

THE HISTORY OF THE LEGISLATIVE FORMATION OF THE INSTITUTE OF MEDIATION IN UKRAINE

Mykola Lohvinenko,

PhD of Academic and Research Institute of Law, Sumy State University,
2 Rymskogo-Korsakova Str., Sumy, Ukraine, 40007
<https://orcid.org/0000-0002-5231-3610>

Iryna Kordunian,

Bachelor of Laws, Sumy State University,
2 Rymskogo-Korsakova Str., Sumy, Ukraine, 40007
<https://orcid.org/0000-0002-7279-9785>
irakordunyan16@gmail.com

Abstract. The article analyzes the legal acts governing mediation in Ukraine. Attention is paid to the stages of formation and legislative implementation of the institute of mediation. The way of formation of the Law of Ukraine on Mediation was studied, which includes the preconditions for its adoption, developed legislative initiatives, etc. The analysis of the adopted law, in particular its main provisions, has been carried out. The classification of legal acts regulating mediation in Ukraine, which includes three groups, was carried out. The first group includes sectoral legal acts, among which there are the laws of Ukraine and codes, such as the Criminal Code, and the Civil Code. The second one includes by-laws, most of which are strategies, plans, and concepts. And the third group includes judicial acts, for example, court decisions. The main legal documents regulating mediation in Ukraine were divided into these groups. The main provisions of these acts were studied. The article outlines the main terms related to mediation as a dispute resolution process, such as mediation, mediation agreement, etc. Attention was paid to the study of the activities of non-governmental and public organizations in the field of mediation development. It was determined that these non-governmental organizations play an important role in shaping the system of mediators by providing them with training and advanced training services. Another component of their activities is educational work, the purpose of which is to promote alternative procedures, explain their effectiveness and benefits, and increase public confidence in these methods.

Keywords: dispute resolution, intermediary organizations, judicial acts, legal acts, mediators, regulations.

INTRODUCTION

Today, the institute of mediation in Ukraine is at the stage of its formation. For many years, the main deterrent to the development of the institution of mediation remained the lack of legislation as a regulator of the mediation procedure. Although mediation is becoming

increasingly popular for dispute resolution in Ukraine, the lack of regulation has not solved a number of problems, primarily related to building public confidence in alternative dispute resolution. The level of trust is influenced by the awareness of citizens about out-of-court procedures, their features, and benefits. Given the effectiveness of mediation in foreign countries and the transformation of the vector of state policy of Ukraine in the direction of European and international standards, a period of change began in the country. Within the framework of the reform of the judicial system, the development of alternative ways of resolving disputes was singled out as a separate area. Simultaneously with the legislative activity, non-governmental and public organizations actively worked on the introduction of mediation in Ukraine. A significant event that reflected the result of the long work of state and public institutions was the adoption by the Verkhovna Rada of Ukraine (Parliament) on November 16, 2021, of the Law of Ukraine on Mediation.

MATERIALS AND METHODS

The methodology of this work was formed based on the purpose, object, and subject of the study. The methodological basis of this article is a system of scientific procedures and research methods. The first known use of the definition “scientific method” dates back to 1672. The scientific method is principles and procedures for the systematic pursuit of knowledge involving the recognition and formulation of a problem, the collection of data through observation and experiment, and the formulation and testing of hypotheses (Merriam-Webster, 2022)

For the purpose of this study was used a group of general scientific methods, such as analysis, synthesis, induction, deduction, comparing, historical and logical methods. Using the method of analysis, the provisions of legal documents governing mediation in Ukraine were studied. The method of comparison was used to compare these acts, which were divided into three groups. Using synthesis, mediation was studied as an object in its entirety, in a single and interconnected part of its parts. The method of induction is based on a formal-logical inference, which was used to obtain a general conclusion based on individual facts. The method of deduction was used to obtain partial conclusions based on knowledge of general provisions. Historical and logical methods were used to clarify the way of establishing the institution of mediation in Ukraine at the legislative level.

