



# O1 National Report Germany



**TIME** Train  
Intercultural  
Mediators  
for a Multicultural  
Europe



**Erasmus+**

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# National Report Germany

## 1. What is IMfl in country

**In Germany the occupational title mediator is not protected by the law, the training of mediators is not regulated by law. However, there is binding, formal distinction, for an ordinary mediator and certified mediator.**

General definition of intercultural mediator:

Mediation in an intercultural context for us means mainly understanding not only solving a conflict. Of course different cultures have different behavior in solving conflicts. The Role of a facilitator is to help the different groups to understand better the behavior based on culture, to help to integrate easier in the society, a company etc. In all it involves different aspects of life like family, education, health, integration, etc.

On the other hand, “Certificated Mediator” in Germany, in compliance with legal frames, can be defined according to the German Mediation Law, as follows:

Article 5 explains: appropriate education and training, namely education must contain:

- basic knowledge of mediation, processes and frame conditions
- communication skills
- competence in conflict management
- knowledge about the law of mediation and its role
- practical tasks

In Germany there are many offers and possibilities to be educated as a certificated mediator. The trainings take place in different kind of schools in different parts of Germany. The requirements for future participants are strictly defined.

Accordingly to the Mediation Law and recommendations of German Association of Mediation, most certified mediators with educational background, do not have a migration background.<sup>1</sup>

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<sup>1</sup> More information in 2nd and 6th paragraph of the Report.

## 2. Trace the genealogy of the term- phenomenon (when we have the first publications)

### **Mediation in Germany – general information**

Mediation is defined on the one hand in the rules of professional conduct for lawyers and on the other hand in the Rechtsdienstleistungsgesetz (RDG). As an absolute umpiring, mediation according to § 2, subparagraph 3, item 4 of the RDG is no legal service (Rechtsdienstleistung), as long as it not interferes the conversations of the parties involved through proposed homogenous regulations.

In the implementation of the Directive 2008/52/EG of the European Parliament and the European Council on 21 May 2008, that includes certain aspects on mediation in Civil and Commercial Matters and on the promotion of mediation, in Germany on 26 July 2012 the German mediation law entered into force.

Being the first federal state in Germany, Niedersachsen initiated a project on mediation which is closely related to court proceedings („gerichtsnahe Mediation“) in the year 2002.

Since this point in time many district and regional courts as well as administrative and social courts in Niedersachsen offer judicial mediation in cases of conflicts that occur on court. Since 2003, the Department of Justice of Niedersachsen annually organized a conflict management congress in Hanover, the capital of the federal state.

Since 2008 the Department of Justice of Niedersachsen conducts a touring exhibition “new ways in the disposition of disputes” that is planned for two years. Especially the advantages of extrajudicial mediation should draw the public awareness.

Furthermore, other professional associations and training institutions, private organizations with public promotion and university education institutions offer trainings as mediators. For example:

- Europe-University Viadrina in Frankfurt/Oder;
- Distance University in Hagen;
- University Heidelberg;
- University Potsdam;
- The Munich training as economy mediator in cooperation with the University in Munich;
- the INeKO-department at the University Cologne;
- University Bielefeld;

The training courses partly reach the master courses. Until 2013 the training standards for lawyers were defined of the lawyer chambers.

Due to the new version of § 7a BORA (“Berufsordnung für Rechtsanwälte” - rules of professional conduct for lawyers), that refers to § 5 Subparagraph 1 of the German mediation law, lawyerly mediators no longer is governed by a specified occupational special regulation.

### 3. Different terms used

In order to realize differences and compare experiences with alternative dispute resolution (ADR) and mediation, those terms need to be defined because they are not German in origin. They have found their way into the German conflict resolution environment and have developed specific meaning in Germany. The meaning of the acronym “ADR” is evolving and may be differ depending on the country. Common law countries have developed plenty of ADR processes which are often used parallel to each other or in an escalating order of intensity of third party intervention (for example mediation, conciliation, mini-trial).

Germany shows less variety with regards to different ADR processes: the major processes in use are mediation and arbitration, the latter is used mainly in transnational business disputes. *Mediation* is not a common word in the German language though but it is getting more and more acknowledged nowadays. According to EU Directive 2008/52/EC, mediation has been officially defined as a facilitative, interest-based process.

In legal contexts one often finds the terms, mediation and conciliation, used interchangeably.

Sometimes procedures are called mediation only because a third party is involved. Germany has had a long-standing tradition of third-party intervention in disputes; however, this intervention is called either *Schlichtung* or *Vermittlung*. *Schlichtung* is translated in German/English dictionaries as arbitration (therefore it is also possible to translate it as *informed settlement or conciliation*). It differs from mediation with regards to the role of the third party, because it can include advice-giving, recommendations as to outcomes and even decision-making. Nevertheless, common usage of the word *Schlichtung* can refer to mediation, conciliation and arbitration collectively, or alternatively any one of three processes. On the other hand, *Vermittlung*, is usually used to describe people involved in brokering deals (for example real estate agents), hence the word *Vermittler* (also known as negotiator) may be sometimes confusing and misleading.<sup>2</sup>

### 4. Forms – context of IMfl

#### **Context**

Mediation in Germany had to overcome tough and winding path to be acknowledged as a legitimate and valuable alternative to litigation. It took many years before the German pioneers of mediation engaged any significant attention from mainstream legal practitioners and wider community. Despite early considerations and discussions on the topic, it was not until the latter half of 1990's that the mediation movement began to enjoy more than academic concerns.

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<sup>2</sup> Source: *Mediation “made in Germany” – a quality product*, Prof. Thomas Trenczek, Serge Loode;  
*Mediation in practice, Common law and civil law perspectives compared*, Nadja Alexander.

