separating couple. Often, resentment and hurt make dialogue and conflict resolution even more difficult. Due to judicial conservatism, LGBT+ persons typically use Mediation as an alternative tool to resolve their conflicts (McIntyre, 1994, p. 144). But what is Mediation? And how does this process work?

Several authors attempted to define Mediation. Christopher Moore's definition was chosen for it is clear and complete. Christopher Moore conceptualizes Mediation as

> a conflict resolution process in which a mutually acceptable third party, who has no authority to make binding decisions for the disputants, intervenes in a conflict or dispute to assist involved parties to improve their relationships, enhance communications, and use effective problem-solving and negotiation procedures to reach voluntary and mutually acceptable understandings or agreements on contested issues. (Moore, 2014, p. 8)

This definition needs no explanation or complements.

The Mediation process in Ireland is governed by the Mediation Act 2017, and professional associations regulate the profession of a mediator. The most well-known and with more members is The Mediator's Institute of Ireland (MII), whose mission is to promote and strengthen mediation services in Ireland.

Regarding the use of Mediation for LGBT-related issues, Maria Federica Moscati (2015a, p. 10) emphasizes its benefits, including its informality, low cost, self-determination, and privacy. She also states that

> because of the variety of family structures same-sex partners create, and because the lack of harmonised legal recognition of same-sex unions, mediation offers an arena in which all those involved in the relationship may raise their voice and can reach an agreement accommodating all their need. (Moscati, 2015a, p. 10)

In accordance with her, Bryant (1992) points out that Mediation may be more suited for resolving disagreements between LGBT+ persons than for similar issues involving heterosexuals since it protects privacy. On the other hand, Moscati (2015a, p. 10) adds that a lack of awareness about Mediation, reliance on attorneys for dispute resolution, and lack of trust in the mediator are some of the reasons for the low use of Mediation. Moscati (2015b, p. 47) highlights that there are also disadvantages of Mediation for same-sex couples despite the advantages. Notably, it may be possible that the mediator is biased or not knowledgeable about the legal framework. In this case, the mediation settlement could eventually not be enforceable.

As previously stated, the last three decades have seen a significant shift in the rights available to LGBT+ individuals or couples. Bryant, cited by Douglas McIntyre (1999, p. 143), reveals that in the last decades of the 20th century, Mediation was used by gay couples to create a legal contract outlining some of the rights and obligations of marriage, since same-sex marriage was just a utopia at that time. McIntyre (1999, p. 143) adds that the mediators also used to *'help gay couples create a cohabitation agreement specifying conditions on ownership of property, death of a partner, power of attorney, and child rearing.'* Lately, the Mediation process is mainly used by same-sex couples when the marriage is over.

As per the Mediator's Institute of Ireland Code of Ethics (2021a) section 112, all certified and advanced Mediators must participate in Continuing Professional Development (CPD). The MII clarifies that

> the purpose of CPD is to ensure that Mediators keep their knowledge and skills up to date for the benefit of users of their service and for their own personal and professional development. CPD has an underlying ethical premise that asserts that clients have a right to expect competent and skilled practitioners. Thus, every Mediator has a responsibility to maintain and develop knowledge and skills, and alongside the individual responsibility, lies the professional Institute's obligation to provide the means whereby this can happen. (The Mediators Institute of Ireland, 2021b)

A further Family (Separating Couples) accredited training is mandatory for mediators who intend to practice separating couples' mediators. It implies that Mediation involving family issues requires advanced training of the mediator. Is Mediation involving the LGBT+ community even more complex and needs specific training? In terms of family relationships and Mediation, McIntire (1994, p. 145) suggests that there is no difference between homosexual and heterosexual couples, according to research. Would the LGBT+ parties feel comfortable being mediated by a mediator not familiar with LGBT-related issues and legislation? It will be the object of primary research through questionnaires sent to the LGBT+ community and practitioners Mediators in Ireland, and the findings will be presented in chapter 4. But what can be said beforehand is that most of the respondents said they would feel comfortable taking part in a Mediation if the mediator had been prepared for such Mediations.

Maria Federica Moscati (2015a, p. 13) suggests that in addition to issues common to mediations involving heterosexual couples – such as cheating, domestic abuse, the partition of assets, and so forth –, some specific topics can be addressed in those involving same-sex couples. She outlines that some particular sources of dispute include *'coming out, (...) whether and how to have an open relationship, sexual orientation, gender*

identity (...), internalised homophobia,' among others. Moreover, Moscati (2015b, p. 1) points out that a range of family structures involves several methods for conceiving and raising children. Thus, different forms of conflict emerge in LGBT+ relationships. For illustration, it is possible to occur a parenting conflict between a homosexual father and a lesbian mother who are not in a relationship but wish to have a baby.

Additionally, Hertz et al. illustrate a challenging situation such as

> in parenting disputes: if only one partner is a legal parent the other partner may be left with no legal recourse for addressing custody, visitation, or support issues regarding a child that she or he has been parenting for many years, causing a wrenching sense of injustice that cannot be ignored. (Hertz et al., 2009, p. 127)

In such a situation, these authors explain that the biological parent may feel entitled to a kid, even though a nonbiological parent has been the primary carer, and that all of these considerations must be considered for a successful Mediation process.

Hertz et al. (2009, p. 123) underline that a sophisticated understanding of how the legal environment for lesbian and gay couples has altered recently, and an aptitude to cope with the profound emotional issues at play in such mediations, are required for mediating same-sex dissolutions. As per Hanson (2006, it is essential for the mediator, notably the straight mediator, to be aware of and comfortable with LGBT+ sexual norms and practices to discuss these topics without bias and effectively. Overall, it can be said that LGBT-related Mediation might be a complex process, for which the Mediator shall be prepared beforehand, in an effort to create a welcoming atmosphere for the parties without compromising the Mediation's core principles, in particular self-determination, impartiality and neutrality.

1.3. A critical review of the role of bias and the efforts a mediator has to make to avoid it

In this session, the prejudice suffered by the LGBT+ community will be analysed, and the mediator´s impartiality and neutrality and attributes that may impact it will be discussed. Furthermore, strategies that Mediators may use to ensure that Mediation is a safe environment for the parties will be outlined. Our ideas are connected to core Mediation principles that require more attention in complex contexts, such as Mediation concerning the LGBT+ community.

1.3.1. Bias and its influence on Mediation

Although the treatment given to LGBT+ people has improved in recent decades, both due to the recognition of rights and social acceptance, there is still bias and stigma against them. Discrimination against LGBT+ individuals is driven by various factors, including their appearance, lifestyle, sexual activities, being labelled as sinners, or simply being who they are.

The Cambridge Dictionary (2021) define bias as '*the action of supporting or opposing a particular person or thing in an unfair way, because of allowing personal opinions to influence your judgment*.' In addition to the

explicit bias, Psychology research reveals an unconscious bias, also known as implicit bias. As per Greenwald and Krieger,

> implicit biases are discriminatory biases based on implicit attitudes or implicit stereotypes. Implicit biases are especially intriguing, and also especially problematic, because they can produce behaviour that diverges from a person's avowed or endorsed beliefs or principles. The very existence of implicit bias poses a challenge to legal theory and practice because discrimination doctrine is premised on the assumption that, barring insanity or mental incompetence, human actors are guided by their avowed (explicit) beliefs, attitudes, and intentions. (Greenwald and Krieger, 2006, p. 951)

Similarly, Haider et al. (cited in Ganong and Coleman, 2017, p. 33) define unconscious racial bias as a phenomenon in which people say they are not prejudiced against other racial and ethnic groups. Still, their subtle behaviours and words show that they are. Ganong and Coleman (2017, p. 33) claim that 'a similar phenomenon occurs when family structure is the focus—there is an unconscious family structure bias, even among the most tolerant individuals.'

Barret and Robinson (cited in McIntire, 1994, p. 145) suggest that whenever they work with homosexual clients and their families, all helping professionals should assess their own homophobic preconceptions. Additionally, they highlight that *'where biases exist, helping professionals can acknowledge and confront them. This process can help the professionals in their ability to deal with their feelings, thereby enhancing the therapeutic relationship'*. Concerning Mediation, Izumi (2010, p. 99) reverberates that the substance of the mediation and the outcomes of the mediation process are undoubtedly influenced by the mediator's actions, perceptions, strategic decisions, and exchanges with the disputants. Therefore, according to Taylor (1997, p. 226), mediators must evaluate their prejudices, preconceptions, and personal emotions to the clients with whom they are dealing to preserve impartiality. She adds that in circumstances where they have a strong response to one of the parties, mediators are more likely to break their impartiality.

With all this discussion in mind, it can be said that Mediation involving the LGBT+ community can be a fertile arena for awaking mediator's biases, for our beliefs are shaped by the cultural, historical, and religious contexts in which we were raised. These beliefs, at least implicitly, may find unacceptable some LGBT's attributes or behaviours. In consequence, Mediators should do continuous self-reflection about whether they are or are not being biased and whether they can or cannot sustain their impartiality and neutrality to preserve the equity of the Mediation process.

1.3.2. Impartiality and Neutrality: are they possible to be achieved?

Impartiality is specified as one of the mediator's duties under section 2 (b) of the Mediation Act 2017, being a major element to be followed in any dispute or scenario. The Cambridge Dictionary (2021) defines impartiality as '*the fact of not supporting any of the sides involved in an argument.*' Similarly, neutrality is adopted as a synonym of impartiality. It is defined as '*a neutral position, especially in a war*'. In contrast, neutral is stated as 'not saying or doing anything that would encourage or help any of the groups involved in an argument or

war'. In the context of Mediation, various authors describe these terminologies in significantly different meanings. Exon (2008) contextualizes that some authors use the terminology *'interchangeably'* to refer to neutrality and impartiality, suggesting the possibility of their likeness.

In consonance with Field (2003), neutrality is a common expression to refer to the mediator's behaviour and attitude on the substance of the dispute. The mediator is a neutral third party with no vested interest in the outcome of the dispute. He often refers to neutrality as a '*key principle of mediation*', emphasizing its significance. Exon (2008) says that neutrality is the 'refusal to ally with, support, or favour any side in a dispute' assuming the same as Field in the quotation above, again, indicating that the mediator's neutrality is determined by this third party's participation or interest in the dispute. Frenkel and Stark (2018) insist that the mediator does not have to act or give the idea of favouring any of the parties in the mediation process, meaning that all participants must be held to the same standards. Likewise, for Bernard and Garth (2002), impartiality is *'freedom of favouritism and bias in word, action and appearance'*. The mediator shall not grant any advantages and even provide further aid to any of the stakeholders.

Although Turner and Wahlich (2021) state that the conceptions of impartiality and neutrality are inextricably linked, with one usually being used to describe the other, they do not refute distinctions between these words. While impartiality indicates the mediator's procedure and behaviour concerning the parties, neutrality is portrayed by him as a 'more general condition and stance,' referring to the mediator posture in relation to the conflict itself. Similarly, Field (2003, p. 80) highlights that neutrality is associated with 'fair treatment of the parties,' whereas impartiality *'means that the mediator does not favour – or seems to favour – one party in mediation over any other.'*

According to Izumi (2010, p. 76), the mediator's neutrality must meet the parties' aspirations in order to develop the essential rapport with them. However, according to John Haynes (quoted in Cohen et al. 1999, p. 344), the concept of neutrality does not exist in divorce mediation since the mediator's moral code may affect how they perceive the family. Cobb and Rifkin (1991, p. 35) describe neutrality as '*the antidote against bias*'. They also suggest that when intense emotions and ideals cannot be ignored, disregarded, or separated from the mediation, they serve as warning signs that the mediators' neutrality may be compromised. Moreover, Kenneth Cloke believes that

> there is no such thing as genuine neutrality when it comes to conflict; everyone has had conflict experiences that have shifted his or her perceptions, attitudes, and expectations, and it is precisely these expectations that give us the ability to empathise with the experiences of others. (Cloke, 2001, p. 12)

As per The MII's Code of Ethics (2021b), '*the Mediator must remain neutral as to the content and the outcome of the Mediation*'. However,

> nothing shall prevent the Mediator from talking to, phoning, communicating with or meeting one party with or without the knowledge of the other party provided it has been explained to the parties that this might happen, and that impartiality and neutrality are maintained. (The Mediation Institute of Ireland' Code of Ethics, 2021b)

To minimize the possibility of bias, mediators frequently operate in co-mediation, relying on the peer's input to monitor their own interactions and psychological processes (Cobb and Rifkin, 1991, p. 42). Cobb and Rifkin (1991, p. 43) also emphasize that '*because impartiality describes a condition internal to the mediator, neutrality can be endangered by both conscious and unconscious processes.*' In relation to this, Izumi (2010, p. 88) states that actors do not always have conscious, deliberate control over the social perception, impression formation, and judgment processes that inspire their actions. Thus, it is possible that implicit biases can maculate the mediator's neutrality, as mentioned above.

In summary, the mediator's ability to be neutral and impartial in a mediation session is inexorably questionable. Notwithstanding the differences and similarities between both concepts, it is irrefutable that Mediation relies heavily on impartiality and neutrality for its success. As per Leonard Riskin,

> the idea that the mediator should be neutral and impartial - both in fact and in appearance - is deeply imbedded in the ethos of mediation, even though observers disagree about the meaning and achievability of the notion. (Riskin, 1996, p. 47)

Furthermore, the ability to sustain this neutrality throughout the process is an even a more significant challenge. Mediators must be taught to act to the best of their skill and knowledge to ensure maximum impartiality and neutrality and avoid contaminating the Mediation. One of the qualities of a good mediator is having good emotional intelligence. Emotional intelligence relates to how people deal with emotions, whether they be their own or those of others. It might be claimed that emotional responses surround disputes. The mediator's emotional intelligence in dealing with emotions in a mediation session directly impacts their impartiality in the process (Schreeier, 2002, pp. 99-101). Due to the unique nature of LGBT+ problems – as demonstrated above –, emotions may run higher than usual, necessitating extra emotional intelligence on the side of the mediator to maintain impartial and not compromise the Mediation.

Active listening and empathy are also crucial in the mediator's toolbox. McIntyre (1994, p. 145) states that it is essential that the mediator validates the sentiments expressed by the stakeholders to inspire empathy and contribute to the resolution of the conflict. He also considers that if mediators are knowledgeable of homosexual culture, they would better understand the LGBT way of life (McIntyre, 1999, p. 143). Furthermore, it is known that active listening is the first step in developing empathy in an endeavour to make the parties feel heard and embraced. Overall, it can be argued that impartiality and neutrality are both essential and tricky to achieve and maintain in a Mediation. Despite this, if the mediator applies Mediation's techniques to their greatest extent and is fair to the stakeholders about their limitations, the Mediation process can be a helpful dispute resolution method for the LGBT+ community.

