



4 December 2018

CEPEJ(2018)23

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**Mediation Development Toolkit  
Ensuring implementation of the CEPEJ Guidelines on mediation**

## **Baseline Grid for Mediation Key Performance Indicators**

***(Baseline Mediation Statistics)***

**for use by mediation providers, associations, institutes and/or federations, individual mediators and the Council of Europe member States**

*As adopted at the 31<sup>st</sup> plenary meeting of the CEPEJ, Strasbourg, 3 - 4 December 2018*

This tool has been developed with reference to points 1 to 3 (Availability, Accessibility and Awareness) of the CEPEJ Guidelines on mediation.

A mediation survey that was conducted in 2017 by the European Commission for the Efficiency of Justice (CEPEJ) revealed that there are substantial differences between the Council of Europe Member states in keeping records and measuring key performance indicators of mediation systems. In some Members States such statistics are not collected at all at national level.

Keeping homogeneous records on key indicators of performance helps Member States in the monitoring of their mediation systems, and thereby better enabling progress to be made in future policy-making.

This Baseline Grid for Mediation Key Performance Indicators is therefore designed to help improve the measurement of the performance of mediation systems, and enable comparative analysis of the efficiency of such systems among different Member States.

### **Explanatory note for use of the grid**

Types of cases and other indicators might be adapted considering national legislation and practice. However, in order to enable comparative analysis among different Council of Europe Member States, it is advisable to keep statistics in such a way that it allows the extraction of main indicators in accordance with the grid provided below.

The grid represents only baseline statistics. Mediation providers, associations, institutes and/or federations, individual mediators and Member States may collect and assess data reflecting other indicators of performance that are reasonable and useful for their specific purposes.

If possible, collection and evaluation of statistical data shall be performed more frequently than once per year.

It is advisable to use information and electronic communication technologies and specialized software to expedite and increase efficiency in keeping statistical records on mediation and their analysis.

In any case, collection of statistical data and its analytics shall not interfere with the confidentiality principle which is fundamental in mediation.

Year \_\_\_\_\_

**1. Number of mediation processes**

Number	Dispute Matters					
	Civil and Commercial	Family	Penal	Administrative	Labour	Consumer
a) Number of filing or requests of mediation requested at least by one party or mediation referrals by courts/other institutions/officers	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	Adult <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP Juvéniles <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP Total <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP
b) Number of introductory mediation information sessions or meetings where information on mediation was provided to parties	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	Adult <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP Juvéniles <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP Total <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP
c) Number of mediations with the presence of all parties	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	Adult <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP Juvéniles <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP Total <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP
d) Number of mediations totally or partially settled	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	Adult <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP Juvéniles <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP Total <input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP

## 2) Type of recourse of mediations (1c) and settlements (1d) by dispute matters

### Mediations in civil and commercial dispute matters

Type of recourse	(x) Nr. of mediation processes	(y) Nr. of mediations partially or totally settled	Settlement Rate (y/x %)
a) Required by the law as pre-condition to access to the Court	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
b) Court related, referral or ordered by judge or prosecutor in the course of a judicial proceeding	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
c) Voluntary mediation by an agreement to mediate after the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
d) Voluntary mediation by a contract clause signed before the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
Totals	<input type="text"/> <i>equals to 1c</i>	<input type="text"/> <i>equals to 1d</i>	<input type="text"/>

### Mediations in family dispute matters

Type of recourse	(x) Nr. of mediation processes	(y) Nr. of mediations partially or totally settled	Settlement Rate (y/x %)
a) Required by the law as pre-condition to access to the Court	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
b) Court related, referral or ordered by judge or prosecutor in the course of a judicial proceeding	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
c) Voluntary mediation by an agreement to mediate after the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
d) Voluntary mediation by a contract clause signed before the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
Totals	<input type="text"/> <i>equals to 1c</i>	<input type="text"/> <i>equals to 1d</i>	<input type="text"/>

