

ODR in 30 Countries, 2020

mediation in the COVID-19 Era

Early 2020 the coronavirus, or COVID-19, caught the world by surprise. It first paralyzed China, then spread all over the globe, putting huge populations under a lockdown, infecting over four million people, claiming nearly three hundred thousand ¹ and devastating economies.

In 2017 a small international community of mediators was formed under the initiative of Giovanni Matteucci of Italy and Stelios Asproftas of Cyprus. Together we conducted a questionnaire that resulted in our article "*ADR in 24 countries*" ². We now thought to get back to our mediator colleagues and to find out how they and their countries are coping with the many limitations and government restrictions caused by the virus.

We sent a 10 question form about the situation in each country with regard to the operation of the Courts, the use of ODR and their opinion about online mediation. We got answers from 32 mediators in 30 countries and we present our findings in this paper. It should be noted that the information we gathered is not necessarily official data, but rather the best knowledge and opinions of individual mediators. Nevertheless, we believe it provides an understanding of the situation in those countries and also a collection of thoughts about ODR.

We will present a summary of our findings followed by the actual raw questionnaires we obtained from our colleagues.

The first five questions refer to the situation in the various countries since the outbreak of the virus, the impact of the plague on the Judicial and ADR systems and on the use of ODR. The findings here are presented according to the participating countries.

Questions

1: Frontal mediation: are you allowed to conduct traditional mediation in your office?

a. yes: China, Egypt, Finland, Hungary, Italy, Lithuania, Poland, Tunisia

b. no : Andorra, Bulgaria, Canada, Croatia, Cyprus, England, Malaysia, Malta, Nigeria, Portugal, Romania, Spain, Ukraine, Uzbekistan

c. yes with some restrictions: Greece, Israel, Russia, Vietnam

2. Did the coronavirus situation increase the amount of online mediations in your country?

a. yes: Canada, China, Croatia, Egypt, England, Israel, Italy, Poland, Portugal, Russia, Ukraine

b. no :Andorra, Bulgaria, Croatia, Cyprus, Finland, Greece, Malta, Malta, Romania, Spain, Tunisia

c. we don't practice online mediation in our country: Malaysia, Nigeria, Uzbekistan, Vietnam.

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

a. yes: China, Italy

b. no: Andorra, Bulgaria, Canada, Croatia, Cyprus, Egypt, England, Finland, Greece, Hungary, Israel, Lithuania, Malaysia, Nigeria, Poland, Portugal, Romania, Russia, Spain, Tunisia, Ukraine, Uzbekistan, Vietnam

If you answered "yes", please attach these regulations: Italy.

4. Are the Courts in your country operating as usual?

a. yes: Ukraine, Vietnam

b. no: Andorra, Cyprus, Egypt, Greece, Hungary, Israel, Nigeria, Italy, Poland, Spain

c. only partially: Bulgaria, Canada, China, Croatia, Finland, Lithuania, Malaysia, Malta, Portugal, Romania, Russia, Tunisia Uzbekistan

¹ As of 13.5.2020, figures taken from <https://covid19.who.int/>

² https://www.academia.edu/35683774/ADR_in_24_Countries_Mediators_and_Ombudsmen_Who_can_mediate_Is_there_a_law_that_defines_who_can_perform_mediation

5. Are you able to send mediation agreements for endorsement by the Courts?

a. yes: China, Finland, Greece, Hungary, Lithuania, Italy, Israel, Poland, Romania, Russia, Vietnam

b. no: Andorra, Bulgaria, Cyprus, Nigeria, Spain, Ukraine

c. I never send agreements to the Courts: Canada, Croatia, Egypt, England, Malaysia, Malta, Portugal, Tunisia, Uzbekistan

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.) ?

These are the findings, presented by name of platform and the number of mediators who use it:

Platform	Number of users
Zoom	15
Skype	8
Microsoft Teams	5
Hangouts	2
Whatsapp	2
Facetime	2
Jitmeet	1
Facebook Messenger	1
Webex	1
Wechat	1
Dedicated system of the Court	1
Regular telephone	1

The above table, albeit based on a small sample, can indicate that Zoom is the most popular platform followed by Skype. The table may suggest that ODR is still not standardized and that mediators are experimenting with a plethora of platforms.

Questions number 7 and 8, even opposite answers to the same questions.

7 - What are the advantages of online mediation?

atmosphere:

- ODR allows parties, who have experienced abuse by the other party, to feel less anxious;
- some of the parties are happy not to meet with the other side in person (while professionals are not very pleased, because they have old habits of doing things, which die hard);
- people try hard to adapt, aware of the fact all attendants present in online mediation do the best from themselves;
- in an exceptional online environment it is easier to handle multiparty joint sessions;
- disputants have the opportunity for time to reflect before responding;

psychological aspects:

- people feel safe and comfortable at their homes and offices; there is a feeling of much less personal and time pressure; advantage for some to avoid face to face confrontation; low power imbalances between parties; communication between parties become less inflammatory;

efficiency and technical:

- ODR works well in accommodating people who live at a distance from the office; there is more flexibility in scheduling sessions, less travelling, saving time for mediator and parties, paperless exchange of the documents;
- during the time in waiting rooms, attendants can do what ever in their homes and offices;
- communication can be more focused as online mediation is asynchronous;
- possibility of coediting the same documents by all participants at the same time;

financial issues:

- lower costs (no need to rent mediation rooms and lower travel expenses);

environmental aspects:

less pollution, ability to provide the service at the quarantine time;

safety and security:

much safer while the virus is around and no danger of physical violence;

co-mediation:

it is possible to communicate with the co-mediator via private chat, without "de-authorizing" him/her when the other professional wants to intervene.