FORMATION OF THE INSTITUTE OF MEDIATION IN THE SOCIAL SPHERE

In the first years of independence in Ukraine, there was a crisis in social relations. A large number of conflicts in the field of labor arose in the Donetsk and Luhansk regions, which necessitated a rapid and effective settlement of labor relations. In 1994, at the initiative of the Donetsk Psychological Center, with the support of the American non-governmental organization Search for Common Ground, the Ukrainian Mediation Center (UCM) was established. UCM and a reputable American organization have jointly launched projects aimed at spreading mediation in Ukraine by opening regional centers. The largest group, among others, was the Odesa Regional Mediation Group (OOGM), established in December 1994, which at the time included 7 members. Among the achievements of OOGM, the most noteworthy is the creation of a precedent for the use of mediation in civil proceedings, conducting the first mediation in 1997 on the basis of the Odesa Regional and Central

District Courts of Odesa.

The Ukrainian Center for Understanding began its work in 1994 as a representative office of Search for Common Ground in Ukraine. In 2002, the charity Ukrainian Center for Understanding (UCP) was registered. The UCP was restructured into the Institute for Peace and Understanding (Ukrainian Center for Understanding, 2022).

In order to resolve collective labor disputes at the legislative level, in 1998 a Decree of the President of Ukraine Leonid Kuchma established the National Mediation and Conciliation Service, a permanent state body accountable to the President of Ukraine.

In the framework of the project “Building a network of restorative justice centers in the community” in the period from September 2006 to February 2007 in ten regions of Ukraine, the Ukrainian Center for Understanding conducted an interim evaluation of the implementation of restorative justice programs. During the reporting period, 41 restorative justice programs were conducted, including 39 – criminal mediation, 2 – family conferences (Horova, 2007).

In the spring of 2014, the Odesa Model of Dialogues was established as part of the OOGM’s peacekeeping activities. “The main idea of this model: dialogue, dialogue platform resolves conflict issues in several ways and systematically, in accordance with current challenges in the community. This model is important for understanding the complex work with the conflict at different stages, – says Inna Tereshchenko, head and co-founder of OOGM” (Tereshchenko, 2019). In the same year, at the initiative of OOGM, the National Association of Mediators of Ukraine (NAMU) was established.

In the period from 2014 to 2019, a number of public organizations were established to promote mediation in Ukraine, including the Lviv Mediation Center, the League of Mediators of Ukraine, and the Association of Family Mediators of Ukraine. The activities of these associations include information events, forums, seminars, and work on creating standards of professional mediation through the training of mediators, the formation of codes of conduct, and more.

LEGISLATIVE PROCESSES OF IMPLEMENTATION OF MEDIATION INTO THE UKRAINIAN LEGAL SYSTEM

The first step towards the normative regulation of mediation in Ukraine was the submission to the Verkhovna Rada of Ukraine of the Draft Law on Mediation № 7481 of 17.12.2010. It consisted of five sections, containing 28 articles and final and transitional provisions, and established general provisions on mediation, its principles, procedure, and legal status of mediators, requirements for mediators, their rights, and responsibilities. This Draft set out the provisions for the establishment of associations of mediators, the introduction of a national register of mediators, and the approval of a unified training program for those wishing to obtain the profession of a mediator. On February 11, the Draft was revoked and withdrawn from consideration. From that moment until today, a number of Draft Laws on mediation have been proposed: № 8137 of February 21, 2011; № 10301 of April 5, 2012; № 2425a of June 26, 2013; № 2480 of March 27, 2015; № 3665 of December 17, 2015; № 10425 of July 5, 2019; № 3504 of May 19, 2020.

