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## 前 言

多元化纠纷解决机制改革是推进国家治理体系和治理能力现代化的重要内容，是贯彻落实“四个全面”战略布局的全局性、基础性、长期性改革工作，也是推动解决国内、国际民商事争议规则机制建设的重要改革任务之一。

中国法院的多元化纠纷解决机制改革坚持以习近平新时代中国特色社会主义思想为指导，贯彻落实习近平法治思想，贯彻落实中国共产党第十八次、第十九次全国代表大会及其历次中央委员会全体会议精神，将多元解纷理念贯穿到国家治理、社会治理、群众自治的各个层面，综合运用法治思维和法治手段，有力促进法治、德治、自治有机融合，不断加强各部门间的相互支持与协调配合，找准职能定位、做到资源共享、责任共担，大力推进完善共建共治共享的社会治理格局，确保新时代纠纷解决机制改革创新有力推进、有序开展、有效落实，逐渐形成“党委领导、政府负责、民主协商、社会协同、公众参与、法治保障、科技支撑”的社会治理体系。

按照新时代发展需要，中国法院进一步将人工智能、大数据、信息网络技术等应用到智慧法院建设之中，努力推动多元化纠纷解决机制改革提档升级。促进解纷渠道多元化，实现从诉讼程序的“独木桥”，到与调解、仲裁、公证、和解等相互衔接，共同发力；推进解纷资源



多元化，实现从公共资源为主，发展为公共资源、社会资源、市场资源等整合，共聚合力；增进解纷人员多元化，实现从单一化到大众化与职业化并存的人员构成，汇智聚力；促成解纷平台多元化，实现从线下运行到线上线下跨界融合，科技助力；提倡解纷力量多元化，实现从单一国内资源发展到世界各国和地区、国际组织共同参与，齐心协力。

自 2019 年中国签订《新加坡调解公约》以来，新时代的中国商事调解又迈向新起点、新征程，中国法院将持续深化多元化纠纷解决机制改革，始终立足中国国情，坚持和发展新时代“枫桥经验”，顺应中国社会和法治发展实际需要，积极发挥司法的引领、推动、保障作用，切实将多元解纷制度优势转化为治理效能，将非诉讼纠纷解决机制挺在前面，在中央部署下加强涉新冠肺炎疫情矛盾纠纷多元预防调处化解工作，积极参与全球治理，为构建人类命运共同体，服务保障统筹推进疫情防控和经济社会发展大局，有效预防和化解社会矛盾纠纷，不断满足人民群众多元解纷需求，打造共建共治共享的社会治理格局，在矛盾纠纷化解领域提供具有鲜明特色的“中国方案”，为全球治理贡献“中国智慧”。



## 一、多元化纠纷解决机制改革背景

运用调解化解纠纷在中国已有数千年的历史。近年来，中国法院认真贯彻全面推进依法治国方略，全面深化司法体制改革，充分发挥审判职能，依法裁判各类案件，化解社会矛盾，维护社会公平正义。中国法院在深化多元化纠纷解决机制改革中，立足中国国情，注重继承优秀传统文化，继承“调处息争”“和气生财”“斗则两败、合则双赢”等人民群众普遍接受的纠纷解决理念，将传统文化、国情特点、制度优势、国家政策、群众需求结合起来，借鉴国外成功经验，不断将“东方经验”发扬光大，推动依法治国与以德治国有机结合，实现“法安天下、德润民心”，促进国家治理体系和治理能力现代化。

**依法治国的战略部署。**深化多元化纠纷解决机制改革是在全面依法治国背景下的战略部署。《中华人民共和国宪法》对人民调解委员会作出了明确规定，《中华人民共和国民事诉讼法》规定调解是法院的一项基本职责，为调解工作提供了法律保障（见图1）。中国共产党第十八届中央委员会第四次全体会议通过的《中共中央关于全面推进依法治国若干重大问题的决定》将多元化纠纷解决机制改革纳入了国家治理体系和治理能力现代化战略部署，提出健全社会矛盾纠纷预防化解机制，完善调解、仲裁、行政裁决、行政复议、诉讼等有机衔接、相互协调的多元化纠纷解决机制，加强行业性、专业性人民调解组织



图 1 中华人民共和国成立以来与调解相关的主要法律规定和司法解释





建设，完善人民调解、行政调解、司法调解联动工作体系。中国共产党第十八次全国代表大会以来，国家坚持法治建设与社会建设并重，积极推进国家治理体系和治理能力现代化。2015年10月13日，中央全面深化改革领导小组第十七次会议审议通过了《关于完善矛盾纠纷多元化解机制的意见》，提出坚持人民调解、行政调解、司法调解联动，鼓励通过先行调解等方式解决问题；着力完善制度、健全机制、搭建平台、强化保障，推动各种矛盾纠纷化解方式的衔接配合，建立健全有机衔接、协调联动、高效便捷的矛盾纠纷多元化解机制。由此，多元化纠纷解决机制改革上升到国家治理层面。

**国家治理的制度保障。**中国共产党第十九届中央委员会第四次全体会议通过的《中共中央关于坚持和完善中国特色社会主义制度、推进国家治理体系和治理能力现代化若干重大问题的决定》，提出了完善社会矛盾纠纷多元预防调处化解综合机制的改革任务。最高人民法院按照试点先行、总结经验、示范效应、全面推广的思路，立足依法治国方略、国家治理理念、人民调解制度、传统司法文化、调解实践发展、人民解纷需求等制度基础和中国国情，稳步推进调解、仲裁、行政裁决、行政复议、诉讼等多种解纷方式相互衔接协调的多元化纠纷解决机制改革，将多元解纷制度优势转化为多元共治的治理效能，为决胜全面建成小康社会提供法治保障。中国法院不断完善司法政策、加强司法保障，扎实推进多元化纠纷解决机制改革，加强矛盾纠纷多元预防化解，统筹做好新冠肺炎疫情防控、审判执行等各项工作，促进完善共建共治共享的社会治理格局，推进国家治理体系和治理能力现代化。中国共产党第十九次全国代表大会以来，中国法院从战略部署、法治思维、社会视角和历史高度重新审视法院在社会治理中的功能和作用，引导各种解纷机制积极参与、多元共治、各取所长、各尽其能，