Therefore the German mediation movement is gradually repositioning itself from the academic to the practitioner focused political area. Growing field of trained mediation professionals can be observed in a diverse range of practice areas as well as progress in the fields of victim offender mediation and family mediation.

However process of mediation in Germany is still expanding, recently, the German interest has especially focused both on mediation as a mean of dispute resolution and on reducing court waiting list through court-connected mediation schemes.

Considering the current political and social development both in the EU and Germany (wars, danger of terror, economic crises, rising number of refugees related to political changes in the third countries and integration problems among migrants) peaceful life together independent from culture, religion and origin becomes more and more important.<sup>3</sup>

#### **Forms of mediations:**

- Business mediation
- Commercial and workplace mediation
- Mediation in teams and groups
- Mediation in family conflicts
- Victim offender mediations
- Peer mediations (Konfliktlotsen)
- Mediation in relationship conflicts, separation and divorce
- Mediation in cultural conditioned communication problems
- Judicial and court related mediation
- Online mediation (see more point 18)<sup>4</sup>

#### **5. Presentation of the academic literature in German national language (main issues addressed-relevant qualifications perhaps)**

The research group mediation in Berlin is a platform for committed - prospective and established, institutional bounded and unbounded, young and old – scientist, who want to help researching on mediation. They see themselves as an interdisciplinary research community.<sup>5</sup>

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<sup>3</sup> Source: *Mediation in Germany: The Long and Winding Road*, Dr Nadja Alexander, Reader in Law, The University of Queensland, Australia; Dr Walther Gottwald, Professor of Law, University of the Applied Sciences, Lüneburg, Germany; Dr Thomas Trenczek, Professor of Law, University of the Applied Sciences, Jena, Germany; *Mediation in practice, Common law and civil law perspectives compared*, Nadja Alexander.

<sup>4</sup> Source: *Mediation in Germany: The Long and Winding Road*, Dr Nadja Alexander, Reader in Law, The University of Queensland, Australia; Dr Walther Gottwald, Professor of Law, University of the Applied Sciences, Lüneburg, Germany; Dr Thomas Trenczek, Professor of Law, University of the Applied Sciences, Jena, Germany;

<sup>5</sup> Further information: <http://www.forschungsgruppe-mediation.de>.

## 6. Presentation of the political- legal framing of IMfl

The ordinance for §6 of the mediation law is not enacted yet.

The mediation law became operative on 26 July 2012. According to § 5 subparagraph 2 mediation law there is a difference between “normal” and “certified” mediators.

The associations Bundes-Arbeitsgemeinschaft für Familien-Mediation e.V., Bundesverband Mediation e.V., Bundesverband Mediation in Wirtschaft und Arbeitswelt e.V., Deutsches Forum für Mediation e.V. und Deutsche Gesellschaft für Mediation e.V. formed a task group, which deals with the preparation for a joint testing center certified mediators (GPZM - Gemeinsame Prüfstelle Zertifizierter Mediator). A discussion draft was signed and then published on the 14th of July 2013 by the representatives of the associations.

At the end of January 2014 the draft of an ordinance about the training and advanced training of certified mediators (ZMediatAusbV: Zertifizierte-Mediatoren-Ausbildungs-Verordnung) was released.

In § 1 of the draft, the training and advanced training as a certified mediator as well as the requirements for institutions that conduct trainings and advanced trainings are regulated.

The above mentioned mediation associations are working on definitions for standards of the training. They demand a qualification of at least 200 hours and they certify association members that qualify according to the standards of the association.

Actually, on the one hand there are institutes that only train the mediators for 110 hours. On the other hand, in other institutes the training lasts 450 hours, including the following intervision sessions.

For making out a certificate, usually the mediation organizations request a verification of a qualified training that is recognized by the association, a documentation of four conducted mediations, respective inter- and supervision and a colloquium.

After a successful validation process this entitles to use an addition in the certain association name, for example “mediator BAFM”.

## 7. Stakeholders – target groups involved

**Stakeholders** such as key figures in communities, representatives of educational institutions, as well as policy-makers are also key target group. Intercultural opening of the adult education institutions and improving the quality and appropriateness of their learning opportunities is of crucial importance. The aim of intercultural opening is to give equal access for migrants and participation among them.

One of the stakeholder groups consists representatives of political parties. An example of their commitment could be the application presented by “Fraktion Bündnis 90 –die Grünen”.<sup>6</sup> The request provides and ensures permanent help and mediation services offered by qualified international mediators for migrants with psychological and social problems.

Another good example of stakeholder is The Federal Office for Migration and Refugees (BAMF - Bundesamt für Migration und Flüchtlinge). Its working areas are manifold, including research and diverse type of activities in the field of asylum, migration, integration as well as support to the return. The Federal Office organizes also trainings and courses on a regular basis.<sup>7</sup>

## Overview networks and actors DE (examples for the TIME cooperation in Berlin)

### Policy levels in Berlin

Institution / Institution	Kontaktperson (Name, Funktion)/ Contact person (name,function)	Unterstützung der Projektziele/ Support to project objectives
Senat für Arbeit, Integration, Frauen, Integrationsbeauftragte	Andreas Germershausen	Implementation & Dissemination
Berlin Bezirksamt Mitte	Dr. Christian Hanke	Dissemination
Berlin Bezirksamt Marzahn-Hellersdorf (Jugendamt)	Julianne Witt	Dissemination
Abgeordnetenbüro - Integrationssprecher BA Reinickendorf	Burkard Dregger MdA	Dissemination

See more: BGZ - dissemination plan

## 8. Presentation of projects implemented (areas)

Since years integration issue is one of the key task of the German integration policy. Therefore the implementation of the integration projects for migrants (realised, financially supported or funded by different EU and national programmes) is promoted by federal and national level of government. According to the programmes there are plenty of various projects.