1.3.3. Attributes that may impact the mediator´s impartiality and neutrality

Several factors can impact the conduction of a Mediation. Some of them are related to the mediator's age, gender, sexual orientation, religion or belief, cultural background and so forth. As was seen before, the

mediator shall act with impartiality and neutrality. Nevertheless, mediators are human beings. Therefore, they are susceptible to failures and prejudices. Notwithstanding the training that mediators undergo to be able to mediate and the skills built in practice, specific situations can destabilize the mediator and impact the outcome of the Mediation.

One of the factors that can impact a mediation involving the LGBT+ community is the mediator's religion. According to data from Ireland's Census of Population 2016 (CSO, 2016), 78.3% of the Irish identified as Roman Catholics that year. This large number of Catholics indicates that the country remains profoundly religious. It may influence the mediators' perspectives on ethical problems such as homosexuality, LGBT rights, and way of life. Thus, mediators need to be fair to the parties about their beliefs. If the mediator feels that his or her belief may impact their role in a specific case, it is expected that the mediator steps back not to influence the Mediation.

Dale Bagshaw believes that Mediation should be approached in a reflective manner (cited in Izumi, 2010, p. 127). As stated by her, in self-reflexive mediation practice, it is acknowledged that it is difficult to be neutral, and the effects of attributes such as race, class, gender, age, and sexuality on the mediator's connection with the stakeholders are rigorously explored. Furthermore, to comprehend the perspective of the other, reflexivity requires knowledge and control of the mediator's own personal and cultural biases.

In line with Christopher Moore (2014, p. 522), culture encompasses a vast array of '*worldviews, ideas, assumptions, and behaviours*' shared by members of the same group. Same-sex relationships are still considered undesirable, if not criminalized, in several societies, as cited above. Although being a part of a culture does not imply compliance to all standard norms (Moore, 2014, p. 523), the mediator's cultural background might influence their neutrality about the issues covered in the Mediation, notably if homosexuality is outlawed in their culture.

On the other hand, Moscati (2015c, p. 29) conducted a study in England and discovered that '*sexual orientation is less significant than knowledge, empathy, and technical capacity*' in Mediation with LGBT individuals. Moreover, '*the sexual orientation of the mediator is not essential, whereas preparation, knowledge and respect are*' (Moscati, 2015d, p. 50. Nonetheless, the same study found that some respondents feel a homosexual mediator would be better suited to mediate this type of disagreement. In the same line, Honeyman and Love (cited in Hanson, 2006, p. 14) confirm that LGBT couples have stated a preference of having an LGBT mediator assigned to them rather than a straight mediator. It happens because when an LGBT+ couple goes to Mediation, they expect to encounter a mediator that will comprehend all that has happened to them. Similarly, Betsy J. Walter (cited in Hanson, 2006, p. 14) points out that '*having an LGBT family mediator may ensure that all participants in mediation have common ground.*'

Contrarily, Hanson (2006, p. 16) argues that heterosexual mediators do not seem to give different treatment to LGBT+ couples compared to their opposite-sex counterparts. Rather than disregarding LGBT couples' heterogeneity, these mediators treat them with respect by concentrating on relationship dynamics instead of sexual orientation dynamics. Yet, mediators should not approach an LGBT-related Mediation with a one-size-fits-all mindset.

The primary research investigated whether the LGBT+ community have any preference regarding the mediator's age, religion, gender, and sexual orientation. Its research population corroborate the existing literature mentioned above. The majority of the respondents agree that there is no preference over these characteristics of the mediator. A detailed analysis of our findings will be outlined in chapter 4.

1.4. Considerations about the future of Mediation involving the LGBT+ community

This session will investigate what mediators can do to make Mediation more effective and welcoming for the LGBT+ community. In addition, proposals to improve the Mediation process will be brought so that this method of conflict resolution follows social evolution and does not become outdated and inefficient.

1.4.1. Dos and Don'ts: A Guide for Mediators

Notwithstanding the above discussion about the mediator's gender and sexual orientation and its relevance or irrelevance for the Mediation process involving the LGBT+ community, it is undeniable that the parties will want to know this information beforehand. Hertz et al. (2009, p. 137) assert that the mediator's honesty about it is vital and that if the mediator is heterosexual, he or she '*must clearly demonstrate an openness and sensitivity to the effects of discrimination as well as genuine familiarity with the issues and complexities facing the couple.*' In the same way, Bryant (1992, p. 394) argues that a straight mediator considering mediating a case involving homosexual issues (such as a different-sex divorce involving a gay spouse, a same-sex relationship dissolution, or problems involving an LGBT+ adolescent) must assess their sensitivity and knowledge of the issues. Therefore, understanding gay culture, issues and corresponding rules are essential.

Another must-do is related to the treatment of the parties during the process. Barret and Robinson (cited in McIntire, 1994, p. 145) remember the importance of using the proper vocabulary and expressions when speaking with them. For instance, the term lesbian should be used for a homosexual woman and gay for a homosexual man. About this matter, Moscati (2015d, p. 61) reverberates that the vocabulary should be gender-neutral and avoid becoming very technical, overly legal, or overly broad. According to this author, it is recommended to inquire how the parties like to be addressed. Notably, if there are parties '*whose gender identity is not obvious, you may need to ask whether the person prefers to be referred to by the male or female pronoun.*'

In general, any kind of Mediation can be overwhelmed with emotions, anger and even grief. Nonetheless, Family Mediations is fertile soil for these feelings, which usually contribute to escalating the conflict. That is one of the reasons for this field requiring extended training, notably de-escalation techniques and strategies such as caucus sessions. According to McIntire (1994, p. 145), it is critical that assisting professionals support LGBT+ clients in evaluating and accepting their sentiments about their sexual identities instead of attempting to alter them. It will result in a fuller comprehension and resolution of the parties' issues or disagreements.

Townley (1992, p. 399) asserts that mediators should change their attitude in their routine, outside the Mediation's settings. She suggests attitudes just as

> Include lesbians and gay men in your written materials.
> Do not assume everyone is heterosexual.
> Become knowledgeable about lesbian and gay culture.
> Include homophobia as a part of the cross-cultural training.
> Actively recruit lesbian and gay volunteers.
> Include role playing that involves lesbians and gay men in the training.
> Have paid staff reflect the cultural diversity you wish to serve.
> Solicit and support a lesbian and gay perspective and presence at conferences, on planning committees, and at other meetings.
> Support public policy that ends discrimination based on sexual preference or orientation. (Townley, 1992, p. 399)

Furthermore, mediators may ask: which model of mediation should I adopt when mediating an LGBT+ dispute? Irving and Benjamin (cited in McIntire, 1994, p. 145) suggest that among the types of mediation that may be utilized both with gay and straight couples is Therapeutic Family Mediation (TFM). As per Douglas McIntire,

> this model, which is based on systems theory, recognizes that all clients have a right to self-determination with a clinical intervention. Furthermore, this model also recognizes family relationship patterns. (…) TFM permits a circular approach that allows couples to be assessed in terms of their initial levels. Some couples may not be ready for mediation and, therefore, may be referred to other resources by the mediator. (McIntire, 1994, pp. 145-146)

Despite the suggestion of this model of Mediation, there is no common ground in the literature about the best alternative for LGBT-related Mediation. Yet, some authors insist that the evaluative model is not recommended due to the absence of laws protecting LGBT+ rights in some jurisdictions. Even in countries or states where same-sex marriage or civil partnership is allowed, regulations may not exist to safeguard all the rights of the persons involved. Hertz et al. (2009, p. 139) underline that in most cases, an evaluation mediation based on relevant legal standards would be unsuitable and unhelpful, '*whereas a more open-textured facilitative style will be more effective.*'

1.4.2. The future of Mediation involving the LGBT+ community

Returning to the discussion raised at the beginning of this section, it can be argued that knowledge and comprehension about LGBT+ issues and corresponding legislation are indispensable for the effectiveness of Mediation for these minorities. McIntire (1994, p. 143) highlights the need for the mediator to be aware of homosexual culture while discussing custody of children whose parents are not straight. He also claims that

'*with insight into the gay culture, a mediator can have a greater understanding of how gay people actually live and how they raise their children.*' Additionally, Hertz et al. (2009, p. 138) suggest that the mediators should get familiar with the rules governing couples in their jurisdiction.

In the Republic of Ireland, the Mediation Act 2017 determines that, amongst other functions, the Mediation Council of Ireland shall '*maintain and develop standards in the provision of mediation, including the establishment of a system of continuing professional development training*' (section 12 (4)(a)), and '*prepare codes of practice for mediators*' (section 12 (4)(b)). Notwithstanding the legal determination, almost four years after the Mediation Act 2017 was enacted, the Mediation Council of Ireland has not yet been created. Despite the absence of a national framework regarding the continuous professional development training and mediator's code of ethics, institutions such as the MII create their own, which their members must follow.

The accredited training provided by the Mediators' Institute of Ireland (2021c) to prepare their members for Mediation involving separating couples lasts 40 hours. The course content covers Family Dynamics, Principles of Mediation, Family Conflict (de-escalation techniques, self-awareness), Separating Couples Dynamics and Conflict, Family Mediation Process (Mediation models), Intimate Partner Violence, Child Focused Mediation, Child Protection, Family Law and Separating Couples Mediation, relevant legislation related to marriage, divorce, civil partnership, child protection, succession rights, and so forth. However, it can be noticed that this course does not prepare the mediators to face LGBT-related situations, such as gender issues, coming out, gay parents, surrogacy, LGBT+ culture, and so on. Moreover, the legislations studied in the course are only the ones related to the family in general. The bills concerning LGBT+ rights and obligations are not included in the course's content. It is a limitation of this training, which, in order to ensure a bright future for mediations along with the LGBT community, must be altered to address themes and scenarios concerning this group.

Hertz et al. emphasize that

> Same-sex dissolutions often present unique relationship issues that can have legal and financial impact. To a degree that is often far greater than in heterosexual dissolutions, conflicts over the roles of breadwinner, primary parent, or supportive spouse can play out unusually in the dissolution process. A competent mediator must be aware of how these issues are intertwined with legal disputes and avoid squeezing these relationships into a heteronormative framework. (Hertz et al., 2009, p. 140)

Thus, there is a risk that mediators unprepared to deal with LGBT+ issues may use the same strategies and approaches given to straight couples, which can lead to mediation failure, either because it does not meet the needs of the parties or because the agreement is not enforceable. Likewise, Felicio and Sutherland (2001, p. 365) add that concentrating only on heterosexual relationship dynamics will not properly train mediators to comprehend how sex and gender roles emerge in lesbian couples compared to gay, bisexual, transgender, or heterosexual relationships. In consonance with them, Moscati (2015d, p. 61) suggests that '*the mediator should not assume that same-sex unions are shaped on the legal model and reproduce the dynamics of heterosexual marriage.*' In conclusion, Hanson (2006, p. 16) states that for the process of family mediation to be effective,

it must address the wide variety of family configurations that exist today. Furthermore, he emphasises that members in the family mediation sector should explore LGBT+ issues, whether they are teaching new family mediators or doing research.

In an attempt to have a more systematic view on this subject, practitioners that do Mediation in Ireland were asked in a survey if, in their opinion, mediators should be specifically trained to mediate conflicts involving the LGBT+ community. Curiously, half of the respondents said "yes", while the other half answered "no". The same question was asked to the LGBT+ community in Ireland, and 77,19% of the respondents believe that in order to mediate LGBT+ issues, mediators should be specifically trained for that. More details about this and other questions will be presented, and the data will be analysed in chapter 4.

Corroborating this point of view, Mark Hanson claims that

> when future family mediators are trained, they should be taught how issues of gender and sexual orientation impact mediation. Scholarship within the family mediation field should branch out and look at different non-traditional families and communities. If the family mediation field does not take a proactive approach in engaging the LGBT community, there could be a risk that the larger family mediation field will be unable to effectively resolve the disputes of the greater LGBT community. (Hanson, 2006, pp. 10-11)

With these observations in mind, it can be said that the standard Mediation training prepares mediators to deal with different types of conflict, to use several models of Mediation, to apply active listening, to be empathetic, to utilize de-escalation techniques when needed, and so forth. Nevertheless, in a Mediation process involving the LGBT+ community, indeed, there are some issues and situations that require further awareness, training, and emotional intelligence from the mediator.

Gunning (cited in Hanson, 2006, p. 14) remembers that some authors have suggested that establishing LGBT+ community mediation programs is the most effective method of resolving issues within the LGBT population. This kind of program can be attractive for the LGBT+ community once they may feel more embraced and safer. However, from our perspective, any mediator, either solely or in co-mediation or a community centre, can support the LGBT+ community once they are prepared for that. In line with this, Hertz et al. emphasise that

> for those who gain the requisite knowledge, develop the necessary emotional skills, and integrate the psychological and legal concerns respectfully and comprehensively, the rewards to the mediator, and most especially to the parties, can be substantial. (Hertz et al., 2009, pp. 142-143)

The future of Mediation involving the LGBT+ community is promising. Our primary research findings with this research population will be presented and discussed in-depth in chapter 4. But what can be said beforehand is that the gays, lesbians, bisexuals, queers, and persons of other designations that took part in the survey align with what the literature demonstrates regarding the need for knowledge and preparation of the to help these minorities throughout an effective Mediation process.

Chapter 2 – Research Methodology and Methods

According to Saunders et al. (2007), the label "methodology" relates to the philosophy or theory upon which the study will be based. In contrast, the label "method" refers to the processes or stages that must be followed to collect and analyse the data necessary to support or supplement an investigation.

A well-planned methodology is crucial for fostering trustworthy and accurate research. Therefore, in this chapter, the research's framework will be presented. It will include elements such as the philosophy, approach, strategy, choice, ethical issues, and so on. It will be discussed and justified why each part of the research methodology was chosen and implemented.

2.1. Research Design

Saunders et al. (2007) explain that the research design represents the approach used to combine the study's many components in a coherent, understandable, and logical manner. It includes data gathering, measurement, and analysis.