形成常态化、科学系统的多元化纠纷解决体系。2020年，中国共产党第十九届中央委员会第五次全体会议提出：“完善共建共治共享的社会治理制度。”《中共中央关于制定国民经济和社会发展第十四个五年规划和二〇三五年远景目标的建议》指出，坚持和发展新时代枫桥经验，完善各类联动调解工作体系，积极参与构建源头防控、排查梳理、纠纷化解、应急处置的社会矛盾综合治理机制。中央全面依法治国工作会议强调坚持在法治轨道上推进国家治理体系和治理能力现代化，对国家治理的制度保障提出建设要求。

**人民调解的创新发展。**人民调解起源于陕甘宁革命根据地“马锡五审判方式”，将调解作为解决民事纠纷的主要手段。中华人民共和国成立后，将调解和法院审判作为解决社会纠纷的主要手段，人民调解制度不断发扬光大。1963年，毛泽东同志就“枫桥经验”作出批示，要求各地发动和依靠群众，坚持矛盾不上交，就地解决纠纷。即使在当时司法资源极为紧张的情况下，法院依然投入大量力量从事调解，既体现了人民司法的优良传统，也与中国法院所承载的多种社会功能相匹配。改革开放以来，随着中国法治建设的不断推进，调解和仲裁等具体制度也日益完善。中国加入世界贸易组织后，中央人民政府、各级地方人民政府、相关行政部门和各级司法机关都在努力探索化解社会矛盾、维护社会稳定、促进社会发展的有效对策。中国法院充分发挥在矛盾纠纷源头预防化解中的推动、指引、规范、保障作用，坚持和发展新时代“枫桥经验”，有效整合人民调解、行业调解、行政调解、司法调解等各类解纷资源，促进形成纠纷多元化解工作强大合力。

**源头治理的理念转变。**诉源治理，是多元化纠纷解决机制背景下防范纠纷的一项重要举措，指的是社会个体及各种机构对纠纷的预防及化解采取各项措施、方式和方法，使潜在纠纷和已出现纠纷的当事



人的相关利益和冲突得以调和，并且采取联合行动所持续的过程。诉源治理是传承创新“枫桥经验”，发挥矛盾纠纷多元化解功能，让司法审判作为维护社会公平正义的最后一道防线更好发挥作用的一个重要制度设计，通过充分发挥司法政策导向作用和行政解纷资源优势，鼓励引导当事人选择非诉讼程序解决纠纷，提高非诉解纷方式的社会认同感。同时，将社会主义核心价值观融入纠纷解决全过程，促进形成价值互补、机制互联、程序互通、共建共享、多方共赢的多元解纷氛围，把非诉讼纠纷解决机制挺在前面，从源头上减少诉讼增量，在更高层次上提升多元化纠纷解决机制的法治化水平。

**传统文化的思想影响。**自古以来，中国传统的“中庸之道”“博爱仁政”“以和为贵”思想深刻影响着民众的司法文化观念。面对纠纷时，人们往往以血缘宗法为基础，遵从道德权威的教化，维护尊卑长幼之间的秩序和睦，更多地选择私下协调解决，而不是对簿公堂。这些文化传统都成为中国独具特色的“调解”的思想底蕴，造就了中华民族放眼长远、追求和谐的纠纷解决艺术。“和谐无讼、调处息争”不仅是中国传统司法文化的追求，也成为世界法治思想的重要内容。与诉讼相比较，调解的优势是不言而喻的。诉讼需要支付比较多的金钱成本、时间成本、心理成本，诉讼结果还具有很大的不确定性，而协商与调解会最大限度地避免伤及当事人之间的感情，便于当事人在以后的生产、生活中和睦相处。和谐无讼，其本质不是没有诉讼，而是尽量减少诉讼并通过有限诉讼的宣传达到无限接近社会和谐无讼的目的。在这种司法文化背景下，人民法院为了满足人民群众多元解纷需求，通过多元化纠纷解决机制改革，畅通全社会共同参与纠纷解决的路径渠道。搭建全社会共同参与纠纷解决的平台，发挥司法在多元化纠纷解决机制中的引领、推动和保障作用，建立符合解纷规律、高



效快捷、便民利民的解纷路径；综合发挥群众自治和法院职能的优势，既充分发挥群众自治的作用，又通过司法确认赋予其强制力，完善人民法院参与基层社会治理的工作机制；让当事人通过低成本、低诉累的方式解决纠纷，最大限度地将矛盾纠纷化解在基层和萌芽状态，以法治方式和制度安排解决改革发展中面临的纠纷。

**信息技术的广泛应用。**随着人工智能、大数据、云计算、区块链等现代信息技术的发展，中国法院将互联网思维运用于司法审判工作，通过建立在线纠纷解决平台将多元化纠纷解决机制改革和现代信息技术有机融合，对外通过在线方式链接人民调解、行业调解、商事调解等解纷资源，对内加强与移动微法院、律师服务平台、审判流程管理系统、国际商事调解平台等互联融通，加大与各地法院自建平台对接力度，集成智能评估、音视频调解、司法确认、立案、繁简分流等各项功能，突破区域、部门和层级信息壁垒，为当事人提供全时空、跨地域、全流程的网上解纷服务，实现各种解纷资源互联互通、资源共享，提高案件分流、在线调解、诉调对接等信息化智能化水平，充分释放在线矛盾纠纷多元化解活力，为人民群众提供更加便捷高效的多元化在线解纷服务。

