

Newsletter 8 of MEDIATS project Late October-Early December 2020



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Creation of Mediation Federation of Ukraine

Mediation Federation of Ukraine



On 26 October 2020, within the frameworks of the Erasmus+ project «Mediation: Training and Society Transformation/ MEDIATS», the final stage of registration of the Non-Governmental Association «Mediation Federation of Ukraine» took place, abbreviated to NGA «FMU».

The founders of NGA are «KROK» University and NGO «Alumni Association of KROK» University». The statute of NGA «FMU» was approved by the decision of the Management Board of the NGA «Mediation Federation of Ukraine» on 28 September 2020.

The main goal of the Federation is development and support of the functioning of the effective mediation system of the legal system institute in Ukraine, competitive with state courts; development of mediation culture in Ukraine; ensuring the availability of mediation services to all individuals, legal entities, groups of persons.

MEMORANDUM OF UNDERSTANDING AND COOPERATION between PUBLIC ASSOCIATION " MEDIATION FEDERATION OF UKRAINE" and YURIY FEDKOVYCH CHERNIVTSI NATIONAL UNIVERSITY



On December 4, 2020 a significant event took place both in the development of the future organization of training mediators and in the spread of the culture of mediation in the Ukrainian society. So, within the framework of the grant project **“Mediation: Training and Society Transformation / MEDIATS”** of the EU ERASMUS +: KA2: CBHE Program and in order to improve the training of specialists of alternative methods of resolving disputes in Ukraine, primarily mediators, the rector of **Yuriy Fedkovych Chernivtsi National University professor Roman PETRYSHYN signed a Memorandum of Understanding and Cooperation with the Public Association ” Mediation Federation of Ukraine”** in order to confirm the mutual desire to cooperate, coordinate and unite their efforts to a) promote the values of mediation and alternative dispute resolution in general in Ukrainian society; b) improving the conditions for the implementation of the educational and professional program “Mediation” at the Yuriy Fedkovych Chernivtsi National University; c) development of cooperation with the ” Mediation Federation of Ukraine”. Such cooperation will be based on the principles of mutual equality and mutual benefit. The parties will explore opportunities for interaction in various educational, research and scientific initiatives in areas of mutual interest. This collaboration potentially includes the following:

- implementation of new and improvement of existing educational programs and working curricula;
- assistance in improving the system of training and retraining of professional mediators;
- promoting internships for students and teachers in the field of mediation;
- involvement of scientists and specialists in solving urgent scientific and practical problems in the field of mediation in the interests of the whole society;
- joint research and grant projects on the above-mentioned topics;
- joint legal education events, trainings, round tables, conferences, etc.;
- maintaining a professional register of mediators in Ukraine;
- promoting the unification and standardization of the professional activities of mediators and the training of mediators;
- assistance in the dissemination and popularization of the values of mediation in Ukraine;
- assistance in the implementation of projects, programs and activities aimed at improving the methods and techniques of mediation;
- promoting educational activities to spread the culture of alternative (out-of-court) conflict resolution and promoting mediation as a value.

The main direction of this cooperation is an agreement on the coordination of goals, objectives, and activities to create favorable conditions for the development of mediation as a culture and the widespread use of alternative methods of resolving disputes in Ukraine.

International Mediation Centre of KROK Business School



The International Mediation Center (IMC) began its work in October 2020. The prerequisite for the creation of the center was the experience of the KROK Business School team participating in the EU international project Erasmus + MEDIATS, which is designed to help educational institutions become key players in facilitating mediation processes in Azerbaijan, Georgia and Ukraine to strengthen democracy and objectively solve problems by acquiring the best European practices.

Thanks to its participation in the project, the KROK Business School launched a master's program "Mediation and Conflict Management" and began its implementation, established partnerships with organizations developing mediation in Kazakhstan, Kyrgyzstan and Belarus, organized online conferences and other events to develop a culture of mediation in Ukraine.