<sup>6</sup> More information: *Antrag der Grünen : Chancengleichheit bei der psychosozialer Versorgung von Migrantinnen und Migranten*, Application by a german party:

[http://www.gruene-fraktion-berlin.de/sites/default/files/381983.antrag\\_162418\\_chancengleichheit\\_auch\\_bei.pdf](http://www.gruene-fraktion-berlin.de/sites/default/files/381983.antrag_162418_chancengleichheit_auch_bei.pdf)

<sup>7</sup> <http://www.juramagazin.de/Antrag-der-Fraktion-Buendnis-90Die-Gruenen-Chancengleichheit-auch-bei-der-psychosozialer-Versorgung-von-Migrantinnen-und-Migranten-Das-Abgeordnetenhaus-wolle-beschlien-Der-Senat-wird-aufgefordert-1-in-Kooperation-mit-der>

<http://www.bamf.de/EN/Willkommen/willkommen-node.html>



We would like to present two examples:

### **Project MiMi (Migrants for Migrants)**

***Location / geographic coverage:*** Germany, Vienna and Upper Austria

***Who implements the practice:*** Germany: Ethno-medical centre; Austria: Volkshilfe Vienna

MiMi programme was recruiting, training and supporting individuals from within immigrant communities to become cultural mediators who could help navigate new and different ways of dealing with traditions of health and illness and the body.

The goal of the program was to make the German health system more accessible to immigrants, increase their health literacy while simultaneously empowering immigrant communities by prompting their direct participation in the process.

This two-way dynamic was one of the unique aspects of MiMi. The programme targeted socially integrated immigrants as candidates for intercultural mediator training and then recruited recent immigrants to participate in the community group sessions that were led by MiMi mediators drawn from their own community.

The MiMi approach was based on the belief that migrants are experts in their own causes and that as a community, they have experiences and resources that need to be better leveraged.

Candidates for the mediator training were recruited from local immigrant communities and then provided with over 50 hours of training. Once they were certified, they could begin to plan and conduct information sessions. These sessions were tailored to be culturally sensitive for the particular community and were held in their preferred language. The discussion ranges from understanding and navigating the German health system to community specific health issues.

In co-operation with 80 other health related organisations, MiMi also regularly produced and updated a Health Guide that is still available in over 16 languages. This guide provides information on targeted health topics and insight into understanding and navigating the German health system. The goal was to help immigrant communities increase their use of available resources – particularly around preventative care and early check-ups. MiMi regularly monitored and tracked the success of these publications as well as their other program in order to revise components or specific modules as needed. The result was that the content was always being updated and continued to reflect the needs of target communities.

### **Implemented - Success**

Developed by the Ethno-Medical Centre, the MiMi programme was launched in 2003 in cooperation with BKK Bundesverband (Federal Association of Company Health Insurance Funds) as a pilot in four cities of the federal states of Lower Saxony and North Rhine-Westphalia. It has expanded to 38 cities in Lower Saxony, Hessen, North-Rhine-Westphalia, Brandenburg, Baden-Württemberg, Rhineland-Palatinate, Bavaria, Hamburg, Bremen and Schleswig-Holstein.

To sum up “MiMi” was being offered at 57 locations in ten German federal states, and has also been replicated in Austria.

The MiMi programme involved two groups of people with migrant backgrounds: 1. socially integrated immigrants (aged 20-60) legally living in Germany, who are trained as intercultural mediators; 2. immigrant population with lower level of social integration, who participate in community group sessions led by intercultural mediators.

In total, more than 1,000 migrants from more than 40 countries have been trained as intercultural health mediators, reaching an estimated 32,000 migrants in information sessions, an additional 100.000 have received information leaflets or the Health Guide.

An unexpected success of the program has been the ability of MiMi to engage with immigrant women and to help them assume leadership roles in their communities. The majority of the intercultural mediators are women and evaluations of the program show their strong support for the training. For his innovative and entrepreneurial work in creating MiMi, in 2006, Ramazan Sulman was awarded with the Ashoka Fellowship as Social Entrepreneur of the Year. In December of 2008, he was named Germany's "Social Entrepreneur" in a competition organized by the Schwab Foundation (specifically Professor Klaus Schwab, founder of the World Economic Forum in Davos), The Boston Consulting Group and under the patronage of the German Chancellor Dr. Angela Merkel.<sup>8</sup>

### **Project Migrants integrate migrants (MiM)**

***Location / geographic coverage:*** Germany

***Who implements the practice:*** Arbeiterwohlfahrt, Mozaik Consulting

Stakeholders, partners, users or beneficiaries are the European Social Fund, public bodies such as the ministry for economics and labour, community initiative equal IN.owl, institutes of the field of counselling/migration work/social work, volunteers, volunteer organisations, public offices, schools, pupils, unemployed migrants, potential employers, etc.

The aim of the MiM project was to create two kinds of networks. The basic intention was that people with migration background volunteer as integration helpers, counsellors and mentors for other people with migration background. On the one hand, there were integration helpers and on the other hand so called godmothers, who especially supported young migrant women in the transition of school and job. Furthermore, the mentoring program promoted self-help potential of the clients by the identification of skills and knowledge that migrants have to enable to actively participate in local social life. The project ran from 2002 to 2004.