8. If you conduct online mediation, what do you describe as its disadvantages

atmosphere:

- elimination of gentle and subtle human interactions, because they are not close to each other;
- mediator loses control over the client's environment;
- some usual distractions from homes or offices;
- it is difficult to build rapport with the parties, as it is impersonal, and this goes further to creating issues of trust between the mediator and the disputants;

psychological aspects:

- the mediator can not assess body language and has not full possibility of reading nonverbal signals; there is no warm human eye-to-eye contact; working with emotions may not be as effective;
- people can't stay in front of the monitors a longer time;
- less trust, more anxiety for the parties, the mediation atmosphere with more tensions;
- not everyone feels as comfortable using online technology and webcam;

efficiency and technical:

- difficulty to use a flip chart and in exchanging documents and other information;
- technical difficulties (weak wifi, bad headset) can disturb the mediation, mainly in the rural areas;
- the technology supporting online mediation still needs to be improved;

financial issues:

mediators and parties have to purchase computers, mobile phones, software, camera, lighting;

confidentiality, safety and security:

- no guarantee that you are only dealing with the two parties (no site is fully secure);
- one does not know who else is in the room and listening;
- problem to be sure of confidentiality (for example not recording the session);
- communications, not encrypted, are not secure and can be intercepted or fabricated

co-mediation:

- requires technical abilities and there is no complete control of the setting.

9. What would you expect of an ideal technological platform for ODR

There are common items among the answers: greater information technology efficiency, easy to access, low cost but not without cost (to avoid use/trade of data), web based (no need of installing any additional software on any computer or smartphone), secure use, electronic signature, no need for special licenses or software, 3D video.

To produce legal documents and have linkage to arbitration centres and to courts (the future of ADRs is very likely to be multi-tiered).

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

The answers reflect the significant problems that arose during the pandemic:

- some providers are not receiving money for products or services that were already offered; there may be a need to renegotiate expenses and time slots for payments;
- conflicts among landlords and tenants; lease and banking problems;
- domestic violence;
- coping with the government health recommendation to stay in safe places, relieving the pressure of the public health system;
- resolving the stalemate of adjudicating cases;
- conflicts of who can attend funerals, weddings, family ceremonies in times of restriction to very few person;
- political conflicts and communication biases around measures and data linked to Covid.

Summing-up: a scenario in progress, with challenges and opportunities ³. Many thanks to all the 32 co-authors of this article.

22.5.2020

Giovanni Matteucci and David Shimoni

Andorra	Ramon Tena	rtenadialoga@gmail.com
Bulgaria	Desislava Kamenova	adv.kamenova@gmail.com
Canada	Dominic D'Abate	consensusmediation@me.com
China	Melody Shj	shij@bcisz.org
Croatia	Srdan Šimac	srdjan.simac@st.t-com.hr
Cyprus	Stelios Asproftas	stelioslaw@cable.net.cy
Czechia	Hana Láníková	hana.lanik@gmail.com
Egypt	Medhat El-Banna	medhat.elbanna@necdr.com
Finland	Carri Ginter	carri.ginter@sorainen.com
France	Sylvie Mischo	sylvie.mischo@gmail.com
Greece	Olga Tsiptse	otsiptse@gmail.com
Hong Kong	Francis Law	francislaw.mediation@yahoo.com.hk
Hungary	Judit Glavanits	gjudit@sze.hu
Iraq	Ibrahim Gharbi	mr.ibrahimgharbi@gmail.com
Israel	David Shimoni	shdavid49@gmail.com
Italy	Giovanni Matteucci	adrmaremma@gmail.com
Lithuania	Šarūnas Mačiulis	media@mediator.lt
Malaysia	Gunavathi Subramaniam	gunavathis@gmail.com
Malta	Herman Zandt	hzandt@syrtis.eu
Nigeria	Emmanuel Monyei	monyeijr5@gmail.com
Nigeria	Akintola Yusuf	akintolayusufoladapo@gmail.com
Poland	Cezary Rogula	cezary@rogula.com
Portugal	Ursula Caser	ursula.caser@mediatedomain.com
Romania	Marin Padeanu	office@medierepropact.ro
Russia	Dmitry Davydenko	dmitridavydenko@gmail.com
Spain	Eugenia Ruiz Alvarado	e.r.alvarado@culturolingua.com
Spain	Rosa Perez Martell	rosa.perez@ulpgc.es
Tunisia	Mohamed Lassâad Haj-Taieb	ml.hajtaieb@gmail.com
Ukraine	Alina Serhieieva	serhieieva.alina@gmail.com
United Kingdom	Henry Minto	henry@henryminto.com
Uzbekistan	Maksud Karaketov	karaketov@gmail.com
Vietnam	Hoang Linh	linhhonglaw@gmail.com

³ The Government of Hong Kong, “COVID-19 Online Dispute Resolution (ODR) Scheme”, 13.4.2020
https://www.doj.gov.hk/eng/public/blog/20200413_blog1.html



10.04.2020 Andorra , Ramon Tena

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

b. No

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

b. No

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

b. No

5. *Are you able to send mediation agreements for endorsement by the Courts?*

b. No

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.):*

n.a.

7. *If you conduct online mediation, what do you describe as its advantages? n.a.*

8. *If you conduct online mediation, what do you describe as its disadvantages? n.a.*

9. *What would you expect of an ideal technological platform for ODR?*

. User friendly, specially for technologically non-native users

. secure, where confidentiality is guaranteed

. easy to share documents

. possibility of having electronic signature

10. *What problems can be solved by the use of mediation during the COVID-19 pandemic?*

Family: Isolation at home is creating tensions and conflicts in families. Plus, many people is nervous and less patient.

Neighbourhood: More time spent at home may mean more activities and, thus, more conflicts between neighbours

Bussiness: Some providers are not receiving money for products or services that were already offeres. There may be a need to renegotatie expenses and time slots for payment. Also, labour-wise there will be lots of people sent to unemployent (even if temporarily).



10.04.2020 Bulgaria , Desislava Kamenova

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

b. No

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

b. No

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual ?*

c. Only partially

5. *Are you able to send mediation agreements for endorsement by the Courts?*

b. No

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.):*

n.a.

7. *If you conduct online mediation, what do you describe as its advantages?*

n.a.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

n.a.

9. *What would you expect of an ideal technological platform for ODR?*

n.a.

10. *What problems can be solved by the use of mediation during the COVID-19 pandemic?*

n.a.

There is may be need for more cooperation between mediators from all countries in order to use this period for further development of online mediation. We could work together of the establishment of coherent practice and same protocol for conducting online mediation. It might be too big as a dream, but everything was first just a dream.