The aim of the International Mediation Center is:

- development of mediation as a type of activity for solving problems in various fields, such as commercial, labor mediation using non-violent communication,
- exchange of experience with international partners, conducting research in mediation,
- provision of training and certification services for the training of professional mediators;
- maintaining a register of mediators;

KROK Business School invites partners to cooperate for joint research, creation of promising projects involving the popularization and development of mediation, the formation of a culture of dialogue, the training of qualified mediators for different countries and tasks.

News from ISU

On October 12 and 17, 2020 within the framework of the ERASMUS + Project „MEDIATS: Training and Society Transformation“ a lecture was delivered to students of the updated Master’s program in private (business) law by the Chairman of the Georgian Mediators Association, Mediator, Irakli Kandashvili on a new alternative dispute resolution mechanism, mediation. During the lecture, students were provided with the complete information about the essence and nature of mediation, the forms of mediation, and the role and importance of a representative in the mediation process.



On November 25, 2020, within the framework of the ERASMUS + Project "Mediation: training and society transformation/ MEDIATS" a public lecture on “Mediation – An alternative dispute resolution Mechanism in Georgia” was held for students and any other interested persons. The public lecture was organized by ISU and BSU. The speakers were Chairman of the Georgian Mediators Association, mediator, Irakli Kandashvili and Lasha Kalandadze, a member of the GMA and internationally accredited mediator by the Centre for Effective Dispute Resolution (CEDR).

A recorded video lecture can be found here:

https://drive.google.com/file/d/1dv0IKGWawCHsXsWMAS0e_CYJf0-mT6na/view

Also, you will find this news on ISU website:

<https://iliauni.edu.ge/en/iliauni/units/developmentoffice/siaxleebi/public-lecture-on-mediation-an-alternative-dispute-resolution-mechanism-in-georgia.page>

About the Mediation Program at BSU

Batumi State University is in the process of developing the short-cycle programme in Mediation, the working team has developed 12 educational courses, 5 ECTS credits for each course. 8 new courses have been developed in the frames of MEDIATS projects and 4 courses have been renewed.

The council of the LIFE LONG LEARNING CENTER OF BSU is now working on adopting the new programme in Mediation and as soon as it is approved, the university will announce the call for registration.

News from KHAZAR

Week of Mediation Enlightenment



Khazar University announces a *Week of Mediation Enlightenment* to be held from December 14 to 18. Within the Week of Mediation Enlightenment instructors of Khazar University and invited speakers will offer public lectures entitled.

- Europeanization of judiciary systems via Mediation services
- Mediation in Employment Disputes
- Conflict Management and Negotiation
- Mediation: Another Method for Resolving Dispute
- Family Mediation

Each of the above-mentioned events will be announced on the university website, highlighted on social media, and with photos will be covered in university news, a monthly magazine, as well as MEDIATS Newsletter.

MEDIATS Project Member Gains the Right to Act as Mediator



Malak Karimova, Coordinator of the Psychology Department at Khazar University, participated in the initial training courses from May 26 to August 13, 2020, in accordance with the regulations on “Training and Professional Development of Mediators” and successfully passed the final exam officially gaining the right to act as a mediator. The training was organized by the Mediation Council in cooperation with the European Union Delegation in Baku and took place at the Academy of Justice. The training was delivered by international experts Ruslan Mirzayev and Adi Gavrilla.

The trainers explained theoretical issues related to the mediation process and supported the learning process through practical exercises and role-playing games. Following the completion of the training and exam session, a certificate award ceremony was held with the participation of Kestutis Jankauskas, Head of EU Delegation in Azerbaijan; Elchin Khalafov, Acting Rector of the Academy of Justice; and Ruslan Mirzayev, Acting Chairman of the Mediation Council.