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<sup>8</sup> See more at:

[http://citiesofmigration.ca/good\\_idea/mimi-with-migrants-for-migrants-intercultural-health-in-germany/#sthash.EC8EOwd2.dpuf](http://citiesofmigration.ca/good_idea/mimi-with-migrants-for-migrants-intercultural-health-in-germany/#sthash.EC8EOwd2.dpuf),

[http://ec.europa.eu/ewsi/en/practice/details.cfm?ID\\_ITEMS=3769](http://ec.europa.eu/ewsi/en/practice/details.cfm?ID_ITEMS=3769),

[https://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&cad=rja&uact=8&sqi=2&ved=0CEgQFjAE&url=https%3A%2F%2Fwww.gfmd.org%2Ffiles%2Fdocuments%2FIOM-Input-to-RT-3-1-Background-paper-GFMD.pdf&ei=VpyuVM6wHMMuPLi5gcAF&usg=AFQjCNGX6\\_QV7Xdn-8riPJZQISL4Tu21pQ&bvm=bv.83134100,d.ZWU](https://www.google.de/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&cad=rja&uact=8&sqi=2&ved=0CEgQFjAE&url=https%3A%2F%2Fwww.gfmd.org%2Ffiles%2Fdocuments%2FIOM-Input-to-RT-3-1-Background-paper-GFMD.pdf&ei=VpyuVM6wHMMuPLi5gcAF&usg=AFQjCNGX6_QV7Xdn-8riPJZQISL4Tu21pQ&bvm=bv.83134100,d.ZWU),

[http://maytree.com/PDF\\_Files/CITYTOCITYcasestudyonMiMi.pdf](http://maytree.com/PDF_Files/CITYTOCITYcasestudyonMiMi.pdf) (pdf, from page 26)

## 9. Trainings planned and provided

In Germany over 100 educational institutes offer mediation trainings.

Some Institutes are presented on this website:

[www.mediationsausbildung-finden.de/ausbildungsinstitute.html](http://www.mediationsausbildung-finden.de/ausbildungsinstitute.html)

A qualified training is not free of charge. The training costs between 2000€ and 8000€. Depending on the federal state there are different opportunities for promotions / sponsorships, for example a bonus from the state etc.

Overview on different opportunities for promotions 2014 in Germany – see below:

<https://www.mediationaktuell.de/news/denken-sie-ueber-mediationsausbildung-oder-fortbildung-nach?content-only=>

Some institute offer trainings in separate modules. Depending on the provider they last 50 to 300 hours.

In the justification of the mediation law draft the legislator defines a minimum of 120 hours as a requirement for a certificated mediator corresponding to §5 /§6 in the mediation law. ost of the trainings are in-service trainings, generally on multiple weekends over 12 - 18 months.<sup>9</sup>

### **Example:**

#### **Organizers in the Rhineland-Palatinate (Rheinland-Pfalz), federated state:**

Catholic Adult Education of Rhineland-Palatinate (KEB), Mainz,

Working Community of Caritas associations of Rhineland-Palatinate,

Social pedagogy and advanced Training Centre (SPFZ),

Youth network of Rhineland-Palatinate federated state (Landesjugendring),

and also Institute for Intercultural Practice & Conflict Management (IIPK).<sup>10</sup>

### **Vocational training**

**Acknowledgement:** according to the Rhineland-Palatinate Educational Leave Act

#### **A) Basic Course 2014 completed**

**Structure:** two blocks, three modules

#### **Block 1 = Module 1**

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<sup>9</sup> See more: Point 15.

<sup>10</sup> More information: [www.medation-interkulturell.jimdo.com](http://www.medation-interkulturell.jimdo.com)

**Date 12th-16th May 2014**

Contents:

- Intercultural conflicts
- Forms of conflict
- Conflict types
- Conflict styles
- Causes of conflict
- Conflict escalation and de-escalation

**Block 2 = Module 2 and Module 3**

**Dates: 15th-19th September 2014, 01st- 03rd December 2014**

Contents:

- Mediation background
- Mediation as a global phenomenon
- Process of mediation
- The role of the mediator
- Inner approach of mediation
- Mediation techniques

**B) Advanced Training Course 2015**

**Block 3 = Module 4, Module 5, Module 6**

**Dates: 09th-12th February 2015, 06th-08th May 2015, 6th-10th July 2015**

Contents:

- Intercultural competence in mediation
- Models of intercultural mediation
- The role of the mediator in intercultural contexts
- Challenges of intercultural mediation
- Emotions in intercultural mediation
- Values and value orientations in intercultural mediation
- Cultural orientations and values in intercultural mediation

## 10. Description of IMfl profile (skills, knowledge, competences)

Each member of the Federal Mediation Association (Bundesverband MEDIATION -Germany) recognized as a mediator and trainer for mediation:

- a) have a qualified educational background in mediation
- b) have demonstrated practical experience
- c) undertake to participate in further education, conferences, supervision and collaborate with mediator networks
- d) recognize the ethical principles and both standards and training rules of the Federal Mediation Association as they are required for their work
- e) practical working experience in the intercultural context
- f) knowledge of 2 or more foreign languages

## 11. Eligibility (who is eligible to become IMfl)

The main target in particular consists of those who are responsible for a stress-free communication between people, among them:

- Managers
- Trainers
- Advisors
- Personal developers (Personal coaches)
- Lawyers
- Engineers and architects
- People with medical or nursing education
- Psychologists
- Social workers/ pedagogues
- People with economical profession

Certificated mediators should have appropriate as for mediator education background and qualification according to requirements in legal order concluded in § 6 and

(1) their own responsibility to widen knowledge through any suitable further trainings and regular preparatory trainings, in order to be sure to have theoretical knowledge and practical experience as following:

knowledge of basic principles of mediation, procedures and general conditions,

negotiation and communication techniques,

conflict competence,

knowledge of the law of mediation and the role of law in mediation,

role-playing games and supervision.