10.04.2020 Canada , Dominic D'Abate

family mediation in Quebec

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

b. No

2. Did the coronavirus situation increase the amount of online mediations in your country?

a. Yes

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

b. No

4. Are the Courts in your country operating as usual?

c. Only partially

5. Are you able to send mediation agreements for endorsement by the Courts?

c. I never send agreements to the Courts

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.):

Zoom , Skype , Face Time

7. If you conduct online mediation, what do you describe as its advantages?

Works well in accommodating people who live at a distance from the office - more flexibility in scheduling sessions - allows parties who are or have experienced abuse by the other party to feel less anxious

8. If you conduct online mediation, what do you describe as its disadvantages?

Can't assess body language – not able to use a flip chart – difficulty in exchanging documents and other information – no guarantee that you are only dealing with the two parties – no site is fully secure

9. What would you expect of an ideal technological platform for ODR?

It should be secure, easy to access and use, greater ease in accessing documents

10. What problems can be solved by the use of mediation during the COVID-19 pandemic?

Helps parents to find more timely solutions in creating and implementing a parenting plan despite social distancing practices



06.05.2020 China , Melody Shi (BCI&BIMC)

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

a. Yes

2. Did the coronavirus situation increase the amount of online mediations in your country?

a. Yes

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

a. Yes. There are rules for online mediation conducted in Court; these rules are internal procedures and may vary from court to court.

4. Are the Courts in your country operating as usual?

c. Only partially.

5. Are you able to send mediation agreements for endorsement by the Courts?

a. Yes

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)

ZOOM , Wechat and special platform newly operated by the Courts.

7. If you conduct online mediation, what do you describe as its advantages?

Convenient. Efficient

8. If you conduct online mediation, what do you describe as its disadvantages?

**. The technology supporting online mediation still needs to be improved;
 . some details such as body languages and eye contacts are "sacrificed" when mediation is conducted online, which are important in face-to-face mediation.**

9. What would you expect of an ideal technological platform for ODR?

It should provide more visual effects and the transmission of electronic files and e-signature are more convenient.

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

Online mediation reduces the cost of dispute resolution. It is also safer for the parties since they do not meet each other in person under the COVID-19 pandemic.



10.04.2020 Cyprus , Stelios Asproftas

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

b. No

2. Did the coronavirus situation increase the amount of online mediations in your country?

b. No

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

b. No

4. Are the Courts in your country operating as usual?

b. No; they accept only urgent filings and cases.

5. Are you able to send mediation agreements for endorsement by the Courts?

b. No

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)

Mostly Skype, Zoom, What's App.

.

7. If you conduct online mediation, what do you describe as its advantages?

Avoidance of tension that would be possible in joint meetings, no interruptions when speaking, lower costs, less travelling.

8. If you conduct online mediation, what do you describe as its disadvantages?

Still caucuses remain the desirable way to conduct Mediation,

9. What would you expect of an ideal technological platform for ODR?

User friendly, documents sharing, electronic signature.

10. What problems can be solved by the use of mediation during the COVID-19 pandemic?

More tensions (in Cyprus domestic violence incidents increased 30%), difficulties in daily life may cause tensions in professional and interpersonal relationships, Landlord and tenant problems arising, employer – employee relations.



12.04.2020 Croatia , Srđan Šimac

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

b. No

2. Did the coronavirus situation increase the amount of online mediations in your country?

a. Yes (we have just started with the first one)

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

b. No (our mediation center did this)

4. Are the Courts in your country operating as usual?

c. Only partially

5. Are you able to send mediation agreements for endorsement by the Courts?

c. I never send agreements to the Courts

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)

ZOOM

7. If you conduct online mediation, what do you describe as its advantages?

Efficiency and convenience of scheduling the meetings, saving time and travel costs especially when the attendants are from different cities, people feel safe and comfortable at their homes and offices, some of them are happy they haven't met with the other side in person (while professionals are not very pleased, because they have old habits of doing things which die hard), paperless exchange of the documents, during the time in waiting rooms, attendants can do what ever in their homes and offices; people are kind and patient trying hard to adapt, aware of the fact all attendants present in online mediation do the best from themselves in an exceptional online environment, a feeling of much less personal and time pressure, paperless exchange of the documents, less pollution, full introduction of ecology in conflict; conflicts and dispute don't need to wait for any formal third side or institution to be solved

8. If you conduct online mediation, what do you describe as its disadvantages?

Exclusion of the direct face-to-face contact and elimination of gentle and subtle human interactions coming from the fact they are close to each other, exclusion of the full possibility of reading nonverbal signals, elimination of the warm human eye-to-eye contact, slower exchange of documents, mediator loses control over the client's environment, possibility to timely grasp all details you need as a mediator, people can't stay in front of the monitors a longer time, some usual distractions from homes of offices

9. What would you expect of an ideal technological platform for ODR? **3D video**

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

Less move around, less pollution, less social closeness and risk from direct contact, full safety of spreading the virus, no need of use masks and other protecting tools.

Online medijacija , April 2020

<https://www.linkedin.com/pulse/online-medijacija-uvo%25C4%2591enje-efikasnosti-i-ekologije-u-%25C5%25A1imac-ph-d-/trackingId>



23.04.2020 Czechia , Hana Láníková

1. Frontal meditation: are you allowed to conduct traditional mediation in your office?

a. Yes

2. Did the coronavirus situation increase the amount of online mediations in your country?

a. Yes

3. Did the authorities publish guidelines for online mediation (such a show to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

b. No

4. Are the Courts in your country operating as usual?

c. Only partially.

5. Are you able to send mediation agreements for endorsement by the Courts?

a. Yes

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)?

Zoom

7. If you conduct online mediation, what do you describe as its advantages?

It is easier and more convenient if the parties are not in one place-city. Sometimes distance helps the parties and the emotions are not as heated as if they were close to each other. It is also very convenient, because it can be done from basically anywhere. The flexibility is great. There is not a need to find a facility/space to conduct the mediation. Sometimes it also is an environment where the parties are more focused and work efficiently. Many parties can be involved and it is in some sense easier to handle. Online mediation is also less costly, because of the potential travel costs.

8. If you conduct online mediation, what do you describe as its disadvantages?

The online platforms have not yet developed an ideal solution. One still has to be a little tech savvy in order to keep for. ex caucuses separate and confidential. Sometimes not the whole body is seen, limited body language which sometimes says a lot. Some people are not as involved, since they are in their own space and at times it can become impersonal. It is not suited for every type/case of mediation. Transformative mediation, I believe, is better done in person. In Czech Republic it is not yet regulated in any way and the use of technology is not reflected in the law. One does not know who else is in the room and listening. If you have elderly people, who are not tech savvy, it might be a problem.