The present study followed the research onion model created by the same authors, which illustrates the many steps a researcher must go through while developing a practical methodology. Hence, the research onion that synthesises the present study is as follows:
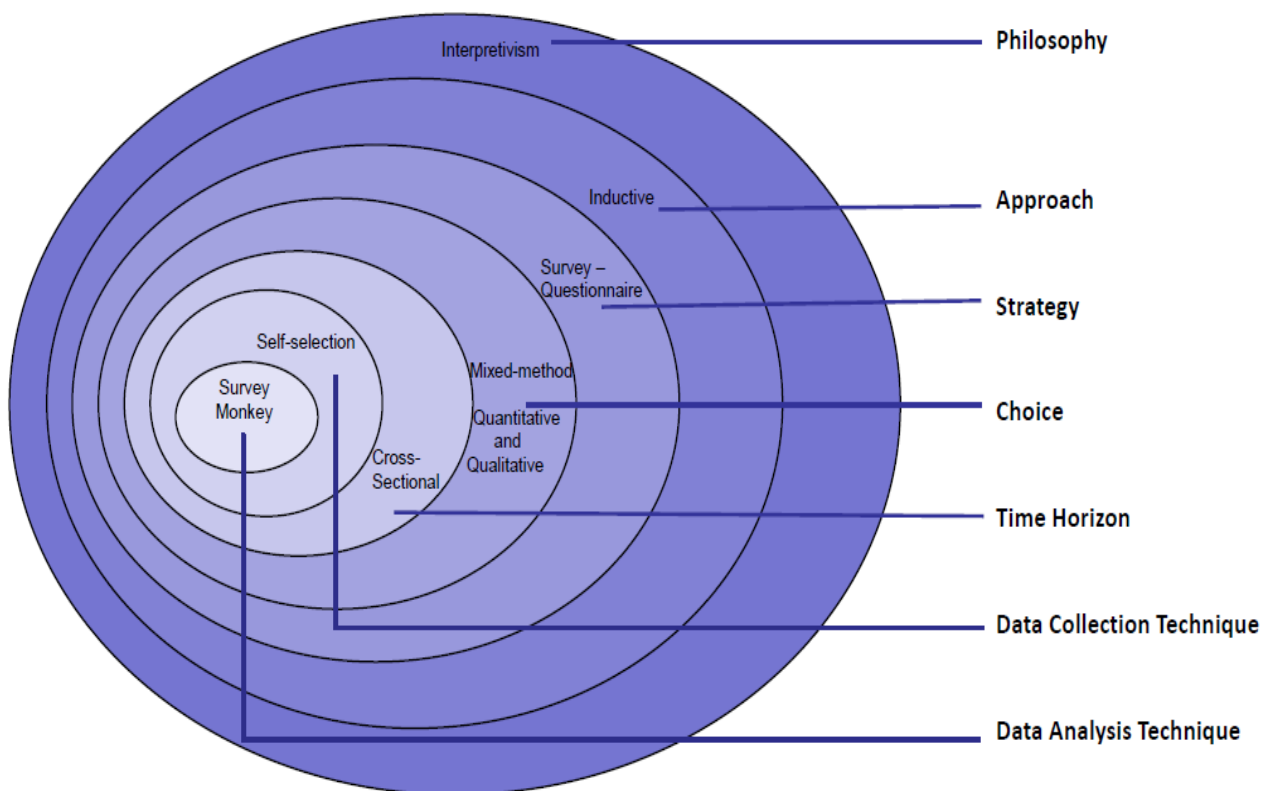

Figure 1: Research Onion (Adapted from Saunders et al, 2007, p. 102)

2.2. Research Philosophy

According to Saunders et al. (2007, p. 101), research philosophy '*relates to the development of knowledge and the nature of that knowledge*', and the philosophy chosen incorporates key assumptions about the researcher's worldview. The three main philosophies considered in this study were Realism, Positivism and Interpretivism.

Saunders et al. state that

> the essence of realism is that what the senses show us as reality is the truth: that objects have an existence independent of the human mind. The theory of realism is that there is a reality quite independent of the mind. (Saunders et al. (2007, p. 104)

On the other hand, Walliman suggests that Positivism philosophy implies that

> there is a sharp distinction between scientific theories and other kinds of belief, and there is a unique best description of any chosen aspect of the world that is true regardless of what people think. (Walliman, 2006, p. 19)

He also clarifies that this philosophy uses as '*an objective approach that can test theories and establish scientific laws. It aims to establish causes and effects.*' (Walliman, 2006, p. 15)

Differently, Interpretivism is a philosophy that believes that in order to explain distinctions amongst people in our position as social actors, the researcher must first take an empathic perspective to understand them. The goal here is to join the study participants' social environment and comprehend it from their perspective. (Saunders et al., 2007, pp. 106-107)

Mediation is an ever-changing process. Moreover, one may argue that reality varies depending on the circumstances, as do the humans' perceptions. The purpose of this research is to understand the LGBT+ community's perspective and to engage with them on developing ideas that are appropriate to the Mediation in which they participate. A Realist ontology was disregarded because this study's purpose is not to seek objective measurement. Additionally, Positivism philosophy is inappropriate for this study, as the research population's perspective on the subject of the survey would be critical. As a result, the Interpretivism philosophy will be followed.

2.3. Research Approach

The approach of the research is connected to the way knowledge is discovered and analysed. According to Cohen et al.,

> Deductive reasoning is based on the syllogism which was Aristotle's great contribution to formal logic. In its simplest form the syllogism consists of a major premise based on an a priori or self-evident proposition, a minor premise providing a particular instance, and a conclusion. (Cohen et al., 2007, p. 6)

On the other hand, Saunders et al. (2007, p. 118) emphasise that the purpose of an Inductive approach '*would be to get a feel of what was going on, so as to understand better the nature of the problem.*' In short, Walliman

(2006, p. 27) points out that '*an inductive approach is used to generate theory whereas a deductive approach is used to test theory.*'

The current study will use an Inductive approach to compare the data gathered from primary research to the existing literature. The confluence of the two sets of data enables the detection of patterns. Once patterns are identified, theories about the subject will be developed. The deductive technique would be unsuitable because the purpose of this study is not to establish or refute a particular hypothesis.

2.4. Research Strategy

Several strategies can be chosen in academic work. This paper is neither a case study nor an attempt to do sophisticated research such as ethnography or a scientific experiment. Moreover, it is not seeking to solve a particular problem.

According to Saunders et al. (2007, p. 138), the survey strategy is most commonly employed for descriptive and explanatory research. According to the same authors

> surveys are popular as they allow the collection of a large amount of data from a sizeable population in a highly economical way. Often obtained by using a questionnaire administered to a sample, these data are standardised, allowing easy comparison. (Saunders et al., 2007, p. 138)

They also highlight that the survey method gives the researcher greater control over the research process. Additionally, when sampling is utilised, it is feasible to obtain conclusions that are indicative of the overall community at a cheaper cost than collecting data for the entire population (Saunders et al., 2007, p. 138).

The purpose of this research is to gain a better understanding of the majority of individuals in each research sample to detect trends and draw conclusions about what can be done to make mediation more appealing and successful for resolving LGBT+ community concerns. As a result, the primary data collection strategy is a survey. Participation of more mediators and LGBT+ people increase the accuracy and chance of reflecting general population opinions. Hence, meaningful public consultation will be required. Questionnaires are an effective alternative to achieve this, as they are easily distributed.

2.5. Research Choice

As reported by Saunders et al. (2007, p. 145), the term research choice refers to the manner in which the researcher chooses to blend quantitative and qualitative methods, as well as the procedures that are used. Walliman (2006, p. 212) defines qualitative data as the one '*that cannot be accurately measured and counted, and are generally expressed in words rather than numbers.*' The same author states that quantitative data '*can be measured, more or less exactly. Measurement implies some form of magnitude, usually expressed in numbers.*' Bell and Waters (2018, p. 9) state that qualitative researchers are more interested in comprehending

how individuals perceive the world, whereas quantitative researchers collect data and examine how one set of data relates to another.

The mixed-method choice was chosen for this investigation. Questionnaires containing both closed and open-ended questions will be used for this study. Quantitative data will be acquired from the closed questions. On the other hand, the open-ended questions will give qualitative data that, when combined, will contribute to the development of a better understanding of the data obtained.

2.6. Data collection technique

According to Saunders et al. (2007, p. 204), when neither collecting nor analysing all available data is possible due to limited time, financial constraints, or difficult access, sampling strategies allow for a reduction in the amount of data that must be gathered by evaluating data from a subset rather than all possible cases or components,

There are two sampling procedures. Nicholas Walliman states that

> probability sampling techniques give the most reliable representation of the whole population, while non-probability techniques, relying on the judgement of the researcher or by accident, cannot be used to make generalizations about the whole population. (Walliman, 2006, p. 76)

Saunders et al. (2007, p. 208) remember that '*the sampling frame for any probability sample is a complete list of all the cases in the population from which your sample will be drawn.*' The present study comprises two distinct research populations: the LGBT+ community and mediators living in Ireland. Both groups are colossal, and due to time constraints and difficult access, they cannot be quantified in their entirety. As a result, a non-probability sampling technique is required, considering the difficulty of using probability sampling.

Additionally, there are various non-probability sampling strategies. However, self-selection is the best suited for this research. As per Saunders et al.,

> Self-selection sampling occurs when you allow each case, usually individuals, to identify their desire to take part in the research. You therefore:
> 1 Publicise your need for cases, either by advertising through appropriate media or by
> asking them to take part.
> 2 Collect data from those who respond. (Saunders et al., 2007, p. 233)

As previously stated, this project will collect quantitative and qualitative data using surveys, specifically questionnaires, which will be sent via social media to as many LGBT+ individuals and mediators as possible in order to contact the research population and invite them to participate in the survey. Furthermore, it will be urged that the MII, Ireland's largest professional organisation for mediators, disseminates the questionnaire to its members in an attempt to increase response rates.

Given the size of the LGBT+ community and the proportionality of the two study populations, it is expected that at least one hundred replies from the LGBT+ community and roughly ten responses from mediators will be obtained.

2.7. Time Horizon

Due to time constraints, a cross-sectional time horizon was chosen. A longitudinal analysis would require years and would be inappropriate for the scope of this study.

2.8. Ethical Considerations

Since this study contains sensitive personal information about the respondents, such as their sexual orientation and descriptions of personal opinions, the ethical concerns addressed in this dissertation include the protection of the respondents' identity and any information they provide during the research process.

2.9. Research Limitations

Although same-sex marriage is permitted in Ireland, the LGBT+ community is still stigmatised. Thus, this study may be affected since respondents may not feel comfortable and safe to respond to the questionnaire. Furthermore, most of the existing literature, in addition to being scarce, is outdated, as it was published before the legislative changes that today grant the right to marriage and countless other rights to the LGBT+ community around the world.

Moreover, because this research is subjective, the results obtained during the survey may not accurately reflect the understanding of the entire research population. Additionally, time constraints may influence the evaluation of literature and the data analysis.

Chapter 3 – Presentation of the Data

As stated in Chapter 2, the current study was conducted using the strategy survey. The investigation gathered data from two distinct research populations. In one, the research population is comprised of individuals who identify as LGBT+, while in the other, the research population is composed of professional Mediators who work in Ireland.

The surveys were created using Survey Monkey, a convenient online tool that supports researchers in producing questionnaires and evaluating the data. Following that, the URLs to the surveys were sent via social media platforms to the research populations. It is worth mentioning that during the study, which took place between the 1st of September and the 23rd of September in the year 2021, no changes were seen in the study variables.

This study included a mix of qualitative and quantitative methods. Twelve questions were included in the questionnaire distributed to Mediators, whereas twenty were included in the questionnaire distributed to LGBT+ community members. Each question was prepared succinctly and was evaluated by the supervisor before being distributed to the research participants. The participants were given a brief introduction to the research objective and essential facts, as well as ethical and moral concerns about data security.

Additionally, a consent statement was supplied, and participants were required to agree to it before going to the questions by checking a box. To ensure that all participants felt comfortable expressing their thoughts, ideas, and personal experiences while responding, the open-ended questions allowed for a limitless amount of writing space and an indefinite time limit. All questions have been addressed and are still available on the survey website Survey Monkey. Appendix 1 includes the complete survey findings.

Both questionnaires begin with questions about respondents' personal attributes, such as gender, age, residence, gender, sexual orientation, and religious convictions. The survey is then tailored to include questions specific to each research population.

3.1. Survey with Mediators

Firstly, the data collected in the questionnaires sent to the Mediators will be analysed. The total of participants was ten mediators who live and practice Mediation in Ireland. The questions submitted through the questionnaire were as follows.

3.1.1. Residence

The purpose of this question was to verify if the research population had been reached. All the ten Mediators that attended this study stated they live in the Republic of Ireland. Indeed, they are our research population.

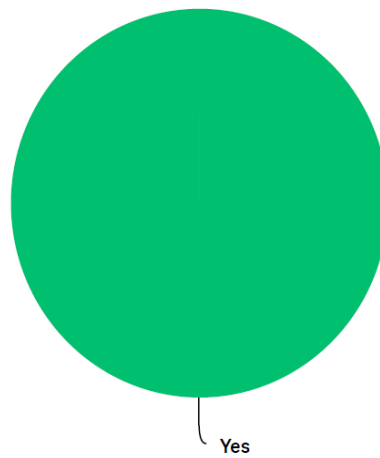# Q1 Do you live in the Republic of Ireland?

Answered: 10   Skipped: 0

Yes

Figure 2: Graphic of question 1 (Mediators)

3.1.2. Mediators' Nationality

Q2 What is your nationality?

Answered: 10   Skipped: 0

#	RESPONSES	DATE
1	Croatian	9/21/2021 7:03 PM
2	Irish	9/17/2021 11:47 AM
3	Irish	9/16/2021 10:25 PM
4	Irish	9/8/2021 4:40 PM
5	irish	9/7/2021 9:44 AM
6	Irish	9/6/2021 5:21 PM
7	Irish	9/6/2021 9:04 AM
8	Irish	9/6/2021 8:59 AM
9	Irish	9/2/2021 11:14 PM
10	Irish	9/2/2021 2:34 PM

Figure 3: Graphic of question 2 (Mediators)

This question was posed to check the respondents' background. As the figure below shows, only one participant is from Croatia, while all the others (90%) are from the Republic of Ireland.

