MEDIATION AS A TOOL FOR SPECIALISED EQUALITY BODIES?

INTRODUCTION

Over the last few years, mediation has developed into a well-respected tool for conflict-solving. Whether during divorce procedures, in business affairs or in international politics, professional mediation can function effectively to help parties in a dispute sit down at a table together and negotiate an agreement.

Mediation also has its place in the work of equality bodies. This paper considers how professional mediation can be used in the context of an equality body. Is it really possible to mediate between a person feeling discriminated against and the discriminating person? Looking into the models of mediation in the different member states and the way mediation is used by the specialised equality bodies across Europe is a first step towards answering this question.

This paper is based on responses to the Questionnaire[1] carried out by the Austrian National Equality Body and circulated to the members of Equinet in July 2006. The paper examines the method of mediation as a conflict-solving tool on a general level, and tries to identify the extent to which mediation is regulated in the Member States and used by the specialised equality bodies.

I. DEFINITIONS OF MEDIATION

What does "mediation" actually mean? Mediation is a multi-stage and structured process of conflict resolution, which was developed in the United States in the 1960s and 1970s and is successfully used today.[2] Generally speaking one could say mediation is working with problems to be able to deal with them in a better way at a later stage.

On the European level, the Council of Europe offers a general and broad definition: "Mediation refers to a dispute resolution process whereby parties negotiate over the issues in dispute in order to reach an agreement with the assistance of one or more mediators"[3].

The meaning of mediation as a conflict solving method is established and mediation has also become a commonly used term. In spite of this, the details of how a mediation procedure works and the way an agreement is reached are less well known and differ somewhat from country to country. It therefore seems to be necessary to look first at the definitions of mediation applied within the Member States.

In the UK for example mediation is defined as "a flexible process conducted confidentially in which a neutral person actively assists parties in working towards a negotiated agreement of a dispute or difference, with the parties in ultimate control of the decision to settle and the terms of resolution"[4]. A shorter definition, according to which the mediator himself/herself can offer a solution, is found in France: "Mediation is a way of solving conflicts, involving a person chosen by the parties who offers a project of solution leaving the final decision to the parties".[5]

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[1] See Annex
[2] See Austrian Mediation Association, http://www.oebm.at/wasistmediation/wasistmediation.html, September 13, 2006
[3] Article 1, Council of Europe Recommendation Rec (2002) 10 of the Committee of Ministers to Member States on mediation in civil matters
[4] E-mail from Claire Wharton, The Disability Rights Commission, July 12, 2006]
[5] Mode de solution des conflits consistant, pour la personne choisie par les antagonistes (en raison le plus souvent de son autorité personnelle), à proposer à ceux-ci un projet de solution, sans se borner à s'efforcer de les rapprocher, Gérard Cornu in Vocabulaire juridique, PUF, Paris, 7th edition, 2005

The Slovak law on mediation procedures defines mediation in a general way as "an out-of-court process, in which parties to a mediation and a mediator negotiate a settlement of a dispute based on their contractual relations or other legal relations"[6]. The Austrian Mediation Act tries to include four main principles of mediation by defining mediation as "a process based on the voluntary character of the parties' participation in which a trained and neutral mediator promotes communication between the parties using recognized methods and where the parties are responsible for the solution of the dispute"[7].

In Denmark, where a Mediation Act does not exist, the Complaints Committee for Ethnic Equal Treatment uses the following definition: "Mediation is a voluntary and confidential conflict-solving method, where one or more impartial third persons through a structured process assist the involved parties in such a manner that the parties themselves negotiate and come to a satisfactory solution. Third persons do not make any decisions in the case"[8]. The Latvian National Human Rights Office provides the most general definition of mediation as "a confidential dispute resolution process outside of the court, focusing on renewing the dialogue between the parties and getting to a win-win-situation"[9].

A common set of criteria for what constitutes a mediation procedure begins to emerge: the neutrality of the mediator, the voluntary participation of the parties, the confidentiality of the process and the fact that the solution, at least, is up to the parties.

II. LEGAL BACKGROUND ON MEDIATION

A framework for mediation on the European level is provided by the Council of Europe Recommendation Rec (2002) 10 of the Committee of Ministers to member states on mediation in civil matters[10], passed in 2002. It recommends governments of Member States to facilitate mediation in civil matters whenever appropriate. Moreover, the Member States should take all measures to implement the guiding principles concerning mediation in civil matters, which are outlined in the Recommendation. These guidelines set out *inter alia* the scope of mediation in civil conflicts as "matters involving civil rights and obligations including matters of a commercial, consumer and labour law nature, but excluding administrative or penal matters".