About the Mediation Program at Khazar

Due to the COVID19 pandemic, the war, and surprisingly the regulations of the Mediation Council we have faced a challenge on our master's degree. As you know last academic year the Ministry of Education accredited *MBA in Mediation* program and followingly announced the admission to the program.

However, due to the regulations of the Mediation Council - **mediators should be above 25 years old & the right to act as a mediator could be granted for those with 2 months of training offered only by the Mediation Council** - the program failed to attract interested candidates in Mediation. Nevertheless, the program succeeded to enroll 1 student. But with the start of the war, the student decided to freeze his studies, and thus, the program has been frozen for this academic year as well.

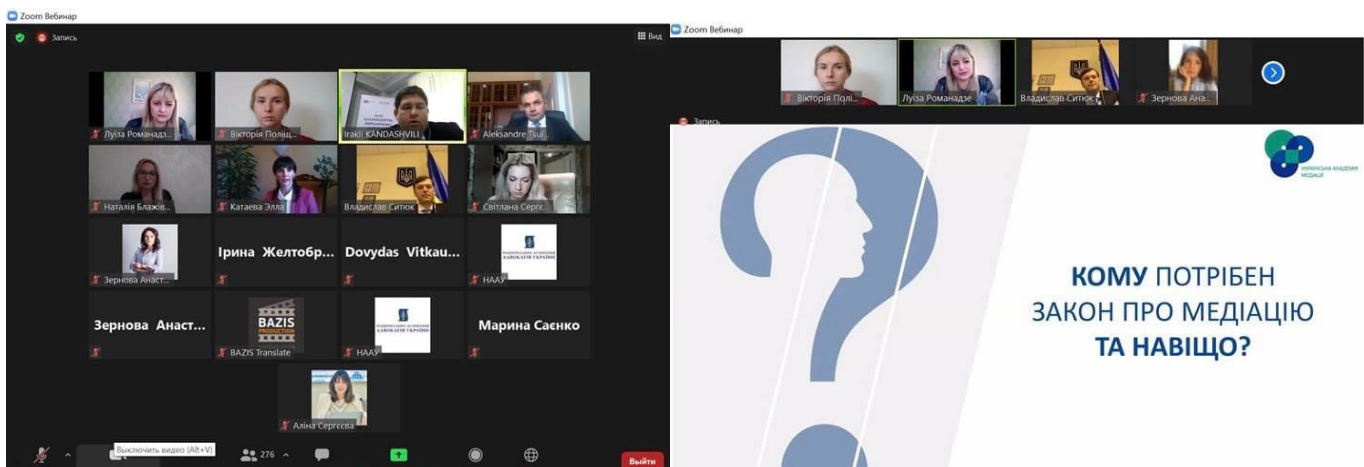
Therefore, as a way out of the situation we propose to offer optional/elective courses in Mediation in the Spring Semester for the students majoring in MBA, Psychology and Conflict Studies. It is also worthwhile to stress that mediation is a new field of study in the education sector of Azerbaijan and there is temporarily less demand in the labor market for mediators.

Meanwhile, the promotional campaign in Spring 2020 will be intensified, and a new call for admission to the master program for the next academic year will be launched through the Ministry of Education of the Republic of Azerbaijan.