**全球治理的发展趋势。**新冠肺炎疫情以来，中国政府强化信息公开、援助合作、精准管控和有效应对，不仅做到短时间内控制局面，而且以更快的速度和更可持续的模式使经济重回正轨。相比较各国治理模式的启示：应时势变化选择并实施契合本土情境的治理范式，是国家治理走向成熟定型的基础表现，也是为全球治理提供中国方案、贡献中国智慧的现实需要。当前，中国特色社会主义进入新时代，社会主要矛盾已转变为人民日益增长的美好生活需要和不平衡不充分的发展之间的矛盾，这就对治理模式提出了更高要求；“一国两制”“一



带一路”等国家体制和倡议的推进实施、提档升级、创新发展，需要从国家治理体系和治理能力现代化的高度出发，基于国家治理的新形势、新任务和新要求，促进政治、法治、德治、自治、智治的多元共治、融合发展，切实将中国特色社会主义的治理优势转化为治理效能，构建新发展格局，实现互利共赢，为构建人类命运共同体贡献中国力量。



## 二、引领多元化纠纷解决机制改革

最高人民法院积极发挥司法在多元化纠纷解决机制改革中的引领作用，将多元解纷理念贯穿在社会治理中，运用法律手段和法治思维，注重顶层设计，加强制度创新，不断引领多元化纠纷解决机制改革向纵深发展。

**注重顶层设计，统筹规划改革。**最高人民法院将完善多元化纠纷解决机制作为一项重要司法改革任务，从《人民法院第二个五年改革纲要》到《人民法院第五个五年改革纲要》持续推进（见图2），按照“国家制定发展战略、司法发挥保障作用、推动国家立法进程”的改革路径，实现跨越式发展。2016年，最高人民法院印发《关于人民法院进一步深化多元化纠纷解决机制改革的意见》，明确了人民法院开展多元化纠纷解决机制改革的基本原则、工作重点和实施路径，把平台建设、诉调对接、特邀调解、在线解纷等内容制度化、规范化。2017年，最高人民法院先后召开多元化纠纷解决机制、案件繁简分流和调解速裁工作推进会，对改革作出进一步总结部署。2018年，最高人民法院先后召开全国涉侨纠纷多元化解试点工作推进会、完善委派调解机制改革座谈会，制定多元化纠纷解决机制改革示范法院和案件繁简分流机制改革示范法院标准，分别确定50个和80个示范法院。2019年，全国高级法院院长座谈会专题研究“推进多元化纠纷解决机





制和现代化诉讼服务体系建设”。最高人民法院印发《人民法院第五个五年改革纲要》，创新发展新时代“枫桥经验”，完善“诉源治理”机制，坚持把非诉讼纠纷解决机制挺在前面，推动从源头上减少诉讼增量。2019年12月28日，第十三届全国人民代表大会常务委员会第十五次会议通过《关于授权最高人民法院在部分地区开展民事诉讼程序繁简分流改革试点工作的决定》，进一步优化司法资源配置，全面促进司法公正，提升司法效能，满足人民群众多元解纷需求。2020年，最高人民法院相继印发《民事诉讼程序繁简分流改革试点实施办法》《民事诉讼程序繁简分流改革试点问答口径（一）（二）》，以此确保民事诉讼程序繁简分流改革试点平稳有序推进。

**围绕诉讼服务，做好平台对接。**最高人民法院于2019年7月3日发布《关于建设一站式多元解纷机制一站式诉讼服务中心的意见》，将诉调对接平台建设 with 诉讼服务中心建设结合起来，建立集诉讼服务、立案登记、诉调对接、涉诉信访等多项功能为一体的综合服务平台，引导当事人理性表达诉求，打造中国特色纠纷解决和诉讼服务新模式，实现诉调对接工作规范化、系统化和常态化（见图4）。人民法院主动融入诉源治理机制建设，建设一站式多元解纷机制，加强与调解、仲裁、公证、行政复议的程序衔接，健全完善行政裁决救济程序衔接机制，畅通与行政机关、工会、侨联、共青团、妇联、法学会、仲裁机构、公证机构、行业协会、行业组织、商会等对接渠道，加强数据协同共享。同时，推动建设类型化专业化调解平台，完善诉调一体对接机制，推广应用在线调解平台。截至2020年底，全国各级法院设置专门的诉调对接中心3835个，专门工作人员29921名，工作制度进一步完备，发挥案件分流、先行调解、委派调解、委托调解、司法确认等制度的功能，快速化解纠纷，发挥纠纷处理集散地、调度站和分流点的作用。全国



## 二五改革纲要

7. 加强和完善诉讼调解制度，重视对人民调解的指导工作，依法支持和监督仲裁活动。与其他部门和组织共同探索新的纠纷解决方法，促进简历健全多元化的纠纷解决机制。

## 四五改革纲要

46. 健全多元化纠纷解决机制。继续推进调解、仲裁、行政裁决、行政复议等纠纷解决机制与诉讼的有机衔接、相互协调，引导当事人选择适当的纠纷解决方式。推动在征地拆迁、环境保护、劳动保障、医疗卫生、交通事故、物业管理、保险纠纷等领域加强行业性、专业性纠纷解决组织建设，推动仲裁制度和行政裁决制度的完善。建立人民调解、行政调解、行业调解、商事调解、司法调解联动工作体系。推动多元化纠纷解决机制立法进程，构建系统、科学的多元化纠纷解决体系。



## 三五改革纲要

26. 建立健全多元纠纷解决机制。按照“党委领导、政府支持、多方参与、司法推动”的多元纠纷解决机制的要求，配合有关部门大力发展替代性纠纷解决机制，扩大调解主体范围，完善调解机制，为人民群众提供更多可供选择的纠纷解决方式。加强诉前调解与诉讼调解之间的有效衔接，完善多元纠纷解决方式之间的协调机制，健全诉讼与非诉讼相衔接的矛盾纠纷调处机制。

## 五五改革纲要

9. 健全“一带一路”国际商事争端解决机制。加强最高人民法院国际商事法庭建设。推动调解、仲裁机构积极参与最高人民法院国际商事法庭国际商事争端解决机制，完善调解、仲裁、诉讼相互衔接的“一站式”国际商事纠纷解决平台。完善最高人民法院国际商事专家委员会工作机制。完善外国法查明机制。推动建立域外送达网络平台。