Three years earlier the Council of Europe's Committee of Ministers already passed Recommendation No. R (99) 19 concerning mediation in penal matters[11].
Regardless of whether national anti-discrimination law is regulated as part of civil or criminal law, the general recommendations on mediation by the Council of Europe's Committee of Ministers are applicable.

According to ECRI's (European Commission against Racism and Intolerance) General Policy Recommendation N° 2[12] and N° 7[13], one of the key functions of specialised equality bodies is assisting victims of discrimination by providing them with support in seeking out-of-court settlements of complaints. However, national anti-discrimination or equal treatment laws often describe the functions of equality bodies on a very general level. Much is left up to the bodies themselves to interpret what their possibilities are and how they can use them to best

[6] Response of the Slovak National Centre for Human Rights, Slovakia, August 21, 2006
[7] See Austrian Mediation Act, Zivilrechts-Mediations-Gesetz, BGBl. I Nr. 29/2003
[8] Response of the Danish Institute for Human Rights' Complaints Committee for Ethnic Equal Treatment, Denmark, August 17, 2006
[9] Response of the Latvian National Human Rights Office, Latvia, July 31, 2006
[10] https://wcd.coe.int/ViewDoc.jsp?id=306401&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75, September 12, 2006
[11] https://wcd.coe.int/ViewDoc.jsp?id=420059&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75, September 12, 2006
[12] ECRI general policy recommendation n° 2: Specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level
[13] ECRI general policy recommendation n° 7 on national legislation to combat racism and racial discrimination

fulfil their task of promoting anti-discrimination. Although mediation is not explicitly mentioned in all the national anti-discrimination laws, it could be looked upon, in the context of a broad interpretation of the functions of equality bodies, as one of the tools that these bodies can use to assist victims of discrimination.

The majority of the Member States have a Mediation Act. These laws primarily cover civil matters, but also deal with criminal matters in some countries. The absence of a specific law on mediation does not imply however that mediation is not practiced at all. In Denmark, for example, a Mediation Act does not exist but the national equality body nevertheless, in certain cases, transfers people who feel discriminated against to external mediators.

III. WHAT ARE THE MAIN DIFFERENCES BETWEEN MEDIATION AND THE DECISION OF A COURT OR AN EQUAL TREATMENT COMMISSION?

The main distinction is that the solution in a mediation procedure is up to the parties, whereas in a procedure at the court or a commission the decision is up to the judges or commissioners, who have to decide on the sole basis of the Equal Treatment Act. In contrast a mediation procedure is based on the parties` needs and interests, while the law only builds the frame for the reached solution.

Mediation procedures focus on the personal responsibility of the parties, who actively have to contribute to a solution. It is therefore based on the voluntariness of the parties. The aim of the process is an agreement which the parties can accept as regards the content and the emotions. This means that both parties may save their face and dignity. Against what the parties in a court proceeding can be forced to take part and are often represented by lawyers, what allows them to lean back and let their lawyers argue for them.

Moreover the courts and commissions on the other side grapple with facts of the past and deal only with the legal aspects. Mediation on the other hand is a future oriented process and deals with the complex situation of the individuals, taking also emotions and needs into account. Generally spoken a mediation procedure takes far less time and costs than a court's decision.

A mediation procedure is more likely to develop mutual understanding between the parties and get rid of prejudices and stereotypes than an imposed court decision a judge is coming up with will ever be.

IV. REQUIREMENTS FOR BECOMING A MEDIATOR

The training requirements for mediators have to be addressed at the start when considering the use of mediation procedures by an equality body. The question is whether mediation can be practiced by any relevant staff member of an equality body or whether special training is required in order to be able to mediate.

From the Council of Europe's point of view, mediators should receive initial training and in-service training, which should be aimed at providing for a high level of competence including conflict resolution skills and a good understanding of local cultures and communities. The Member States of the Council of Europe should consider measures to promote the establishment of appropriate standards for the selection, responsibilities, training and qualification of mediators.[14]

[14] See Recommendation Rec (2002)10 of the Committee of Ministers to member States on mediation in civil matters

There are significant differences regarding training requirements between Member States. In Denmark, for instance, there are no legislative requirements or any restrictions on using the title "mediator" without any education or the like. Nevertheless the internal procedure of the Danish Complaints Committee requires the mediator(s) to have passed a master education in mediation.[15] To become a mediator successful completion of a vocational training programme is also required in France[16], Belgium[17] and Austria[18]. Moreover, for instance in Austria, the amount of hours and the content of the vocational training is regulated by law[19]. Concluding on the basis of the answers to the questionnaire it appears that in most Member States at least some form of training is required in order to become a mediator.