**Mediations in adult penal dispute matters**

Type of recourse	(x) Nr. of mediation processes	(y) Nr. of mediations partially or totally settled	Settlement Rate (y/x %)
a) Required by the law as pre-condition to access to the Court	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
b) Court related, referral or ordered by judge or prosecutor in the course of a judicial proceeding	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
c) Voluntary mediation by an agreement to mediate after the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
d) Voluntary mediation by a contract clause signed before the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
Totals	<input type="text"/> <i>equals to 1c</i>	<input type="text"/> <i>equals to 1d</i>	<input type="text"/>

**Mediations in juveniles penal dispute matters**

Type of recourse	(x) Nr. of mediation processes	(y) Nr. of mediations partially or totally settled	Settlement Rate (y/x %)
a) Required by the law as pre-condition to access to the Court	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
b) Court related, referral or ordered by judge or prosecutor in the course of a judicial proceeding	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
c) Voluntary mediation by an agreement to mediate after the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
d) Voluntary mediation by a contract clause signed before the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
Totals	<input type="text"/> <i>equals to 1c</i>	<input type="text"/> <i>equals to 1d</i>	<input type="text"/>

**Mediations in administrative dispute matters**

Type of recourse	(x) Nr. of mediation processes	(y) Nr. of mediations partially or totally settled	Settlement Rate (y/x %)
a) Required by the law as pre-condition to access to the Court	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
b) Court related, referral or ordered by judge or prosecutor in the course of a judicial proceeding	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
c) Voluntary mediation by an agreement to mediate after the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
d) Voluntary mediation by a contract clause signed before the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
Totals	<input type="text"/> <i>equals to 1c</i>	<input type="text"/> <i>equals to 1d</i>	<input type="text"/>

**Mediations in labour dispute matters**

Type of recourse	(x) Nr. of mediation processes	(y) Nr. of mediations partially or totally settled	Settlement Rate (y/x %)
a) Required by the law as pre-condition to access to the Court	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
b) Court related, referral or ordered by judge or prosecutor in the course of a judicial proceeding	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
c) Voluntary mediation by signing an agreement to mediate after the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
d) Voluntary mediation by signing an agreement to mediate after the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
Totals	<input type="text"/> <i>equals to 1c</i>	<input type="text"/> <i>equals to 1d</i>	<input type="text"/>

## Mediations in consumer dispute matters

Type of recourse	(x) Nr. of mediation processes	(y) Nr. of mediations partially or totally settled	Settlement Rate (y/x %)
a) Required by the law as pre-condition to access to the Court	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
b) Court related, referral or ordered by judge or prosecutor in the course of a judicial proceeding	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
c) Voluntary mediation by an agreement to mediate after the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
d) Voluntary mediation by a contract clause signed before the dispute arose	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/> <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="text"/>
Totals	<input type="text"/> <i>equals to 1c</i>	<input type="text"/> <i>equals to 1d</i>	<input type="text"/>

NB: Each group of mediation processes may be broken down by specific dispute matters (e.g. renting, banking, divorce, telecommunications, etc.), value of the disputes and/or other parameters that are relevant

### 3) Balance relationship between mediations and incoming judicial proceedings in first instance court by dispute matters (to be calculated by Member States)

Dispute Matters	(x) Nr. of full mediation processes (1c)	(y) Nr. of incoming cases in first instance courts	Balance relationship Rate (y/x %)
a) Civil and commercial	<input type="text"/>	<input type="text"/>	<input type="text"/>
b) Family	<input type="text"/>	<input type="text"/>	<input type="text"/>
c) Administrative	<input type="text"/>	<input type="text"/>	<input type="text"/>
d) Labor	<input type="text"/>	<input type="text"/>	<input type="text"/>
e) Consumer	<input type="text"/>	<input type="text"/>	<input type="text"/>
f) Penal	Adult <input type="text"/> Juveniles <input type="text"/>	Adult <input type="text"/> Juveniles <input type="text"/>	Adult <input type="text"/> Juveniles <input type="text"/>

#### 4) Number and qualifications of mediators<sup>1</sup>

Qualifications	Accredited as mediators	Non-accredited professional acting as mediators
a) Attorneys-at-law and other lawyers	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
b) Notaries	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
c) Enforcement agents/officers	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
d) Judges	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
e) Psychologists	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
f) Other <sup>2</sup>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Total		