In some institutes, for the acquisition of an academic certificate access criteria is necessary. For example completed university education or a completed vocational education and relevant professional experience of at least 3 years. In divergences a case-by-case review is necessary.

## 12. Qualifications

A mediator is an independent and neutral person without decision-making power that leads the parties in the mediation process (source: § 1 in the German Mediation law (Gesetz zur Förderung der Mediation und anderer Verfahren der außergerichtlichen Konfliktbeilegung)).

Basically, the profession of a mediator is not protected by law. Though the German Mediation law uses the term “certified mediator” in § 5 and § 6. Most of the training institutes meanwhile adjusted their education courses according to this term.

Some training institutes exclusively educate academics who have a juristic, psychological, pedagogic or social job background. Other institutes accept all kind of professions. The qualifications for education are different and depend on the certain training institute. They can be taken out of the information of the catalogues or can be told by request.<sup>11</sup>

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<sup>11</sup> Source: <http://www.mediation.de>

### 13. Employment opportunities

<b>Application field</b>	<b>Employment opportunities</b>
Business mediation and mediation in the working environment	Enterprises of any kind of branch, especially CRS SMEs, chambers, associations of professionals, enterprises that are internationally active
Mediation in teams and groups	No constraints Also good chances for employment in youth centers, companies with multicultural teams, sport associations
Mediation in family conflicts	Family counseling centers, psychosocial services, migrant organizations, medical offices (psychologists, psychiatrists)
Mediation in relationship conflicts, separation and divorce	Family counseling centers, psychosocial services, migrant organizations, juristic offices
Mediation in cultural conditioned communication problems	Companies with multicultural teams, boards, unions, medical services, hotel industry, international employments

### 14. Tasks in which an IMfl are involved

The most Intercultural mediators are working in the following fields:

- Normal economic sector:
  - a) Dealing with foreign clients
  - b) Behaviour in a foreign country while stay abroad
  - c) Working in multicultural teams in an international operating company
  
- In the health sector
  - a) Dealing with foreign patients (especially with Muslims)
  - b) Working in a multicultural teams
  
- As well as communication in conflicts for example family treatments.  
It affects every sector and industry

Most of the certified mediators with a training according to the mediation law and the recommendation of the German society of mediation and the three associations do not have a migration background.

Migrants, who are working in the field of intercultural communication, are persons who normally work voluntary. In difficult situations they take the role as an intermediary.

It exists a wide network where you can find the ambassadors, who were trained in the various fields, who can act as an intermediary between migrants and Germans. Furthermore the intermediaries help to communicate important information to migrants, with the goal of an easier and better integration. They passed specific courses and are part of various networks. Most of them cooperate with migrant organizations and NGOs, as well as with hospitals, public authorities, boards and different senate administrations etc.

This includes:

- Ambassadors of education
- Ambassadors of integration
- Ambassadors in hospitals
- Ambassadors to win volunteers for example the project PROTECT by BGZ

One can classify them as simple mediators. The ones who have the corresponding educational attainment would be highly qualified to do the training to become a certified mediator (in-service-training; postgraduate study).

The situation with intercultural trainers is different. There are a lot of migrants offering professional intercultural trainings and workshops.

## 15. Code of professional conduct and standards of good practice

For more informations see points 2/6/10 - demands of mediation law and Requirements for the candidates.

There are trainings according to the demands of mediation law and the standards of BMWA (Bundesverband Mediation in Wirtschaft und Arbeit) & BM (Bundesverband Mediation)

### **Good Practices:**

1. **Certified intercultural mediator training** - responsible: interculture.de e.V.

Advanced training - 300 hours (= 15 month). Certificate of interculture.de and the university of Jena „Intercultural mediator“

The certified Training contains: introductory course, 11 intensive workshops each with 2,5 days on weekends and 3 online-modules. Trainers: Prof. Dr. Katharina Kriegel-Schmidt (Mediator BAFM) and Klaus Schmidt (Mediator BM) Berlin



### Requirements for the candidates:

University Degree or other adequate qualifications, knowledge in 2 modern languages

Work experience in or with other cultures, access to a PC with internet (minimum DSL)

[http://www.interculture.de/interkultureller\\_mediator.htm](http://www.interculture.de/interkultureller_mediator.htm) and <http://www.kriegel-schmidt.com/>

#### **2. Intercultural mediation and intercultural competence – Triangel Institute e.V. Berlin**

Trainings according to the demands of mediation law and the standards of BMWA (Bundesverband Mediation in Wirtschaft und Arbeit) & BM (Bundesverband Mediation)

In service training– 9 modules<sup>12</sup>

#### **3. Good Practice Guide – Labour market possibilities (EQUAL), Good Practice Guide<sup>13</sup>**

#### **4. Project MiMi - Mit Migranten für Migranten – see point 8.<sup>14</sup>**

#### **5. Project SALUD**

- Migrants are trained as facilitators and moderators in the health sector

A project by charitable organization for the administrative district Peine e.V. in cooperation with the Federal office for migration and refugees (BAMF) and of AOK Lower Saxony<sup>15</sup>

#### **6. Project Qantara – Social activation through participation**

- Refugees are trained as culture interpreters, mediators in the youth welfare and school service

A project by charitable organization for the administrative district Peine e.V. with the support of the European refugee's fund<sup>16</sup>

#### **7. Regional Framework Programme For Integration Facilitators**

“On 1st October 2013 the Senate Department for Work, Integration and Women launched the Regional Framework Programme for Integration Facilitators.