Does a mediator need to have expertise in equality issues when mediating cases of discrimination? Mediation is mainly seen as an attitude. This leads to the assumption that any mediator is able to handle any case whatever topic it might be. To follow this argument the only tool needed would be the technique of mediation, particularly communication skills, combined with a mediative attitude. Knowledge about the content of the conflict, for instance racial discrimination, would not be that important than are the skills how to deal with the conflict. A mediator having no knowledge concerning cases of discrimination might ask more questions due to a lack of assumptions. Therefore the parties would have to listen to each other's answers and communicate even more with each other (via the mediator). This could lead to a good understanding between the parties and could raise the chance to finally get to a solution.

On the other hand it can be argued that a mediator having expertise in anti-discrimination issues might be better able to use the acquired skills by focusing on the relevant elements from the beginning on. Sensitivity for the topic and empathy could be essential to understand why a person feels discriminated against. During the whole process the mediator is responsible for the communication between the parties. Sensitive dealing with language in cases of discrimination on whatever ground - in the meaning of the use or not use of special terms – is very important to be accepted as an impartial mediator from both parties.

The victim of discrimination, for instance an employee feeling discriminated against on the ground of his/her ethnic origin, might easily be in a less powerful position than the discriminating employer. Therefore it is indispensable for the mediator to focus especially on the equity of powers. Mediating between an individual and a representative of an institution can be difficult, because it may not be easy to guarantee the balance of power, which is essential in a mediation procedure. In such situations, the mediator has to be particularly sensitive and skilled in order to ensure equilibrium. A mediator having experience in anti-discrimination cases will be better aware of these obstacles and therefore better able to balance the equity of powers than a mediator not having dealt with people being discriminated against before.

Concluding it seems that a mediator having expertise in anti-discrimination issues might be better able to make the parties get to a satisfying solution.

V. MEDIATION PROCEDURE

Mediation procedures as a kind of dispute resolution process are dealt with in different ways by different equality bodies. First of all, it is important to mention that not all bodies have the power to mediate. Moreover, equality bodies that do not use mediation as a tool for solving

[15] See http://www.klagekomite.dk/?ID=298&AFD=1, October 26, 2006
[16] Training programm can be from two weeks up to 200 hours, depending on the diploma delivered
[17] 136 hours for civil mediaiton, 6 more days for furhter specialisation
[18] 365 hours
[19] regulation on the training for civil law mediation, Zivilrechts-Mediations-Ausbildungsverordnung, Ziv-Mediat-AV47/2004

conflicts in cases of discrimination do not necessarily transfer cases that are suitable for a mediation process to external mediators. In other words, in some Member States, mediation is never used to settle discrimination cases.

It can also be the case that an equality body suggests mediation but both or one of the parties do not accept a mediation procedure. The Danish Complaints Committee for Ethnic Equal Treatment, for example, has suggested an external mediator in several cases. Only in two out of these cases the parties agreed on a mediation procedure. However mediation did not end in satisfying results for the victims and therefore both cases were reopened afterwards.

For some equality bodies the experience of using mediation as part of their work has been positive. The parties to these mediation procedures tend to be individuals rather than institutions. Due to the answers to the questionnaire, mediation in the case of an institution discriminating against an individual is the second most common constellation of a mediation procedure.

Data on the number of cases resolved through mediation as a percentage of all the cases dealt with by an equality body in a year is only readily available in a few countries. In France, the High Authority against Discrimination and for Equality solved 75 % of discrimination cases in the field of employment through mediation and 25 % of cases concerning discrimination in the field of goods and services, education, social benefits and social protection. At the Latvian National Human Rights Office 10 % of discrimination cases in the field of employment were solved with the assistance of an external mediator. Whereas no cases of discrimination in the field of goods and services, education, social benefits and social protection were solved through a mediation procedure.