13. 深化多元化纠纷解决机制改革。创新发展新时代“枫桥经验”，完善“诉源治理”机制，坚持把非诉讼纠纷解决机制挺在前面，推动从源头上减少诉讼增量。完善调解、仲裁、行政裁决、行政复议、诉讼等有机衔接、相互协调的多元化纠纷解决体系，促进共建共治共享的社会治理格局建设。加大对行业专业调解工作的指导力度，完善多方参与的调解机制，健全完善律师调解机制，进一步发挥专业调解作用。对具备调解基础的案件，按照自愿、合法原则，完善先行调解、委派调解工作机制，引导鼓励当事人选择非诉方式解决纠纷。推动建立统一的在线矛盾纠纷多元化解平台，实现纠纷解决的在线咨询、在线评估、在线分流、在线调解、在线确认。推广线上线下相结合的司法确认模式，促进调解成果当场固定、矛盾纠纷就地化解。

图2 多元化纠纷解决机制改革纳入人民法院五年改革纲要



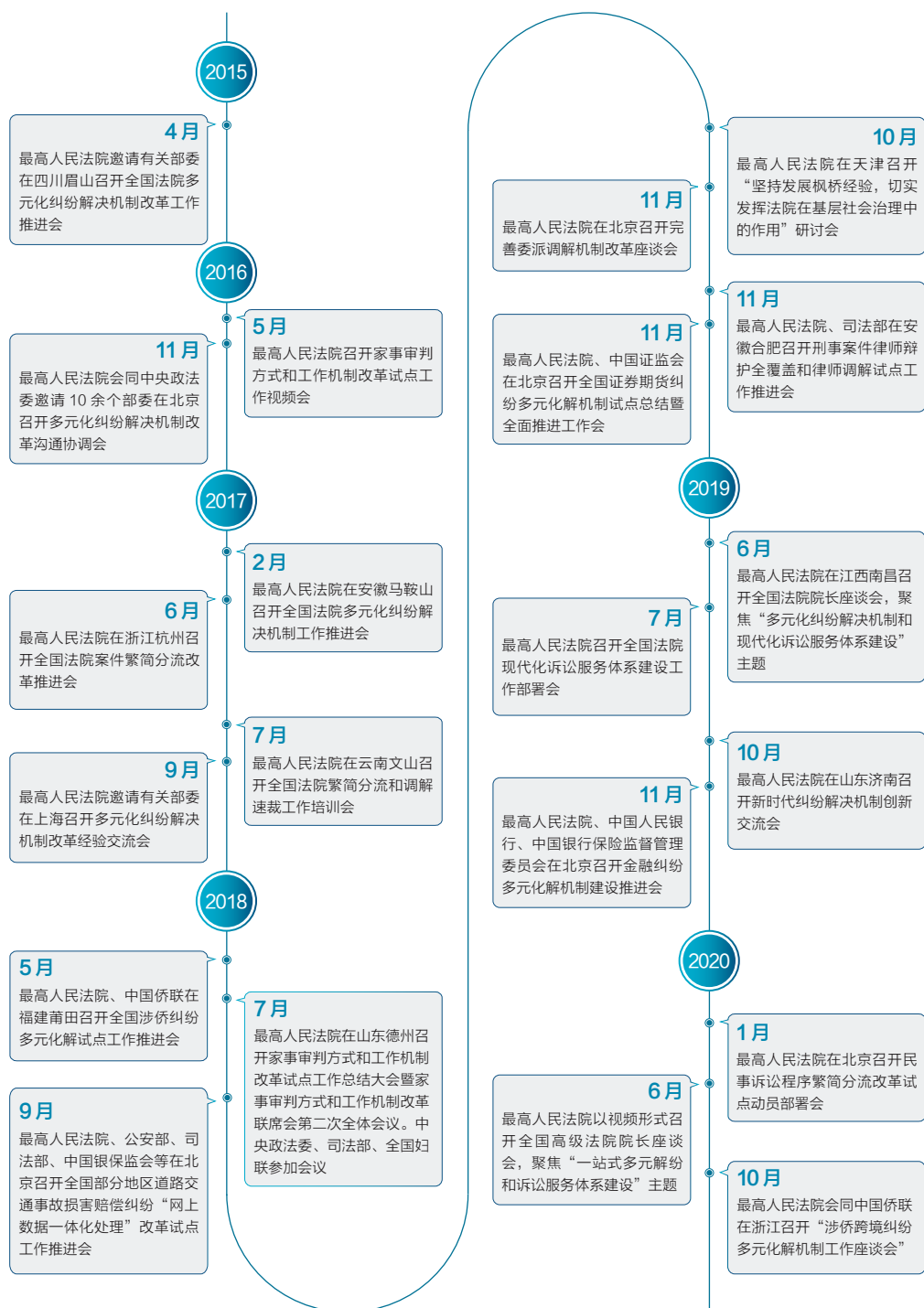


图 3 2015 年以来最高人民法院组织多元化纠纷解决机制改革会议

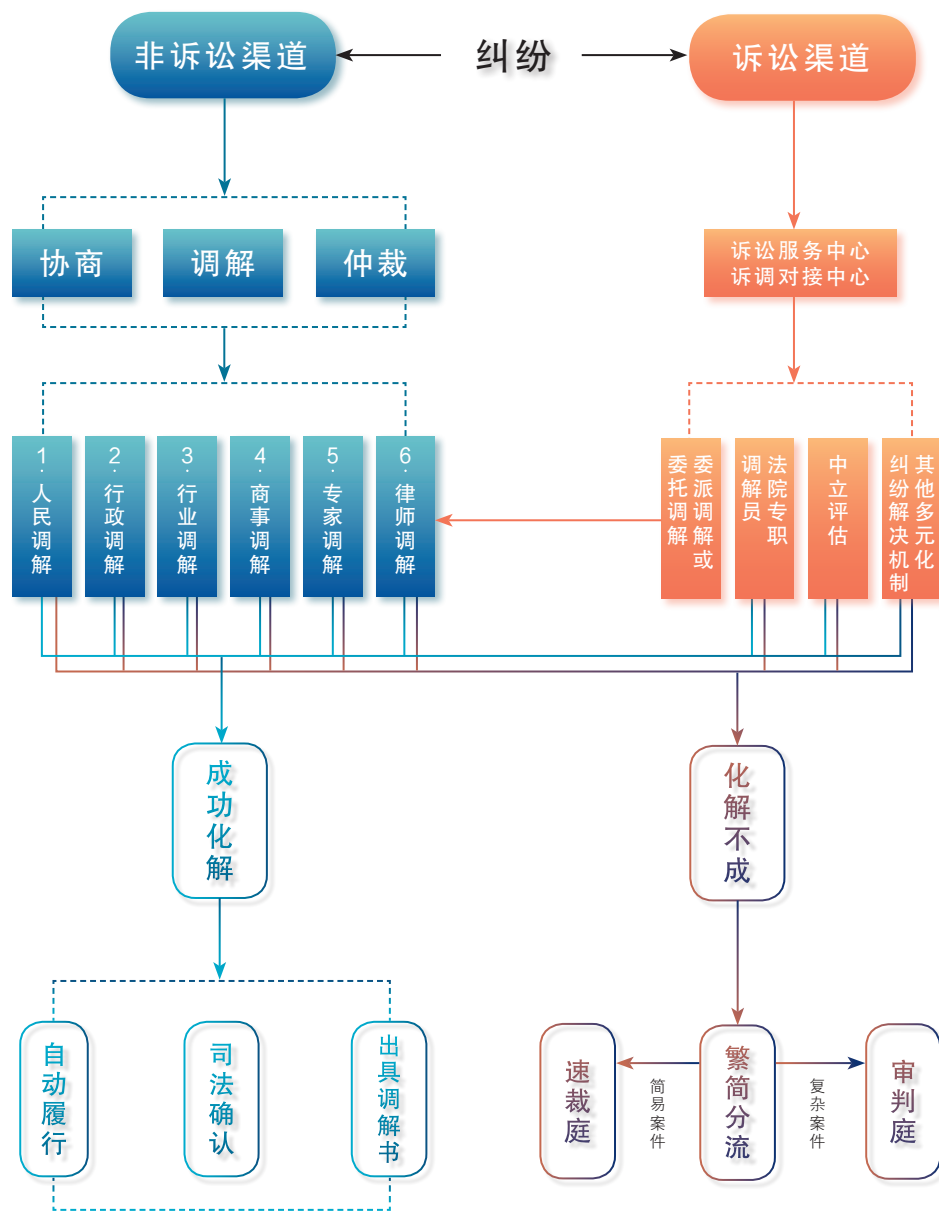


图4 多元化纠纷解决机制示意图



3000 多个基层法院指导 80 万个人民调解组织、400 万人民调解员的业务工作，每年人民调解组织化解纠纷近 1000 万件。坚持以人民为中心，加强诉讼服务规范化、标准化建设，不断拓宽服务渠道，改进服务方式，建设一站式诉讼服务中心，健全立体化诉讼服务渠道，为当事人提供一站式诉讼服务。截至 2020 年底，全国 98% 的法院建立诉讼服务大厅，98% 的法院运行诉讼服务网，95% 的法院开通 12368 诉讼服务热线。50% 以上法院开通律师服务平台，不少法院在乡村街道建立诉讼服务站，设立 24 小时自助法院等，让诉讼服务 24 小时不打烊。进一步优化司法资源配置，将审判辅助性、事务性工作集约在诉讼服务中心，提升诉讼服务质效。

