

REQUIREMENTS TO BECOME AND BE A MEDIATOR IN LATVIA

Nr.	QUESTION	INFORMATION
1	Who can be a mediator? Normative regulation	<p>In civil cases there are two types of mediators in Latvia – certified mediators and other mediators. Both categories of mediators may provide mediation services, however the court can recommend the parties to settle their dispute at a certified mediator. However the parties are free to choose whether a certified mediator or mediator. Only certified mediators are admitted to the General Meeting of the certified mediators as provided in Latvian Mediation Law.</p> <p>For criminal cases according to Article 381 of the Criminal Procedure Law in the case of a settlement, an intermediary trained by the State Probation Service may facilitate the conciliation of a victim and the person who has the right to defence. However also other persons, not only mediators trained by the State Probation Service may help in the mediation process, even advocates or other third parties.</p> <p><u>Mediation in Latvia is mostly regulated in 4 normative enactments:</u></p> <ol style="list-style-type: none"> 1) Mediation law: adopted on May 22, 2014, which came into force on June 18, 2014. 2) Civil Procedure Law: adopted on October 14, 1998, which came into force on March 1, 1999. 3) Criminal Procedure Law: adopted on April 21, 2005, which came into force on October 1, 2005. 4) Cabinet of Ministers Regulations No. 433 as of 05.08.2014. “Certification and attestation order of mediators”.
1.1	Definition of mediator / certified mediator / mediator in criminal cases	<p>A mediator is a natural person selected freely by the parties who has agreed to conduct the mediation.</p> <p>A certified mediator is a mediator who in accordance with the procedures laid down in the laws and regulations has acquired mediation and received a certificate which gives the right to be included in the list of certified mediators.</p>
1.2	Which legal norms regulate becoming a mediator?	<p>A Mediation law and the Cabinet of Ministers Regulations No. 433 as of 05.08.2014. “Certification and attestation order of mediators” contain rules on how to become a mediator in Latvia.</p>

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1.3	Can anyone be a mediator? Are there certified / registered and non-certified / non-registered mediators	There are two types of mediators in Latvia – certified mediators and other mediators. There are no legal requirements for mediators without certificate. For certified mediators there are many requirements regarding admission, practice and repeated attestation.
1.4	Are there civil law / criminal law / other divisions of mediators?	Linguistically the term “mediator” and “certified mediator” is used for civil and administrative law cases. For criminal cases the legal term of “conciliator” [izlīguma vadītājs] is used. Further in this questionnaire replies about civil and administrative law mediators will be given (because criminal case mediation or so called conciliation is specifically regulated in the Criminal Procedure Law).
2.	Requirements raised towards mediator	The following requirements are raised for certified mediator:
2.1	Age	25 years of age
2.2	Reputation	Impeccable reputation
2.3	Education	A person has acquired an education document attesting a State recognised higher education
2.4	Knowledge of languages and level of knowledge	Is fluent in the official language (Latvian) at the highest level.
2.5	Previous learning (hours of courses in mediation, which courses)	A person has attended a mediator’s training course in total amount of 100 hours.
2.6	Necessity of registration / certification	A certified mediator must have obtained a mediator’s certificate.
2.7	Prohibition to be criminally convicted / in the status of suspect in the criminal case:	A certified mediator may not be a person who has been convicted of committing an intentional criminal offence or against whom criminal proceedings for committing an intentional criminal offence have been terminated for reasons other than exoneration, or who is a suspect or accused in a criminal matter.
2.8	Prohibition to work as a mediator according to the judgment of court	A certified mediator may not be a person who in accordance with a judgment of a court may not provide mediation services.
2.9	Other requirements / prohibitions (recommendations, previous practice, CV, etc.)	A candidate mediator must submit the CV as one of the documents before applying for mediation exam.

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3	Institution certifying mediators	
3.1	Name of the institution certifying mediators	A Commission of Certification and Attestation of Mediators organizes the exam.
3.2	Supervision of the institution certifying mediators	A Council of Mediators and the Ministry of Justice is supervising the Commission of Certification and Attestation of Mediators.
3.3	Contents of the institution certifying mediators	The Commission of Certification and Attestation of Mediators consists of 5 members: 1) a representative of the Ministry of Justice; 2) district (city) court and regional court judges; 3) a representative of the academic staff of institutions of higher education; 4) a representative of the Council of Certified Mediators. The chair of the Commission shall be a representative of the Council of Certified Mediators.
3.4	Restrictions for members of the institution certifying mediators (family ties, professional ties, etc.)	There are no restrictions, however at the moment of review of cases or exam results the members shall obtain from voting in the case of bias.
4	Process to become a certified / registered mediator	
4.1	Where and when to apply to become a certified / registered mediator?	The Council of Certified Mediators accepts documents from persons willing to become certified mediators and to participate in exam of certified mediators. The Council is based in Riga, Latvia.
4.2	How often per year certification / examination process of candidate mediators proceed?	Exams of certified mediators are organized once per year. Usually application process starts in August, and the exams are organized in September and October.
4.3	Payment to become a mediator	The fee for participation in exam is EUR 205.
4.4	Documents to be submitted to become a mediator	The candidate shall submit the following documents: 1) CV (in the form of Europass); 2) documents proving education level; 3) documents proving the highest level of the Latvian language;