Mediation and the Austrian National Equality Body

The Austrian National Equality Body's main function is to counsel and support persons feeling discriminated against on several grounds. This broad provision[20] does not exclude the application of mediation methods. Nevertheless, mediation is rarely used by the Austrian National Equality Body. This could be due to the fact that the Austrian Mediation Act is a relatively recent law and only three out of the 21 persons working at the National Equality Body are licensed mediators. Moreover, it has often proven difficult not only to get both parties to consent to a mediation procedure but also to ensure the neutrality of mediators working at the National Equality Body. The latter are likely in their other capacities to have had some contact, however minimal, with the case. This has to be kept in mind when thinking of the mediator's demand to be neutral. A solution from the author's point of view may be to establish a distinct pool of mediators within the organisation to take over cases for mediation. Then, for instance, an officer being responsible for discrimination on the ground of ethnic belonging could mediate a case of discrimination on the ground of age, which is out of his/her field of competence.

A recent positive example of mediation by the Austrian National Equality Body is shortly described in the following. A lesbian employee, who had amicably cancelled her job, had felt harassed by the employer through insulting words written on a paper lying on his desk and therefore turned to the equality body. During the counselling session the competent officer found out that the employee was neither looking for pecuniary damages nor an official procedure at the Austrian Equal Treatment Commission, who can only assert that discrimination has taken place and publish recommendations. The employees` need was much more focused on an apology by the employer. Therefore the equality officer informed

[20] Section 3 (4) Act on the Equal Treatment Commission and the National Equality Body, § 3 (4) Bundesgesetz über die Gleichbehandlungskommission und die Gleichbehandlungsanwaltschaft, BGBl I Nr. 66/2004.
"The National Equality Body is entrusted with the tasks of counselling and supporting persons who feel discriminated within the intent of the Equal Treatment Act. In the performance of these tasks the Office can arrange for consultations throughout the federal territory."

the employer and asked whether he would take part in a mediation procedure. Both parties were informed that another equality officer, being responsible for other areas of discrimination within the equality body and being a licensed mediator, would mediate the case.
Since both parties agreed on the mediation a two hours date was arranged. The mediator had not spoken to the parties before nor had she read the file. At the beginning she explained her function as a mediator and the rules of mediation, particularly the aspects of confidentiality, neutrality and respectful contact between the parties. During the first part of the mediation procedure both parties emotionally reported what had happened from their point of view and argued with each other. By structuring the process and asking questions the mediator could slowly make the parties look behind their positions and articulate their needs. After talking for one and a half hours mutual understanding was obtained and led to an apology. As kind of a symbol for the solution achieved the paper where the harassing words were written on was cut into pieces at the end of the mediation procedure. In this case mediation allowed a quick and for both sides satisfying solution.

VI. POSSIBLE OUTCOMES OF A MEDIATION PROCEDURE

A fundamental feature of a mediation procedure is that the parties to the mediation process and not the mediator himself/herself are responsible for the solution agreed on. Concerning the outcome itself, the European Council's Recommendations are that an agreement reached through mediation should only contain reasonable and proportionate obligations, which should preferably be drawn up in a written document signed by the parties at the end of a mediation procedure.[21]

The equality bodies' answers to the questionnaire reveal a wide range of possible outcomes of a mediation procedure, starting from an apology and up to a mediation agreement in the form of a civil contract. As a matter of course, every agreement reached through mediation has to be in accordance with the law and the public policy.

To arrive at a legally binding agreement through mediation procedures seems to be difficult in some of the Member States. This can lead to consequences for the process itself. The Latvian Human Rights Office, for instance, says it is often difficult to reach an agreement because both parties know that the solution of the mediation process is not legally binding.

Irrespective of the legal framework it is up to the parties to come to an agreement on the specific form the outcome of their mediation procedure will take, depending on what best covers their needs. The experience of the Austrian National Equality Body is that people feeling discriminated against on the ground of their ethnic belonging in the field of goods and services often consider an apology or a commitment to awareness building on the part of the person who discriminated as the best possible outcome covering most of their needs. This experience can suggest that compensation for damages does not always cover the needs of the victim and may not be considered as a satisfactory outcome in discrimination cases.

VII. THE PARTICULAR AUSTRIAN LEGAL SITUATION ON MEDIATION

The Austrian Mediation Act[22], which came into force in June 2003, is limited to civil law matters. The core provisions of the Mediation Act provide a definition of mediation and of the designation "licensed mediator". Moreover, the rights and duties of a licensed mediator as well as the consequences of a mediation procedure are regulated. In addition, a separate

[21] See Recommendation No. R(99) 19 of the Committee of Ministers to member States concerning mediation in penal matters and Recommendation Rec (2002)10 of the Committee of Ministers to member States on mediation in civil matters
[22] Zivilrechts-Mediations-Gesetz, BGBl. I Nr. 29/2003

regulation[23] laying down the requirements for becoming a licensed mediator has been effective since January 2004.