**推行特邀调解，做好专业解纷。**特邀调解是指人民法院吸纳符合条件的人民调解、行政调解、商事调解、行业调解等调解组织或者个人成为特邀调解组织或者特邀调解员，接受人民法院立案前委派或者立案后委托依法进行调解，促使当事人在平等协商基础上达成调解协议、解决纠纷的一种调解活动。特邀调解可以有效整合社会解纷资源，优化司法资源配置，将司法解纷和司法服务功能向外延伸，最大程度上满足人民群众多层次、多途径及低成本、高效率解决纠纷的需求。2016 年，最高人民法院印发《关于人民法院特邀调解的规定》，对特邀调解应遵循的原则、法院应当如何开展特邀调解工作、特邀调解组织和特邀调解员的入册条件及义务、特邀调解的程序等问题作了规定。截至 2020 年底，全国法院设立调解工作室近 7000 个，建立特邀调解组织 2.2 万个，特邀调解员 7 万人。全国法院在诉讼服务中心或诉调对接中心配备正式编制专职调解员 12648 人，法院专职调解员调解案件 173.9 万件，调解成功 148 万件，调解成功率达 85%。通过特邀调解分流案件约占一审民商事案件总数的 40%。



**完善委派调解，规范诉前解纷。**委派调解机制对上依托于人民法院特邀调解制度，对下承接繁简分流机制改革、分调裁审机制改革，在整个多元化纠纷解决机制改革中有重要位置。2020年，最高人民法院印发《关于进一步完善委派调解机制的指导意见》，从完善社会治理体系和建设社会治理共同体的高度，坚持依法、自愿、依程序的原则开展委派调解工作，切实把非诉讼纠纷解决机制挺在前面，满足广大人民群众多元、高效、便捷的解纷需求。意见依法扩大了委派调解的适用范围，规范了委派调解的运行程序，完善了委派调解与诉讼的衔接机制，保障了委派调解过程中当事人的诉讼权利。2019年，全国法院立案前委派调解案件325.3万件，调解成功118.1万件。

