ADDRESS TO THE EUROPEAN INSTITUTIONS

FOR THE RECOGNITION OF ACCESS TO MEDIATION AS A NEW RIGHT OF EUROPEAN CITIZENS

1. Prologue

Social mediation was first defined by experts working together at the European Seminar in Créteil (September 200), in the presence of the Council of Europe.

The European projects ArleKin (Grungtvig, 2013 - 2016) and CreE.A (Erasmus, 2016 – 2019) have pursued the objectives of the Créteil meeting by creating a European area of mediation for social inclusion. For this purpose, the projects have been built on the sharing of experience and practices, on a discussion of studies and research within the social mediation field and on the consolidation of an ethical, deontological and professional reference framework. It brought together various stakeholders involved in the field: professionals, volunteer workers, university instructors, associative actors…

20 years after the Créteil seminar and at the closing of the project, all the stakeholders are to submit to the Council of Europe and to the European Union a proposal for the development of Recommendations/Directives establishing access to mediation as a right of any European citizen, based on the following considerations:

- The Council of Europe Committee of Ministers has issued recommendations for mediation related to judicial institutions: family mediation [Rec(98)]), mediation in civil matters [Rec(2002)10], mediation in penal matters [Rec99)19;
- The European Union has issued a series of directives related to civil and commercial mediation (directive 2008/52/CE), to consumer mediation (directive 2013/11/UE);
- Social mediation offers access to mediation in the social sphere independent of any institution or judicial procedures and processes;
- Law and Justice upon which our societies are built cannot regulate social life alone, unless all social relations are "judicialized";
- Social mediation is based on communication, dialogue and mutual understanding and not solely on standards and Law; it thus serves to complement regulations and ensure social cohesion;
- Identity-related tensions, the distrust of populations towards institutions and the increase in political violence represent a threat to social cohesion of European societies and put social mediation on the agenda as key lever to achieve a social and intercultural Europe promoted by the Council of Europe.

This proposal is primarily based on the definition of organizing principles of social mediation. On this basis, proposals can be submitted to the Council of Europe and the European Union to build a European area of social mediation.

2. Social mediation organizing principles

2.1. Contexts and challenges of social mediation

Considering that in many European countries, certain territories and in particular the most run-down neighbourhoods experience many difficulties that are exacerbated by the economic issues and unemployment faced by inhabitants.

Recognizing the specific characteristics of certain social issues: segregation, precarious situations, isolation, urban crime, inequalities in access to healthcare, education…

Recognizing the primary needs identified which require interventions around

- The breakdown of communication between some of the inhabitants and the institutions,
- The hardening of confrontational positions,
- The management and prevention of uncivil behaviours, violence and radicalisation processes,
- Establishing social relationships of vulnerable individuals or people from "visible minority groups",
- The fight against social exclusion and isolation, whether isolation is individual, psychological or community-based,
- Reclaiming (and ensuring safety) of all public spaces that require preventive, educational and mediation monitoring and "watch".

Aware that in many European countries, social mediation has been developed in various areas of intervention in which professionals and volunteers ensure in particular a close social presence, are dialogue facilitators or regulators for different social tensions.

Acknowledging that social mediation contributes to building relationships between inhabitants and between inhabitants and institutions at municipal or territorial level and contribute to facilitating the incorporation of the most vulnerable population groups.

Stressing the need to develop prevention schemes that contribute to restoring social links and foster "living-together" in various areas such as education, social inclusion, professional integration and security.

Stressing the need to promote access to mediation for all European citizens by the exercise of a fundamental right of a social democracy.

Stressing that exercising this right implies the existence of areas for mediation open to all citizens facing a social issue involving other persons or institutions.

Considering that most efforts to set up social mediation schemes cannot be solely ensured by civil society, by financially fragile citizen

initiatives or volunteer organisations. Schemes are built on the basis of a partnership with actors within a territory.

Public authorities cannot disengage themselves from their responsibility of promoting such schemes, which build citizenship, contribute to conflict resolution and "living together".

2.2.   Definition

The definition is based on the works carried out during the September 2000 Créteil Seminar. It includes a definition that serves as common reference for our recommendations

Social mediation is defined as a process for creating and reconstructing social links and resolving everyday conflicts, where an independent and impartial third party seeks to improve a relationship or resolve a conflict through the organisation of discussions between individuals or institutions.

 Social mediation thereby develops areas of mediation that are open to any citizen seeking a resolution to a problem relating to individuals or institutions. The area of mediation can be in the form of a well identified location. Areas of mediation also exist whenever social mediators, in whatever social space they operate, open a space for meeting and dialogue to improve relationships and resolve conflicts.

In these spaces and during discussions, social mediators implement arrangements for:
· reception/welcome, essential for establishing a relationship and treating the person as a whole;
· sympathetic listening;
· needs-oriented information and guidance, to help people initiate the problem resolution process;
· offering mediation services, when proved relevant to a situation.

Mediation is based on the social recognition of individuals considered in their entirety. Without this recognition, there is no mediation: it is at the same time a prerequisite and an outcome.

3. Proposals for action

Considering the recommendations of the Council of Europe and the directives of the European Union on judicial mediation (family mediation, mediation in civil and penal matters),

Considering the need to extend the use of mediation for European citizens, outside a judicial context,

Considering that access to mediation should be a right that strengthens and complements the European Social Charter which was developed by the Council of Europe, in particular the 6th, on the commitment of resources, budget commitment in particular, at State level as well as at EU level, to promote the sharing of best practices, the development of training for social mediators, the implementation of studies and research and their evaluation, and to support the most innovative experiences (…)

Considering the recommendations issued by the 2000 Créteil Seminar,

The stakeholders of the CreE.A project refer the matter to the Council of Europe and to the European Union to undertake a study:

3.1.Recommendations/directives to European States that are aimed at

3.1.1. Promoting access to mediation

States should promote the development of social mediation whether it is ensured by professionals or volunteers, through information programmes provided to the public so as to enable a better understanding of this form of amicable dispute resolution in cities or in neighbourhoods.

States should provide general information on social mediation to the public and to the people involved in conflicts.

States should provide information on mediation in the social sphere to professionals involved in the operation of justice, police, health, education systems…

3.1.2. Defining, if it has not yet been done, social mediation conditions for practice,
The conditions for practice concern in particular the conditions related to the qualification and training of social mediators, whether they are voluntary mediators or are employed as qualified mediators.

3.1.3. Support research and evaluation programmes

The Governments of the States should promote research on social mediation and the evaluation of this research.

3.2.   Actions at the European level

3.2.1. Creating a European platform for social mediation, with the following objectives:

a. provide information and studies on social mediation activities to all actors and institutions involved in social mediation;
b. undertake joint activities that help develop knowledge sharing by actors at European level;
c. develop, identify and disseminate studies, research and case analyses useful to stakeholders and researchers;
d. develop links between social mediation as implemented in Latin countries and similar forms of social intervention implemented in Northern and Eastern European countries.

3.2.2. Developing mediator training at European level

Training must be appropriately coordinated with the training that is provided within national and regional frameworks.