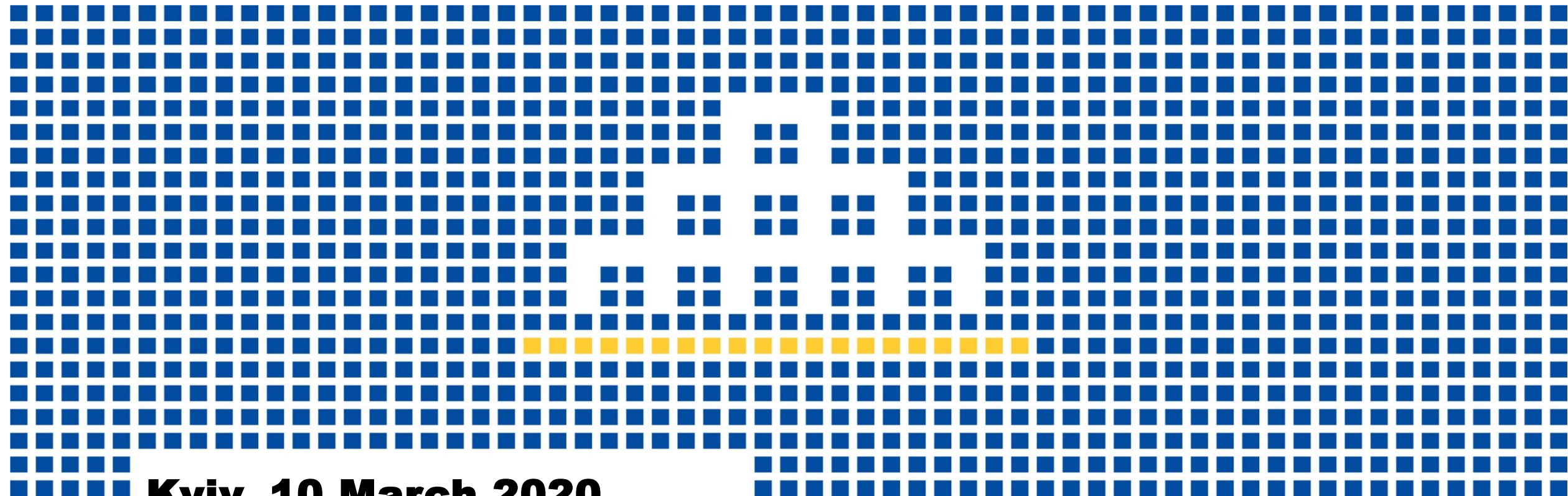


# EFFECTIVENESS OF MEDIATION: DATA



**Kyiv, 10 March 2020**  
**REMCO VAN RHEE,**  
**International Expert, EU**  
**Project “PRAVO-Justice”**



THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION



**PRAVO-JUSTICE**

# **CEPEJ Working Group on Mediation 2016**

## **Successful Jurisdictions**



THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION



**PRAVO-JUSTICE**

# CEPEJ Working Group on Mediation 2016

## Successful Jurisdictions

1. Number of civil mediations
2. Number of mediations settled
3. Success rate
4. Number of incoming civil cases

5. Balanced Relationship Index:

How does the number of incoming civil cases relate to the number of civil mediations?



THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION



**PRAVO-JUSTICE**

Country	Nr. of civil mediations	Nr. mediation settled	Success Rate	Nr. of incoming civil cases (Q 91.2.2)	Balanced Relationship Index
Albania	<b>790</b>			15.944	4,95%
Armenia	6	5	83,3%	NA	
Bosnia and Herzegovina	<b>1.931</b>	<b>1.877</b>	97,2%	158.046	1,22%
Croatia	531	NA	-	165.741	0,32%
Denmark	718	312	43,5%	41.717	1,72%
Finland	<b>1.870</b>	<b>1.209</b>	64,7%	10.677	17,51%
Georgia	24	11	45,8%	34.309	0,07%
Greece	150	120	80,0%	241.418	0,06%
Hungary	<b>919</b>	<b>500</b>	54,4%	180.382	0,51%
Italy	<b>183.977</b>	<b>21.397</b>	42,2% <sup>4</sup>	1.585.740	11,60%
Latvia	<b>135</b>	<b>108</b>	80,0%	45.127	0,30%
Republic of Moldova	<b>149</b>	<b>93</b>	62,4%	74.562	0,20%
Montenegro	<b>287</b>	<b>NA</b>	-	27.383	1,05%
Norway	<b>2.037</b>	<b>1.301</b>	63,9%	19.382	10,51%
Poland	<b>6.638</b>	<b>437</b>	6,6%	1.226.470	0,54%
Romania	250	180	72,0%	1.526.483	0,02%
Serbia	<b>196</b>	<b>NA</b>	-	226.039	0,09%
Slovenia	<b>970</b>	<b>115</b>	11,9%	59.996	1,62%
Spain	<b>951</b>	-	-	1.004.976	0,09%
Macedonia	<b>137</b>	<b>26</b>	19,0%	55.232	0,25%
Turkey	<b>4.097</b>	<b>3.875</b>	94,6%	2.075.081	0,20%
Ukraine	600	400	66,7%	714.359	0,08%

# CEPEJ Working Group on Mediation 2016

## Successful Jurisdictions

- Finland (17,5%) – judges may be mediator, sanctions
- Italy (11,6%) – private mediators, mandatory + opt-out, tax incentives
- Norway (10,51%) – judges may be mediator, sanctions



THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION



**PRAVO-JUSTICE**

# EU Justice Scoreboard 2019



THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION



**PRAVO-JUSTICE**



# EU Justice Scoreboard 2019

1. Website providing information on ADR
2. Publicity campaigns in media
3. Brochures to the general public
4. Court provides specific information sessions on ADR upon request
5. ADR/mediation coordinator at courts
6. Publication of evaluations on the use of ADR
7. Publication of statistics on the use of ADR
8. Legal aid covers costs (in part or in full) incurred with ADR
9. Full or partial refund of court fees (including stamp duties, if ADR is successful)
10. No lawyer for ADR procedure required
11. Judge can act as mediator
12. Agreement reached by the parties becomes enforceable in court



THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION



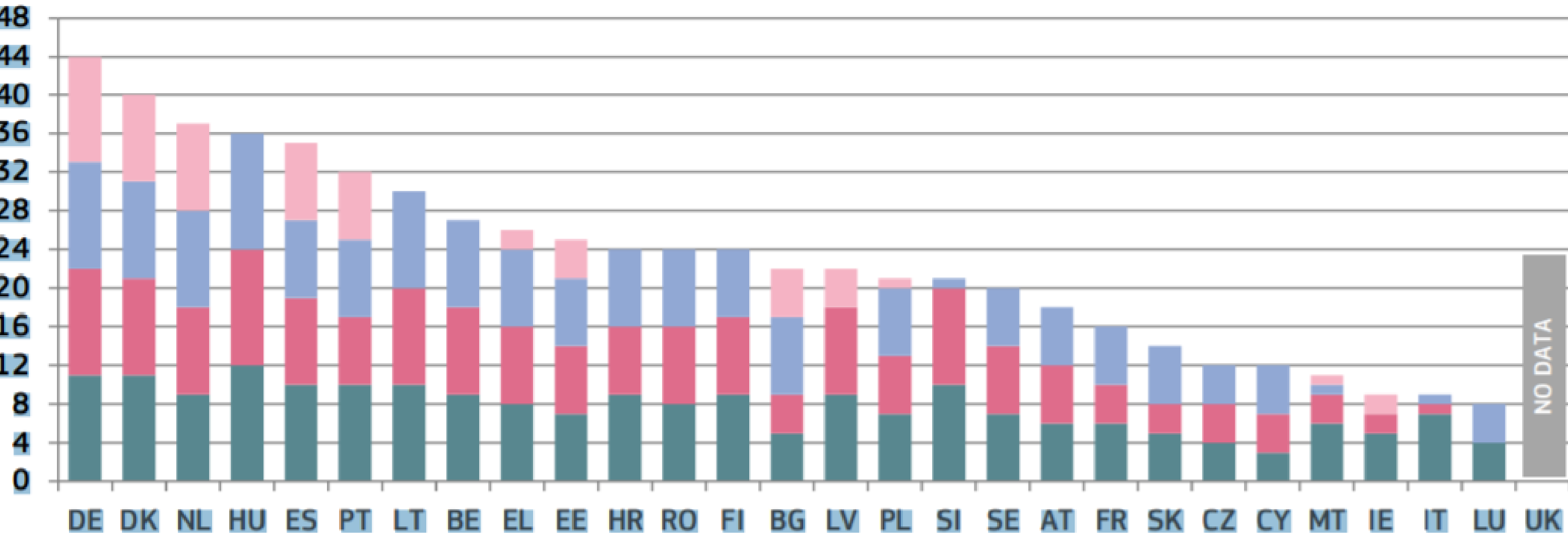
**PRAVO-JUSTICE**

Figure 27

Promotion of and incentives for using ADR methods (\*)

Civil and commercial disputes   Labour disputes   Consumer disputes   Administrative disputes

Source: European Commission (87)





# EU Justice Scoreboard 2019

- Denmark: each court has an ambassador responsible for promoting the use of mediation.
- Spain: ADR is mandatory in labour law cases.
- Lithuania: a secretary at the National Courts Administration coordinates the judicial mediation processes in courts



THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION



**PRAVO-JUSTICE**

# Mediation in The Netherlands



THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION



**PRAVO-JUSTICE**

# The Netherlands

- No compulsory mediation schemes ('legal counters' and courts may suggest mediation)
- Limited role of sanctions
- Judges attempt to settle
- Judges not involved in mediation / Private mediation
- Federation of Dutch Mediators

