



Guidelines on Online Alternative Dispute Resolution

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Agenda



Objectives



Terminology and correlation to other
CEPEJ guidelines



Structure



Relevant aspects



Objectives

- Digitalisation of justice
 - in the public sector (judicial proceedings) and in the private sector (extra-judicial proceedings)
- Technological advancement
 - Development and use of artificial intelligence
- Safeguard art. 6 ECHR
 - Access to court, adversarial proceeding and effective judicial remedy



Terminology

Alternative Dispute Resolution (ADR)

- “methods, such as arbitration, conciliation, mediation and court annexed mediation to resolve a dispute without recourse to litigation. Some of these methods can be applicable to criminal matters.” (CEPEJ Glossary)

Online dimension

- In online context/ supported by technology / in a virtual computational environment

To be distinguished from ODR

- Extra-judicial process

Online ADR and Mediation



Several other tools
developed by CEPEJ

<https://www.coe.int/en/web/cepej/cepej-work/mediation>



Complementarity

Specific reference and examples



Extension to other forms of dispute resolution



Structure

Availability

Accessibility

Awareness

Specific roles

- For Member States
- For providers of online ADR
 - Individuals and legal entities
- For general public



Relevant aspects – 1

- Technological elements should be learnt and understood by all users
 - See rules 1.2 and 1.6
- Security and update
 - See rules 1.4 and 1.5
- Development of technology
 - See rules 1.3



Relevant aspects – 2

- Special attention to vulnerable people
 - See rules 1.7 and 2.4
 - But also in more general terms of accessibility
 - See rules 2.1 and 2.3
- Awareness for legal experts too
 - See rule 3.2



Thanks for your
attention

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