

REQUIREMENTS TO BECOME AND BE A MEDIATOR IN CZECH REPUBLIC

Nr.	QUESTION	INFORMATION
1	Who can be a mediator? Normative regulation	
1.1	Definition of mediator/ certified mediator / mediator in criminal cases	In the Czech Republic are 2 ways of mediation activity. Registered mediator and mediator who is not registered. The first one – registered mediator, as to fulfil some legal requirements that are stated below. Non-registered mediator doesn't have to fulfil anything, anyone can be non-registered mediator.
1.2	Which legal norms regulate becoming a mediator?	Law - 202/2012 Sb., mediation code
1.3	Can anyone be a mediator? Are there certified / registered and non-certified / non-registered mediators	Non-registered mediator can be anyone who has a general entrepreneur licence. He/she has to be 18 years at least, no criminal record. Registered mediator has to meet some legal requirements that are described below.
1.4	Are there civil law / criminal law / other divisions of mediators?	We have civil mediators without any legal specialisation, except family matters. There is a special exam for those mediators who want to be specialised for family matters and this exam follows the general mediation exam. On the other hand even registered mediator is allowed to make practise in the field of family mediation without specialization. There are special criminal mediators, but there is a special and official body – Probation and mediation service (<i>Probční a mediační služba</i>)
2.	Requirements raised towards mediator	
2.1	Age	No restriction, except point 2.3
2.2	Reputation	No restriction
2.3	Education	Master degree
2.4	Knowledge of languages and level of knowledge	No restriction
2.5	Previous learning (hours of courses in mediation, which courses)	No learning needed

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2.6	Necessity of registration / certification	Registered mediator has to pass mediation exam, which consists of theoretical part (30 questions) and practical part (role play of mediation for 1 hour)
2.7	Prohibition to be criminally convicted / in the status of suspect in the criminal case	No criminal record
2.8	Prohibition to work as a mediator according to the judgment of court:	This restriction consist of situation when someone was banned to mediation practice by Ministry of Justice
2.9	Other requirements / prohibitions (recommendations, previous practice, CV, etc.)	No special requirements
3	Institution certifying mediators	
3.1	Name of the institution certifying mediators	Ministry of Justice, The Czech Bar Association (for advocates)
3.2	Supervision of the institution certifying mediators	No special supervision
3.3	Contents of the institution certifying mediators	N/A
3.4	Restrictions for members of the institution certifying mediators (family ties, professional ties, etc.)	No restriction
4	Process to become a certified / registered mediator	
4.1	Where and when to apply to become a certified / registered mediator?	Candidate has send an application to the Ministry of Justice (non advocate candidate) and to the Czech Bar Association (advocates)
4.2	How often per year certification / examination process of candidate mediators proceed?	At least twice a year

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4.3	Payment to become a mediator	5.000,- CZK for each attempt
4.4	Documents to be submitted to become a mediator	Payment confirmation document Information about education, courses in mediation etc. Copy of Master degree diploma
5	Contents of the exam for mediators	
5.1	Written or oral exam	Written and oral exam
5.2	Number of parts of exam	2
5.3	Possible themes in the exam	Written – mediation and ADR, mediation techniques, fundamental rights and freedoms, civil commercial and labour law, family law, consumer protection rights, civil process and basics of psychology and sociology Oral – practical role play - civil, commercial, labour or family cases.
5.4	Statistics of previous exams	50% pass/ 50% fail No significant complains
5.5	Rules of behaviour during examination	No special rules
5.6	Length of examination	Written – 2 hours Oral – 2 hours
6	Mediator's certificate (form, contents, validity term)	Written document with verification of registration, no time limit
7	In which cases certificate of the mediator is annulled / stopped?	1) On his/her request 2) On the basis of significant or continuous breach of the law by the mediator. Ministry of Justice or Czech Bar Association can decide to cancel the registration.
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.)	No special obligations
8.2	Towards clients in mediation (working in accordance with rules, principles, code of ethics, conclusion of agreement with client, issue of certificate	As provided in <i>úprava v § 8 odst. 1 zákona o mediaci a 9.</i>

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	about participation in mediation, etc.)	
9	Supervision of mediators	
9.1	Institutions supervising mediators	Ministry of Justice – non-advocates, Czech Bar Association – advocates
9.2	Review of complaints about mediators (statistics, typical complains, results, tendencies)	No statistics so far. Most of the complains contain of bad attitude, strict behaviour or non communication with parties in the case of first meeting with mediator ordered by court.
9.3	Are decisions of institution certifying mediators appealable and where?	There is no decision in the matter of mediation yet.
10	Process of repeated attestation of mediators (if any)	No attestation so far
11	Envisaged future developments in mediation	<p>Mediation in the Czech Republic is starting to be integral part of civil procedure and is being used by courts more and more. Despite this fact most of the judges are still not able to evaluate whether the case is ready for mediation or not. Best future development that is starting now is to educate judges in this field of evaluation to achieve best use of mediation. Mediation is also widely used in the family matters, which is useful not only for families but also for relevant authorities.</p> <p>Ministry of Justice and the Czech Bar Association are currently working of some changes of legal frame of mediation to precise relevant legislation that will correspond to the current state of mediation, most of the changes consist in obligations of mediator, rights of parties and also financial matters.</p>

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