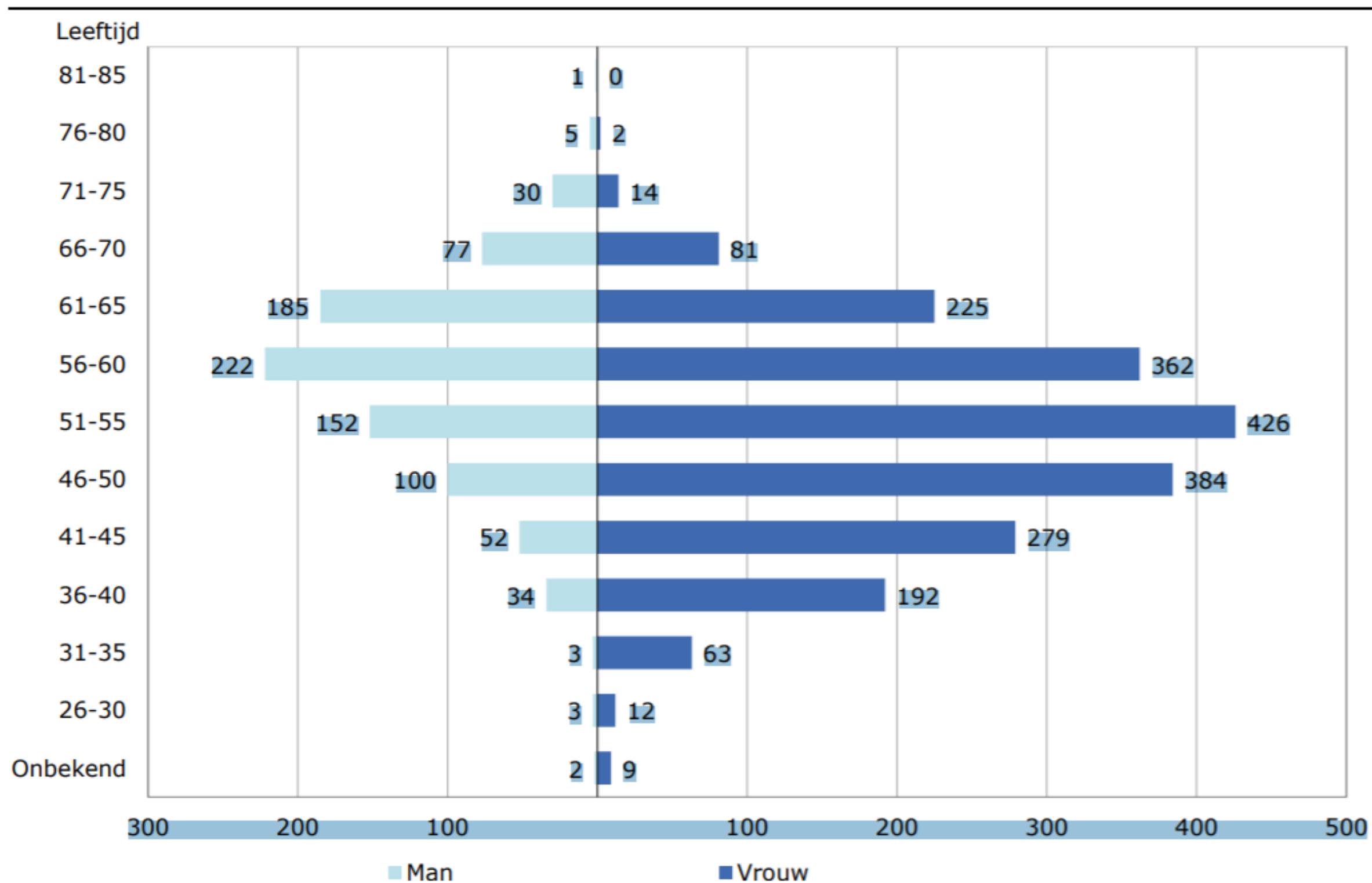


THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION

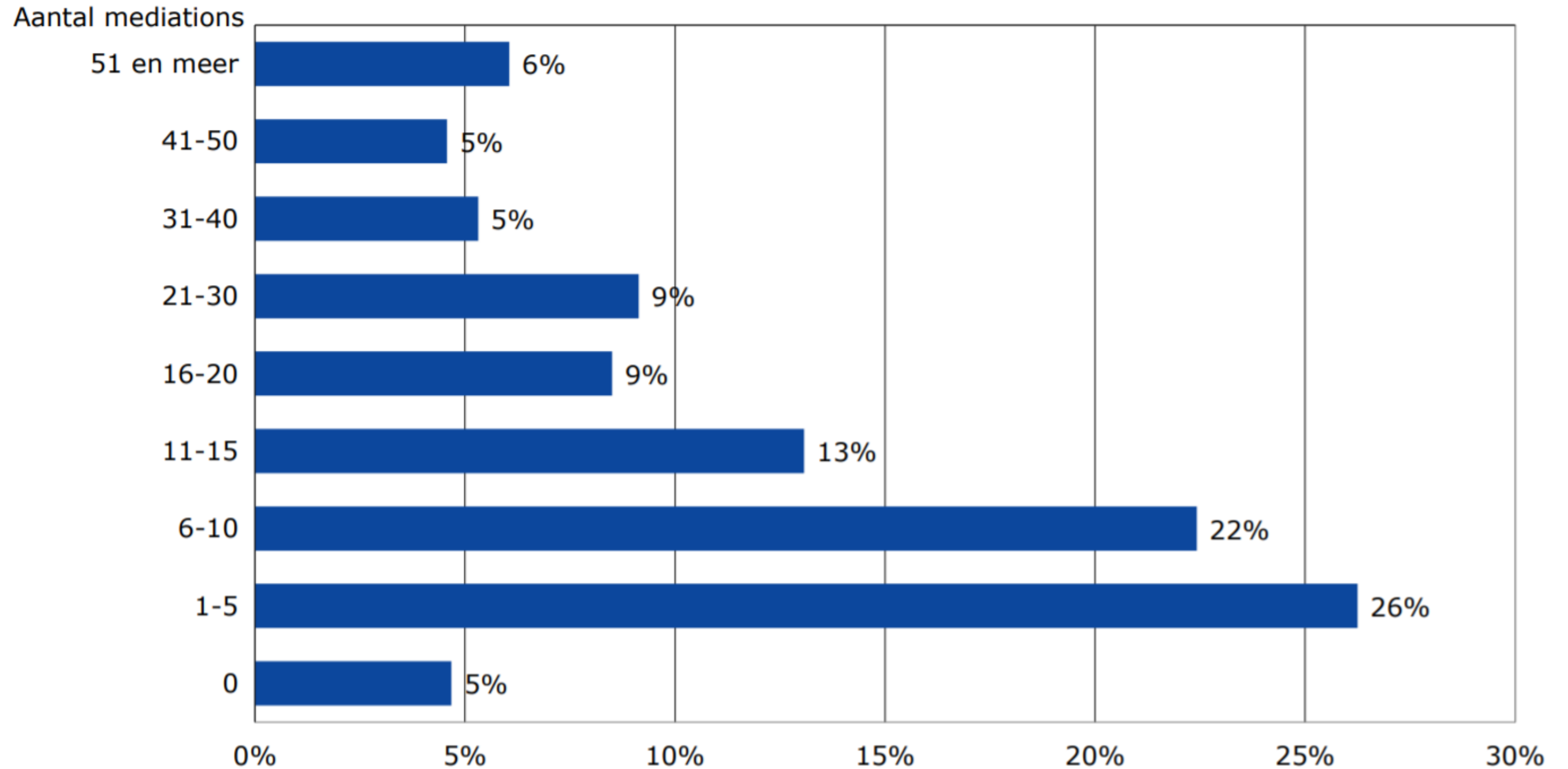


**PRAVO-JUSTICE**

figuur 1      Aantal mediators per leeftijdsklasse en geslacht