KROK representative participated at International forum

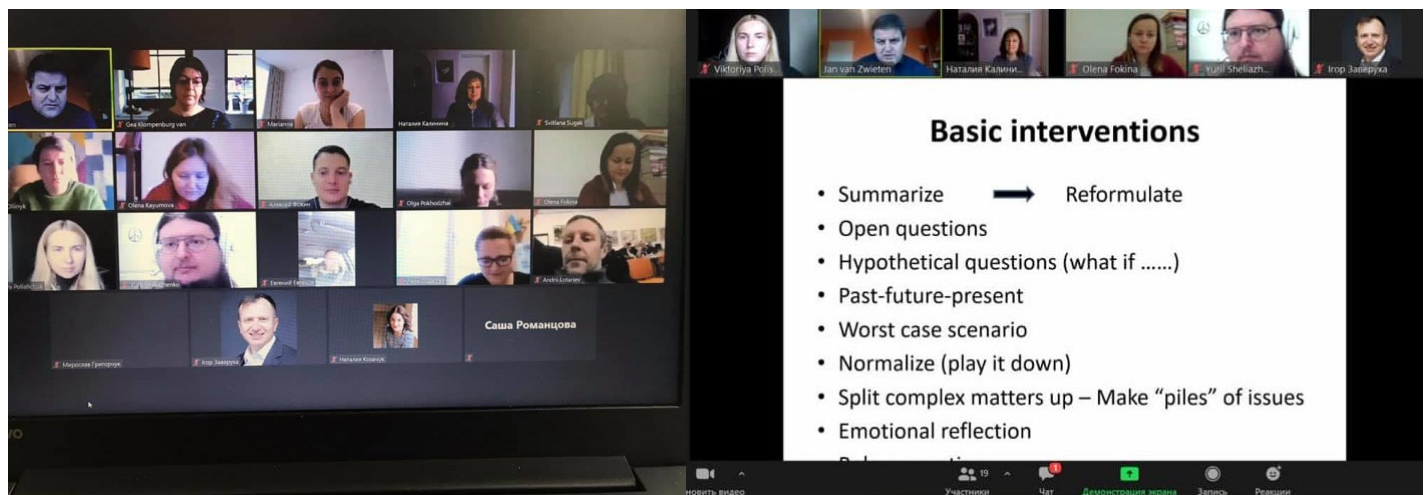
Alternative Dispute Resolution in the Context of International Experience and the Mediation Bill

On November 6 2020 **Victoria Polishchuk**, lawyer, member of the Mediation Committee at Ukrainian National Bar Association, mediator, lecturer at the Higher School of Advocacy, student of Master Degree Program in Mediation at KROK Business School, participated at International forum "Alternative Dispute Resolution in the Context of International Experience and the Mediation Bill" and delivered the presentation on "Alternative Dispute Resolution".

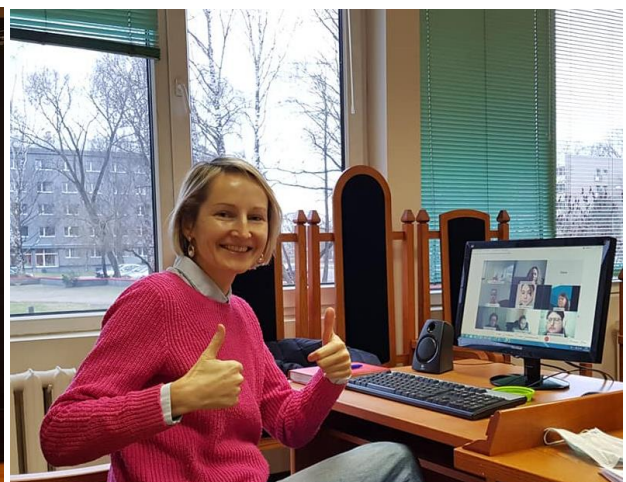
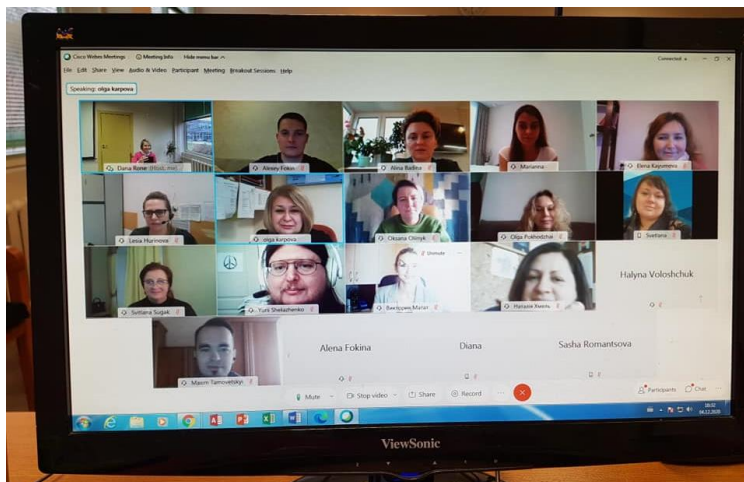