9. *What do you expect of an ideal technological platform for ODR?*

User friendly, options to do caucuses/separate meetings easily – maybe set up a special online room for separate meetings, great control of the layout of the “pictures” of the people on the screen. No need for special licences or software. Easy to use via web. No need to sign up. Meeting requests send into calendars of people. A platform which would be able to use visuals, draw, write – not in the chat but also in a separate “window”.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

Mediation can be used for cases as usual-contractual issues, family also. Now for small claims, online mediation is ideal. It can help the parties to engage in conversation how to deal with the current situation on hand and find a common solution and mutual benefits. Also some mediation techniques might help to co-op and function in the new set up – HO, children at home, partner at home. Those soft skills can enhance communication and understanding, thus ease the situation.



18.04.2020 Egypt , Medhat El-Banna

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

Yes, as mediation is not a commercial activity, we are practicing it in our offices without restrictions, except that everyone should be home by 8:00pm because of the curfew .

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

Yes, even ADR Entities which don't have an online system, started to create/ use one .

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

No

4. *Are the Courts in your country operating as usual?*

No, all court sessions are suspended .

5. *Are you able to send mediation agreements for endorsement by the Courts?*

I never send agreements to the Courts .

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)*

I use Facebook Messenger for voice and video calls, and What's App for exchange voice messages.

7. *If you conduct online mediation, what do you describe as its advantages?*

Convenience, you wake up 30 minutes before the start of the meditation session .

8. *If you conduct online mediation, what do you describe as its disadvantages?*

Not very effective, but it's the only way available, the parties are less focused and the connection is sometimes not very good .

9. *What would you expect of an ideal technological platform for ODR?*

We need a platform that works with the 4G internet not only with wifi .

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

Lease problems, commercial supplies problems, banking problems.



12.04.2020 Finland , Carri Ginter

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

a. Yes

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

b. No

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

c. Only partially

5. *Are you able to send mediation agreements for endorsement by the Courts?*

a. Yes

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.):*

Teams

7. *If you conduct online mediation, what do you describe as its advantages?*

n.a.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

n.a.

9. *What would you expect of an ideal technological platform for ODR?*

n.a.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

n.a.



10.04.2020 France , Sylvie Mischo

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

b. No

2. Did the coronavirus situation increase the amount of online mediations in your country?

a + b - There are attempts but also resistances... It depends on whether the mediation has already started in a normal way and that it must be continued by videoconference to conclude it. This is where the mediator can see the impact of his initial work !

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

b. No

4. Are the Courts in your country operating as usual?

b. No

5. Are you able to send mediation agreements for endorsement by the Courts?

b. No. A decree at the end of march extended by two months all the deadlines for mediations in progress with the courts....

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts, etc.) **Skype, ZOOM**

7. If you conduct online mediation, what do you describe as its advantages?

May be shorter. Advantage for some to avoid face to face concrete...

8. If you conduct online mediation, what do you describe as its disadvantages?

Problem to be sure of confidentiality (for example not recording the session), the risk of the presence of an outside person, possible flaws in videoconferencing platforms, observation of non verbal etc.

9. What would you expect of an ideal technological platform for ODR?

Guarantee of security of user data . Access of persons concerned by mediation. Ease of use

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

The urgency of the situation such as family violence, economic issues, workplace conflicts.



10.04.2020 Greece , Olga Tsiptse

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

c. Yes with some restrictions

2. Did the coronavirus situation increase the amount of online mediations in your country?

b. No (although in Greece mediation is mandatory and we practice ODR, still there is no willingness from the lawyers and no awareness to the crossing parts)

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

b. No

4. Are the Courts in your country operating as usual?

b. No (ONLY interim application and only few criminal cases, that have time limit issues)

5. Are you able to send mediation agreements for endorsement by the Courts?

a. Yes (I use digital signs etc)

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.):
ZOOM, Microsoft Teams

7. If you conduct online mediation, what do you describe as its advantages?

A quick, low cost procedure that promise the same benefits with a decision from court as long as its final agreement and its enforcement, with all confidentiality and other principals of mediation provided and a relaxed way of resolving cases from home with your pajamas on!

8. If you conduct online mediation, what do you describe as its disadvantages?

No real sympathy and real control of the body language and no looking into eyes thing

9. What would you expect of an ideal technological platform for ODR?

Easy handle platform even to those who are not familiar to technology

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

Banking and family mediation at most.



14.05.2020 Hong Kong , Francis Law

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

c. Yes with some restrictions.

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

a. Yes

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

b. No

5. *Are you able to send mediation agreements for endorsement by the Courts?*

c. I never send agreements to the Courts.

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)*

Zoom and the IDRRMI-ODR ⁴ system

7. *If you conduct online mediation, what do you describe as its advantages?*

Safe, convenient, can be conducted in any place

8. *If you conduct online mediation, what do you describe as its disadvantages?*

Less interactive. Sometimes will have the delay caused by technical problems or waiting for parties response.

9. *What would you expect of an ideal technological platform for ODR?*

Fast and smooth, with technical supported by the platform and mediation organization. Have sophisticated e-filing system, with AI support and voice recognition. It will generate legal documents and have linkage to court and arbitration centres.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

Minimized the risk by physical contacts among parties. Coping with the government health recommendation to stay in safe places/ home and the policy of social distance. Minimized the need to going outside and relieving the pressure of the public health system and help to avoid society contraction.

⁴ IDRRMI - International Dispute Resolution and Risk Management Institute



18.05.2020 Hungary , Judit Glavanits

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

It is not expressly forbidden, but almost all mediators choose to close the offices.

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

There are no available data so far

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

There are online and offline hearings as well and the judges have to appear at the courts on several occasions. During 15th March - 4th April the courts were closed, but online work is going on, and personal attendance is also continued after 4th April (with necessary precautions like masks and social distancing).

5. *Are you able to send mediation agreements for endorsement by the Courts?*

a. Yes

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Duo, Hangouts etc.).*

All the platforms possible

7. *If you conduct online mediation, what do you describe as its advantages?*

The processes started before the closure may follow

8. *If you conduct online mediation, what do you describe as its disadvantages?*

Almost zero new cases

9. *What would you expect of an ideal technological platform for ODR?*

n.a.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

Parental rights problems, economic issues, workplace conflicts



19.04.2020 Iraq , Ibrahim Gharbi

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

c. Yes with some restrictions.