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		<p>4) documents proving attendance of mediation courses at least in amount of 100 hours;</p> <p>5) written confirmation that the candidate confirms requirements of the Mediation law and that there are no restrictions to become a certified mediator;</p> <p>6) document confirming payment of the state fee EUR 205.</p>
5	Contents of the exam for mediators	
5.1	Written or oral exam	The first 2 parts of the exam are written. The 3 rd part is a mock mediation sessions which is oral.
5.2	Number of parts of exam	There are 3 parts. In the 1 st part the candidate answers multiple choice questions. If the result is positive, the candidate does the 2 nd part of the exam writing 2 short essays about mediation topics. If the result is positive, the candidate does the 3 rd part of the exam acting like mediator in a mock-mediation session with 2 persons (role players) and leading mediation process according to the case distributed by the commission.
5.3	Possible themes in the exam	<p>In the first 2 part of the exam the candidate shall know the following themes:</p> <ol style="list-style-type: none"> 1) Theoretical basis of mediation and legal regulation; 2) types of analysis and management of conflict; 3) methods and tools in mediation; 4) mediation ethics and principles of mediation process; 5) protection of children in mediation.
5.4	Statistics of previous exams	<p>In the first year of admission – 2014, the interest of candidate mediators was the largest. Over 100 candidates applied for the exam. Admitted were 24 certified mediators, thus showing 1/3 success rate.</p> <p>In the second year of admission – 2015, the interest was lower and 14 certified mediators were admitted, also with success rate of 1/3.</p> <p>In the third year of admission – 2016, the interest rate continued to drop and 6 certified mediators were admitted.</p> <p>In the forth year of admission – 2017, there were admitted 7 certified mediators.</p> <p>In the fifth year of admission – 2018, there were admitted 4 certified mediators. The success rate continue to be approximately 1/3 of the all number of applicants.</p>
5.5	Rules of behaviour during examination	The candidates may not use any supplementary tools. The work is independent. There may be no talking in the room, no assistance, no cheating.
5.6	Length of examination	Each part of the exam lasts 1 hour.

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5.7	Other information about examination	The 1 st part is passed if the candidate has correctly answered to at least 22 questions (of 30). The 2 nd part is passed if the candidate has received the average mark of 7 (of 10). The 3 rd part is passed if the candidate has received the average mark of 7 (of 10).
6	Mediator's certificate (form, contents, validity term)	A certificate is a written document issued and signed by the Council of Certified Mediators, which is valid for 5 years.
7	In which cases certificate of the mediator is annulled / stopped?	The certificate is annulled if the mediator asks to exclude him/her from a list of certified mediators, or if the mediator is excluded from certified mediators on the basis of the decision of the Council of Certified Mediators.
8	Obligations of the mediator	
8.1	Towards supervisory institution of the mediators (participation in annual meetings, annual payment to the mediators' supervisory institution, etc.)	A certified mediator shall obey the law, code of ethics for the mediators and to pay annual fee for the Council of Certified Mediators. Certified mediators are obliged to attend further education studies and seminars, gathering at least 100 hours of studies in 5 years' time.
8.2	Towards clients in mediation (working in accordance with rules, principles, code of ethics, conclusion of agreement with client, issue of certificate about participation in mediation, etc.)	A certified mediator shall obey the law, code of ethics for the mediators, mediation principles, and the contract with the client.
9	Supervision of mediators	
9.1	Institutions supervising mediators:	A Commission of Certification and Attestation of Mediators and the Council of Certified Mediators.
9.2	Review of complaints about mediators (statistics, typical complains, results, tendencies)	The Council of Certified Mediators receives a complain and that is reviewed by the Commission of Certification and Attestation of Mediators.
9.3	Are decisions of institution certifying mediators appealable and where?	Yes, they are appealable in the administrative court of Latvia.

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10	Process of repeated attestation of mediators (if any)	
10.1	Frequency of attestation.	Every 5 years certified mediators shall undergo attestation – a repeated verification of competence of mediators.
10.2	Payment for attestation	EUR 51.
10.3	Who organizes attestation? (Name of the institution)	A Commission of Certification and Attestation of Mediators and the Council of Certified Mediators.
10.4	Information and documents to be submitted for attestation	The following documents shall be submitted: 1) an application with a request to attest the mediator; 2) report about at least 15 mediation processes in the previous 5 years period of work, mentioning number of cases, types of disputes, specifics of conflict analysis; 3) documents confirming ongoing studies in the field of mediation not less than 100 hours in 5 years' time; 4) document confirming payment of state fee EUR 51.
11	Envisaged future developments in mediation	Currently the Cabinet of Ministers is preparing amendments to Regulations No. 433 as of 05.08.2014. "Certification and attestation order of mediators", adjusting rules for the first attestation process which will be in September 2019.

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