

MiKK
International Mediation Centre for
Family Conflict and Child Abduction
(reg. ass.)

STATUTES

Preamble

In cases of separation and divorce between couples of different nationalities, complex and highly escalating conflicts frequently emerge. This is particularly true when the family's children are involved and when part of the family leaves the habitual place of residence and goes abroad.

The International Mediation Centre for Family Conflict and Child Abduction - MiKK - promotes and organizes mediations with a special focus on cross-border family conflicts and conflicts involving children. In all its activities, MiKK is committed to valid international legal agreements, such as the *Hague Convention on the Civil Aspects of International Child Abduction*, or *European family law regulations, e.g., Brussels II a*, but also to the couples' different cultural characteristics and to the urgency of the procedure.

Mediation is a voluntary, extra-judicial conflict-resolution procedure where both parties assume sole responsibility in attempting to reach a sustainable resolution of their conflict which is mutually acceptable. As a matter of principle, any mediations organized by MiKK are co-mediations where the mediators represent a team knowing the parties' languages (bi-lingual), being familiar with two different cultures (bi-cultural), and having both a legal and a socio-psychological competence (bi-professional). As a rule, such a team consists of a man and a woman (bi-gender). Apart from his/her normal training, every MiKK-mediator has to prove an additional training in cross-border mediation.

MiKK has set itself the task of promoting, nationally and internationally, the idea of a peaceful conflict-resolution in cross-border family cases and in cases involving children, to train specialized mediators, to give advice to families concerned, to prevent child abductions and conflict escalations, and to give advice on mediation to political decision-makers on a national and international level.

§ 1 Name, Head Office, Business Year

- (1) Acc. to the entry in the trade register, the Association bears the name MiKK e.V. (reg. ass.) International Mediation Centre for Family Conflict and Child Abduction, or MiKK e.V. (Internationales Mediationszentrum für Familienkonflikte und Kindesentführung). The short form for the German and English name is MiKK.
- (2) MiKK's Head Office is in Berlin.
- (3) The business year is the calendar year.

§ 2 Objectives and Tasks

- (1) It is the objective of the Association to promote the implementation of family mediation in international and cross-border conflicts involving children.
- (2) The Association represents an information- and cooperation forum for practice, research, further and advanced training, publications, formation of work groups, institutions and regional networks as well as a forum for the professional, political and public discussion of family mediation in international conflicts involving children.
- (3) It is the objective of the Association to support families, whose parents come from different cultures, in resolving their conflicts. In cases of separation and divorce, MiKK strives to promote joint parentage in the best interest of the child. To achieve this objective, it operates on different levels to promote mediation in international and cross-border conflicts involving children. (§ 52,2,13 and 19 AO)

In particular, the Association is setting itself the following tasks:

- (1) Developing methodological concepts to be applied in mediating international family conflicts involving children.
- (2) Representing professional interests in connection with international family conflicts involving children with regard to communal, state and federal bodies as well as European and international bodies.
- (3) Cooperating with international institutions and services who deal with family mediation.

- (4) Cooperating with organizations and institutions of science and research, of basic, further and advanced training in questions of a peaceful resolution of international family conflicts involving children.
- (5) Giving professional advice and support in developing and realizing research- and pilot projects of mediation in international family conflicts involving children.
- (6) Giving information to the public and promoting an interdisciplinary exchange of experience on a national and international level.
- (7) Organizing expert events and congresses both nationally and internationally.
- (8) Assessing the suitability of international family conflicts involving children for a mediation process.
- (9) Giving advice to parents and children concerned as well as to participating lawyers and institutions.
- (10) Procuring suitable and qualified mediators acc. to a list kept by the Association.
- (11) Based on the youth welfare service, parents with an intercultural background living in separation and divorce shall be offered special programs to mitigate the particular strain for children and teenagers concerned. International expert events shall be offered and implemented which are intended to serve the exchange of information and the further training in this field.

§ 3 Non-profit Status

- (1) The Association exclusively and directly pursues non-profit objectives in terms of the tax code, section "tax-privileged objectives".
- (2) The Association is not committed to any ideology or political party.
- (3) The Association operates disinterestedly. It does not pursue any commercial interests.
- (4) The Association's funds may only be used for objectives laid down in the charter. The members do not receive any remunerations from the Association's funds. If, however, a member is to receive a remuneration for his/her special services rendered for the Association, such an agreement is subject to the approval by the Board. Any such remuneration will be documented separately in the annual budget-report.
- (5) Members will not receive any share of the Association's assets if they resign from the Association or if the Association is dissolved or annulled.
- (6) Nobody may be favoured by any expenses alien to the Association's objective, or by any disproportionately high remunerations.