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

b. No

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

a. Yes

4. *Are the Courts in your country operating as usual?*

c. Only partially.

5. *Are you able to send mediation agreements for endorsement by the Courts?*

a. Yes

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)?*

n.a.

7. *If you conduct online mediation, what do you describe as its advantages ?*

We don't do it.

8. *If you conduct online mediation, what do you describe as its disadvantages ?*

We don't do it.

9. *What would you expect of an ideal technological platform for ODR?*

n.a.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

n.a.



22.04.2020 Israel, David Shimoni

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

c. Yes, with strict limitations: not more than 8 people in a room, distance of 2 meters between people, all wear masks, highly maintained hygiene.

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

a. Yes

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

b. No

5. *Are you able to send mediation agreements for endorsement by the Courts?*

a. Yes

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)*

I don't conduct online mediations.

7. *If you conduct online mediation, what do you describe as its advantages?*

n.a.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

n.a.

9. *What would you expect of an ideal technological platform for ODR?*

n.a.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

Will enable to perform mediation in spite of world wide restrictions.



15.04.2020 Italy , Giovanni Matteucci

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

c. I can do that, with the agreement of the mediation provider where I took office.

2. Did the coronavirus situation increase the amount of online mediations in your country?

c. Yes

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

a. Yes - Legislative decree n. 28, March 4, 2010, Art. 16, c.3 – “*The mediation provider ... shall submit to the Ministry of Justice its regulation and code of ethics The regulation must provide for ... the online procedures that may possibly be used by the mediation provider, so as to guarantee the security of communications and the confidentiality of data*”.

Due to the Coronavirus pandemic, the following legislation came in force: **Legislative Decree 18/2020, converted into Law 27/2020 , art.83, c.20-bis**: “*... mediation meetings may in any case take place electronically with the prior consent of all parties involved in the proceedings. ... In the event of a telematic proceeding the lawyer, who signs with a digital signature, may certify the handwritten signature of his remote-connected client, written at the bottom of the record and the conciliation agreement. The document relating to the mediation proceeding, carried out electronically, will be signed by the mediator and the parties’ lawyers with digital signature for the enforceability of the agreement provided for by article 12 of the Legislative Decree no. 28, March 4, 2010*”.

4. Are the Courts in your country operating as usual? **c. Not at all.**

5. Are you able to send mediation agreements for endorsement by the Courts?

a. In voluntary mediation the parties can decide to send the mediation agreement for endorsement by the Court. In compulsory mediation, parties must be assisted by a lawyer; if all the parties, all the lawyers and the mediator undersign the mediation agreement, it is already endowed with enforceability.

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)

Usually Zoom, but not always.

7. If you conduct online mediation, what do you describe as its advantages?

The possibility to operate when the parties (or their assisting lawyers) are in distant places.

8. If you conduct online mediation, what do you describe as its disadvantages?

The loss of complete control of the setting and the lack of perception of certain features of the people psychology.

9. What would you expect of an ideal technological platform for ODR?

Excellent image and sound transmission, the use of the blockchain.

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

The problem of closeness among people and the risk of contamination.



28.04.2020 Lithuania, Šarūnas Mačiulis

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

c. Yes with some restrictions

2. Did the coronavirus situation increase the amount of online mediations in your country?

b. No or I don't have such information

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

b. No

4. Are the Courts in your country operating as usual?

c. Only partially

5. Are you able to send mediation agreements for endorsement by the Courts?

a. Yes

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts, etc.)

Skype, Hangouts

7. If you conduct online mediation, what do you describe as its advantages?

Ability to provide the service at the quarantine time

8. If you conduct online mediation, what do you describe as its disadvantages?

Less trust, more anxiety for the parties, the mediation atmosphere with more tensions

9. What would you expect of an ideal technological platform for ODR?

Waranty of confideliaty, possibility to feel a mediation agreement

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

I can not to say that in that period when a lot of businesses were shutted down the need for mediation services has increased



29.04.2020 Malaysia , Gunavathi Subramaniam

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

b. No

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

c. We don't have many mediators who practice online mediation in our country

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

c. Only partially. The Malaysian Government has implemented the 'MOVEMENT CONTROL ORDER' (MCO) in the whole country. Only essential services businesses are permitted to carry on with their business. People can only move around within a radius of 10 km to buy their household essentials. Anyone caught flouting the law will be arrested and charged in court. Therefore, only the criminal courts designated to hear those charged for breaching the MCO are in session.

However, for urgent civil matters some courts have heard matters online where all submissions and court documents were filed online. Last week, for the first time in Malaysia, the Court of Appeal heard and disposed off a matter online which was broadcast to members of the public.

5. *Are you able to send mediation agreements for endorsement by the Courts?*

c. I never send agreements to the Courts. In Malaysia, the Mediation Act 2012, does not contain a provision for endorsement of mediated agreements. As such, if one party to the mediated agreement reneges on the agreement, the other party would have to initiate legal proceedings against the other party to enforce the mediated agreement.

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)*

I use Zoom or Microsoft Teams

7. *If you conduct online mediation, what do you describe as its advantages?*

The advantages of online mediation are as follows:

- . it allows parties in conflict in different locations to meet on an online platform regardless of geographical distance**
- . saves travelling time;**
- . costs savings for disputants;**
- . convenient for disputes of low monetary amounts;**
- . speedy resolution;**
- . reduces negative hostilities;**

- . reduces power imbalances between parties
- . communication can be more focused as online mediation is asynchronous. Disputants have the opportunity for time to reflect before responding. Communication between parties become less inflammatory.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

Security and privacy issues. Recently, Zoom users have experienced troubling security issues. The same level of confidentiality as face to face mediation may not be possible or achieved in online mediation. Communications which are not encrypted are not secure and can be intercepted or fabricated. as such confidentiality of the process may be compromised. Further all information uploaded or shared on the internet is subsequently recorded and stored in a server permanently.

Accessibility to the internet by disputants in the rural areas

Some disputants may be technologically challenged and may not be familiar with the use of online platforms

Difficult to build rapport with the parties as it is impersonal and this goes further to creating issues of trust between the mediator and the disputants

Difficult to read the body language of disputants.