**推动繁简分流，提高审判质效。**2016年9月12日，最高人民法院印发《关于进一步推进案件繁简分流优化司法资源配置的若干意见》，促进科学配置司法资源，提高审判质效。2017年5月，最高人民法院印发《关于民商事案件繁简分流和调解速裁操作规程（试行）》，全面开展“分流+调解+速裁+快审”机制改革。2020年，为落实中央政法工作会议上关于“要深化诉讼制度改革，推进案件繁简分流、轻重分离、快慢分道”的会议精神，根据全国人大常委会授权决定，最高人民法院印发《民事诉讼程序繁简分流改革试点方案》，决定在北京、上海等15个省、自治区、直辖市内纳入试点的中级人民法院、基层人民法院和专门法院开展民事诉讼程序繁简分流改革试点工作，进一步优化司法确认程序，完善小额诉讼程序、简易程序规则，扩大独任制适用范围，建全电子诉讼规则。此项改革试点彰显人民性、注重实践性、保持前瞻性，从制度上挖掘潜力、提升效能、激发活力。目前，全国78%的法院运行“分调裁审”机制（见图6）。65%的法院设立程序分流员，负责诉讼引导辅导和程序分流工作。全国50%以上法院



在诉讼服务中心设立各类专业化的调解工作室，70%左右法院建立速裁快审团队，促进诉调对接实质化，诉讼程序简捷化，做到应调尽调、当判则判，从简从快办理简单纠纷。2019年以来，全国法院平均40%左右的民商事案件在诉讼服务中心实现一站式解决。

**完善司法确认制度，保障调解组织工作。**司法确认是人民法院基于当事人申请，审查调解协议的自愿性、合法性后，赋予其强制执行力的非讼程序。自2011年《中华人民共和国人民调解法》规定调解协议司法确认制度，2012年修订的《中华人民共和国民事诉讼法》将其纳入“特别程序”以来，司法确认对于支持和保障人民调解组织发展、提升纠纷解决效率、明确法律规则、稳定法律关系发挥了积极作用。2020年，最高人民法院印发的《民事诉讼程序繁简分流改革试点实施办法》进一步优化了司法确认程序：一是强调了试点法院建立和管理特邀调解名册的责任；二是建立了特邀调解与司法确认的衔接机制，扩大了可以申请司法确认的调解协议范围；三是明确了中级人民法院和专门法院也可适用司法确认程序。2020年，全国法院共受理司法确认案件556275万件，确认有效537354万件，确认有效比例达到96.6%（图5）。