3.1.3. Mediators' Gender

Regarding the participants' gender, 40% (4 participants) are female, and 60% (6 participants) are male, as seen in the graph below.
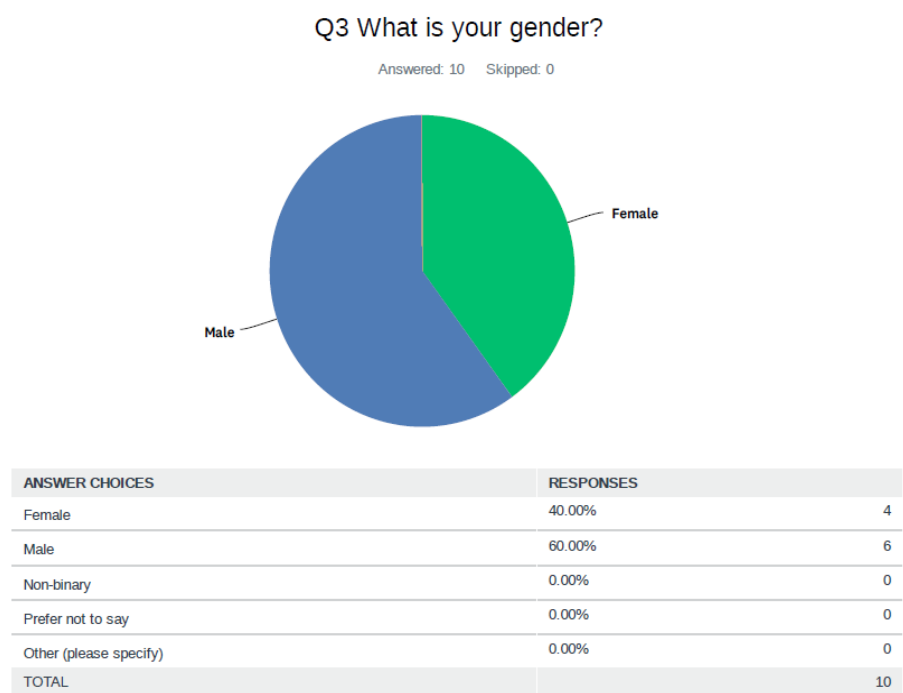
Q3 What is your gender?

Answered: 10   Skipped: 0

ANSWER CHOICES	RESPONSES	
Female	40.00%	4
Male	60.00%	6
Non-binary	0.00%	0
Prefer not to say	0.00%	0
Other (please specify)	0.00%	0
TOTAL		10

Figure 4: Graphic of question 3 (Mediators)

3.1.4. Mediators' Age

Q4 How old are you?

Answered: 10   Skipped: 0

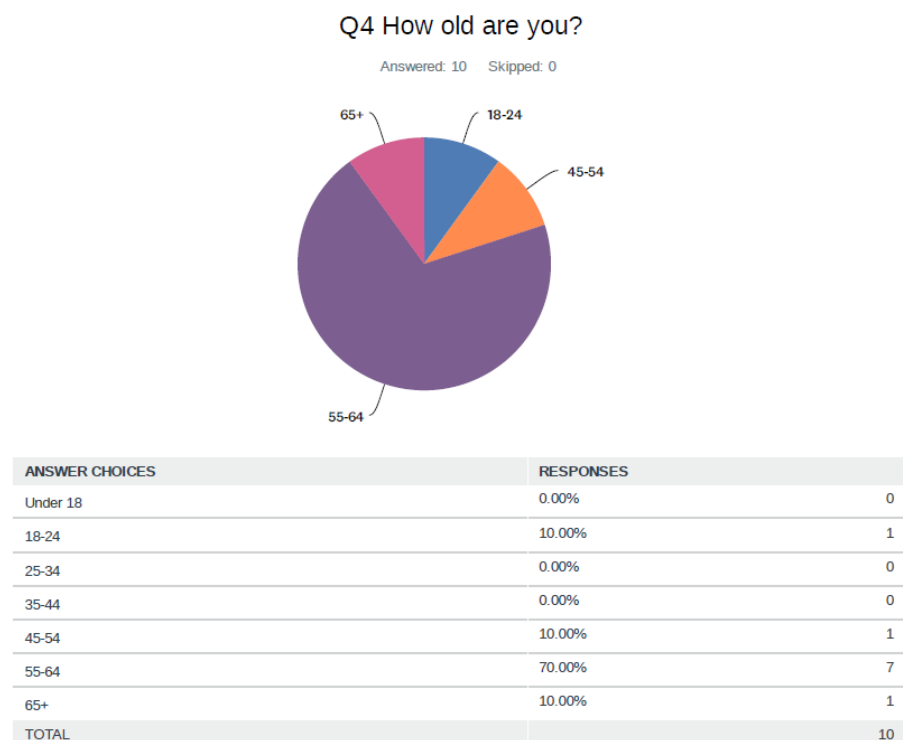| ANSWER CHOICES	RESPONSES	
Under 18	0.00%	0
18-24	10.00%	1
25-34	0.00%	0
35-44	0.00%	0
45-54	10.00%	1
55-64	70.00%	7
65+	10.00%	1
TOTAL		10

Figure 5: Graphic of question 4 (Mediators)

Concerning the participants' age, 10% (1 participant) is between 18 and 24 years old, another 10% (1 participant) is between 45 and 54 years old, the majority (70%, 7 participants) is between 55 and 64 years old, and the other 10% (1 participant) is more than 64 years old. It shows that 90% of the sample is middle-aged.

3.1.5. Mediators' Religion/Belief/Philosophy

Q5 Do you have a belief, religion, or philosophy?
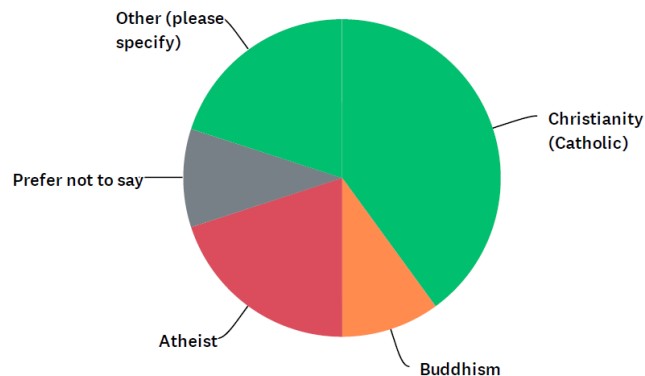
Answered: 10   Skipped: 0

Figure 6: Graphic of question 5 (Mediators)

Regarding their belief/religion/philosophy, 40% of the respondents are Catholics, 10% Buddhist, 20% Atheist, 20% (2 participants) said they have other religion, one of them defined herself as '*Christian not catholic*'. In contrast, the other one said, '*not sure if this question is relevant. Perhaps you could explain why it might be.*' The additional 10% (1 participant) preferred not to say her religion. The objective of this inquiry was to find out whether their religion would have a relation with the answer to the following questions.

3.1.6. Mediators' Professional experience involving the LGBT+ community

Q6 Have you ever mediated a conflict involving the LGBT+ community?

Answered: 10   Skipped: 0
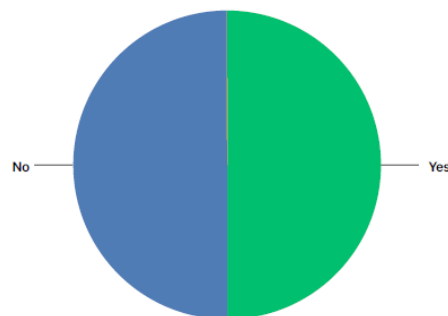
ANSWER CHOICES	RESPONSES	
Yes	50.00%	5
No	50.00%	5
Prefer not to say	0.00%	0
TOTAL		10

Figure 7: Graphic of question 6 (Mediators)

As shown in the graph above, half of the respondents (5 participants) said that they had mediated a conflict involving the LGBT+ community. However, they do not mention what type of mediation, whether workplace, separating couples or other kinds of dispute.

3.1.7. Mediators' self-reflection about the experience

The seventh question was as follows: 'If you answered YES to the above question, how was your experience? Did anything make you feel uncomfortable or biased?' The goal of this question was to understand if the Mediation involving the LGBT+ community turned out to be more difficult for the mediator to handle than those mediations with straight people.

Most of the questions demonstrated that the mediators did not feel uncomfortable or biased with the parties. One of the respondents said: '*I'm sure I have but LGBT+ issues were not relevant to the disputes. It could well have been that one or all involved might have been members of the LGBT+ community but this did not arise. I know I would not feel uncomfortable in any way.*' It can be argued that this experience described by the participant, although it involved LGBT+ people, did not deal directly with LGBT+ issues.

Another participant stated that '*The dynamics of the LGBT mediation work I have done were almost the same as disputes between non-LGBT disputants who are separating.*' On the other hand, one participant shared his experience in which the LGBT+ issues were discussed, and the conflict escalated during the Mediation. As per him, '*It made me mad. It was regarding Trans people and a person was addressing them as a "wannabe male/female"*'.

3.1.8. Challenge?

Q8 Do you think mediating conflicts involving the LGBT+ community would be a challenge for you?

Answered: 10   Skipped: 0

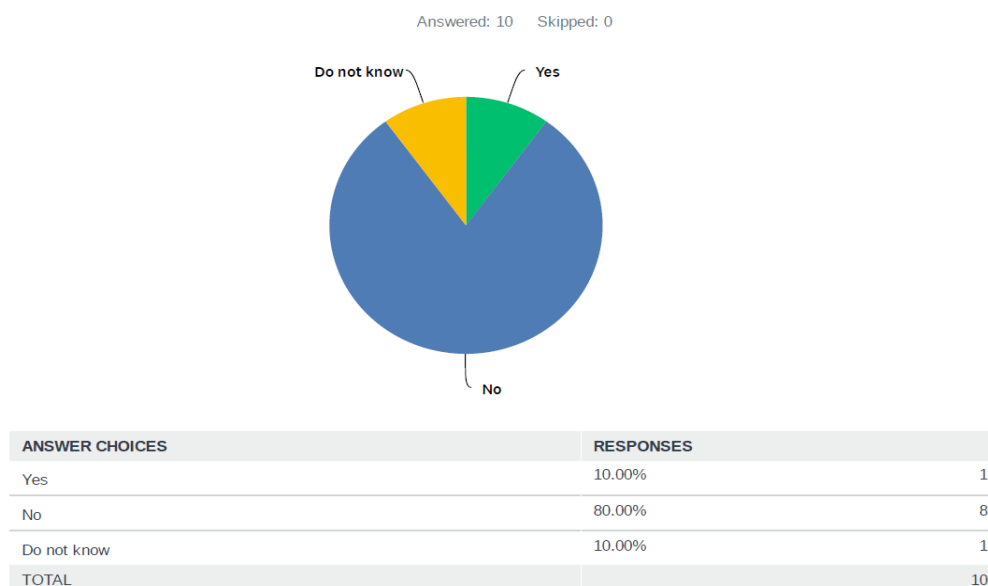| ANSWER CHOICES	RESPONSES	
Yes	10.00%	1
No	80.00%	8
Do not know	10.00%	1
TOTAL		10

Figure 8: Graphic of question 8 (Mediators)

Eight of the ten participants in the survey (80%) said that mediating conflicts involving the LGBT+ community would not be a challenge for them. Only one participant (10%) said it would be a challenge for him. The last participant (10%) chose the option "do not know".

3.1.9. Mediators' explanation about the challenge

The ninth question was: 'If you answered YES to the above question, could you explain why?'

This question aimed to understand how a Mediation involving the LGBT+ community could be challenging for mediators. Only 20% of the sample answered this question. One replied "no" in question 8 and explained that '*As above the same process for everyone*'. The only participant who said that mediation a conflict involving the LGBT+ community would be a challenge for him justified that it directly affects him and drives him mad.

3.1.10. What might serve as a trigger for the Mediators?

The tenth question was posed to identify underlying reasons for the challenges in a Mediation involving the LGBT+ community. The question was: 'Imagine yourself mediating conflicts involving the LGBT community. What do you think could trigger you?'

One person skipped this question. The responses were in different directions. Two respondents (20%) said they do not know, as '*each mediation is different*'. One respondent (10%) answered that nothing would trigger her. Other answers were about '*bullying*' (1 respondent, 10%), '*the personality, not the gender*' (1 respondent, 10%), '*probably some of those arguments that are thought by conservative catholic groups*' (1 respondent, 10%) and '*Gender re assignment*' (1 respondent, 10%). One respondent (10%) said '*Nothing differently to any other mediation*', and the other participant (10%) said he did not understand the question to give a proper answer.

3.1.11. Mediators' opinion about training to Mediate disputes involving the LGBT+ community

Q11 Do you think mediators should be specifically trained to mediate
conflicts involving the LGBT community?
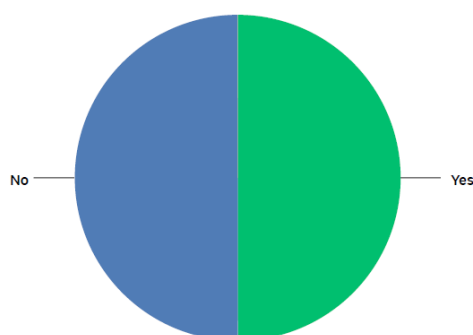
Answered: 10   Skipped: 0

Figure 9: Graphic of question 11 (Mediators)

This inquiry has a specific goal in mind: to understand if the mediator's perception about the need for training to mediate LGBT-related issues is in the same line as the LGBT+ community perception about the same matter. Curiously, the Mediators are divided, as half (5 respondents) believe that specific training for LGBT-related

Mediation would be beneficial, while the other half (5 respondents) do not think it is necessary. The LGBT+ community's answer will be delivered and debated in due course.

3.1.12. Mediators' justification for having or not a specific training

The last question was: "Could you explain your opinion on the above question?"

The explanations given by the participants were various. One of them stated that the general mediator's accredited course should '*include discussions around diversity, to reflect the ethnicities, social demographics, cultural insights and values of Ireland's population*', but not specifically LGBT+ issues. Contrarily, for a female mediator, additional training is necessary due to the '*sensitivities around gender and nuances of language to ensure inclusivity.*'

Curiously, one participant stated that, in her opinion, additional training is not necessary. In her assumption, the separating couples' module '*covers many different constellations of couples/relationships that mediators might come across and this would include reference to couples who are members of the LGBT community.*' According to another mediator, '*everyone should be treated the same. If it is an LGBT couple then an experienced mediator should be able to manage that process*', and so no special training is required.

In summary, the supporters for the training justify that LGBT+ rights and issues are a '*difficult and sensitive area, which needs particular skills.*' As opposed to that, the other half of participants share the opinion that the general Mediation training prepares the mediators to deal with any kind of issues and that empathy is required in all sorts of disputes and all types of parties, not only LGBT+ people.