9. *What would you expect of an ideal technological platform for ODR?*

A platform which is easily accessible and user friendly to disputants.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

Commercial and family disputes.

19.05.2020 – At the end of April there was a complete lock down in the country with only essential services industries allowed to operate on a daily basis. The courts were not operational with a few exceptions where matters were heard online. At mid-May the courts are back in operation and have resumed face-to-face hearings, although the Government has continued with the Conditional Movement Control Order until June 9th 2020. Lawyers have been allowed to attend court and are required to wear masks. The judges also wear masks during the hearing process.



17.04.2020 Malta, Herman Zandt

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

b. No

2. Did the coronavirus situation increase the amount of online mediations in your country?

b. No, we do not practice.

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

b. No

4. Are the Courts in your country operating as usual?

c. Only partially (urgent cases only).

5. Are you able to send mediation agreements for endorsement by the Courts?

c. I never send agreements to the Courts.

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)
Zoom, otherwise Skype.

7. If you conduct online mediation, what do you describe as its advantages?

The advantages include easy connectivity and setting meeting arrangements (no travel required, time efficiency)

8. If you conduct online mediation, what do you describe as its disadvantages?

The face-to-face aspect is missing, more difficult to loosen up the conversation and to build mutual levels of vulnerability-based trust. Not everyone feels as comfortable using online technology and webcam. The security of the platform is easily doubted (confidentiality aspect). The sustainability of agreements reached (if less trust is built compared to face-to-face mediation).

9. What would you expect of an ideal technological platform for ODR?

The ideal platform would be a case log platform which is linked to secure third party video platforms. To combine the strengths of each "module" that when used in conjunction provides for a strong, reliable and secure ODR system.

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

The main challenge mastered would be to safeguard business continuity. To allow the parties to keep moving towards the ultimate settlement. If the process stalls, due to Covid-19 or for another reason, matters easily escalate (again).



10.04.2020 Nigeria , Emmanuel Monyei

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

b. No

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

c. We don't practice online mediation in our country

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?* **b. No**

4. *Are the Courts in your country operating as usual?* **b. No**

5. *Are you able to send mediation agreements for endorsement by the Courts?* **b. No**

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)*

Online mediation is not practised in Nigeria in many circles, however there are very few places where it is practised and Zoom is more often used.

7. *If you conduct online mediation, what do you describe as its advantages?*

When we do conduct online mediation the advantages are: a reduction in cost and expenses, and less risk of direct confrontations between the parties.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

There is fear of lack of privacy, and there are constant power outages in Nigeria.

9. *What would you expect of an ideal technological platform for ODR?*

An ideal ODR platform should have:

- . **a simple interface or 'simple to use' features**
- . **contain basic information as to the success rates and procedures for use of the platform**
- . **should contain features which show a strong inclination for privacy and security .**

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

Some urgent problems can be resolved by the use of mediation during the COVID-19 pandemic such as:

- . **problems relating to dissolution of marriage and divorce**
- . **family disagreements**



28.04.2020 Nigeria , Akintola Yusuf

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

a. Yes

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

c. We don't practice online mediation in our country

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

c. Only partially.

5. *Are you able to send mediation agreements for endorsement by the Courts?*

c. I never send agreements to the Courts.

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)*

Hangouts

7. *If you conduct online mediation, what do you describe as its advantages ?*

It saves time, dispenses with formalities.

8. *If you conduct online mediation, what do you describe as its disadvantages ?*

It loses its formality.

9. *What would you expect of an ideal technological platform for ODR?*

It should be able to replicate all the deliverables obtainable in a face to face or physical mediation.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

Efficacy of resolving dispute promptly, which could have marred business going. Preservation of business or social relationships in Covid time of social distancing and isolation.



22.04.2020 Poland, Cezary Rogula

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

a. Yes. Since this is a type of our professional activity, the restriction as to not to leave the house does not apply to mediation. However, in reality, all or most all of our meetings (including mediations) were canceled or postponed and we mostly turned into working in the “home office” mode.

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

b. Yes. Practice of online mediation is limited in Poland, however the current situation where either we do not schedule on-site meetings or clients are unwilling to attend a meeting, we turned into online services, including videoconferences, document co-editing, e-mails and phone calls.

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No. It depends on the type of procedure (civil, criminal, administrative) and whether it is in-court or out-of-court (private) mediation, but in majority of cases online mediation was permitted before the coronavirus era. E.g. as per Article 183(11) of the Polish Code of Civil Procedure, mediator is not required to set a date of a mediation sitting if the parties agree to undertake mediation without a mediation sitting. That provision explicitly allows for online mediation (see e.g. Antolak-Szymanski Katarzyna. Art. 183(11)[in:] Medjacja w postępowaniu cywilnym. Komentarz. Wolters Kluwer, 2017, in Polish).

The procedure does not allow for the entire mediation process to be conducted online, as the final documents (mostly the minutes prepared by the mediator) need to observe the traditional written form. For a settlement agreement, in case of traditional written form, one way of simplifying the conclusion of the agreement is the use of Article 78 § 1 of the Polish Civil Code, according to which, to conclude the contract, it is sufficient to exchange between the parties documents signed by the respective party that contain declaration of will of that party. In other words, there is no necessity of a settlement agreement to be signed by all parties of the agreement and a mediator may facilitate the exchange of those documents.

At the same time, a lot of mediation centres in Poland (and individual mediators) created and facilitate programs of online mediation. I can speak of the Mediation Centre at the Polish Bar Council – we started the nationwide program of online mediation that is widely spread in media, including social media. We did a lot, starting from designing the entire program, followed by creating a list of mediators ready to conduct online mediations (those lists were sent to the courts) and now we are working on the publicity available manual on online mediation and possible legislative amendments.

4. *Are the Courts in your country operating as usual?*

b. No. Apart the short list of the so called urgent cases, all hearings were canceled and a majority of terms were suspended.

5. *Are you able to send mediation agreements for endorsement by the Courts?*

a. Yes. Based on the desired experience of the parties, since the court register is unable to work as usual and the parties want to observe all legal requirements and benefit from the extended enforceability of settlement agreement approved by the court, the parties prefer to send the settlement agreement by registered post.