Experts from NLBA and Turiba conduct lectures for students

Within the period November-December 2020 Jan van Zwieten, rector of NLBA, experienced mediator, who provides many training courses in the field of mediation, coaching and conflict management, Gea van Klompenburg, the trainer of NLBA, an experienced mediator specializing in family court and criminal proceedings mediations, are conducting lectures for the students of KROK University in Mediation Coaching and International Mediation Standards.

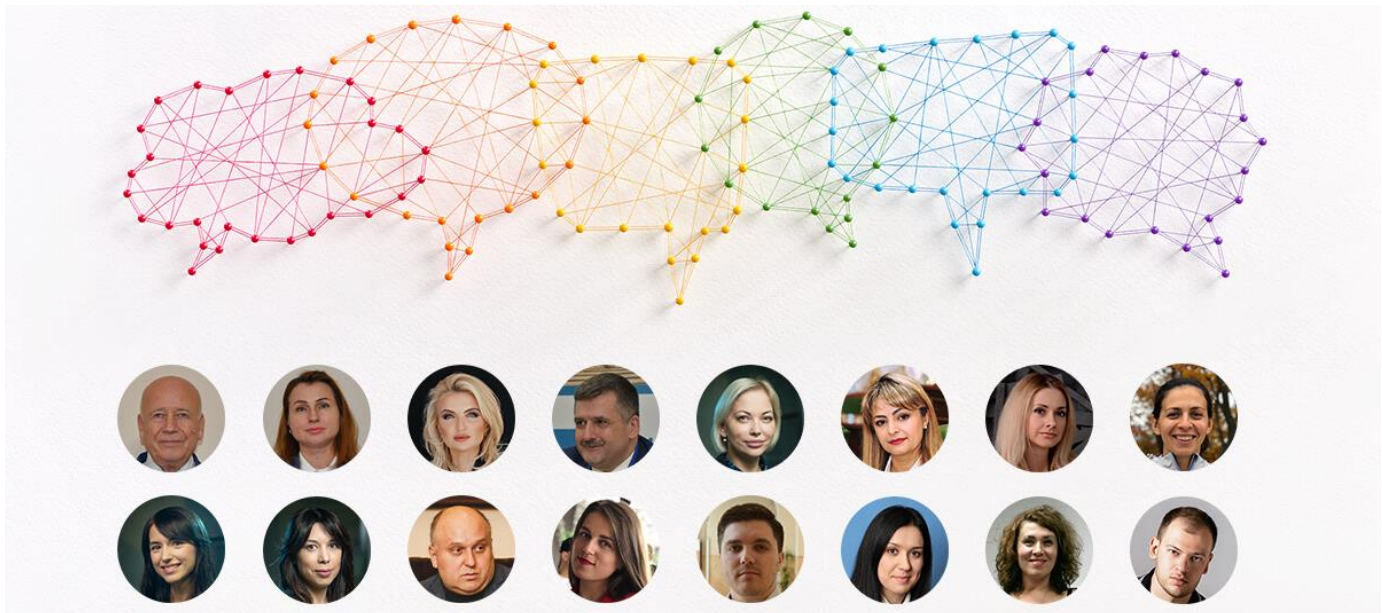


Dana Rone, academic coordinator of MEDIATS project of Turiba University, certified mediator, lecturer is conducting the lectures on “Normative regulation of mediation. International mediation standards. Ethical standards.” for the students of 3 Ukrainian HEIs. From her words on Facebook:” the most wonderful students and teachers from Ukrainian Universities participated in mediation studies practicing creative visual techniques and piruette of useful mediation techniques”. Dana kindly offered the mediation training videos, that you can find following the link: <https://mediation.turiba.lv/index.php?id=43>