The Draft Law № 3504 of May 19, 2020, was finalized and adopted on November 16, 2021. The Law of Ukraine on Mediation № 1875-IX officially entered into force on December 15,

2021. This Law defines the legal basis and procedure for conducting mediation as an out-of-court dispute resolution procedure, the principles of mediation, the status of a mediator, training requirements, and other issues related to this procedure (Law of Ukraine on Mediation, 2021). The purpose of this act is to regulate public relations related to mediation in order to prevent future disputes or settle various categories of disputes, including civil, family, labor, economic, administrative, as well as in cases of administrative offenses and criminal proceedings.

The Law 'On mediation' opened a new page in the ADR movement in Ukraine in terms of the rule of law and access to justice. Despite its expected positive effect, a lot of problems are still open for discussion. The law focuses on general issues of developing mediation in Ukraine without providing general guidelines for any specific model of court mediation (Tsuvinia & Vakhonieva, 2022).

Undoubtedly, the introduction of the law on mediation was a necessary condition for the further development of this procedure, but most scholars share the view that this act should be flexible. Too strict rules would be contrary to the nature of mediation, which, unlike a well-regulated trial, is changing in order to adapt to the interests of its participants.

SECTORAL LEGAL ACTS REGULATING MEDIATION

Acts that constitute sectoral legislation do not directly regulate mediation but contain rules that provide for its practical application. Such acts include the laws of Ukraine and codes.

The Criminal Code of Ukraine contains rules that provide for reconciliation between the parties to the conflict, which is close to mediation. According to Article 46, a person who for the first time committed a criminal offense or negligent felony, except for corruption offenses, is released from criminal liability if he reconciled with the victim and compensated for the damage or repaired the damage (Criminal Code of Ukraine, 2001). It can be concluded that the conditions for reconciliation between the parties to the conflict are compensation for damages or elimination of the damage caused by the guilty party. In this case, the injured party's interest in conciliation, which he/she seeks to satisfy, is to obtain compensation, and the interest of the guilty party is the release from criminal liability.

The Criminal Procedure Code of Ukraine regulates the procedural aspect of the conciliation procedure, which is the conclusion and execution of a conciliation agreement between the victim and the suspect or accused.

The Criminal Procedure Code of Ukraine contains detailed requirements for a conciliation agreement, in particular:

- a) the initiator of the agreement may be the victim, suspect / accused, except for conciliation agreements in criminal proceedings for criminal offenses related to domestic violence, where only the injured party may be the initiator;
- b) the agreement must contain an indication of the parties to the conflict, the formulation of suspicion or accusation and its legal qualification, indicating the article (part of the article) of the Criminal Code of Ukraine, significant circumstances for the relevant criminal proceedings, the amount of damage caused by the criminal offense, the term of its compensation or a list of actions not related to compensation for the damage that the suspect/accused is obliged to do for the victim, the term of their commission, agreed punishment and consent of the parties to its appointment or to the appointment of punishment and release from probation,

the consequences of concluding and approving the agreement, the consequences of non-performance of the agreement, the date of its conclusion and signatures of the parties (Article 471);

c) in case of concluding a conciliation agreement, its parties are limited in the right to appeal the verdict, and the injured party may not demand that the other party be held liable or change the compensation agreements set out in the agreement;

d) in case of intentional non-performance of the agreement by the guilty party, he/she may be prosecuted (Criminal Procedure Code of Ukraine, 2012).

The Code of Civil Procedure of Ukraine, the Code of Commercial Procedure of Ukraine, and the Code of Administrative Procedure of Ukraine prohibit interrogation as a witness of a person who is required by law to keep confidential information entrusted to him in connection with professional legal assistance or mediation services.

The Law of Ukraine on the Procedure for Resolving Collective Labor Disputes (Conflicts) of March 3, 1998, № 137/98-BP provides for the possibility of settling collective labor disputes through conciliation. The law stipulates that such disputes are resolved by the conciliation commission, a body appointed to make a decision that can satisfy the parties to a collective labor dispute (conflict). This body consists of representatives of the parties. In the process of resolving the dispute, the conciliation commission may involve an independent mediator, a person determined by the joint choice of the parties, who facilitates the establishment of interaction between the parties, participates in the development of a mutually acceptable decision by the conciliation commission (Law of Ukraine on the Procedure for Resolving Collective Labor Disputes (Conflicts), 1998).