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts, etc.)*

In fact, within the Mediation Centre at the Polish Bar Council, we are exploring various options at the moment, that would combine friendly user experience and the desired level of protection, including GDPR requirements. That is why we share some reservations as to the use of e.g. Zoom (very easy to use but may lack the protection needed) or Microsoft Teams (secure but quite complicated to use since it is primarily design to work for intraorganizational communication).

7. *If you conduct online mediation, what do you describe as its advantages?*

Very easy to conduct (no need of scheduling on-site meetings, non specific technology needed from end-user). Possibility of coediting the same documents by all participants at the same time.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

Limited interactions with the parties and possibility of following their body language. Please, let me give you one straightforward example: whenever I invite parties (with their legal representatives) to my mediation room, I never tell them where to sit at the table. I simply observe it . It is not “fit for all” technique but sometimes you can read a lot from such behaviour.

9. *What would you expect of an ideal technological platform for ODR?*

User friendliness, especially end-users. Web based – no need of installing any additional software on any computer or smartphone. Complete tool for case management, including calendar, exchange of files, co-editing documents and, of course, videoconferences with chat and possibility to conduct caucuses.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

I will focus on the court-annexed mediation, since this is a prevailing practice in Poland. Online mediation resolves the issue of a stalemate of adjudicating cases that courts were forced to face at the moment.

By the way, mediation is regulated in Poland; in vast majority of cases it may be used instead of court proceedings and, in simple terms, the settlement agreement reached in mediation may be enforced the same way as the judgment. That is why in directing at least a part of cases to mediation, there is a real change of helping overcoming the stalemate we are facing at the moment, as well as facilitating smooth post-quarantine transition without the necessity of creating huge amount of pending cases.



10.04.2020 Portugal , Ursula Caser

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

b. No

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

a. Yes

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

c. Only partially.

5. *Are you able to send mediation agreements for endorsement by the Courts?*

b. No; I never send agreements to the Courts.

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.):*

Zoom, Skype, Webex, Microsoft Teams (depends of co-mediator and parties).

7. *If you conduct online mediation, what do you describe as its advantages?*

Everybody is in the same situation (at least in corona times), at home and in a room alone.

No ways to travel and easier scheduling.

I can communicate with my co-mediator via private chat; e.g. I do not have to “deauthorize” him/her when I want to intervene.

It is obvious that mutual interruption or talking at the same time is not possible, whereas in face-to-face mediation there might be these dynamics (which the mediator handles, obviously); to implement a structured conversation is easier.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

All “non verbal issues” are more difficult, some even not possible (e.g. true eye contact). Technical difficulties (e.g. weak wifi, bad headset) can disturb the mediation or make it impossible. Potential disequilibrium of familiarity with the technical platforms by mediators or parties.

Additional question: if you conduct online mediation, what (not better not worse, just) different?

- . human “warmth” is to be displayed differently as is empathy, assertivity, etc.**
- . rule setting is different as are necessary rules !**

9. *What would you expect of an ideal technological platform for ODR?*

Intuitive to use for all participants (whether they have experience with the specific platform or not).

Different features to conduct mediation; possibility of screenshare, common whiteboard use by all participants, post-it possibilities (like padlet f.ex.), breakout rooms for eventual caucuses, possibility to share video and audio files, quick polls, etc.

Low cost but not without cost (to avoid use/trade of data).

European data protection rules observed and server (where data are hosted) in Europe.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

Mediation can continue to be concluded in all areas, but there might emerge increasingly conflicts that escalated because of Covid.

Emerging problems between colleagues or within families etc. because of confinement rules (no visit of the family to grandparents between the family members / no visits in homes for elderly between family members and the home administration / conflicts between parents and teachers focused on online teaching exams, etc.).

Conflicts of who can attend funerals, weddings, family ceremonies in times of restriction to very few persons (if only 5-10 or so are permitted eg in a funeral, the family has to decide who can be there, this may create severe conflicts).

Political conflicts and communication biases around measures and data linked to Covid.



13.04.2020 Romania , Marin Padeanu

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

b. No

2. Did the coronavirus situation increase the amount of online mediations in your country?

b. No

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

b. No (there are no express references in the law to the online conduct of mediation; however, we could handle it if we have mediations, but we don't have many)

4. Are the Courts in your country operating as usual?

c. Only partially (only very urgent cases)

5. Are you able to send mediation agreements for endorsement by the Courts?

a. Yes (but the endorsement will take very long time)

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.):

Zoom

7. If you conduct online mediation, what do you describe as its advantages?

Currently, you are safe.

8. If you conduct online mediation, what do you describe as its disadvantages?

I do not find disadvantages.

9. What would you expect of an ideal technological platform for ODR?

Practically, to be able to manage the entire mediation process: from the select of a mediator to the sign of mediation agreement and monitoring its implementation. There will be an electronic file of every case.

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

Many problems in the banking and tourism sectors, for the moment. Soon, there will be others from behind. For example, the field of consumer protection, especially buying products and services online.



18.05.2020 Russia , Dmitry Davydenko

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

c. Yes with some restrictions. This would be contrary to the current regulations in many Russian regions. However, the regulations are subject to update as the situation is rapidly developing.

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

a. According to some information about this from fellow mediators, online mediation is indeed conducted. However, it is hard to say whether there is an increase in it.

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

c. In general, the courts adjourn most cases. However, we have already some online court hearings, including in the Supreme Court of Russia. Also, the courts are now preparing to function at a larger scale.

5. *Are you able to send mediation agreements for endorsement by the Courts?*

a. Yes. The post service is operative in Russia. Also, court documents may be submitted online. However, the court will likely consider such an application with a delay.

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)?*

This depends on the parties' choice. Also, major providers such as Russian Chamber of Commerce and Industry, have their own online platforms.

7. *If you conduct online mediation, what do you describe as its advantages?*

Some people feel safer and more secure online rather than in a face-to-face meeting with their opponents.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

- . Technical problems;**
- . harder to establish rapport with the parties;**
- . some parties may fear reduced confidentiality.**

9. *What would you expect of an ideal technological platform for ODR?*

Stable, non-expensive, easy to access, secure.

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

. Numerous disputes between individuals and companies arising within an online business and other private communication.