This programme currently foresees the introduction of around 70 Integration Facilitators as well as qualification and supervision mechanisms and a region-wide coordination structure for the Integration Facilitators. The programme follows a low-threshold, preemptive approach to social participation for people with migration backgrounds in all 12 districts of Berlin. Integration Facilitators support people with migration backgrounds living in Berlin by offering

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<sup>12</sup> [http://www.institut-triangel.de/interkulturelle\\_mediation.html](http://www.institut-triangel.de/interkulturelle_mediation.html)

<sup>13</sup> [http://www.multikulti-forum.de/fileadmin/user\\_upload/Download\\_PDF/GOOD\\_PRACTICE\\_GUIDE.pdf](http://www.multikulti-forum.de/fileadmin/user_upload/Download_PDF/GOOD_PRACTICE_GUIDE.pdf)

<sup>14</sup> <http://www.gesundheitliche-chancengleichheit.de/good-practice/mit-migranten-fuer-migranten/>

Project Presentation website, <http://www.bkk-bv-gesundheit.de/bkk-promig/24.0.html>

<sup>15</sup> <http://www.salud-peine.de/>

<sup>16</sup> Further information : [www.qantara-peine.de](http://www.qantara-peine.de)

assistance either at a drop-in centre or through outreach work, and they provide simple consultation services”.<sup>17</sup>

#### 8. **Application by a German party Bündnis 90 –Die Grünen**

Petition by the German party **Bündnis 90 –Die Grünen-Chancengleichheit bei der psychosozialer Versorgung von Migrantinnen und Migranten**<sup>18</sup>

#### 9. **MIKK e.V. Mediation bei internationalen Kindschaftskonflikten Advanced Trainings**<sup>19</sup>

#### 10. **The Stranger in the Mirror – Film**

Der Fremde im Spiegel / DVD | 27 minutes | 2004 /German | English subtitles

The short film “The Stranger in the Mirror” tells the bizarre and interesting tale of two colleagues of different nationalities. They have a row as a result of their individual and mutual prejudices. A short time later their bodies are swapped. The adversaries are compelled to deal with the life of the other for an indefinite time. The film is an educational product against Xenophobia at the workplace and aims to address young people in particular.

The film is not intended to preach but rather to be thought-provoking and to stimulate discussion.<sup>20</sup>

### **Other**

#### **BGZ - Projects - Migration and Integration**

#### 11. **PROTECT - Learning and helping as volunteers**

Social participation for migrants, acquisition of skills for vocations and careers, and the intercultural opening of aid organisations – all of this was PROTECT. Its aim was to open up new informal educational offers for people with a migrant background and to support the aid organisations in the intercultural opening and acquisition of members. We were working with an ambassador approach, which has already proven to be effective in many BGZ projects.

PROTECT partnership included nine administrations and NGOs in four countries. The Berlin Senator for the Interior and Sport, Frank Henkel, has taken on the patronage for PROTECT. Known personalities were supporting us as mentors.

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<sup>17</sup> More information: [http://www.berlin.de/imperia/md/content/lb-integration-migration/themen/lotsen/flyer\\_integrationslots\\_innen\\_gb.pdf?start&ts=1416486984&file=flyer\\_integrationslots\\_innen\\_gb.pdf](http://www.berlin.de/imperia/md/content/lb-integration-migration/themen/lotsen/flyer_integrationslots_innen_gb.pdf?start&ts=1416486984&file=flyer_integrationslots_innen_gb.pdf)

<sup>18</sup> [http://www.gruene-fraktion-berlin.de/sites/default/files/381983.antrag\\_162418\\_chancengleichheit\\_auch\\_bei.pdf](http://www.gruene-fraktion-berlin.de/sites/default/files/381983.antrag_162418_chancengleichheit_auch_bei.pdf)

<sup>19</sup> [http://mikk-ev.de/wp-content/uploads/2014-15\\_CBFM\\_DE.pdf](http://mikk-ev.de/wp-content/uploads/2014-15_CBFM_DE.pdf)

<sup>20</sup> <http://www.bgz-berlin.de/en/projects-and-products/selected-products.html#gt> provoking and to stimulate discussion

The Federal Minister of the Interior of the Federal Republic of Germany Dr. Thomas de Maizière was awarded the BGZ-project PROTECT with the sponsoring prize “Helfende Hand”. The team of PROTECT won the first price in the category “innovative concepts”.<sup>21</sup>

## 12. Active Health, Strategies for improved access to healthcare for immigrants

The State of Berlin has adopted a Master Plan Health together with the State of Brandenburg, with the strategic aims to utilize and improve the growth potential of health as an economic and location factor. This includes improved access to healthcare for everyone. Citizens with a migration background are often disadvantaged in this area. The project “Active Health”<sup>22</sup> opened up a new perspective: the idea is to inspire more people with a migration background to enter the health profession. They could then act as multipliers and role models in their living environments. In addition, the intercultural opening in healthcare is supported.