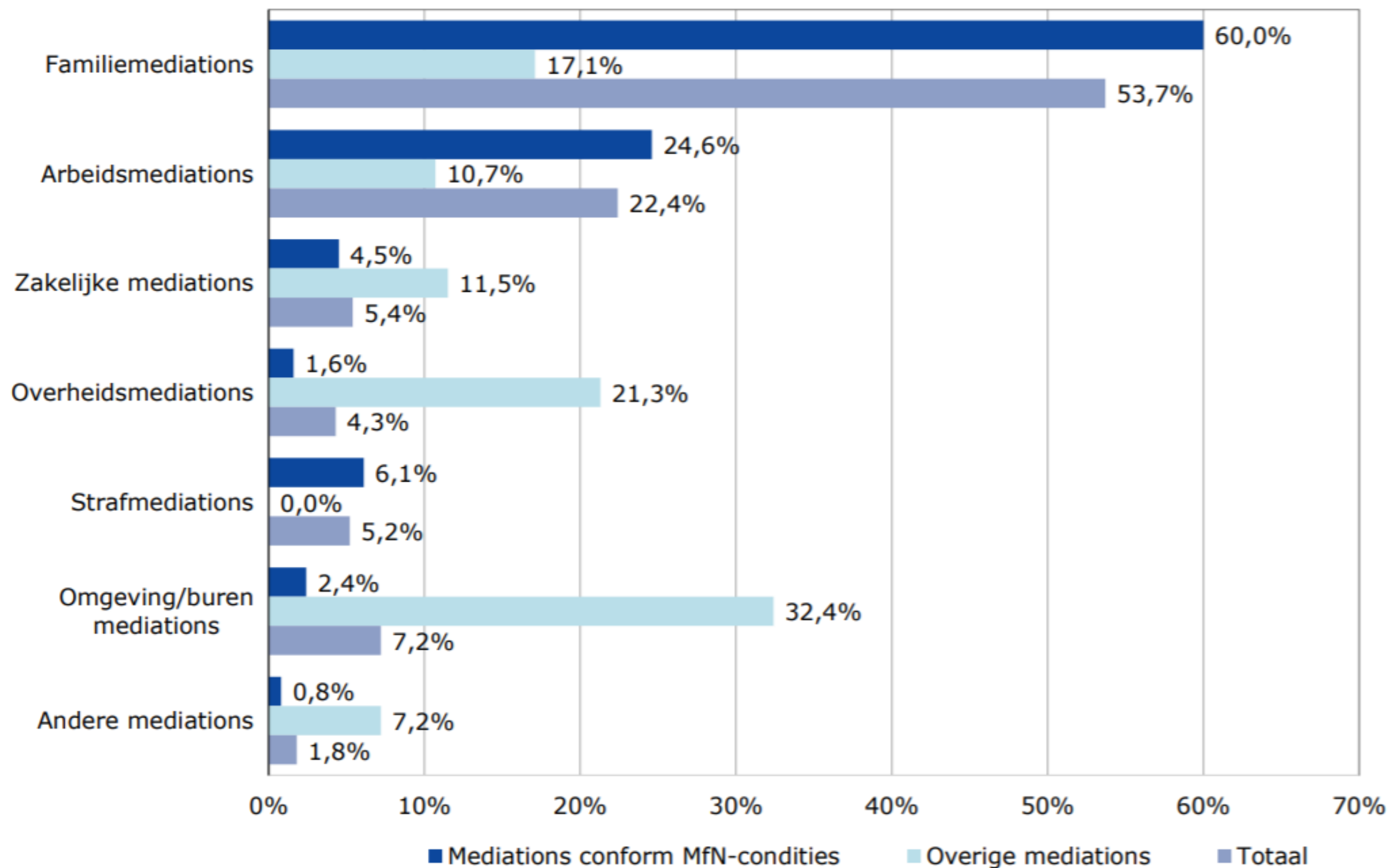


figuur 2      Aantal mediations per mediator in 2019 (aantal mediators in procenten)