3.2. Survey with the LGBT+ community

The research population of this second survey was gays, lesbians, bisexuals, transgender people, and other denominations of the LGBT+ community. One hundred fourteen people took part in this study. Although the research population was LGBT+ people currently living in Ireland, some people whose sexual orientation is heterosexual answered the questionnaires. Also, there were answers from participants who stated that they do not live in Ireland. Notwithstanding this, all the answers will be considered when analysing the data and drawing conclusions. It will enrich the research, for there will have parameters to discuss the answers given by the LGBT+ community and heterosexual people.
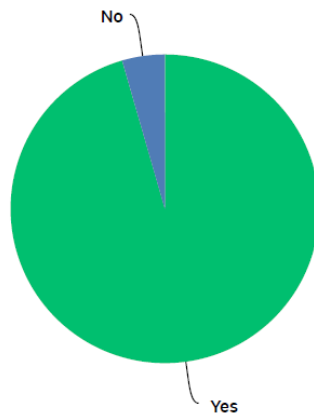
The following were the questions that were submitted through the questionnaire.

3.2.1. Place of living

One hundred seven (95,54%) of the one hundred fourteen respondents stated that they live in Ireland, whereas 5 (4,46%) said they live elsewhere.

Q1 Do you live in the Republic of Ireland?

Answered: 112   Skipped: 2

ANSWER CHOICES	RESPONSES	
Yes	95.54%	107
No	4.46%	5
TOTAL		112

Figure 10: Graphic of question 1 (LGBT+ community)

3.2.2. Nationality

The second question was: "What is your nationality?"

This question had one hundred eleven respondents and was skipped by three people. In total, there were twelve different nationalities, amongst which some dual nationality, as follows:

61 Brazilians (54.95%)

3 Brazilian/Italian (2.7%)

1 Canadian/Italian (0.9%)

2 Argentinian Italian (1.8%)

1 Argentinian (0.9%)

4 Italian (3.6%)

2 British (1.8%)

2 Mexican (1.8%)

1 Croatian (0.9%)

1 American (0.9%)

1 Chilean (0.9%)

1 Uruguayan (0.9%)

28 Irish (25.22%)

3 Spanish (2.7%)

As can be noticed, more than 60% of the respondents are from South American, and there is significant participation of Irish people as well.

3.2.3. Gender

Q3 What is your gender?

Answered: 114   Skipped: 0
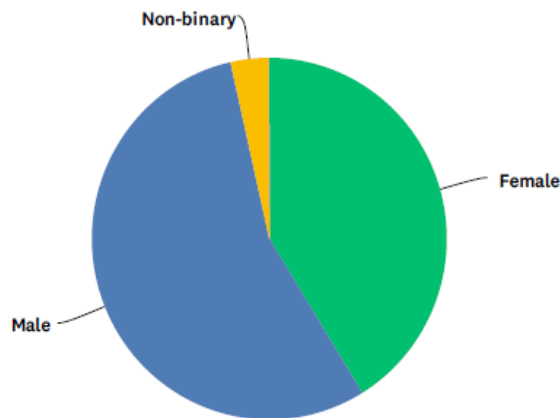
ANSWER CHOICES	RESPONSES	
Female	41.23%	47
Male	55.26%	63
Non-binary	3.51%	4
Prefer not to say	0.00%	0
Other (please specify)	0.00%	0
TOTAL		114

Figure 11: Graphic of question 3 (LGBT+ community)

Regarding the participants' gender, 41.23% of them (47 participants) are female, 55.26% (63 participants) are male, and 3.51% (4 participants) are non-binary (people are neither male nor female).

3.2.4. Sexual orientation

Regarding the parties' sexual orientation, a mix of different responses can be seen.

Precisely 50% of the sample (57 participants) defined themselves as Gay. Bisexuals and Heterosexual/Straight correspond 15.79% (1 participant) each. 7.89% (9 participants) of the sample are Lesbians, 4.39% (5 participants) are Pansexual (people who feel attraction to people regardless of their gender), and other 4.39% (5 participants) are Queer. One person (0.88%) defined himself as Asexual (people who feel little to no sexual attraction to anyone, regardless of gender). Another person chose the "other" category to define himself as Demisexual (people who tend to feel sexually attracted to someone only when they have an emotional bond with them).

Q4 What is your sexual orientation?

Answered: 114   Skipped: 0
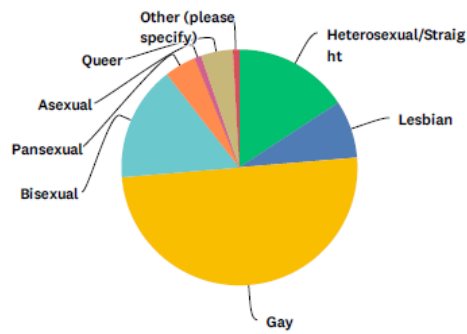
ANSWER CHOICES	RESPONSES	
Heterosexual/Straight	15.79%	18
Lesbian	7.89%	9
Gay	50.00%	57
Bisexual	15.79%	18
Pansexual	4.39%	5
Transgender	0.00%	0
Asexual	0.88%	1
Queer	4.39%	5
Other (please specify)	0.88%	1
TOTAL		114

#	OTHER (PLEASE SPECIFY)	DATE
1	Demisexual	9/2/2021 11:05 AM

Figure 12: Graphic of question 4 (LGBT+ community)

3.2.5. Age

Q5 How old are you?

Answered: 114   Skipped: 0
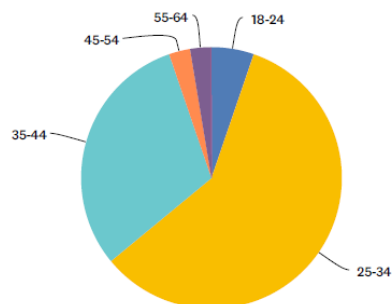
ANSWER CHOICES	RESPONSES	
Under 18	0.00%	0
18-24	5.26%	6
25-34	58.77%	67
35-44	30.70%	35
45-54	2.63%	3
55-64	2.63%	3
65+	0.00%	0
TOTAL		114

Figure 13: Graphic of question 5 (LGBT+ community)

The graph above shows that most of the participants (67 people, 58.77%) are aged from 25 to 34. Six participants (5.26%) are between 18 and 24 years old. 30.7% of the sample (35 people) are between 35 and 44 years old. The groups of people between 45-54 and 55-64 years old correspond to 2.63% of the sample (3 people) each.
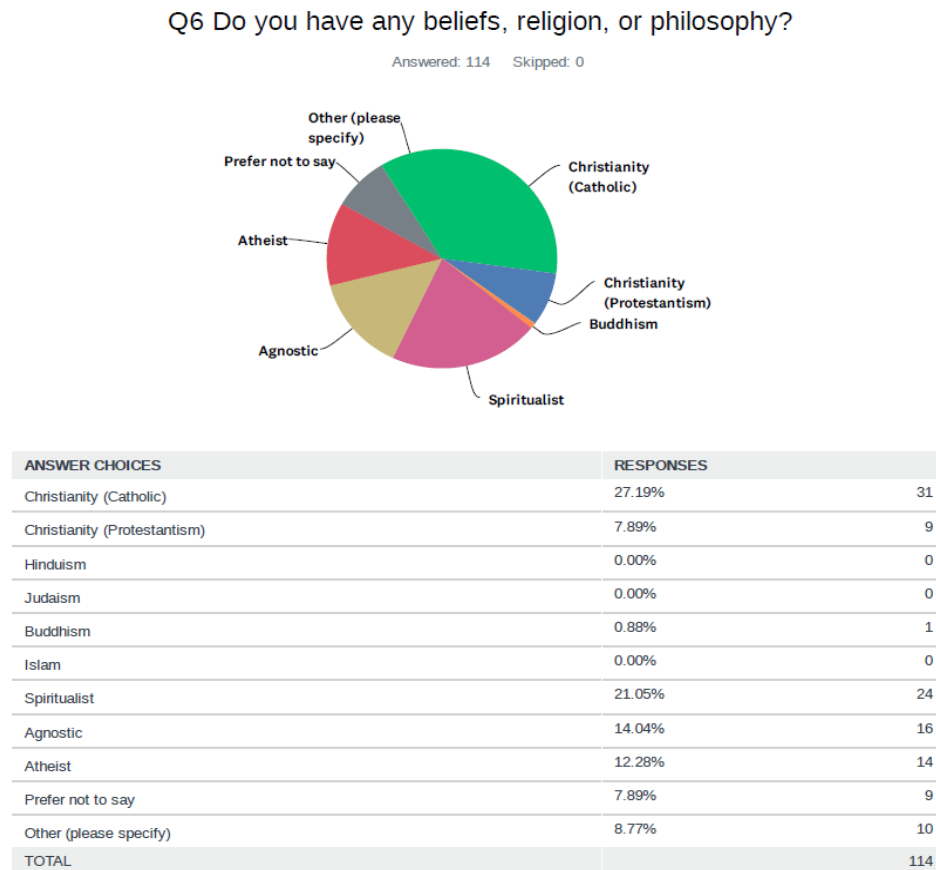
3.2.6. Beliefs/Religion/Philosophy

Figure 14: Graphic of question 6 (LGBT+ community)

ANSWER CHOICES	RESPONSES	
Christianity (Catholic)	27.19%	31
Christianity (Protestantism)	7.89%	9
Hinduism	0.00%	0
Judaism	0.00%	0
Buddhism	0.88%	1
Islam	0.00%	0
Spiritualist	21.05%	24
Agnostic	14.04%	16
Atheist	12.28%	14
Prefer not to say	7.89%	9
Other (please specify)	8.77%	10
TOTAL		114

Regarding the respondents' religion, it can be noticed that the sample represents a mix of different religions/beliefs/philosophies. As can be seen in the figure above, 27,19% of the sample (31 participants) are Catholic, 24% are Spiritualist, 14,04% are Agnostic, 12.28% are Atheist, 7.89% are Protestant, one participant is Buddhist, nine participants prefer not to say. Ten participants stated to have other religions than the ones given, amongst which four said their religion is '*Umbanda*'. Two '*don't have religion*'. One is '*free think*'. One is '*African matrix*', one said '*all religions*', and another one said that '*just believe in God*'.

3.2.7. Knowledge about Mediation

The seventh question was as follows. "What do you know about Mediation?" This question was designed to evaluate participants' level of knowledge on Mediation. One hundred six persons answered this question, amongst which twenty-five (23,59%) stated to know nothing about Mediation or even gave answers clearly related to Meditation. Twenty-two participants (20,75%) expressed to know '*just a little*', and the other fifty-

nine participants (55,66%) demonstrated to have a better understanding of Mediation and its purpose. One of the respondents stated that '*I can count with a 3rd part (mediator) who can help me and the other part to reach an agreement, being neutral and impartial during the process.*'

Assuming that some of the participants were unfamiliar with Mediation, a short description was provided before moving on to the following questions.

3.2.8. Considering the use of Mediation

Q8 Mediation is an alternative dispute resolution method in which an independent third party (Mediator) uses techniques to help the parties settle down their disputes without imposing a decision. The result of a Mediation relies on the parties. With that in mind, if you find yourself in a personal/family/workplace conflict, would you consider choosing Mediation to address the dispute?

Answered: 114   Skipped: 0

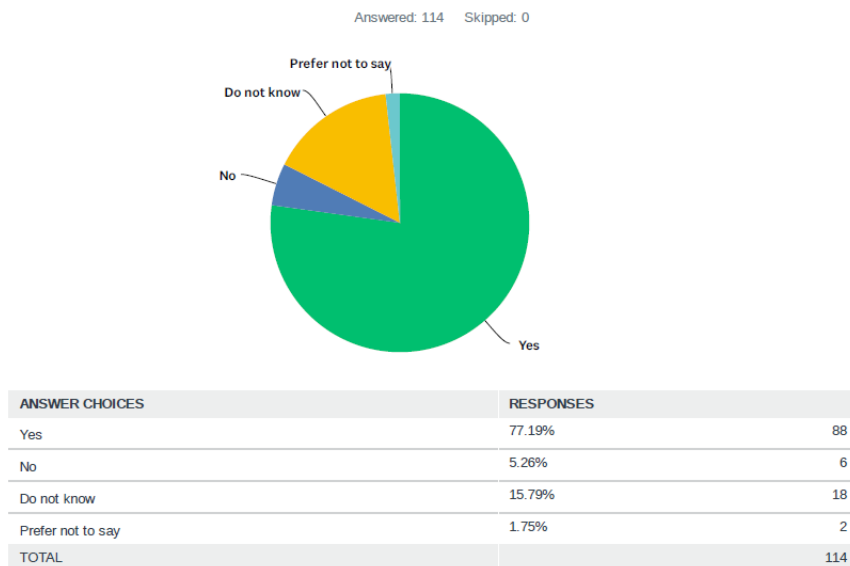| ANSWER CHOICES	RESPONSES	
Yes	77.19%	88
No	5.26%	6
Do not know	15.79%	18
Prefer not to say	1.75%	2
TOTAL		114

Figure 15: Graphic of question 8 (LGBT+ community)

The purpose of this question was to understand the willingness to address LGBT-related disputes to Mediation. Additionally, it will enable comparisons between the responses to this question and those to a subsequent one. The great majority of participants (77,19%, 88 persons) said they would consider using Mediation to address a personal/family/workplace dispute. Only six participants (5.26%) stated that they would not consider using Mediation. 15.79% (18 participants) said they "do not know", and 1.75% of the sample (2 participants) preferred not to say. Analysing the answers to this question considering only the LGBT+' responses, it can be noticed that 75% of them (72 participants) would consider using Mediation, against 5.21% (5 participants) that would not consider that.

3.2.9. Why not using Mediation?

Amongst those who answered that they would not consider using Mediation, the reasons are various. Their statements were:

'Tried before and didn't work.'

'Confidentiality would be a concern.'

'Don't understand much.'

'I'm not sure if Mediation works properly.'

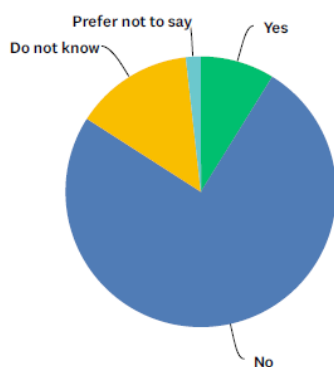*'I chose no as the situation would have to be serious before I would consider bringing in an external party.'*

'It would depend on the situation'

'I feel I have the skills myself or others to help resolve the issue.'

3.2.10. Preference regarding the mediator's gender

Figure 16: Graphic of question 10 (LGBT+ community)

This question aimed to understand if the LGBT+ community prefers that the Mediator is of their gender or does not matter for them. The figure above shows the answers given by all the respondents to the survey. However, this question was filtered to check only the responses given by the LGBT+ community (95 respondents). By doing that, it can be noticed that all the ten people that answered "yes" are LGBT+. 72.63% of the LGBT+ responses (69 persons) said "no", 14.74% (14 persons) said they "do not know", and 2.11% (2 persons) preferred not to say.