### Good Practice - LITERATURE

<http://www.kik-projekt.de/material.php>

#### Magazines / Journals

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- Müller-Alarcón, U., Wolters, P.: Migrantinnen als Mediatorinnen. (Migrants as mediators) Bericht über das Projekt Qantara, in: Sozial Extra, Heft 1 2002, S. 31-33

#### Articles

- Frenzke-Kulbach, A.: Mediation unter besonderer Berücksichtigung interkultureller Aspekte im Gemeinwesen, in: Migration und Soziale Arbeit, Heft 3/4 2005, S. 249-256
- Frenzke-Kulbach, A.: Interkulturelle Mediation. Möglichkeiten und Grenzen (Intercultural mediation. Possibilities and limits) , in: Soziale Arbeit, Heft 1 2004, S. 9-15

#### Monographies

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- Mayer, C.-H.: Trainingshandbuch interkulturelle Mediation und Konfliktlösung (Trainingsbook intercultural mediation and , Münster 2006

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<sup>21</sup> <http://bgz-protect.eu/2/>

<sup>22</sup> <http://bgz-berlin.de/en/projects-and-products/project-overview/active-health.html>

- Mayer, C.-H., Boness, C.-M.: Interkulturelle Mediation und Konfliktbearbeitung, Münster 2004

#### Further materials

- Paul, C.C. and Kiesewetter, S., Cross-Border Family Mediation: International Parental Child Abduction, Custody and Access Cases. 2011, Wolfgang Metzner Verlag GmbH, Frankfurt
- Kiesewetter, S., Erb-Klünemann, M. und Paul, C.C., Mediation bei internationalen Kindesentführungen, in: Perspektive Mediation, 4/2013, S. 196-204.
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- Walker, J., Herausforderungen grenzüberschreitender Familienmediation, in: Perspektive Mediation,
- Internationale Familienmediation, 4/2013, S. 211-215

#### Films / Videos

- Arnd, M., Schmitz, M.: Respekt! Interkulturelle Konflikte im Alltag (Video), Siegen 2000
- BGZ –Der fremde im Spiegel (The stranger in the mirror)

## 16. Recognition procedures

### 16.1 In Germany

Certified mediator according to §5 subparagraph 2 German mediation law:

On the 26th July 2012 the mediation law became operative. In this law, which regulates the support of mediation and other methods for extrajudicial conflict resolution, in §5 subparagraph 2 the certified mediator is established.

Everyone who passed a qualification as a mediator in accordance with the ordinance to be enacted is designated to call himself “mediator”. This ordinance shall include regulations on the content and scope of training and advanced training, demands for teachers and the type of certification.

Since 2009 the three associations BAFM, BM and BMWA recognize each other’s certified mediators, if the respective mediators pay a fee of 250€ to the accretive association.<sup>23</sup>

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<sup>23</sup> Source: <http://www.zertifizierter-mediator.de>,  
<https://www.mediationaktuell.de/tax/thema/ausbildung/zertifizierung>

Further source - Articles in German:

- 1) »Die Stellungnahmen der Verbände und Fachkreise zur neuen Zertifizierungsverordnung – ZMediatAusbV« von Jürgen G. Heim
- 2) »Die neue Rechtsverordnung zur Zertifizierung - Ein Meilenstein zur Qualitätssicherung und Markttransparenz?« von Jürgen G. Heim
- 3) »Die Verordnung über die Aus- und Fortbildung von zertifizierten Mediatoren (ZMediatAusbV) – Gelungenes Gütesiegel für MediatorInnen?« von Dr. Claudia Conen
- 4) »Stolpersteine aus dem Weg räumen. Im Praxistest: der Entwurf der Zertifizierte-Mediatoren-Ausbildungsverordnung (ZMedAusbV)« von Dr. Reiner Ponschab

## 16.2 Within the European Union

The three German Mediation Associations:

BAFM (Federal Working Group for Family Mediation),

BM (Federal Mediation Association), and

BMWA (Federal Association for Mediation for economy and Working Environment)

as well as

the Swiss Confederation for Mediation SDM-FSM, the Austrian Federal Association for Mediation ÖBM, have mutually recognized their education, training regulations and guidelines. Accordingly to simplify methods for members to be recognized of other organizations.

Conditions of Approval:

Condition of recognition is the submission of a certificate from each of associations. Upon termination of membership or rather the recognition of the origin association, the benefit of the annual fee and the recognition in the alternate association will be voided. Applications must be submitted to the managing board of each of the new associations.<sup>24</sup>

## 17. Evaluation and profile recognition

In Germany mediation training is not regulated by law. The associations resumed the regulation of defined quality standards, especially the Bundesarbeitsgemeinschaft für Familien-Mediation (BAFM), the Bundesverband Mediation in Wirtschaft und Arbeitswelt (BMWA) and the Bundesverband Mediation (BM).

These 3 associations demand likewise further trainings with a minimum of 200 hours (with different specializations, for example the BMWA sets its focus on economic mediation)

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<sup>24</sup> Source: [http://www.bmev.de/index.php?id=anerkennung\\_verbaende](http://www.bmev.de/index.php?id=anerkennung_verbaende)

The Bundesverband Mediation e.V. demands for example 200 hours that are divided:

- 120 hours basics and general methods of mediation,
- 30 hours Mediation in a selected sector,
- 30 hours general and special Supervision and
- 20 hours Intervention

## 18. Technology mediated mediation

Like described above the mediation trainings usually take place as modular courses by various institutes and universities and are taught directly by the providers. In addition there are possibilities to use other forms of learning.

- 1) Online courses are a main part of it, including for example *Steinbeis Beratungszentren (Steinbeis consultation centers)* in Leipzig, where the main office is situated, Stuttgart as well as in Budapest and Wien.
- 2) Trainings via Skype are also possible, for example organized by *mediation-alfter* in Bergisch Gladbach.