The Law of Ukraine on Free Legal Aid of June 2, 2011, № 3460-VI includes in the list of legal services on free primary legal aid the provision of assistance to a person in providing access to mediation. The purpose of such services is to inform the person about his/her rights and freedoms, the procedure for their implementation, recovery in case of violation, and the procedure for appealing against decisions, actions, or inaction of public authorities, local governments, and their officials (Law of Ukraine on Free Legal Aid, 2011).

Another example of a sectoral legal act is the Law of Ukraine on Social Services of January 17, 2019, № 2671-VIII, which defines mediation as a basic social service.

BY-LAWS REGULATING MEDIATION

Most by-laws have a programmatic nature and recommendatory action on the need to use mediation to resolve various categories of disputes. Such acts are:

1. Regulations on the National Mediation and Conciliation Service, approved by the Decree of the President of Ukraine of November 17, 1998, № 1258/98. This act established the National Mediation and Conciliation Service, which aims to facilitate the settlement of collective labor disputes. The main tasks of this service related to mediation include: mediation and conciliation in resolving collective labor disputes; formation of lists of independent mediators; provides training and advanced training of independent mediators specializing in collective labor disputes.

2. The Concept of improving the judiciary to establish a fair court in Ukraine in accordance with European standards, approved by the Decree of the President of Ukraine of May 10, 2006, № 361/2006. This document emphasizes the need to develop mediation and other

alternative dispute resolution in order to relieve the courts of the number of cases. Attention is drawn to the fact that mediation, i.e. the activities of professional mediators who direct the parties to a legal dispute to compromise and resolve the dispute independently by the participants themselves, requires scientific justification and practical implementation. The Concept states that it is necessary to inform the public about the advantages of these methods of protection of rights compared to the judicial mechanism, and it is desirable to use recourse to the courts as an exceptional way to resolve a legal dispute (Decree on the Concept of Improving the Judiciary to Establish a Fair Court in Ukraine in Accordance with European Standards, 2006).

3. The Concept of development of criminal justice for minors in Ukraine was approved by the Decree of the President of Ukraine of May 24, 2011, № 597/2011. This legal document is one of those documents that consider mediation as a mechanism of restorative justice in criminal cases. The Concept emphasizes the need to introduce mediation as an effective way of voluntary reconciliation of the victim and the offender, the adoption of appropriate law, and informing the public about this procedure.

4. The Strategy for the development of the justice system and constitutional justice for 2021-2023, approved by the Decree of the President of Ukraine of June 11, 2021, № 231/2021. In the Strategy, one of the main problems of the justice system in Ukraine is the lack of effective mechanisms for alternative (extrajudicial) and pre-trial dispute resolution. In order to improve access to justice, a conditional list of areas and measures has been formed, in particular:

- establishment of mandatory pre-trial dispute resolution with the use of mediation and other practices for certain categories of cases determined by law;
- elaboration of the issue of introduction of the institute of justice of the peace;
- introduction of pre-trial procedures of administrative appeal in cases of administrative proceedings with the expansion of possibilities of application of pre-trial and out-of-court procedures of settlement of disputes;
- optimization of court costs and procedures for their administration in order to encourage the use of extrajudicial methods of dispute resolution;
- improving the procedure for the establishment and operation of arbitration courts, including increasing the requirements for the founders of arbitration courts, strengthening the institutional capacity of arbitration self-government, expanding jurisdiction over arbitration courts, extending guarantees of confidentiality to arbitrators;
- introduction and development of the institute of mediation;
- improving the dispute resolution procedure with the participation of a judge (Decree on the Strategy for the Development of the Justice System and Constitutional Judiciary for 2021-2023, 2021).