3.2.11. Explanation about the mediator's preferred gender

Some of the reasons why some people stated that they prefer a Mediation of a specific gender are:

*'A person from the same gender usually have a more empathy.'*

'Depending on the issue. It would be more important for me that the mediator was inclusive and used inclusive language for example. Or that they would be familiar with concepts and dynamics that are LGTBQ+ specific'
'It depends on which genders involved conflict and the context of the disagreement.'

The most common explanation was similar to this one: *'Female, because in general they have a more sensible and sensitive approach to the most different aspects of our life in society.'*

3.2.12. Preference regarding the mediator's sexual orientation

Q12 Do you think (or do you prefer) that the Mediator should be of a specific sexual orientation?

Answered: 113   Skipped: 1
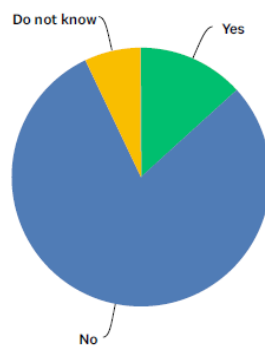
ANSWER CHOICES	RESPONSES	
Yes	13.27%	15
No	79.65%	90
Do not know	7.08%	8
Prefer not to say	0.00%	0
TOTAL		113

Figure 17: Graphic of question 12 (LGBT+ community)

The purpose of this question is to ascertain if the LGBT+ community prefers or does not prefer that the mediator is of their sexual orientation. The chart below summarizes the responses of all survey respondents. Nonetheless, this question was filtered to include just replies from the LGBT+ community (95 respondents). 15 LGBT+ persons (15.79%) believe that the mediator should indeed have a specific sexual orientation. The majority (76.84%, 73 respondents) think that the mediator could be of any sexual orientation, and seven respondents (78.37%) said they do not know.

3.2.13. Explanation about the mediator's preferred sexual orientation
The reasons for preferring a mediator of a certain sexual orientation are:

'That depends on the subject, on something LGBTQIA+ matter, yes, otherwise it would probably be bias.'
'It could be easier to understand cases of abuse/prejudice against sexual orientation and be more able to address the correct points.'

'Not a requirement but it would be helpful in time optimization.'

'I think LGBTQIA+ people who be more comprehensive at some issues.'
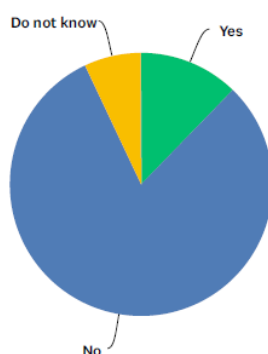
'Homosexual, because they tend to be / they are more likely to understand our issues.'

'LGBT would be a better mediator because they know from experience how it is to be part of marginalisation, whereas a straight person is unlikely to think diversely.'

3.2.14. Preference regarding the mediator's religion/belief

Figure 18: Graphic of question 14 (LGBT+ community)

The sample was also questioned about their preference over the mediator's religion/belief/philosophy. 12.28% (14 participants) of the sample expressed that the mediator's religion matters for them. The great majority (80.70%, 92 respondents) answered "no", and 7.02% (8 respondents) stated that they do not know.

3.2.15. Explanation about the mediator's preferred religion/belief

The fifteenth question was the following: "If you answered YES to the above question, could you explain which religion and why?"

Here are some of the most relevant answers:

'Should have no religious affiliation that may influence the mediation.'

*'Not necessarily no religion, but must not be influenced by the beliefs for mediating.'*

'Sometimes religion can skew peoples (sic) beliefs, it's fine if the Mediator is completely impartial and does not bring their religious beliefs into the matter.'

'Again, if is something LGBTQIA+ matter, some religions have the tendency of being bias on matter.'

3.2.16. Preference regarding the mediator's age

Q16 Do you think (or do you prefer) that the Mediator should be of a specific age (more than a certain age or less than a certain age)?

Answered: 114   Skipped: 0
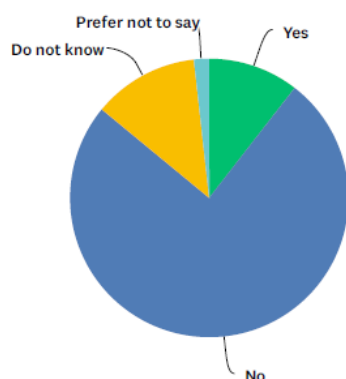
ANSWER CHOICES	RESPONSES	
Yes	10.53%	12
No	75.44%	86
Do not know	12.28%	14
Prefer not to say	1.75%	2
TOTAL		114

Figure 19: Graphic of question 16 (LGBT+ community)

All the persons who attended the survey answered this question. 75.44% of them (86 participants) said that the mediator does not need a specific age. Only 12 participants (10.53%) stated that it would matter for them. Fourteen participants answered, "do not know", and two other participants preferred to "not to say".

3.2.17. Explanation about the mediator's preferred age

Amongst the reasons for preferring a mediator of a certain age, there are:

'The Mediator should achieve certain age or have certain life experiences in order to be a good in their position.'
'I think experience helps with being a mediator, and age brings this experience.'
'Not specific age, but I don't think that having a person closer to age to me would be beneficial.'
'Young people are more open minded.'
'Older mediators maybe have procedural expertise but not grasp current cultural issues.'

3.2.18. Using mediation if the mediator is specifically trained

Ninety-eight individuals replied to the eighteenth question, with 84.69% (83 participants) indicating that they would feel comfortable participating in a mediation for which the mediator has been specially trained. Seven participants (7.14%) each picked "no" and "do not know." One individual opted to remain silent.

Q18 If you answered "YES" or "I DO NOT KNOW" in any of the questions 10, 12, 14 or 16, despite not being of the gender, sexual orientation, religion, or age of your preference, if the Mediator has been approved in a qualification course of "Mediating Conflict involving LGBT community" would you feel comfortable to take part on a Mediation?

Answered: 98   Skipped: 16
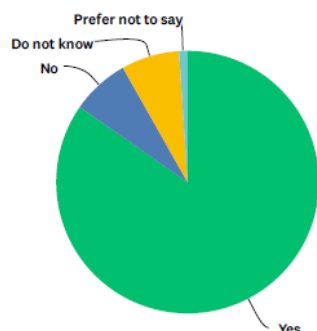
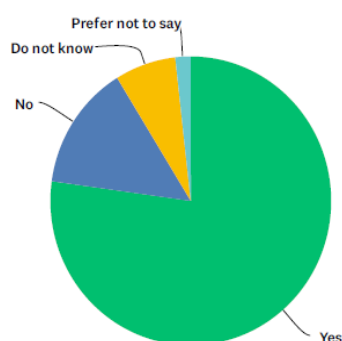| ANSWER CHOICES	RESPONSES	
Yes	84.69%	83
No	7.14%	7
Do not know	7.14%	7
Prefer not to say	1.02%	1
TOTAL		98

Figure 20: Graphic of question 18 (LGBT+ community)

3.2.19. Parties' opinion about training to Mediate disputes involving the LGBT+ community

After all the questions above, the most critical question was reached. It concerns this research's objective: to understand how Mediation can be more effective for the LGBT+ community. Therefore, the participants were asked the following question:

Q19 Do you think Mediators should be specifically trained to mediate conflicts involving the LGBT community?

Answered: 114   Skipped: 0

ANSWER CHOICES	RESPONSES	
Yes	77.19%	88
No	14.04%	16
Do not know	7.02%	8
Prefer not to say	1.75%	2
TOTAL		114

Figure 21: Graphic of question 19 (LGBT+ community)

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The purpose of this question was to determine whether the research population considers it is essential for the mediator to have extensive knowledge and expertise when mediating conflicts involving members of the LGBT+ community. 77.19% (88 participants) responded "yes," whereas only 14.04% (16 individuals) responded "no," 7.02% (8 persons) responded "do not know," and two respondents (1.75%) selected "prefer not to say."

3.2.20. Parties' justification for having or not specific training

The participants were encouraged to explain their points of view. "Could you explain your opinion on the above question?"

The aim here is to understand better the parties' opinions regarding the need for specific training for mediations involving the LGBT+ community. There were several responses. Some of them are along the same line. The most eloquent answers are as follows:

'Honestly, I've never experienced mediation, so I don't know what it involves and how well the Mediator should know their clients, but if they are trained for dealing with other group of people, they should be trained for LGBT community as well. If they are not, I think empathy and respect should be sufficient when dealing with LGBT or other clients.'

'If the whole conflict volved around an LGBT related issue, it would be better to have a person that has knowledge about the community issues and soft spots and themes, so they can address the situation and even the parties in an appropriate way and language. If the conflict is not exactly about a LGBT related issue, I don't think it would matter that much.'

'Independently the mediator is part of LGBT community is important to get trained in how to address the correct points for each of the member of the community. For that, it's important training. We tend to have a limited vision based on our own experiences and the community as much more broad than we can imagine.'

'Matters of gender and sexual orientation are still a tabu all over the world and can generate unconscious bias. Understanding and being able to identify problems rooted on those life aspects could be essential when trying to solve a problem.'

'A good Mediator should have the skillset to work with the parties to get to the root cause of the issues. I didn't think having specific training is necessary.'

'It's quite important to get a qualified professional to deal with any sort of conflicts. But considering that the LGBT's cause has its own specific problems, it's necessary to have it solved by who knows it properly.'

'Since you are a mediator you should be sharp and well know all nuances, fights and rights of the LGBTQA+ community for a better counselling and trust of your client on you.'

'A mediator without specific training focused on the LGBT community does not mean that he cannot have the empathy and skills to deal with this public. Of course, if the mediator has some specific training for this field, it would be a positive point that would facilitate the mediation process.'

'I think that like with any minority group, having an understanding of the dynamics and specific issues which that group faces would be highly beneficial.'

'I think any mediation course should include subjects regarding mediation with LGTBQ+ clients. I should not be an add on to the course, it should be part of the general course!'

Chapter 4 – Data Analysis and Findings

This chapter will summarize the conclusions from the data analysis presented above and compare them to the observations from the literature review chapter. Each questionnaire will be evaluated individually (with mediators and with the LGBT+ community) to improve the data analysis. Then, the pertinent comparisons will be drawn in the next chapter.

Questionnaire with Mediators

This survey was conducted with ten mediators that currently offer Mediation services in Ireland. Almost all the respondents are Irish, with just one Croatian. Males and females were represented in this study with 40% and 60%, respectively. The average age of the respondents is between 45 and 64 years old, although there was one participant under 25 years old and another participant over 65 years old. As suggested by the literature review, 78,3% of the Irish people are Catholics. However, there were only 40% of Catholics in this study, whereas other respondents were Atheists, Buddhists, and Protestants. There was no discernible pattern based on nationality, age, gender, or religion.

Although same-sex marriage is a relatively recent phenomenon in Ireland (since 2015), half of the mediators who answered the questionnaire stated that they have already performed Mediation with LGBT+ individuals, not necessarily regarding couples' disputes. According to most of them, the experience was nothing different from others involving straight people. However, it was noticed that the specific LGBT issues such as coming out, gender identity, surrogacy and prejudice did not arise during the process they mediated.

In contrast to most answers, one participant described a situation in which LGBT+ topics were discussed, and the dispute intensified throughout the Mediation. He stated, '*It made me mad. It was regarding Trans people and a person addressing them as a "wannabe male/female"*'. This finding from the survey corroborates the conclusion of the literature study that transgender people face stigma, and mediators must be knowledgeable of the complexity of transgender-related conflicts.

Only one mediator believes that mediating conflicts in the LGBT+ community would be a challenge for him (as it has already been in the situation commented above), whereas 80% of the participants believe that this should not be difficult for them to manage. Notwithstanding this, some mediators acknowledged that specific issues could destabilize them, just as '*gender re-assignment*' and '*bullying*'. On the other hand, other participants stated that it would be just as other mediations or that nothing could adversely affect them.

When asked if mediators should be specifically trained to mediate conflicts involving the LGBT+ community, the participants' opinion was divided. Half of them said "yes," and the other half said "no". Each of the ten

explanations for this question will be thoroughly examined, as their contributions are essential to fulfilling the research's objectives.

The first respondent is a woman that has already mediated conflict involving the LGBT+ community. According to her, '*this question needs to be more nuanced. Do I think that mediators should receive specific training for disputes involving the LGBT community, No; do I think that training for mediators needs to include discussions around diversity, to reflect the ethnicities, social demographics, cultural insights and values of Ireland's population.*'

The second respondent is also a woman. She stated that she has never mediated conflict involving the LGBT+ community. From her point of view, mediators should be trained for that kind of Mediation due to '*sensitivities around gender and nuances of language to ensure inclusivity.*'

The third female mediator informed that in all her experience as a mediator, none of her Mediations was related to the LGBT+ community. Despite not having experience with these issues, she believes that there is no need for additional training. She adds the following: '*I'm not sure what is meant by 'specifically trained'; I don't deliver the Separating Couples module but I assume that this module covers many different constellations of couples/relationships that mediators might come across and this would include reference to couples who are members of the LGBT community.*'

A following respondent is a man. He has never mediated a conflict involving the LGBT+ community. He stated that '*everyone should be treated the same. If it is an LGBT couple then an experienced mediator should be able to manage that process.*' Therefore, specific training is unnecessary, in his opinion.

A fifth participant is also a man. However, he experienced being a mediator in an LGBT-related Mediation. He agrees that mediators do not need to be specifically trained for mediating conflicts involving LGBT+ people. In his words: '*I am trained not to judge the Parties. Their sexual orientation is only relevant if the dispute is about that.*'

The next participant is a woman that has already mediated a conflict involving LGBT+ people. In her opinion, '*all training is useful and trainee may be alerted to possible biases.*'

A seventh respondent is a man. According to him, he mediated a conflict involving the LGBT+ community, for which he reckons there is no need for specific training. He also urged: '*I think I would need more information from you regarding the types of conflicts that you envisage a mediator having to deal with which might be different to the non LGBT+ community.*'

The eighth and ninth participants are males who have never had LGBT+ people as stakeholders in a Mediation. The eighth respondent answered "yes" for the need for training to deal with such Mediations and complemented by saying '*not specific training but incorporated into the training in general*." The ninth participant also responded affirmatively and added that '*It's a very difficult and sensitive area, which needs particular skills.*'

Finally, the last participant in the survey is a young man between 18 and 24 years old. He has mediated a tense Mediation involving the LGBT+ community. He believes that training to enable mediators to have the LGBT+ community in the Mediation settings is necessary '*because lgbt+ person would feel affected, otherwise the person would maybe not care too much.*'

From the analysis of the answers above, some of the participants did not understand some questions or at least did not consider the entire context of what was being asked. Half of the participants demonstrated to be aware of the LGBT+ particular nuances and share the opinion that it is necessary to be trained to deal with such situations. Other participants made it clear that, in their view, Mediation involving the LGBT+ community is no different from that involving society in general and couples of different sexes, diversely from what the literature review stated.