. I believe that parties to lease agreements and many other commercial agreements affected by the pandemic and by related restrictions and hardships can conduct online their negotiations to adapt contracts to changed circumstances. Mediators can be helpful in this regard as well.



18.05.2020 Spain , Rosa Perez Martell

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

b. No

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

b. No

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

b. Yes, but hearings are suspended.

5. *are you able to send mediation agreements for endorsement by the Courts?*

b. No

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.):*

ZOOM , Microsoft Teams.

7. *If you conduct online mediation, what do you describe as its advantages?*

Convenient, can be conducted in any place.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

Problem to be sure of confidentiality.

9. *What would you expect of an ideal technological platform for ODR?*

Guarantee of security of user data, access of persons concerned by mediation, ease of use.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

A lot of problems. For example, resulting from unhealthy conditions.



27.04.2020 Spain , Eugenia Ruiz Alvarado

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

b. No

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

d. Figures have not been published.

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

b. No

5. *are you able to send mediation agreements for endorsement by the Courts?*

a. Yes, but hearings are suspended.

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)*

Whichever the parties are familiar with.

7. *If you conduct online mediation, what do you describe as its advantages?*

No commuting, no transportation, ergo higher availability.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

Presence is highly appreciated by clients, creating the right atmosphere is harder.

9. *What would you expect of an ideal technological platform for ODR?*

Sound and image highest quality for multiple users; user friendly.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

Essentially reducing post-Covid saturation of courts and Tribunals.



12.04.2020 Tunisia , Mohamed Lassâad Haj-Taieb

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

a. Yes

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

b. No

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

c. Only partially

5. *are you able to send mediation agreements for endorsement by the Courts?*

c. I never send agreements to the Courts

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.):*
n.a.

7. *If you conduct online mediation, what do you describe as its advantages?*

**. It facilitates cross-border mediation ;
. it makes the mediation faster, as the presence of the litigant parties is unnecessary.**

8. *If you conduct online mediation, what do you describe as its disadvantages?*

It has no disadvantages.

9. *What would you expect of an ideal technological platform for ODR?*

Simple access

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

It may overcome the closure of the civil and commercial courts decided among the lockdown measures taken by the Government following the pandemic outbreak.



13.04.2020 Ukraine , Alina Serhieieva

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

b. No

2. Did the coronavirus situation increase the amount of online mediations in your country?

a. Yes

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

b. No

4. Are the Courts in your country operating as usual?

a. Yes

5. Are you able to send mediation agreements for endorsement by the Courts?

b. No (we don't have this opportunity)

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.):

Zoom, Skype, Hangouts

7. If you conduct online mediation, what do you describe as its advantages?

The possibility of carrying it out in a pandemic and when the parties are in different cities or countries.

8. If you conduct online mediation, what do you describe as its disadvantages?

A matter of confidentiality, as working with emotions may not be as effective.

9. What would you expect of an ideal technological platform for ODR?

Confidentiality resolution, convenient algorithms for working with video communications.

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

During the COVID-19 pandemic, tension in relations among families, workers and employers is increasing, now mediation and its skills could be very relevant in these areas. Consultation of mediators would also be useful for the government, since their decisions and statements about restrictions are often perceived by citizens as wary and aggressive (for example, such as mandatory observation).



25.04.2020 United Kingdom , Henry Minto

1. Frontal mediation: are you allowed to conduct traditional mediation in your office?

Assume you mean face to face? No in Covid situation.

2. Did the coronavirus situation increase the amount of online mediations in your country?

a. Yes

3. Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?

b. No

4. Are the Courts in your country operating as usual?

Online - I do not get involved with Courts.

5. Are you able to send mediation agreements for endorsement by the Courts?

a. Yes

6. If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)

Zoom Microsoft Teams Skype Face Time telephone.

7. If you conduct online mediation, what do you describe as its advantages ?

Quick no travel get to the nub of the matter more quickly.

8. If you conduct online mediation, what do you describe as its disadvantages ?

Difficult re eye contact and interpreting body language - more challenging to concentrate and focus.

9. What would you expect of an ideal technological platform for ODR?

Zoom is the best available but make sure you lock the meeting.

10. What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?

All problems can be solved - business as usual !



29.04.2020 Uzbekistan , Maksud Karaketov

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

b. No

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

c. We don't practice online mediation in our country.

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

c. Only partially.

5. *Are you able to send mediation agreements for endorsement by the Courts?*

c. I never send agreements to the Courts (but theoretically it is possible).

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.)*

Probably Zoom.

7. *If you conduct online mediation, what do you describe as its advantages?*

Time and additional cost saving.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

Technical difficulties (access to internet).

9. *What would you expect of an ideal technological platform for ODR?*

A platform which is easily accessible and user friendly.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

Commercial and labour issues.



11.04.2020 Vietnam , Hoang Linh

1. *Frontal mediation: are you allowed to conduct traditional mediation in your office?*

c. Yes with some restrictions (only registered mediator/mediation centre are allowed to mediate).

2. *Did the coronavirus situation increase the amount of online mediations in your country?*

c. We don't practice online mediation in our country.

3. *Did the authorities publish guidelines for online mediation (such as how to exchange signatures, how to present documents, how to conduct joint sessions and caucuses)?*

b. No

4. *Are the Courts in your country operating as usual?*

a. Yes (only litigants, their lawyers and other case-related people are allowed to appear in the court room).

5. *Are you able to send mediation agreements for endorsement by the Courts?*

a. Yes

6. *If you conduct online mediation, which platform do you use (like Zoom, Skype, Hangouts etc.):*
A platform that could help parties and their mediator to communicate face-to-face. Maybe Zalo is good enough.

7. *If you conduct online mediation, what do you describe as its advantages?*

Online mediation can cut off travel expenses and save time for parties and mediator.

8. *If you conduct online mediation, what do you describe as its disadvantages?*

It is not formal enough which may raise some suspicions when the court consider to enforce mediated settlement agreement (MSA); also, is its hard to create an writing for MSA with signatures of parties. This may require some computer knowledge.

9. *What would you expect of an ideal technological platform for ODR?*

A platform that helps parties and mediator communicate directly and make a document with electronic signatures. This platform must also be recognized by the court of the state.

10. *What problems can be solved, or reduced, by the use of mediation during the COVID-19 pandemic?*

It seems like mediation can settle the disputes relating to force majeure clause in commercial contract.