#### 5) Specialization of mediators

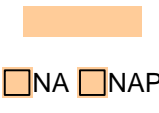

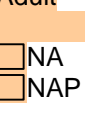
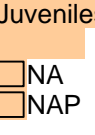
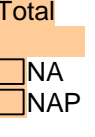
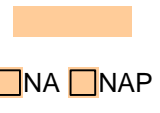
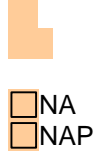
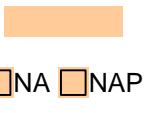
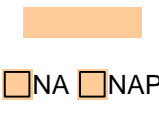
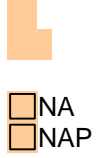
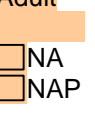
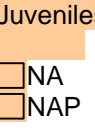
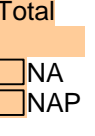
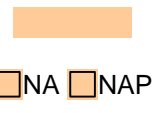
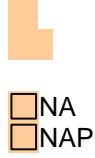
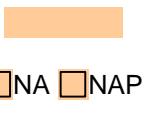
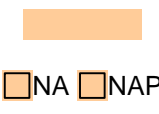
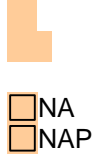
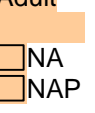
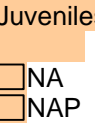
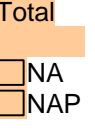
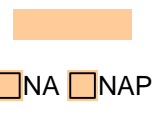
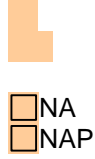
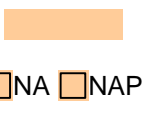
Specialization in Dispute Matters	Number of accredited mediators	Non-accredited professionals acting as mediators
a) Civil and commercial	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
b) Family	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
c) Administrative	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
d) Labor	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
e) Consumer	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
f) Penal	Adult <input type="checkbox"/> NA <input type="checkbox"/> NAP Juveniles <input type="checkbox"/> NA <input type="checkbox"/> NAP	Adult <input type="checkbox"/> NA <input type="checkbox"/> NAP Juveniles <input type="checkbox"/> NA <input type="checkbox"/> NAP

<sup>1</sup> It is advisable to make a split of numbers of mediators and mediation providers per different cities and regions of the country to monitor performance of a network.

<sup>2</sup> Please specify.



## 6) Number, ownership and specialisation of mediation providers

Ownership	Specialisation in Dispute Matters					
	Civil and Commercial	Family	Penal	Administrative	Labour	Consumer
a) Private	 <p>NA NAP</p>	 <p>NA NAP</p>	<p>Adult</p>  <p>NA NAP</p> <p>Juveniles</p>  <p>NA NAP</p> <p>Total</p>  <p>NA NAP</p>	 <p>NA NAP</p>	 <p>NA NAP</p>	 <p>NA NAP</p>
b) Court-related	 <p>NA NAP</p>	 <p>NA NAP</p>	<p>Adult</p>  <p>NA NAP</p> <p>Juveniles</p>  <p>NA NAP</p> <p>Total</p>  <p>NA NAP</p>	 <p>NA NAP</p>	 <p>NA NAP</p>	 <p>NA NAP</p>
c) Chambers of Commerce	 <p>NA NAP</p>	 <p>NA NAP</p>	<p>Adult</p>  <p>NA NAP</p> <p>Juveniles</p>  <p>NA NAP</p> <p>Total</p>  <p>NA NAP</p>	 <p>NA NAP</p>	 <p>NA NAP</p>	 <p>NA NAP</p>

d) Bar associations			<p>Adult</p> <p>Juveniles</p> <p>Total</p>			
e) State or Municipalities			<p>Adult</p> <p>Juveniles</p> <p>Total</p>			
f) Other <sup>3</sup>			<p>Adult</p> <p>Juveniles</p> <p>Total</p>			
Total			<p>Adult</p> <p>Juveniles</p> <p>Total</p>			

<sup>3</sup> Please specify.