**Results of implementation of 2 projects were discussed
at the online roundtable**

**“SC 8 of the sectoral master’s standard of specialty 081 Law: from a normative
structure to implementation in the educational process.”
with participation of CHNU, KROK, KKNU**



The Faculty of Law of the Yuriy Fedkovych Chernivtsi National University initiated **an online roundtable** held together with the Chernivtsi, Kharkiv and Odesa regional councils of justice reforms of EU Project “PRAVO-JUSTICE”, with the participation of several law schools, partners of the EU ERASMUS + KA2 Program “Mediation: Training and Society Transformation”, on issues of discussion and development of common approaches to the implementation of SC8 – *the ability to use mediation and other legal instruments of alternative out-of-court consideration and resolution of legal disputes* of the aforementioned standard.

The event took place on December 3, 2020, and aroused keen interest among most of its participants. The need to hold this round table was due to several factors, primarily the entry into force from 01.09.2020 the sectoral standard of higher education in specialty 081 Law to the second (master’s) level of higher education and a very different, to the contrary, interpretation of the role, content and significance of this standard for the professional training of lawyers by various subjects of the educational process.

An extremely useful, pragmatic orientation to the work of the entire round table was set in the opening speech by one of its moderators, professor **Andriy Boyko**. He outlined a methodological matrix for the following discussions. The quintessence of this matrix was to remind those present that a lawyer is a specialist in the application of law, and therefore **the implementation of SC 8 is designed to ensure the formation of basic knowledge, skills and abilities in the field of ADR of law students, to form their**

ability to use mediation and other legal instruments of alternative out-of-court consideration and resolution of legal disputes. It was also noted that **we are talking about the primary skills of mastering the ability to apply ADR, without which a lawyer cannot be a real specialist in the application of law.**

The head of the Department of Public Law, Doctor of Law, prof. **Ruslana Havrylyuk** briefly, but quite fully and comprehensively told the audience about the experience of the Faculty of Law of the ChNU in the implementation of the SC 8 master's standard. She noted that the proper mastering by a law student of the SC 8 master's degree sectoral standard does not give him the right to practice as a professional mediator. At the same time, it is impossible to be a modern lawyer of the European type and successfully protect human rights and fundamental freedoms without mastering the SC 8 of sectoral master's standard. Ruslana Havrylyuk also noted that within the framework of the grant project of the EU ERASMUS + KA2 Program "Mediation: Training and Society Transformation", also at the faculty there is a training for lawyers – professional mediators under the educational and professional program "Mediation".

Pavlo Bartusiak, assistant of the Department of Public Law, familiarized the discussion participants with the specifics of the EPP "Mediation".

During the discussion of the speeches, the participants of the round table expressed many valuable specific proposals and methodological comments on the "decoding" of the content of the SC 8 of the sectoral master's standard. So, Doctor of Law, prof. **Nataliya Kovalko** revealed the peculiarities of the implementation of SC 8 by Taras Shevchenko National University of Kyiv, and Ph.D., Assoc. Prof. **Victor Savchenko** revealed the peculiarities of the implementation of SC 8 by the V.N. Karazin Kharkiv National University. No less interesting was the approach to the implementation of SC 8 by the Kyiv National University of Trade and Economics, which was highlighted by Doctor of Law, prof. **Natalia Mazaraki**. The vision of the implementation of this standard by individual departments of the Yaroslav Mudryi National Law University was presented by Ph.D., Assoc. Prof. **Tetiana Tsuvina**. Ph.D., Assoc. Prof. **Inna Dolyanovska** revealed the peculiarities of the implementation of SC 8 by KROK University. Most of these proposals were focused in one line with the SC 8 paradigm, formulated at the beginning of the round table by professor **Andriy Boyko**.