To 1) Enclosed we quote an offer from the Steinbeis-Beratungszentrum as an example

Conflicts are part of the daily life of people. There are cases of conflicts in which the conflict parties are separated due to big geographical distances. Hence, they are not able to get together and solve their conflict. Additionally, often the number of the involved parties in relation with public and international conflicts is very big that makes it difficult to handle the conflict without support of media. That is why extrajudicial conflict resolution increasingly happens in the internet. According to the Steinbeis-Beratungszentrum more and more conflicts are solved with the help of online mediation. In general it is the same approach like mediation that includes the common standards, only adding electronic media.<sup>25</sup>

The advantages of online mediation are amongst others the following:

- Local independency by using the internet: all parties decide on their own when and where they want to participate; distances do not play a role
- Easy date arrangement

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<sup>25</sup> Source: <http://www.steinbeis-mediation.com/content/index.php?content=onlinemediation>

- No emotional confrontation due to the physic presence of the other party
- Compensation of power disparities
- Facilitation of the work in the visualization and structuring with the help of software
- Easier documentation

The Steinbeis-Beratungszentrum offers a broad portfolio of online mediation services. Dependent on the situation the center can offer a text based, an audio based and/or a video based online mediation.

There is also a “hybrid mediation” possible. This means that certain phases of the mediation happen with online mediation, others with the classic face-to-face mediation. Hence, the advantages of the certain method can be used individually for every conflict case. As a co-founder of the network IMA (International Mediation Alliance, <http://www.ima-mediation.com>), for transnational cases the Steinbeis-Beratungszentrum has an international mediators-pool.

To 2) an overview of mediation via Skype can be seen on the following link: <http://www.mediation-alfter.de/?p=141>.

## 19. Issues to consider

1. Heterogeneous situation in each EU-country (Time partner countries, legal position, migration tradition).
2. Access criterions to certified education/trainings.
3. Actual political and social trends in Europe (fast changes in many regions of the world like North Africa and Syria, transformation of the structure of migration).
4. The necessity of strengthening intercultural competences in dialogue with Muslims.

## 20. Conclusions

### Migrant Figures

Germany is the most populous country in the European Union and the second most popular migration destination in the world, after the United States.

Some 81 million people live on German territory (20.5% are migrants). The north and east in particular are home to the national minorities of the Danes, the Frisians, the German Sinti and

Roma gypsies, and the Sorbian people. They have their own culture, language, history, and identity.

The 2.5 million immigrants from Turkey represent the largest group, while a further 1.5 million come from former Yugoslavia or its successor states. Repatriates of German descent, who for generations have been living in the states of the former Soviet Union, Romania and Poland, are a second major group of immigrants. Four million Muslims living in Germany.

The Federal Government considers the subsequent integration of people with an immigration background to be a focus of its work. It is foregrounding their incorporation in the labor market and regards education and improving language skills as keys to integration. Since 2006, Federal Chancellor Angela Merkel has held an Integration Summit, which representatives of all social groups impacting on integration, including immigrant organizations, attend. Regular checks are made to ensure that the most important result of the first Integration Summit, the “National Integration Plan”, is being implemented.<sup>26</sup>

Considering the current political and social development both in the EU and Germany, a peaceful life together independent from culture, religion and origin becomes more and more important. A successful integration of migrants is an important part of it.

Our joint project TIME with the plan to establish migrants as intercultural mediators, now seems to be a more important instrument than we assumed months ago.

In Germany the most important question during the research was, why people with migration background with the function of intercultural mediators are obviously underrepresented in relation to their share on the German population.

Based on our research the following is to be noted:

- 1) Most of the certified mediators do not have a migration background (Separate reliable statistics are not available)
- 2) Most of the persons with migration background who work as facilitators in de-escalation of conflicts, in the help with misunderstandings and which are based on cultural background, are no trained mediators (facilitators, ambassadors, interpreter)
- 3) most certified mediators work in the economic or health sector
- 4) There are whole groups and networks of people with migration background, who would be qualified as potential mediators
- 5) Most of the migrants have only a little knowledge about the variety of existing offers of mediation in Germany (exceptions are model projects)
- 6) At the moment a new legal basis of the mediation law is getting proved according to its practicability. Until 26 July 2017 the Federal Government reports the German Bundestag about the impacts of the law on the development of the mediation in Germany and about the situation of the training and advanced training of the mediators.

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<sup>26</sup> Source: <http://www.tatsachen-ueber-deutschland.de/en/society/main-content-08/immigration-and-integration.html>



- 7) The experience and results, which we made and will make with TIME can, after a successful cooperation with the stakeholders, sustainably support the consultation process

We recommend:

- Integration of the available networks of ambassadors, Intercultural trainers, maybe interpreters with migration background
- Targeted meetings, information events and workshops for representatives of the migrant organisations, linked with a short presentation
- While working on material for the mediation trainings – thematic categories:
  - a) Cooperation in intercultural teams (due to an increasing in migrant numbers and consequently a change of structure of the associate teams in every sector)
  - b) Communication mediation - care sector - especially care of elderly (demographic development)
  - c) Conflict management - mediation - violence prevention of adolescents
- Strengthening visibility of the issue through targeted Information campaigns (in this connection, multiplier events may be used)
- Pay more attention to the competence of interpreters regarding the issue of mediation; strategies for competence development of interpreters used by mediators have to be developed.
- In Berlin: Cooperation with the Regional Framework Programme For Integration Facilitators<sup>27</sup>

And especially:

- Influence providers of mediation training and other relevant stakeholders to foster the integration of intercultural mediation issues (in an adequate scope) into all kinds of mediation training (this becomes more and more important in view of changing structures of society, where the rising number of migrants in the society effects all public as well as privates parts of life - patients, customers, colleagues, binational marriage, students, ...).

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<sup>27</sup> [http://www.berlin.de/imperia/md/content/lb-integration-migration/themen/lotsen/flyer\\_integrationslots\\_innen](http://www.berlin.de/imperia/md/content/lb-integration-migration/themen/lotsen/flyer_integrationslots_innen)

## 21. Annexes- statistical data

List of certified mediators in Germany

<http://www.zertifizierter-mediator.de>