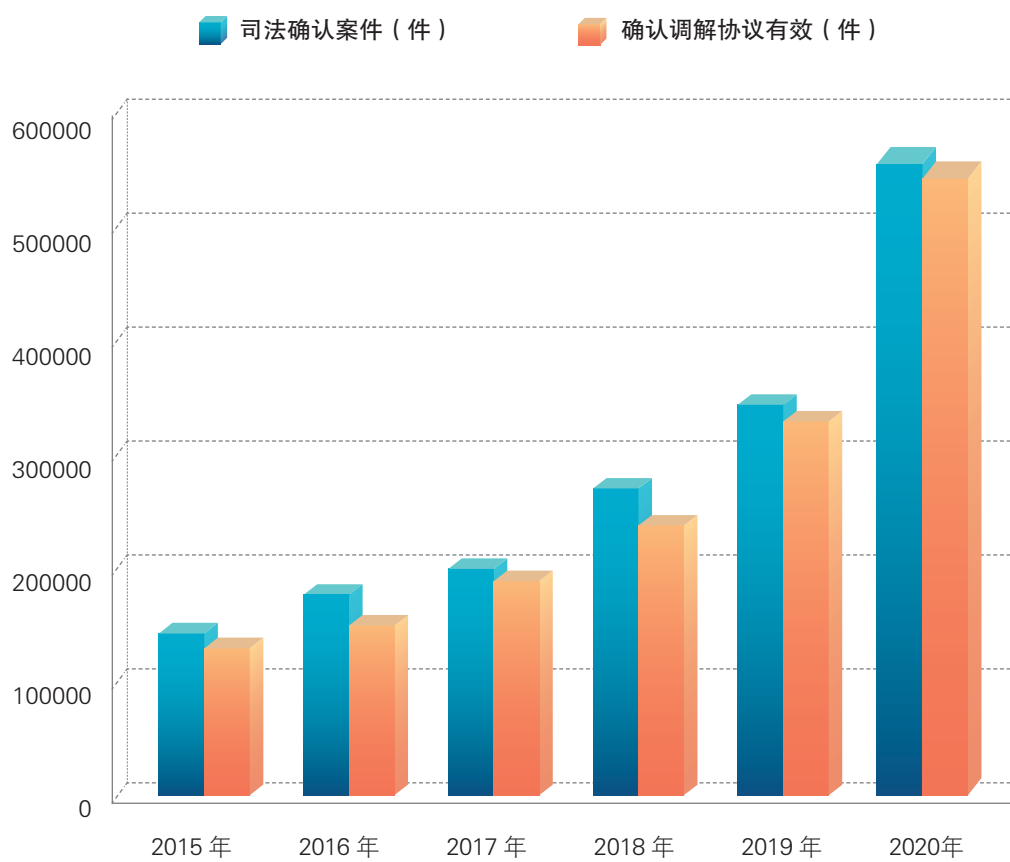


图5 司法确认及确认有效案件统计趋势图

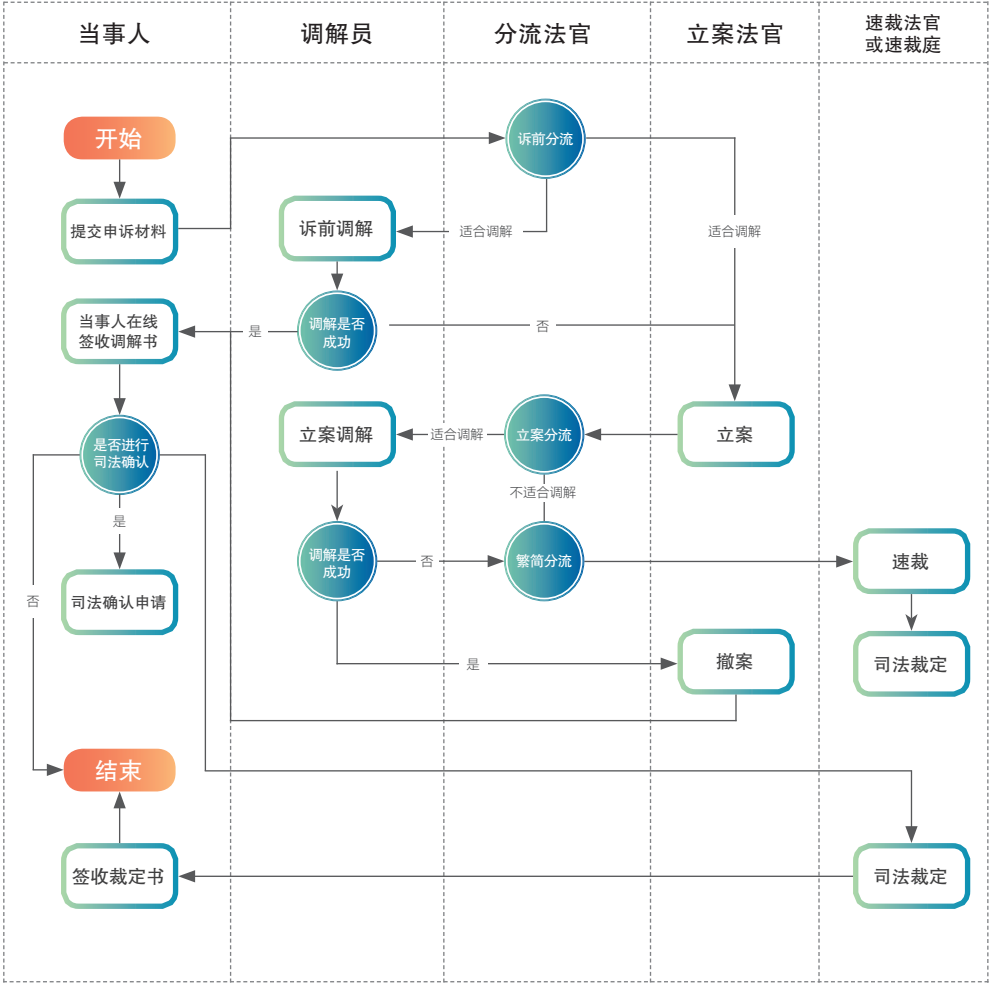


图6 全国法院多元调解管理流程图



### 三、推动形成多元化纠纷解决体系

近年来，在中央政法委员会、全国人民代表大会常务委员会等中央单位的推动和支持下，最高人民法院积极发挥司法在多元化纠纷解决机制改革中的“推动”作用，单独发布涉及矛盾纠纷多元化解的司法解释、指导意见、规定、通知、试点方案共 30 余件；通过课题研究、共同调研、联合发文、建立联动机制、立法支持等方式，与司法部、公安部、国家发改委、人力资源和社会保障部、中国人民银行、中国证券监督管理委员会、中国银行保险监督管理委员会、全国妇联、中国侨联、全国工商联、全国总工会等联合发布 28 份文件。这些文件在婚姻家庭、劳动争议、金融保险、证券期货、价格纠纷、涉侨纠纷、律师调解、商会调解、环境资源保护、知识产权保护、国际商事等多个领域推动建立多类主体的专业性纠纷化解机制，形成了多元化纠纷解决体系（图 7），凝聚起全社会共同参与纠纷解决的强大合力（图 8、图 9）。

**建立律师调解机制，推动专业人员解纷。**2017 年 9 月 30 日，最高人民法院与司法部联合印发《关于开展律师调解试点工作的意见》，在 11 个省市开展律师调解试点工作。通过建立律师调解员队伍，发挥法律专业人士化解纠纷的优势，拓展律师服务领域。2018 年 12 月 26 日，最高人民法院和司法部联合印发《关于扩大律师调解试点工作的通知》，