However, there were also opposite statements and assessments, that lawyers in their wording of the content of the SC 8 of the sectoral master's standard "monopolized" (seek to "monopolize") mediation or even that they became some kind of mythical "threat" to professional mediators and mastering the competence of ADR within other specialties. I will frankly tell the bearers of such views, which fears are far-fetched, that they did not understand in its entirety and versatility the specialty of a lawyer as an activity to protect human rights and fundamental freedoms. ADR, including mediation, are innovative effective tools for the implementation of this mission by lawyers, but by no means a separate type of entrepreneurial activity for them to provide paid services in the field of out-of-court settlement of conflicts and disputes.

In conclusion, on my own behalf, I consider it necessary to add that the **attributive part of the subject of SC 8 of the sectoral master's standard of specialty 081 Law should be a deep mastery by master**

students of such concepts as: mediation as a European and universal value; mediation as a worldview and approach to the settlement of disputes and conflicts; mediation as a type of social culture and a way of coexistence of individuals in society.

The round table was another positive step on the way from the model construction of a law training standard to its pilot implementation.

Implementation of the Grant Project “MEDIATS” at CHNU moved to the stage of “bearing fruit”



Success is measured in various quantities – in the duration or length of the path overcome, in the quantity and quality of results achieved, in the nature and depth of changes in society or its individual structural elements, and so on. Obviously, the latter criterion is the most suitable for assessing the implementation of the Yuriy Fedkovych Chernivtsi National University Grant Project “Mediation: Training and Society Transformation (MEDIATS)” of the EU ERASMUS+ KA2: CBHE Program.

Until recently, the mere mention of this Project stirred the imagination of the University academic community and the general public, aroused the concern of its direct executors from the University – the Project Group of Department of Public Law, gave rise to a sense of belonging to a great common goal – to develop innovative tools.

The growing number of specific cases, the positive changes over time achieved by its direct executors, the University, Ukraine as a whole within the Project, the sharpness of the unusualness, innovation of everything related to it, gradually changed the everyday perception of activities within the MEDIATS Project. Perhaps it's natural state. But sometimes it does not allow you to see the real highlights in everyday life.

One of the many such highlights in the training of students of the Master Degree Program in Mediation of the Yuriy Fedkovych Chernivtsi National University was a two-day online training on “Mediation in Family Disputes” on November 5-6, provided by one of the mediation gurus in Ukraine, Olha Tiutiun. By the way, for a number of years, she has been taking the most active part in the formation of the Chernivtsi School of Mediators, in the professional training of masters-mediators of the Law Faculty of the Yuriy Fedkovych Chernivtsi National University.



The above-mentioned online training “Mediation in family disputes” was conducted in a special format, which consists of interactive learning of theoretical knowledge, development of mediator competencies in practical exercises and role-playing games with individual feedback, discussion of specific situational exercises in small groups, simulation work, practice the skills of a mediator. With this format, students, future mediators, formed a holistic vision of the procedure of family mediation, a system of theoretical knowledge in the field of family mediation, and a system of skills, their application in practice, practiced the skills of an effective family mediator.

Master's students have learned: to create an atmosphere conducive to mediation and promote communication and interaction between the parties; to understand the peculiarities of mediators' interaction and acquired skills of work in co-mediation; to understand better the specifics of family conflicts and the peculiarities of mediation in them; to be aware of their achievements and the necessary areas of professional growth.

Also, they practiced skills involved in the mediation procedure, initiating mediation, preparation for mediation, research of the interests of the parties, the basics of communication, techniques of active listening in the work of the mediator, the rules of conflict-free communication.

The trainer organized interesting work in groups conducted simulations based on cases, which ended with active and interesting discussions.

Increasingly, mediation in Chernivtsi is taking root, becoming a daily affair, transforming into a popular tool for effective conflict resolution in society.