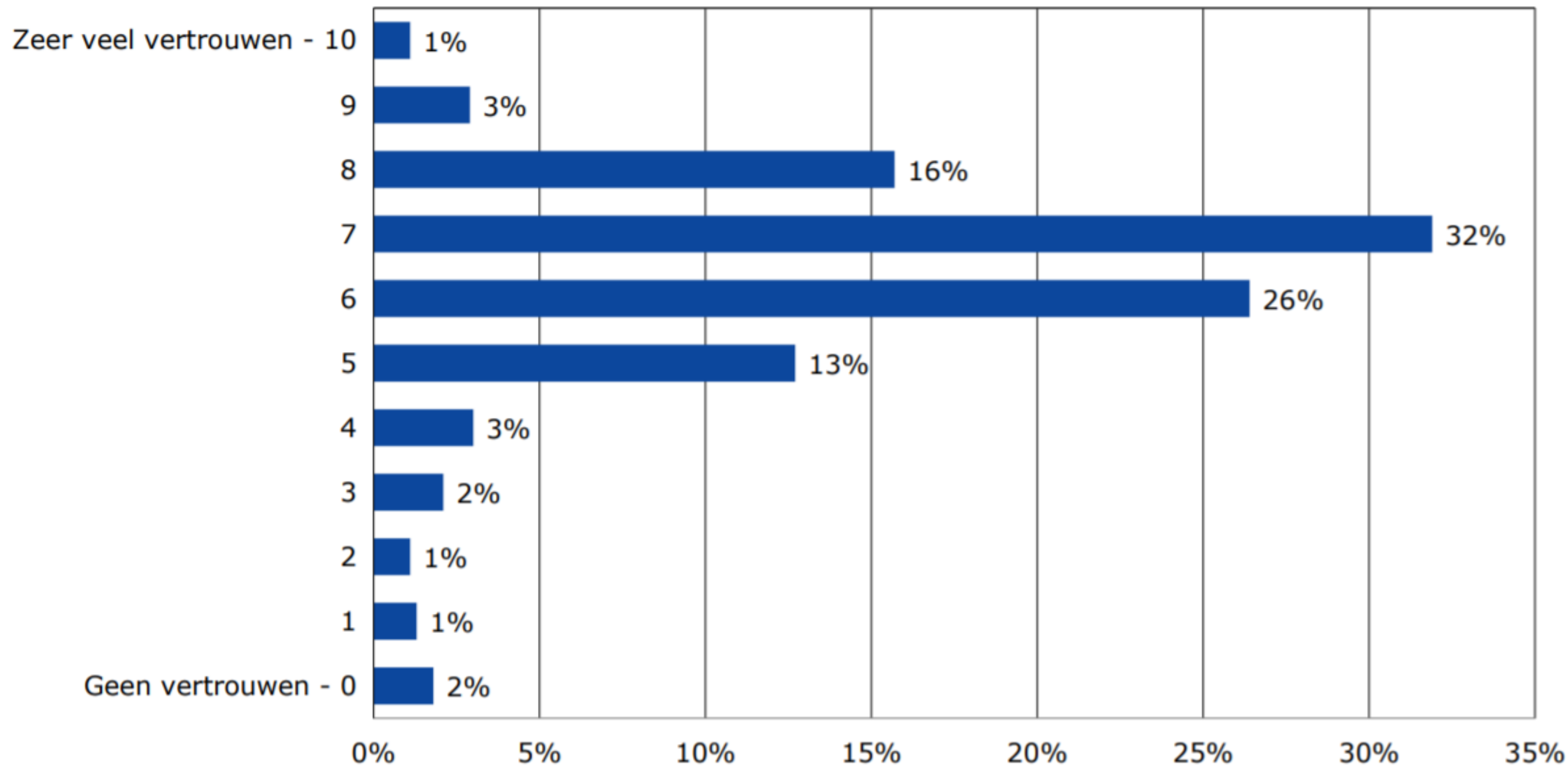
figuur 3

Verdeling van de mediations over categorieën in 2019, naar mediations conform MfN-condities en overige mediations (in procenten van het aantal mediations in 2019)



figuur 6

Algemeen vertrouwen in mediation voor het oplossen van geschillen (aantal personen dat een mening heeft gegeven in %), 2019





tabel 32 Belangrijkste reden om te kiezen voor het inschakelen van een mediator (aantal personen in procenten van het aantal personen dat de afgelopen 24 maanden een mediator heeft ingeschakeld), 2019

<i>Criterion</i>	<i>%</i>
Om de relatie in stand te houden, te verbeteren of te beëindigen	21,2
Eigen voorkeur	13,9
Op advies van derden	12,2
Verwacht betere uitkomst	9,5
Doorverwijzing Juridisch Loket	7,8
Lagere kosten	7,8
Doorverwijzing rechtbank	7,3
Eerder al goede ervaring mee gehad	6,9
Gaat sneller	5,4
Vertrouwelijkheid	3,1
Anders	4,9
Totaal	100,0

# The Netherlands

- Ca. 3000 registered mediators
- Low number of mediations per mediator
- Most mediators combine with other activities (e.g. lawyer)
- Mediation in family matters and labour cases most popular
- Trust in mediation: 6 to 7 points on a scale from 1 to 10
- Maintaining relationship most important criterium for clients



THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION



**PRAVO-JUSTICE**



THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION

# Thank you!

**This presentation was produced with the financial support of the European Union. Its contents are the sole responsibility of PRAVO-JUSTICE and do not necessarily reflect the views of the European Union.**



THIS PROJECT IS FUNDED BY  
THE EUROPEAN UNION



**PRAVO-JUSTICE**