In summary, half of the sample agree that the additional training to prepare mediators for the myriad of issues concerning the LGBT+ community is desirable. Nevertheless, the other half that does not agree with that did not seem to be well informed about the matter, which may have influenced the opinion they expressed in this study.

Questionnaire with the LGBT+ community

This second study surveyed 114 persons of 12 nationalities, most of whom are LGBT+ and now reside in Ireland. Although more than half of the participants are Brazilians, the number of Irish nationals who participated in the study was equally significant (25.2%). Other nations represented included the Canadian, Argentinian, Italian, British, Mexican, Croatian, American, Chilean, Uruguayan, and Spanish. The number of female participants (47) was substantially less than that of male participants (63). Only a few respondents identify as non-binary (4). The research population is comprised of LGBT+ persons. Fortunately, participants with various identities such as gay, lesbian, bisexual, pansexual, asexual, queer, and demisexual represented the LGBT+ community. A further eighteen individuals who identify as straight replied to the questionnaire. There was no pattern detected based on nationality, age, gender, sexual orientation, or religion.

The average age of responders is between 25 and 44 years, with a few respondents being younger or older. Regarding the religion or philosophy of the sample, a mix of different responses were found. The most expressive number of representants are Catholics (27.19%), Spiritualist (21.05%), Agnostic (14.04%) and

Atheist (12.28%). Although the sample includes individuals from various nations, virtually all of the nationalities covered are mostly Catholic, including Ireland, whose population is 78,3% Catholic, according to the literature.

The participants were questioned about their knowledge of Mediation. It was discovered that more than 75% of the sample were aware of the essential characteristics of Mediations, while just 23.59% exhibited misunderstanding of the subject or confused Mediation with Meditation. When first asked about the willingness to use Mediation as a method to address eventual disputes workplace, personal, or family disputes, 77.19% of the sample (88 participants) answered "yes", and 5.26% (6 participants) said "no". The participants who ignored Mediation as a means of resolving potential conflicts explained their decision by stating that they either had tried it previously and were unsuccessful or were unfamiliar with the approach and unsure if it would work for them.

To ascertain the LGBT+'s preferences for the personal qualities of a possible mediator, they were questioned about the mediator's age, religion, gender, and sexual orientation. The responses to these questions indicate that just a tiny proportion of the LGBT+ population would choose a mediator who possesses specific attributes. Ten respondents would like to select the mediator's gender. Twelve would avoid a mediator who had particular religious beliefs. Fourteen would prefer a mediator of a certain age, and fifteen would feel more comfortable and confident if the mediator was one of their peers from the LGBT+ community. All of those who expressed a preference for the mediator's gender and sexual orientation are members of the LGBT+ community. Only three straight participants voiced opposition to the mediator's religion and age. In general, the explanation given by those who stated to have a preference concerning the mediator's age, gender, sexual orientation, or religion is related to their concerns regarding empathy, impartiality, bias, knowledge and experience.

Near the end of the questionnaire, participants were asked if they would consider utilizing Mediation to resolve their disputes regardless of the mediator's gender, age, sexual orientation, or religion, provided the mediator had attended specialized training for mediating LGBT+ issues. First of all, it is interesting to notice that this question was addressed for those who have answered "yes" in any of the questions 10, 12, 14 or 15. Those questions had 10, 15, 14 and 12 persons who answered "yes", respectively. Notwithstanding this, 98 people responded to this question. 84.69% of the respondents (83 participants) said they would feel comfortable taking part in a Mediation for which the mediator has been specifically prepared.

The answers "no" and "do not know" was chosen by 7 participants (7.14%) each. One person preferred not to say. Comparing the answers to this question to question 8 – "would you consider choosing Mediation to address the dispute?" –, the proportional number of participants who answered "yes" increased. 77.19% of participants responded "yes" to question 8, while 84.69% responded "yes" to question 18. Therefore, the number of LGBT+

individuals that would undergo Mediation is proportionally high if the mediator had received additional training to deal with specific issues regarding their community.

The final question inquired participants whether they believe mediators should get special training to be able to mediate conflicts within the LGBT+ community. Fortunately, this question was answered by all the participants of the present study. Thus, it shows the opinion of all lesbians, bisexuals, gays, pansexuals, asexual, demisexual and even straight people that attended the survey. According to the participants' responses, mediators who mediate conflicts involving the LGBT+ community must be prepared for that beforehand. Eighty-eight participants (77.19% of the sample) stated that. Contrarily, sixteen participants (14.04%) do not agree that training is required to enable mediators to mediate conflicts of this nature. Another eight participants answered, "do not know", and 2 participants preferred to be silent. When this question is analysed considering only the LGBT's responses, it can be noticed that 81.25% of them answered "yes", 12.5% said "no", 5 participants stated they do not know, and 1 participant preferred not to say.

Chapter 5 – Discussion

In this chapter, the responses to both questionnaires with be critically compared to each other and contrasted with the literature outlined in chapter one in an attempt to find patterns and draw conclusions.

Nuances of Mediation involving the LGBT+ community and challenge for mediators

Interestingly, 80% of the mediators answered that mediating a conflict involving the LGBT+ community would not be a challenge for them. Additionally, some mediators stated that nothing could adversely affect them. Without intending to discredit these individuals' opinions or their experience with Mediation procedures, it is worth remembering what was outlined in the literature review. As reverberated by McIntire (1994), Hertz et al. (2009), Moscati (2015a, 2015b, 2015c, 2015d), Hanson (2006), Townley (1992), amongst other authors cited in the literature review, the LGBT+ community does have certain sensitive concerns with which heterosexual mediators are usually unfamiliar. In addition, Hertz et al. (2009, p. 140) emphasise that in LGBT-related Mediations, conflicts over the responsibilities of provider, primary parent, or supporting spouse might arise in a way rarely seen in heterosexual dissolutions. All these concerns can jeopardise the mediator's impartiality and neutrality, as well as their control of the Mediation process.

The vast literature cited below aligns with the data obtained from the primary research carried out with the LGBT+ community. Several LGBT+ individuals expressed their opinion about the peculiarities of their lifestyle, their issues, their culture. They also highlighted their need for mediators who, regardless the gender, age, religion, or sexual orientation, can build rapport through empathy, avoid biases, and help them solve the issues brought to Mediation. Only 8.85% of the questionnaire's respondents indicated a preference for the mediator's gender, 13.27% stated a preference for the mediator's sexual orientation, 12.28% showed a predilection for the mediator's religion, and 10.53% revealed a preference for the mediator's age. The low rate of LGBT+ people who expressed appreciation for mediators with specific characteristics corroborates the analysis of the literature review.

Advanced training for mediating in the LGBT+ community

Half of the mediators who responded to the questionnaire categorically stated that they believe Mediation involving the LGBT+ population is no different than Mediation involving the broader population and heterosexual couples. Therefore, in their opinion, additional training to prepare mediators for Mediation involving the LGBT+ community is unnecessary.

As the literature review demonstrated, mediations involving LGBT+ people, notably those referring to transgender people and non-biological children of one of the parties or when they used surrogacy, demand that the mediators have knowledge of gay culture and especially the laws applicable to the case. Five out of the ten mediators who took part in the survey supported the enhanced training to prepare mediators for highly

emotional situations and specific issues such as occurs in Mediation involving the LGBT+ community. Several of the justifications reaffirm what has previously been said. One participant noted that '*it's a very difficult and sensitive area, which needs particular skills.*' Another respondent stated that '*all training is useful, and trainee may be alerted to possible biases.*'

Furthermore, one of the mediators who rejected the need for advanced training assumed that the Family Mediation qualification course covers the many configurations of couples/relationships that mediators may encounter, including couples that identify as LGBT. Nevertheless, the approved training given by the Mediators' Institute of Ireland (2021c) to qualify its members for Mediation involving divorcing couples is a 40-hour course that does not include the legislation governing LGBT+ rights and duties. The absence of this approach is a shortcoming of the training course that must be overcome in order to assure a bright future for mediations involving members of the LGBT+ community.

The importance of a specific course to teach straight mediators all these LGBT+ nuances and applicable legislation was reinforced by 81.5% of the LGBT+ people and 76.92% of the straight people surveyed. The explanations given are remarkably in line with the literature. One respondent said that '*it would be better to have a person that has knowledge about the community issues and soft spots and themes, so they can address the situation and even the parties in an appropriate way and language'*, and another participant stated he believes '*that someone who understand the real scenario can apply more fair solutions to solve the problem.*' Additionally, one member of the LGBT+ community urged, '*I think any mediation course should include subjects regarding Mediation with LGTBQ+ clients. I should not be an add on to the course, it should be part of the general course!*'

Genuinely, it can be argued that the stigma experienced by LGBT+ people shall not be replicated in a course devoted to them. As this survey participant suggested, the general mediation course, notably the separating couples Mediation training, should address LGBT+ concerns, culture, challenges, legislation and so forth. Furthermore, it should emphasise the LGBT+' matters that are different from the heterosexual lifestyle. A surveyed mediator shares this same idea: He said, '*not specific training but incorporated into the training in general.*' The literature supports this idea. Hertz et al. (2009, p. 138) advised the mediators to familiarise themselves with the laws regulating couples in their area. In agreement with that, Hanson (2006, pp. 10-11) pointed out that future family mediators should be taught how gender and sexual orientation affect Mediation. If the family mediation profession does not actively engage the LGBT community, it may not be able to address LGBT issues successfully.

Conclusion

This study focused on three major objectives in an attempt to establish the response to the research question. The first objective was to investigate the nuances of LGBT+ issues and their approach in Mediation. The primary research demonstrated that the LGBT+ sample consulted acknowledged their concerns about the need for a mediator who understands the particularities of the issues involving them. Amongst these specific issues, the participants mentioned abuse, prejudice, marginalisation, dynamics of the relationships, coming out and transsexuality. Concerns about the mediator's neutrality and bias were also raised.

Additionally, the literature study highlighted several of these issues and the requirement for the mediator to be aware of them in order to deal with each subject appropriately. Moscati (2015a, p. 13) pointed out some sources of disputes involving the LGBT+ community, such as '*coming out, (...) whether and how to have an open relationship, sexual orientation, and gender identity (...), internalised homophobia.*' Hertz et al. (2009, p. 127) also remembered that if only one spouse is a legal parent, the other spouse may be left without legal recourse to resolve custody, visitation, or support issues with a child they have raised for many years. When such problems are presented to Mediation, the mediator must have expertise, experience, sensitivity, and impartiality in order to assist the stakeholders in reaching a fair and balanced conclusion. Thus, one could argue that Mediation involving members of the LGBT+ community does have unique issues in addition to those that arise in any procedure involving parties of opposing genders.

The second objective of this study was to determine what mediators should be mindful of when mediating in the LGBT+ community. Along the survey carried out with LGBT+ individuals, some issues regarding mediators' expertise and the Mediation process were raised. The first concern is regarding confidentiality. Although one of the core principles of Mediation is confidentiality, considering the prejudice that LGBT+ individuals face in their lives, it is vital to maintain the parties' privacy before, during and after the Mediation process. Less than 14% of the sample stated preference about the mediator's gender, sexual orientation, religion, or age. As a result, it can be noticed that those characteristics are not a requirement for mediating in the LGBT+ community. Nonetheless, the explanation presented by individuals who declared to have a more desirable mediator's profile cannot be disregarded. Several participants emphasised the need for empathy, inclusive language, sensitivity, non-judgment, time management, understanding about their concerns, neutrality, impartiality, expertise, and open-mindedness.

Likewise, the analysed literature confirms that mediating LGBT-related issues requires special attention from the mediator. Hertz et al. (2009, p. 123) emphasise the requirement of knowledge about applicable legislation and a capacity for dealing with intense emotional situations. McIntire (1994, p. 145) highlights the need of understanding homosexual culture to foster empathy. Similarly, Moscati (2015c, p. 29) found out in research

that in Mediation with LGBT+ individuals, '*sexual orientation is less significant than knowledge, empathy, and technical capacity.*'

The third and last objective was to provide recommendations for optimising Mediation processes involving the LGBT+ community in Ireland. Based on the analysis of the literature and the data gathered through the primary research, it can be said that Mediation involving the LGBT+ community has its specificities, which require a tailored approach. Moscati (2015d, p. 61) and Barret and Robinson (cited in McIntire, 1994, p. 145) underline the importance of using a gender-neutral vocabulary and proper terms to designate the parties and their issues. Calling the parties by their preferred name and pronoun is also a must. As per Hertz et al. (2009, p. 138), mediators' knowledge about the legislation applicable to the LGBT+ community is of extreme importance.

Furthermore, it was noted that the creation of the Mediation Council of Ireland is critical in order to unify existing mediator's codes of practice (provided by mediator's associations such as the MII) and to regulate accredited training and their contents. As outlined in the literature review, the Family Mediation training provided by the MII does not address the specific issues of same-sex relationships, gender issues, nor the legislation applicable to their community. Furthermore, Hanson (2006, p. 16) states that for family mediation to be effective, it must address the broad range of family configurations that exist today, and mediators in this field should address LGBT+ concerns while educating new family mediators or doing research.

The three objectives lead to the primary aim of this dissertation, which was to find the answer to the following research question: What can be done to make mediation more welcoming and effective for the LGBT+ community?

The overview of the literature review and primary study findings provided above are responses to the research question. Additionally, 81.25 % of the LGBT+ respondents to the survey, as well as 50% of the mediators surveyed, believe that specific training should be offered to mediators wishing to mediate in the LGBT+ community. This specialised training entails enrolling in a course such as the certified family mediation training. However, it must address problems affecting heterosexual couples' issues and gender issues, same-sex relationships' matters, and the LGBT+ culture.

As this study has shown, these minorities do have distinct characteristics that, when properly evaluated and addressed by mediators, can result in an unbiased and welcoming process and an effective outcome. Furthermore, just like Hertz et al. (2009, pp. 142-143) highlighted, that the mediator, and most crucially, the parties, can harvest enormous benefits if those independent third parties acquire the required information, develop relevant emotional skills, and respectfully and comprehensively integrate psychological and legal issues.

