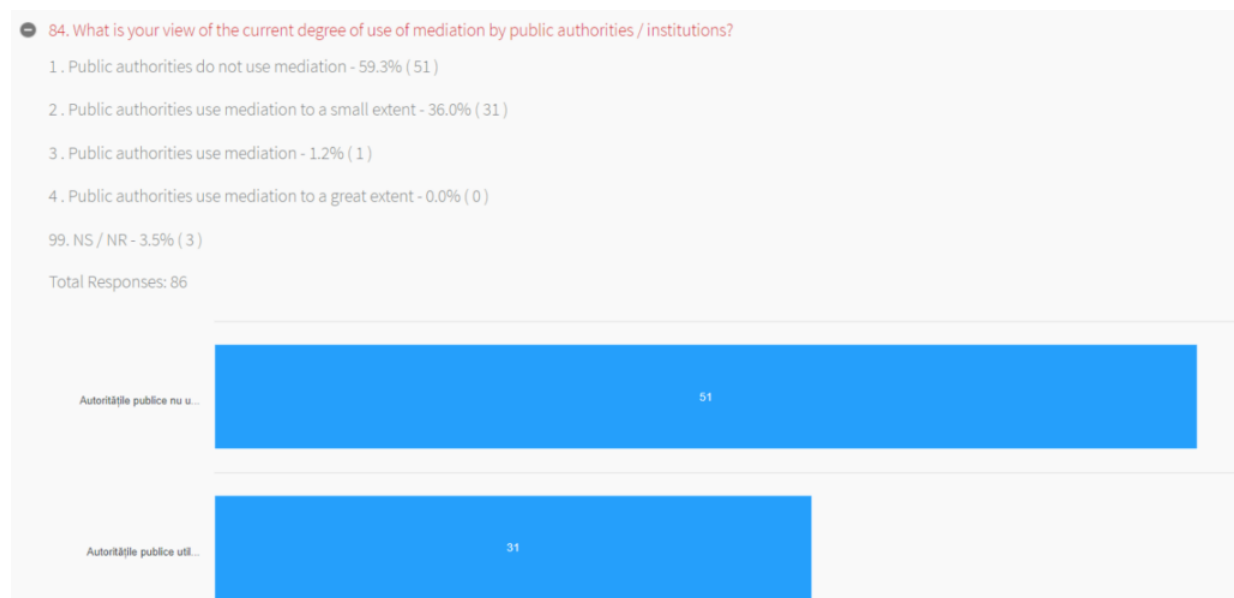


Kluwer Mediation Blog

Open source public consultation tool to support the development of public policies in the field of mediation

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With few exceptions, mediation is still used in less than 1% of the cases that are pending in the courts of justice from Romania and of other European Union member states. Public policies and adopted legislative solutions are not capable of generating a culture of dialogue, conflict prevention, or amicable settlement. In this context, the mediation activity is even much less known, respected and widely used as a way to prevent, manage or resolve conflicts (except for Italy, a proven model according to the stakeholders' attitude and official statistics, including the hundreds of thousands of cases and the settlement rates bordering 50%).

Perhaps the current situation is also caused by the fact that policy makers have done too many experiments without an approach based on sufficient statistical information and without going through the different stages of public policy as part of an integrated process. This has not allowed the monitoring and evaluation of these public policies, making it impossible to identify and integrate the lessons learned. In this way, the message projected in the public space and in society was one of uncertainty, of a failed experiment, in Romania at least.

After intensive preparation, we launched a public consultation tool to support the design of alternatives to the current public policies in the field of mediation Romania. The tool is [accessible](#)

[online in Romanian](#) and is part of the project “Mediation – Effective Public Policy in Civil Dialogue” implemented by the Association “Propact Mediation and Arbitration Center” between June 2018 and October 2019 in partnership with ”Andrei Țaguna” University from Constanța about which we discussed in a [previous post](#).

The purpose of the consultation is on the one hand to gather useful critical information for the design of the public policy in the field of mediation and on the other hand to increase the transparency of the decision-making process, which is the premise of a more sustainable implementation.

First of all, we have defined a matrix of the main stakeholders interested in formulating a public mediation policy, taking into account an extended list including lawyers, magistrates, citizens, trade unions, civil servants, other liberal professions, policy makers, teachers or representatives of civil society.

Secondly, we have developed two online questionnaires, [one for mediators](#) and [one for other stakeholders](#). Both questionnaires have an extremely rigorous approach, addressing almost the same 114 questions, and structured around nine chapters: (1) The quality of the mediation service, (2) The ability to provide the mediation service, (3) The mediation legal framework, (4) The level of trust in mediation, (5) The relational system of the mediator profession, (6) The use of the mediation service, (7) The regulation and management of mediation, (8) The budget system for mediation and (9) Synchronizing the mediation system in Romania with other mediation systems within or outside the European Union.

Another important aspect is the maximum level of transparency of the research process. Thus, any person who knows Romanian and wishes to contribute to this consultation process, investing 90 minutes of his/her time, amends automatically the real-time consolidated results that are publicly available for both questionnaires – [mediators](#) or [other interested parties](#) – depending on the category of stakeholders it belongs to.

The responses received by filling in these questionnaires online together with the results obtained through the other consultation methods applied within the project will form a database with very important information that will be taken into account in formulating an alternative public policy in the field of mediation.

Last but not least, such an ”open source” tool can be used both to improve public policies in the field of mediation, but also for didactic and research purposes, or to design effective platforms aiming to promote and understand mediation.

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