§ 4 Acquisition of Membership

- (1) Membership of MiKK may be obtained by any natural and legal persons or by any other Associations provided that they support the Association's objectives. Acquisition of membership requires a written application for admission which should be addressed to the Board.
- (2) The Board decides on the application for admission. If the application is refused, the Board is not obliged to give any reasons to the applicant.
- (3) Every member of the Association is obliged to provide his/her current address - both postally and electronically.

§ 5 Termination of Membership

- (1) Membership ceases by death, exclusion, deletion from the register of members or by resigning from the Association. The resignation requires a written declaration to the Board. The resignation can only be declared by the end of each business year; it is subject to two months' notice.
- (2) A member can be deleted from the register of members by a decision of the Board if he/she - in spite of two written reminders - is in arrears with his/her membership fees or levies, or if the member fails to notify the Board of a change of address. Such a deletion can only be decided if a period of two months has elapsed after the dispatch of the second reminder and only if this reminder has pointed out the looming deletion. The member shall be informed about the Board's decision with regard to the deletion.
- (3) If a member culpably and grossly violates MiKK's interests, it can be excluded from the Association by a decision of the Board. Prior to such a decision, the Board shall give the member the opportunity to make a verbal or written statement. The Board's decision shall be explained in writing and dispatched to the member. The member may appeal against such a decision before the General Assembly. The Board shall be notified of such an appeal within one month after the decision has been received.

§ 6 Membership Fees

Annual membership fees shall be raised from the members. The amount and the due date of such fees will be determined by the General Assembly.

§ 7 The Bodies of the Association

The bodies of MiKK include the Board, the Advisory Council and the General Assembly

§ 8 The Board

The Board of MiKK includes at least 5 members, a first chairperson and a second chairperson, a deputy as well as additional members. **One of the chairpersons (or speakers) of the two founder associations BAFM and BM belong to the Board ex officio and they are entitled to vote. They may appoint a substitute who shall execute this office for a period of 3 years.**

The Board elects a first chairperson and a second chairperson who should be well-recognized mediators. Acc. to § 26 BGB, the Board is understood to be the first chairperson, the second chairperson and the deputy. Acc. to § 26 BGB, MiKK is represented by two members of the Board.

§ 9 The Board's Responsibilities

The Board is responsible for all matters relating to the Association, unless the charter has transferred them to other bodies of the Association. In particular, such tasks include:

- (1) Giving advice and approving the focus of activities of the management
- (2) Giving assistance re. the implementation of important projects of the management
- (3) Giving assistance to the management re. any measures to boost the financial basis of MiKK
- (4) Preparing and convening the General Assembly as well as preparing the agenda, executing any decisions made by the General Assembly or by the Advisory Council.
- (5) Preparing the budget plan, accounting, creating the annual statement of accounts.
- (6) Making decisions re. the admission of members
- (7) Cooperating closely with the *Bundesverband für Mediation (BM)* and with the *Bundesarbeitsgemeinschaft für Familienmediation (BAFM)* in questions re. Association policy and in questions of general importance for mediation.

§ 10 Election and Term of Office of the Board

The Board is elected by the General Assembly for a period of three years. However, it will remain in office until a new Board is elected. Each Board Member shall be elected individually.

If a Board Member resigns prematurely, the Board may elect a successor for the rest of the term.

§ 11 Meetings and Decisions of the Board

The Board makes its decisions in meetings which are convened two weeks in advance.

The Board may make decisions in writing if every Board Member approves of the topic of the decision.

§ 12 Auditing

Auditing, i.e. the examination of accounts incl. the annual statement of accounts is carried out by a member of the Association (elected by the General Assembly) or by an external tax consultant office.

§ 13 Advisory Council

MIKK's Advisory Council consists of members including representatives of politics, economics, science and civil society, and of the Mediation Associations which are actively and supportingly committed to the objectives of the Association. Its members are elected by the Board. The Advisory Council may decide to submit recommendations to the Board.