The law states that mediation can only be initiated with both parties' consent. The voluntary character of the parties' involvement is a key principle and pre-condition for mediation. The mediator must not take on the role of adviser to the parties, particularly not that of legal adviser. He/she leads the process and facilitates communication between the parties but leaves the responsibility for a solution to the parties themselves. A person, legal representative or decision-making organ that has been party to or involved in a conflict may not mediate for that conflict at any stage in the process.
A mediator in the context of the Mediation Act is a qualified and licensed mediator. The aim of the registry of mediators[24], which is only open to mediators that have fulfilled specific training requirements and is maintained by the Federal Ministry of Justice, is to guarantee the quality of mediation procedures. Moreover, by virtue of the Mediation Act, licensed mediators are subject to special rights and obligations that can be essential to the parties in a mediation process.

To qualify as a licensed mediator, candidates must fulfil the training requirements (200 hours of theoretical training and 165 hours of practical training), be at least 28 years old and submit a certificate of good character.

What is the point about having a system of licensed mediators?
The registration in the list of mediators offers advantages for the mediators themselves as well as for the parties to mediation. First of all it guarantees the parties clear legal regulations of the duties and rights of a mediator. At the same time the list promotes the acceptance of mediation in society because it makes mediation and the training requirements visible. Everybody looking for a mediator simply has to view the list in the internet and choose.

A licensed mediator stands for quality because he/she has to fulfil specific training requirements and regularly has to take part in further trainings. To keep the list updated and to hold on to a certain quality standard a mediator not fulfilling his/her duties is taken off from the list. The "brand" licensed mediator is legally protected in so far as anybody wrongly using it is punished with an administrative fine.

A licensed mediator must treat with discretion all facts mentioned during a mediation procedure. This even can't be changed on the request of a party. This provision encourages the parties to trust the mediator and moreover enables them to talk to each other in an outright atmosphere. The Mediation Act specifically guarantees confidentiality by prohibiting licensed mediators from being asked to give evidence in subsequent court trials concerning cases for which they acted as mediator. A breach of confidentiality by the mediator can be punished by a fine upon the request of the damaged party.

Moreover the initiation of mediation procedures with a licensed mediator triggers the suspension of the time limit for compensation claims. In the event of a successful mediation process, the need to claim damages will no longer exist. If the process is unsuccessful and mediation is terminated, the time limit that remained prior to mediation is reinstated. The pressure form the parties may be taken away by this provision.

Nevertheless the quality of a mediation procedure and the parties` satisfaction with the solution reached through mediation is up to the personal skills of the mediator him/herself, which cannot fully be ensured by having a system of licensed mediators.

As to some aspects the list can also be an obstacle to become a mediator. Let me just mention the financial aspect to cover the training cost and the registration fee.

[23] regulation on the training for civil law mediation, Zivilrechts-Mediations-Ausbildungsverordnung, Ziv-Mediat-AV 47/2004
[24] http://www.mediatorenliste.justiz.gv.at/mediatoren/mediatoren.nsf/contentByKey/VSTR-5U8E7W-DE-p, September 4, 2006

CONCLUSION

A Mediation Act does not exist in all Member States but mediation in general is an increasingly accepted and well-known instrument in Europe. While equality bodies have a strong interest in mediation in the sense that they can gain a lot from this method, not all of them use mediation as a dispute resolution tool and their experience of using mediation in cases of discrimination seems to be rather limited.

Mediation, as a method among others for solving conflicts, offers a range of advantages:

- Through mediation, the parties are empowered to negotiate directly and to reach their own agreement, rather than having a decision imposed on them by an investigating Equality Officer.
- Mediation offers a quicker and more informal process than investigation and detailed written submissions are not required.
- Agreements reached through mediation often meet the needs of parties in a more comprehensive way than decisions imposed by a third party, as the process helps the parties clarify their relevant concerns and perspectives.
- Agreements reached through mediation are more likely to be sustainable. They tend to operate more successfully than decisions imposed by a third party, especially where there is an ongoing relationship between the parties.
- There is nothing to lose by trying mediation. It can be terminated at any stage by either party. The investigation process can be resumed if the complainant so wishes.
- Mediation is confidential and the details of settlements are not published.[25]

Why can mediation be a successful instrument especially in cases of discrimination?
Prejudices, stereotypes, fears and mutual misunderstanding are often behind acts of discrimination on any ground. Mediation is a conflict resolution method that is oriented towards the needs of the parties. The intention of a mediation process is to look beyond the positions of each party in order to discover their needs. In order to develop mutual understanding and get rid of prejudices and stereotypes, communication between the two parties with the assistance of an impartial third person can be essential. Moreover, by talking to each other, the needs behind the positions may become apparent and may lead to a solution that will be satisfactory to the person feeling discriminated against as well as the person who discriminated against.