Reflection

Opting to immigrate to Ireland was not an easy decision. Being apart from my family and resuming a professional career in a nation where the language is different from my native tongue was initially challenging. However, the expectation of acquiring international experience and living a more balanced lifestyle played a significant role in decision-making. Despite nearly five years of experience as a lawyer and completing two specializations, my academic and professional aspirations remained unfulfilled. Obtaining a master's degree has long been a goal, but one that would be extremely difficult to accomplish in Brazil. I discovered this chance in Ireland at Independent College Dublin and took advantage of it. Language has not been a barrier, yet it required more effort on my part. Now that this process is nearly over, I can see how much I learned, not just about alternative dispute resolution methods but also about vocabulary, grammar, and fluency in English.

My experience as a lawyer in Brazil provided me with a wealth of knowledge and expertise and a different perspective on how society and government resolve problems. That was one of the reasons I chose this master's degree. I could have said at the start of the course that there is always a fallback option. By completing this master's degree, I believe that alternative dispute resolution techniques will eventually become the default method for settling any disagreement.

Now, especially speaking about the process of writing my dissertation, I can say that it was more insightful and pleasant than arduous. Naturally, I had to create priorities during the last several weeks, relinquishing time with my spouse, dog, and friends. There were numerous hours spent reading dozens of articles until late at night, which contributed to my routine's tiredness. Above all, I am proud of how much I have learned and how meticulous and organized my work is.

I was first sceptical about my ability to complete my dissertation. Nonetheless, my initial encounter with my supervisor John Dunne fostered the confidence and enthusiasm I needed to carry out this project. He believed in my subject's potential and pushed me to write it not just to fulfil my master's requirements but also to meet a publication standard. On the other hand, it increased the strain on my shoulders significantly. Yet, I accepted the challenge and have since committed myself fully to this dissertation.

Additionally, he reminded me of the utmost relevance of such studies for the LGBT+ community, of which I am a member. The LGBT+ community has gained recognition and respect over the previous three decades, but more rights are still to be achieved globally. Such studies are essential to strengthen these rights and to bring this debate to the academic community. I am proud to be a part of this debate and to help the LGBT+ community.

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Appendix A – AEA FORM

Form A: Application for Ethical Approval
Undergraduate/Taught Postgraduate Research

This form should be submitted to the module leader for the relevant initial proposal and/or the relevant supervisor is the proposal has already been accepted.

Please save this file as *STUDENT NUMBER_AEA_FormA.docx*

Title of Project	Mediating conflict in the LGBT+ Community
Name of Learner	Luciano Rodrigues Pereira Junior
Student Number	51709937
Name of Supervisor/Tutor	John Dunne BL

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?	☒	☐	■
2	Will you tell participants that their participation is voluntary?	☒	☐	
3	Will you obtain written consent for participation (through a signed or 'ticked' consent form)?	☒	☐	
4	If the research is observational, will you ask participants for their consent to being observed.	☐	☐	☒
5	Will you tell participants that they may withdraw from the research at any time and for any reason?	☒	☐	■
6	Will you give participants the option of not answering any question they do not want to answer?	☒	☐	☐
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?	☒	☐	■
8	Will you debrief participants at the end of their participation (i.e., give them a brief explanation of the study)?	☒	☐	■
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?	☐	☐	☒
10	If your study involves people less than 16 years, will you ensure that active consent is obtained from parents/guardians and that a parent/guardian or their nominee (such as a teacher) will be present throughout the data collection period?	☐	☐	☒
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.	☐	☐	☒

Item	Question	Yes	No	NA
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?	☐	☐	☒
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)	☐	☐	☒
14	Will your project involve deliberately misleading participants in any way?	☐	☒	■
15	Is there any realistic risk of any participants experiencing either physical or psychological distress or discomfort?	☐	☒	■
16	Does your project involve work with animals?	☐	☒	■
17	Do you plan to give individual feedback to participants regarding their scores on any task or scale?	☐	☐	☒
18	Does your study examine any sensitive topics (such as, but not limited to, religion, sexuality, alcohol, crime, drugs, mental health, physical health, etc.)	☐	☒	■
19	Is your study designed to change the mental state of participants in any negative way (such as inducing aggression, frustration, etc?)	☐	☒	■
20	Does your study involve an external agency (e.g. for recruitment)?	☐	☒	■
21	Do your participants fall into any of the following special groups? (except where one or more individuals with such characteristics may naturally occur within a general population, such as a sample of students)	☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐	■

If you have ticked any of the shaded boxes above, you should consult with your module leader / supervisor immediately. You will need to fill in Form B Ethical Approval and submit it to the Research & Ethics Committee instead of this form.

There is an obligation on the researcher to bring to the attention of the Research & Ethics Committee any issues with ethical implications not clearly covered by the above checklist.

I consider that this project has no significant ethical implications to be brought before the relevant Research & 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).	☒
Name of Learner	Luciano Rodrigues Pereira Junior
Student Number	51709937
Date	18/08/2021
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 & Ethics Committee.	☒
Name of Supervisor/Lecturer	John Dunne B. L.
Date	18/08/2021

Appendix B – Separating Couples Mediation Training: Course Content

The Mediators' Institute of Ireland

The Professional Association for Mediators

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Separating Couples Mediation Training: Course Content

Level 1: Family mediation generic training

- **Family Dynamics**
  - Family dynamics: structural issues and roles
  - Patterns of relating and interactions between family members
  - Family Systems Theory using systemic perspectives within mediation, with reference to Dr Murray Bowen's Family Systems Theory (1950), Wayne Regina (2011), Bill Eddy (2014).
  - Culture and diversity issues in family mediation
  - Family bereavement and loss
  - Family mediation models – Facilitative, transformative, evaluative and narrative mediation models

- **Principles of Mediation within a family context**
  - Mediation Act 2017
  - Self-determination
  - Confidentiality
  - Impartiality
  - Voluntariness

- **Family Conflict**
  - Dynamics of Conflict.
  - High conflict cases
  - Intervention techniques
  - Self-Awareness in Conflict.
  - Managing the Process in High Conflict Cases.
  - De-escalation Techniques.
  - Appropriate and Safe Termination of cases

Level 2: Separating couples mediation specialist training

- **Separating Couples Dynamics & Conflict**
  - Couple relationships, including beginning, maintaining and ending the relationship in the context of mediation negotiations.
  - Grief and loss for separating couples
  - The complexity of third-party support, advice and information (both professional and non-professional, formal and informal) and its contribution to the narrative brought to mediation.
  - How conflict can manifest in a family
  - Effect of Conflict on Families.
  - Effect of Conflict on Children.
  - Couple Dynamics and Conflict.
  - How to Talk to Parents about Conflict
  - Mediating in high conflict and emotional situations

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- **Family Mediation Processes**
  - Facilitative, evaluative, transformative or narrative mediation models
  - The role of the mediator
  - The family mediation process
  - The structure of mediation sessions from contact to conclusion

- **Intimate Partner Violence**
  - Domestic Violence Legislation.
  - Power and control issues within couple dynamics.
  - Intimate Partner Violence Policy and its application.
  - Intimate Partner Violence Screening Process.
  - Safe termination of mediation
  - Mediator safety and wellbeing.

- **Child Focused Mediation**
  - The place of the child in separation and the mediation process
  - Child Development.
  - Overview of Child Inclusive Mediation.
  - Attachment: children, parents, and caregivers.
  - The effect of conflict on children.
  - The effect of separation on children from blended families and their inclusion in future planning.
  - Techniques for Child focused mediation
  - Negotiating future arrangements for their children.
  - Drafting a Parenting Plan.

- **Child Protection**
  - Child Protection Legislation, Policy and Procedures.
  - Recognising child protection issues
  - Screening for child protection
  - Managing the mediation where an issue arises
  - Reporting structures
  - When and How to Report

- **Family Law and Separating Couples Mediation**
  - Legislative framework of family law
  - Basic understanding of the Family Court System.
  - Mediation Act: relevance to Separating Couples mediation.
  - Legislation relevant to Marriage, Civil Partnership & Co-Habitation; Termination of Marriage; Nullity, Separation, Judicial Separation & Divorce
  - Child Protection legislation and procedure,
  - Guardianship of Children
  - Children's' Act.
  - Domestic Violence legislation,
  - Family Home
  - Maintenance
  - succession rights
  - and other legal information

- **Mediating Living Apart**
    - o Mediating housing needs for the family
    - o Mortgages and the separating couple
    - o Negotiating what happens to the family home

- **Mediating financial arrangements**
    - o Financial matters of separation and divorce
    - o Full and mutual disclosure
    - o Budget Session.
    - o How to negotiate Maintenance Issues.
    - o Understanding Tax.
    - o Dealing with Companies and other assets.
    - o Social Welfare.
    - o Negotiating the Family Home.
    - o Pensions.

- **Drawing up Mediation Settlements (Non-legally trained mediators must take a refresher drafting programme each two years, through MII CPD, or equivalent)**

    - o Drafting skills
    - o Drafting a mediation settlement.
    - o Useful templates.
    - o Legal Advice: When and Where is it Required?
    - o Mediation Act Obligations.
    - o Legally and non-legally binding agreements
    - o Components of legally binding agreements
    - o Financial Statements and Documentation.
    - o Signing the Agreement.

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Appendix C – Mediator's questionnaire

1. Do you live in the Republic of Ireland?
   a. Yes
   b. No

2. What is your nationality? _____

3. What is your gender?
   a. Male
   b. Female
   c. Non-binary
   d. Prefer not to say

4. How old are you?
   a. Under 18
   b. 18-24
   c. 25-34
   d. 35-44
   e. 45-54
   f. 55-64
   g. 65+

5. Do you have any belief, religion, or philosophy?
   a. Christianity (Catholic)
   b. Christianity (Protestantism)
   c. Hinduism
   d. Judaism
   e. Buddhism
   f. Islam
   g. Spiritualist
   h. Agnostic
   i. Atheist
   j. Other _____
   k. Prefer not to say

6. Have you ever mediated a conflict involving LGBT community?
   a. Yes
   b. No

7. If you answered YES to the above question, how was your experience? Did anything make you feel uncomfortable or biased?

8. Do you think Mediating conflicts involving LGBT community would be a challenge for you?

9. Imagine yourself Mediating conflicts involving LGBT community. What do you think can trigger you?

10. Do you think Mediators should be specifically trained to do Mediation involving LGBT community?
    a. Yes

b. No

11. Could you explain your opinion to the above question? _____

Appendix D – LGBT+ community's questionnaire

1. Do you live in the Republic of Ireland?
   a. Yes
   b. No

2. What is your nationality? _____

3. What is your gender?
   a. Male
   b. Female
   c. Non-binary
   d. Prefer not to say

4. What is your sexual orientation?
   a. Heterosexual/Straight
   b. Lesbian/Gay/Bisexual/Pansexual/Transgender/Asexual/Queer
   c. Other
   d. Prefer not to say

5. How old are you?
   a. Under 18
   b. 18-24
   c. 25-34
   d. 35-44
   e. 45-54
   f. 55-64
   g. 65+

6. Do you have any belief, religion, or philosophy?
   a. Christianity (Catholic)
   b. Christianity (Protestantism)
   c. Hinduism
   d. Judaism
   e. Buddhism
   f. Islam
   g. Spiritualist
   h. Agnostic
   i. Atheist
   j. Other _____
   k. Prefer not to say

7. What do you know about Mediation? _____

8. If Mediation is an alternative dispute resolution method in which an independent third party (Mediator) uses techniques to help the parties settle down their disputes without imposing a decision. The result of a Mediation relies on the parties. With that in mind, if you find yourself in a personal/family/workplace conflict, would you consider choosing Mediation to address the dispute?
   a. Yes
   b. No

      c. Do not know
      d. Prefer not to say

9. If you answered NO to the above question, could you explain the reason? _____

10. Do you think (or do you prefer) that the Mediator should be of a specific gender?
      a. yes
      b. No

11. If you answered YES to the above question, could you explain which gender and why?

12. Do you think (or do you prefer) that the Mediator should be of a specific sexual orientation?
      a. Yes
      b. No

13. If you answered YES to the above question, could you explain which sexual orientation and why?

14. Do you think (or do you prefer) that the Mediator should have a specific religion or no religion?
      a. Yes
      b. No

15. If you answered YES to the above question, could you explain which religion and why?

16. Do you think (or do you prefer) that the Mediator should be of a specific age (more than certain age or less than certain age)?
      a. Yes
      b. No

17. If you answered YES to the above question, could you explain which age and why?

18. If you answered YES in any of the questions 10, 12, 14 or 16, despite not being of the gender, sexual orientation, religion, or age of your preference, if the Mediator has been approved in a qualification course of "Mediating Conflict involving LGBT community" would you feel comfortable to take part on a Mediation?

19. Do you think Mediators should be specifically trained to mediate conflicts involving LGBT community?
      a. Yes
      b. No

20. Could you explain your opinion to the above question? _____

Appendix E – Survey Disclaimer

Mediating Conflicts in the LGBT+
Community

RESEARCH DISSERTATION:
MASTER OF ARTS IN DISPUTE RESOLUTION

IMPORTANT NOTES

Purpose
This research has an academic purpose only.
There is no direct benefit from answering the questionnaire, but your participation
will have an importance in the development and further understanding of the
topic.

Confidentiality
Any answers provided will be sent to a link at Survey Monkey, and the data
collected will be stored online in an electronic format protected by a password.
Information such as name, email address or IP address will not be collected by the
platform. As a result of this, all responses are completely anonymous, and no
identification is required.

Aim
The research aim is to understand how Mediation can be effective for the LGBT+
community.

Declaration
This research is being carried out in accordance with the WMA Declaration of
Helsinki ethical principles (available at: - https://www.wma.net/policiespost/
wma-declaration-of-helsinki-ethical-principles-for-medical-researchinvolving-
human-subjects/)

Concerns

In case you have any doubts or concerns in relation to this research, you are
welcome to contact the research supervisor, Mr. John Dunne BL
(john.dunne@independentcolleges.ie) and the research candidate Mr. Luciano
Rodrigues Pereira Júnior (lucianorpj@gmail.com), who is a registered student at
Independent College Dublin undertaking the degree of Master of Arts in Dispute
Resolution.

In case you feel that this research has not been able to maintain ethical principles,
please contact Independent College Dublin at the contacts below:
Independent College Dublin at Block B, The Steelworks, Foley St, Dublin 1, or by
email: info@independentcolleges.ie

Proceeding with the questionnaire, you are automatically indicating that:
You have READ and AGREED with the above information.
You agree to participate in this research VOLUNTARILY.
You are 18 years or over.