5. The Regulations on the provision of free primary legal aid in the Administration of the State Service for Special Communications and Information Protection of Ukraine, approved by the Order of the Administration of the State Service for Special Communications and Information Protection of Ukraine of May 4, 2016, № 320. This document defines the procedure for providing free primary legal aid services in the Administration of the State Service for Special Communications and Information Protection of Ukraine. Such services

include assisting in providing access to mediation.

6. The State Standard of Social Mediation Service, approved by the Order of the Ministry of Social Policy of Ukraine on August 17, 2016, № 892 (hereinafter – the State standard). Along with the Law of Ukraine on Social Services, this document regulates mediation as a social service. The State standard determines the content, scope, conditions, and procedure for providing mediation, indicators of its quality (Order On Approval of the State Standard of Social Mediation Service, 2016).

The content of mediation services consists of measures to assist in resolving conflicts, negotiating, and identifying and assessing ways and conditions for resolving conflicts. Conflict resolution assistance is an analysis of the life situation of the parties to the dispute, which includes identifying the main problems, causes of the conflict, awareness of the parties, explaining the nature, possible consequences, ways to resolve the dispute. Mediation services may be provided in the amount of 1 to 12 meetings lasting up to 3 hours each (paragraph 2 of Section IX).

The quality of mediation services is assessed on the basis of the following indicators:

- 1) addressability and individual approach, determined in accordance with the needs of the person applying for such services;
- 2) effectiveness, which is affected by the level of satisfaction with the services provided;
- 3) timeliness, i.e. provision of services within the prescribed period;
- 4) accessibility and openness, as well as awareness;
- 5) respect for the dignity of the recipient of services;
- 6) professionalism of mediators.

The state standard establishes a categorical apparatus in the field of mediation, which includes the definition of such basic concepts as mediation, mediation agreement (conciliation agreement), consent to the use of mediation, social service provider (mediator):

Mediation is a method of resolving conflicts in which two or more parties to a dispute try to reach an agreement in a structured process with the mediation of the mediator.

The provider of social mediation services is a mediator (social work specialist, social worker, and psychologist) who directly implements the activities that constitute the content of social services.

A mediation agreement is a written agreement on mediation (dispute resolution and/or elimination/compensation of damages) concluded between a mediator and the parties to the dispute who are recipients of social mediation services.

Consent to the use of mediation is a written consent (statement) of the parties to conduct negotiations to resolve the conflict with the help of a mediator.

In order to receive mediation services, the recipient of the service must submit a written application to the entity providing such services. Such entities may be an enterprise, institution, establishment, organization, individual, individual entrepreneur.

According to the State Standard, the process of providing mediation services includes two stages that distinguish between the activities of an intermediary and a mediator:

The first stage is conducting mediation by an intermediary. After receiving information about the existing dispute, the intermediary establishes contact with the parties and arranges an individual meeting. The intermediary analyzes the situation, provides conditions for

dialogue with the parties, and prepares for the meeting. He/she then identifies the causes of the conflict, works out ways and conditions for resolving it. If necessary, the intermediary suggests that the parties to the dispute contact a mediator. At this stage, the intermediary determines the individual needs of the parties, enters into an agreement on mediation services, and draws up an individual plan.

The second stage is conducting mediation by a mediator. The role of the mediator is to help the parties build a dialogue, explain their vision of the conflict, identify ways to resolve it, analyze and, if necessary, adjust possible solutions, and agree to resolve the dispute and compensate for the damage caused. At this stage, a mediation agreement is concluded, if this was not done during the first stage.

In accordance with the provisions of the State Standard, mediation services are provided on a voluntary basis, availability, independence of the service provider, equality of service recipients, respect for their dignity, and confidentiality.

The State standard was taken as a basis in the Law on Mediation, especially its provisions concerning the requirements for the quality of mediation services.