Mediation is also oriented towards the future relations of the parties. The aim is to facilitate an agreement between the parties on how to deal with the issue under dispute in a better way in the future. This long-term view seems to be especially useful for cases of discrimination. The overarching aim of equality bodies is to prevent discrimination and promote equality in present and future relations, be it at work or in the field of goods and services, education, social protection or social advantages. This requires an understanding of the meaning of anti-discrimination laws and the reduction of prejudices against certain groups. Mediation may contribute to this process by addressing barriers to mutual understanding and seeking sustainable agreements for the future.

However, mediation does present some disadvantages:
First of all, the person feeling discriminated against and the alleged offender have to agree to take part in a mediation procedure. Voluntary participation of the parties is a precondition of every mediation process in all Member States. The promotion of mediation as a potentially efficient and effective alternative method for solving conflicts could increase the likelihood of both parties agreeing to engage in the process.

[25] The Equality Tribunal, Mediation Service – Guide to Procedures, http://www.equalitytribunal.ie/index.asp?locID=69&docID=-1, September 4, 2006

Another difficulty concerns the outcome of a mediation procedure, which is not enforceable in some Member States, making mediation a rather soft instrument. Moreover it might be challenging for equality bodies to ensure their neutrality when functioning as a mediator. The length of the training to become a professional mediator may be another reason why mediation is not (yet) part of every equality body's work.

Mediation is not a magic bullet that will help equality bodies handle every case of discrimination. But it can be a very successful approach to conflict resolution that works to encourage mutual understanding, reduce prejudices and reach long-lasting and satisfactory agreements for all parties. Equality bodies may not always be able to practice mediation in a strict sense, but they could benefit by using elements of mediation when settling cases of discrimination. Having a pool of mediators within the equality body offers all persons feeling discriminated against a quick and individual alternative on a high quality level in anti-discrimination questions.

Annex:

Questionnaire on mediation

In the context of Working Group 2 I'm working on an expert paper on mediation. The following short questionnaire is focused on very general and basic aspects of mediation in your country and your Equality Body. Your answers will assist in a comparative analysis of the expert paper.

How to complete the questionnaire
If you are filling in the form electronically, please type your answers in the shaded text boxes. You will also be able to select the check boxes electronically by clicking your mouse over them.

Returning the questionnaire
It would be most helpful if you could return this questionnaire by August 18, 2006. Please email the completed questionnaire back to me at **gaw3@bmgf.gv.at**. It can also be sent by post to Ulrike Salinger, Gleichbehandlungsanwaltschaft, Taubstummengasse 11, A -1040 Wien, Austria

Thank you very much for your support!

1.	**Basic information**
1.1.	Name of the organisation
1.2.	Name of person completing the questionnaire
1.3.	Contact details Phone: E-Mail:
1.4.	Country

2.	**Mediation in general**
2.1.	Does a Mediation Act exist in your country? ☐ yes ☐ no ☐ don't know If yes, since when?
2.2.	Which fields are covered by the Mediation Act? ☐ civil law ☐ criminal law ☐ other
2.3.	How is mediation defined in your country?
2.4.	What are the requirements to become a mediator? ☐ no education required ☐ vocational training ☐ seminar/workshop ☐ other:
2.5.	Is mediation in general an acceptable and well-known dispute resolution instrument in your country? ☐ yes ☐ more or less ☐ little ☐ no ☐ don't know

3.	**Mediation and Specialised Equality Body**
3.1.	Does your Equality Body have the power to mediate? ☐ yes ☐ no ☐ don't know
3.2.	Does your Equality Body transfer people who feel discriminated against to external mediators? ☐ yes ☐ no ☐ no Equality Body mediates
3.3.	What are the possible outcomes of a mediation by your Equality Body? ☐ apology ☐ payment of compensation ☐ enforceable agreement ☐ non legally binding agreement ☐ mediation agreement in the form of a civil contract
3.4.	What percentage of the cases your Equality Body deals with in a year are solved through mediation: discrimination in the field of employment % discrimination in the field of goods and services, education, social benefits and social protection %
3.5.	Who are the commonly seen parties to mediations conducted by your Equality Body? ☐ individual vs. individual ☐ individual vs. institution ☐ institution vs. institution