The Advisory Council is competent / has a quorum when a minimum of three members are present. Any recommendations are made by a majority of votes. The Board of the Association is entitled to attend the meetings of the Advisory Board. The Advisory Board may make decisions in writing if 2/3 of its members approve of the topic of the decision.

§ 14 Competence of the Advisory Council

The Advisory Council shall discuss important matters re. the Association and decide on any recommendations to be submitted to the Board and to the General Assembly. It can make a request to the Board to convene a General Assembly.

§ 15 General Assembly

- (1) Each member has one vote in the General Assembly. To exercise the right to vote, another member may be authorized in writing. Such authorization shall be given for each General Assembly. However, one member may not represent more than 5 absentee votes.
- (2) The General Assembly is responsible for the following matters:
 - a) Assessing the annual statement of accounts

- b) Approving the budget for the next business year, receiving the Board's annual report, discharging the Board.
- c) Assessing the membership fees and the levies.
- d) Electing and recalling the Board Members and members of the Advisory Council
- e) Deciding on any alterations of the charter and on the dissolution of the Association.

§ 16 Convening the General Assembly

- (1) The General Assembly shall take place at least once a year. It is convened by the Board in writing within a period of four weeks, and this invitation shall include the agenda. The period starts with the day following the dispatch of the invitation. The written invitation is deemed to have reached the member if it is addressed to the very address given to the Association most recently. The agenda is fixed by the Board. As a rule, the invitation is sent by email.
- (2) Each member may request, in writing, an addition to the agenda. Such a request shall reach the Association at least one week prior to the General Assembly. The chairman shall inform the General Assembly of such an addition at the beginning. Any requests submitted to the General Assembly to make additions to the agenda are decided by the Assembly.
- (3) In deviation from §32, section 1, clause 1 of the German Civil Code (BGB), the Board may decide at its discretion and state in the invitation that members may participate in the General Assembly without being physically present at a meeting location and may exercise their membership rights by way of electronic communication (for example, by e-mail or online form) or may cast their vote in writing in advance without being present or participating in the online General Assembly. For virtual and hybrid General Assemblies, the Board shall provide sufficient technical facilities to allow access exclusively by members. The access information is only accessible to MiKK members and may not be passed on to third parties. Further conditions of the virtual General Assembly shall be in accordance with the general provisions for General Assemblies. A virtual General Assembly on the dissolution of the organisation is not permitted. The provisions of this paragraph apply both to Board meetings and Board resolutions accordingly.

§ 17 Extraordinary General Assembly

The Board shall convene an extraordinary General Assembly if this is in the interest of the Association or if 1/10 of the members (or the Advisory Council) make such a request in writing – stating its purpose and its reasons.

§ 18 Decision of the General Assembly

- (1) The General Assembly is chaired by one of the chairpersons or, if absent, by one of the deputies. In the absence of any Board Member, the chairperson of the meeting shall be elected by the General Assembly.
- (2) In general, the General Assembly makes decisions with a simple majority of the valid votes that have been cast. Any abstentions are regarded as invalid votes. However, any alterations of the charter require a majority of 2/3 of the valid votes that have been cast, and for the dissolution of the Association 90% of such votes are required. Any alteration of the purpose of the Association requires the approval of the Advisory Board. Every member of the Advisory Board is entitled to attend the General Assembly as a guest.
- (3) Any decisions of the General Assembly shall be recorded in the minutes which shall be signed by the chairperson of the meeting.
- (4) In deviation from §32, section 2 of the German Civil Code (BGB), a decision is also possible without a General Assembly if: a) all members have been involved in text form, b) at least a quarter of the members have cast their vote by the deadline set by the Board and c) the decision has been taken with the required majority. The vote shall be counted in public on a date to be announced in advance. The result shall be communicated to the members in an appropriate form.
- (5) The General Assembly meetings are generally not open to the public. The chairperson of the assembly shall decide on the admission of guests.

§ 19 Dissolution of the Association

- (1) The dissolution of MiKK can only be decided in a General Assembly with a majority of 90% of the valid votes that have been cast.
- (2) With its dissolution or with the cessation of its tax-privileged purposes, the assets of the Association shall fall to the non-profit association "Förderer der Familienmediation im Sinne der BAFM" (Vereinsregister AG / Register of associations Charlottenburg 20287).

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This document is a translated version of the German "MiKK Satzung", which is registered with AG Charlottenburg.