7. The Action Plan to increase Ukraine's position in the World Bank's Doing Business rating, approved by the Order of the Cabinet of Ministers of Ukraine on December 4, 2019, № 1413-r. This document provided for the introduction of mediation in Ukraine by developing and submitting to the Verkhovna Rada of Ukraine a draft law on mediation by the end of the first quarter of 2020.

8. The Order of the Prosecutor General of Ukraine on the peculiarities of the performance of the functions of the Prosecutor's Office on the protection of the interests of children and combating violence of November 4, 2020, № 509. This order specifies the responsibilities of prosecutors to explain to minor suspects and victims, their legal representatives the right to conclude conciliation agreements.

JUDICIAL ACTS REGULATING MEDIATION

The judiciary can be an effective mechanism for promoting alternative settlements. For example, in 2003 the Ukrainian Center for Understanding, in cooperation with the Supreme Court of Ukraine, launched a program to introduce mediation in criminal cases in Kyiv. Within the framework of this program, partnerships with the judiciary were successfully established, mechanisms for cooperation with the courts were developed, 20 mediators were trained and practical experience in mediation was gained (Belinska, 2011). The following year, the Supreme Court issued two rulings emphasizing the need to develop the institution of conciliation in criminal matters:

1. The Resolution of the Plenum of the Supreme Court of Ukraine of April 16, 2004, № 5 "On the Practice of Applying Legislation on Juvenile Delinquency by the Courts of Ukraine", which provided that public organizations should be involved in the conciliation process: "Encourage courts to fully support the activities of those non-governmental organizations that aim to reconcile the juvenile offender with the victim before the trial – provide relevant information to such organizations, inform defendants and their legal representatives about the existence of such organizations in the district (city), to enable the victim and the accused to turn to these organizations to resolve the conflict and achieve reconciliation (Resolution of the Plenum of the Supreme Court of Ukraine No 5, 2004)".

2. The Resolution of the Plenum of the Supreme Court of Ukraine of July 2, 2004, № 13 “On the practice of application by courts of legislation which provides for the rights of victims of crime”. The Supreme Court recommended that the courts use the institution of reconciliation of the victim with the accused as widely as possible in criminal cases. The parties to the case may reconcile both at the stage of preliminary consideration of the case by a judge and in a court session but until the end of the judicial investigation (Resolution of the Plenum of the Supreme Court of Ukraine No 13 ..., 2004).

CONCLUSIONS

The Institute of mediation in Ukraine has entered the stage of active development, which was prompted by the adoption of specialized law. The Law of Ukraine on Mediation has officially recognized mediation as a way of resolving disputes. This act will be amended in the future, as the practice of applying its provisions will show its gaps and shortcomings. In addition to the law, mediation as a procedure is regulated by a number of other legal documents of various levels. These documents set out the rules concerning the settlement of mediation in certain areas of public relations.

According to the current legal framework of Ukraine, it can be concluded that, depending on the sphere of public relations, mediation may have the status of social service, part of the free legal aid system, out-of-court dispute resolution method, and instrument of conciliation in criminal cases. The general status of mediation is set out in Art. 1 of the Law on Mediation: “mediation is an out-of-court voluntary, confidential, structured procedure in which the parties, with the help of a mediator(s), try to prevent or resolve a conflict (dispute) through negotiations”.

Along with public authorities, non-governmental and public organizations play an active role in the development of mediation. The activities of these organizations are aimed at promoting mediation, conducting educational activities to familiarize citizens of Ukraine with alternative methods of conflict resolution. A considerable part of their activities is the training of mediators. These organizations offer various courses and certification programs, upon completion of which individuals are issued a certificate that allows them to provide mediation services. Such certificates are a confirmation of mastering the course program. The most well-known organizations whose activities are aimed at promoting and introducing the institute of mediation in Ukraine are the Ukrainian Academy of Mediation” (UAM) and the National Association of Mediators of Ukraine (NAMU).

The Ukrainian Academy of Mediation annually holds a Mediation and Law Forum, in which legal professionals have the opportunity to gain and develop their knowledge of mediation. One of the most significant achievements of this organization in the field of mediation promotion was the publication in 2019 of the first Ukrainian textbook for lawyers “Mediation in the professional activity of a lawyer”. This textbook was developed as part of a project of the Ukrainian Academy of Mediation, supported by the United States Agency for International Development (USAID) under the USAID New Justice Program.

REFERENCES

Belinska, O.V. (2011). Mediation is an alternative dispute resolution. *Bulletin of the High Council of Justice*,

1(5), 158-173.

Criminal Code of Ukraine (2001) (Verkhovna Rada of Ukraine. *Statements of Verkhovna Rada of Ukraine*, 25-26, 131. Retrieved from: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>

Criminal Procedure Code of Ukraine (2012) Verkhovna Rada of Ukraine. *Statements of Verkhovna Rada of Ukraine*, 9-10, 11-12, 13, 88. Retrieved from <https://zakon.rada.gov.ua/laws/show/4651-17#Text>

Decree on the Concept of Improving the Judiciary to Establish a Fair Court in Ukraine in Accordance with European Standards (2006). President of Ukraine. Retrieved from <https://zakon.rada.gov.ua/laws/show/361/2006#Text>

Decree on the Strategy for the Development of the Justice System and Constitutional Judiciary for 2021-2023 (2021). President of Ukraine. Retrieved from <https://zakon.rada.gov.ua/laws/show/231/2021#Text>.

Horova, A. (2007). Mid-term evaluation of the development of restorative justice centers in communities. *Restorative justice in Ukraine*, 1, 27-32..

Law of Ukraine on Free Legal Aid (2011). Verkhovna Rada of Ukraine. Retrieved from <https://zakon.rada.gov.ua/laws/show/3460-17#Text>

Law of Ukraine on Mediation (2021). Verkhovna Rada of Ukraine. *Statements of Verkhovna Rada of Ukraine*, 7, 51. Retrieved from <https://zakon.rada.gov.ua/laws/show/1875-20#Text>

Merriam-Webster. (2022). Scientific method. *Merriam-Webster.com dictionary*. Retrieved from <https://www.merriam-webster.com/dictionary/scientific%20method>.

of Ukraine on the Procedure for Resolving Collective Labor Disputes (Conflicts) (1998). Verkhovna Rada of Ukraine, *Statements of Verkhovna Rada of Ukraine*, 34, 227. Retrieved from <https://zakon.rada.gov.ua/laws/show/137/98-%D0%B2%D1%80#Text>

Order On Approval of the State Standard of Social Mediation Service (2016). Ministry of Social Policy of Ukraine. Retrieved from <https://zakon.rada.gov.ua/laws/show/z1243-16#Text>

Resolution of the Plenum of the Supreme Court of Ukraine No 13 on the practice of application by courts of legislation that provides for the rights of victims of crime (2004). Supreme Court. Retrieved from <https://zakon.rada.gov.ua/laws/show/v0013700-04#Text>

Resolution of the Plenum of the Supreme Court of Ukraine No 5 on the practice of application by the courts of Ukraine of legislation in cases of juvenile delinquency (2004). Supreme Court. Retrieved from <https://zakon.rada.gov.ua/laws/show/va005700-04#Text>

Tereshchenko, I. (2019). History of mediation through the history of OOGM. In *Collection of articles "5 years of dialogue and 25 years of mediation in Ukraine: from confrontation to understanding"*. Kyiv: VAITE.

Tsuvina, T, & Vakhonieva, T. (2022). Law of Ukraine 'On Mediation': Main Achievements and Further Steps of Developing Mediation in Ukraine. *Access to Justice in Eastern Europe*, 1(13), 142-153. <https://doi.org/10.33327/AJEE-18-5.1-%20n000104>

Ukrainian Center for Understanding. (2022). Retrieved from <https://www.facebook.com/porozuminnia/about/>