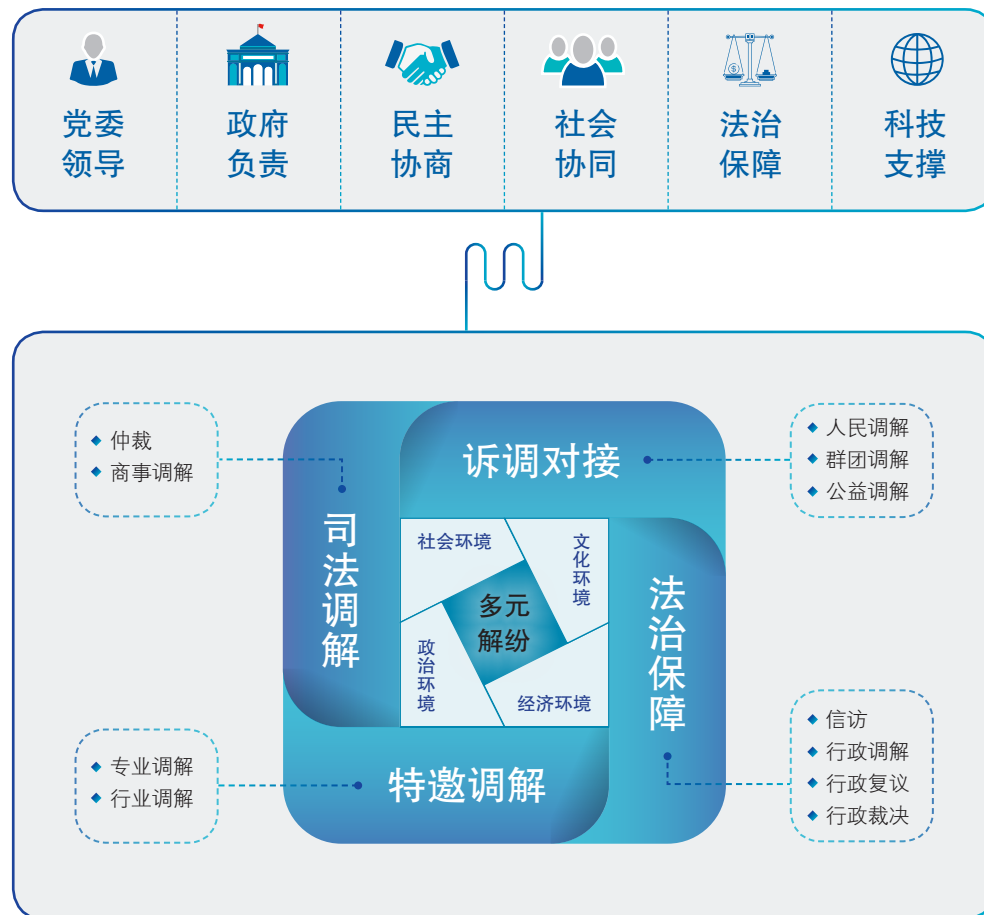


图 7 多元化纠纷解决体系示意图



## 中国法院的多元化纠纷解决机制改革



图 8 多元化纠纷解决机制改革政策文件



2011 年  
|  
2016 年

- ◆ 2011 年 4 月，中央综治办、最高人民法院、最高人民检察院、国务院法制办公室、公安部、司法部、人力资源和社会保障部、卫生部、国土资源部、住房和城乡建设部、民政部、国家工商行政管理总局、国家信访局、中华全国总工会、中华全国妇女联合会、中国共产主义青年团中央委员会《关于深化推进矛盾纠纷大调解工作的指导意见》
- ◆ 2012 年 12 月，最高人民法院和中国保险监督管理委员会联合下发《关于在全国部分地区开展建立保险纠纷诉讼与调解对接机制试点工作的通知》
- ◆ 2016 年 11 月，最高人民法院、中国保险监督管理委员会印发《关于全面推进保险纠纷诉讼与调解对接机制建设的意见》

2017 年

- ◆ 2017 年 3 月，全国妇联、中央综治办、最高人民法院、公安部、民政部、司法部等联合下发了《关于做好婚姻家庭纠纷预防化解工作的意见》
- ◆ 2017 年 3 月，人力资源社会保障部、中央综治办、最高人民法院、司法部、财政部、中华全国总工会、中华全国工商业联合会、中国企业联合会、中国企业家协会联合下发《关于进一步加强劳动人事争议调解仲裁完善多元处理机制的意见》
- ◆ 2017 年 6 月，最高人民法院和司法部联合印发《关于开展公证参与人民法院司法辅助事务试点工作的通知》
- ◆ 2017 年 9 月，最高人民法院和司法部联合印发《关于开展律师调解试点工作的意见》

2017 年

- ◆ 2017 年 7 月，最高人民法院、中央综治办、最高人民检察院、教育部、公安部、民政部、司法部、国家卫生计生委、新闻出版广电总局、国务院妇儿工委办公室、全国总工会、共青团中央、全国妇联、中国关工委、全国老龄办等下发《关于建立家事审判方式和工作机制改革联席会议制度的意见》
- ◆ 2017 年 11 月，最高人民法院会同人社部下发《关于加强劳动人事争议仲裁与诉讼衔接机制建设的意见》
- ◆ 2017 年 11 月，最高人民法院、公安部、司法部、中国保险监督管理委员会印发《关于在全国部分地区开展道路交通事故损害赔偿纠纷“网上数据一体化处理”改革试点工作的通知》

2018 年

- ◆ 2018 年 3 月，最高人民法院与中国侨联印发《关于在部分地区开展涉侨纠纷多元化解试点工作的意见》
- ◆ 2018 年 9 月，最高人民法院与公安部、司法部、中国银行保险监督管理委员会联合印发《道路交通事故损害赔偿纠纷“网上数据一体化处理”工作规范（试行）》
- ◆ 2018 年 11 月，最高人民法院、中国证券监督管理委员会印发《关于全面推进证券期货纠纷多元化解机制建设的意见》的通知
- ◆ 2018 年 11 月，最高人民法院与证监会联合印发《关于全面推进证券期货纠纷多元化解机制建设的意见》

2019 年  
|  
2020 年

- ◆ 2019 年 1 月，最高人民法院与全国工商联进行联合印发《关于发挥商会调解优势推进民营经济领域纠纷多元化解机制建设的意见》
- ◆ 2019 年 11 月，最高人民法院、中国人民银行、中国银行保险监督管理委员会联合印发《关于全面推进金融纠纷多元化解机制建设的意见》
- ◆ 2019 年 12 月，最高人民法院、国家发展改革委、司法部联合印发《关于深入开展价格争议纠纷调解工作的意见》
- ◆ 2020 年 3 月，最高人民法院、中华全国总工会联合印发《关于在部分地区开展劳动争议多元化解试点工作的意见》
- ◆ 2020 年 12 月，最高人民法院办公厅、国家知识产权局办公室关于建立知识产权纠纷在线诉调对接机制的通知
- ◆ 2020 年 12 月，最高人民法院办公厅、中国侨联办公厅关于加快推进涉侨纠纷在线诉调对接工作的通知

图 9 多元化纠纷解决机制改革联合发文



在全国范围扩大律师调解改革试点,进一步发挥律师在化解社会矛盾、促进依法治理中的专业优势和实践优势,建立符合我国国情的律师调解制度。2020年,最高人民法院把人民法院律师服务平台纳入一站式多元解纷和诉讼服务体系建设,为广大律师和基层法律服务工作者提供律师身份“一次认证、全国通用”,“线下快办、线上通办”的诉讼服务。截至2020年9月已有20家高级人民法院完成平台对接工作。四川省高级人民法院推动辖区180家法院设立律师调解室,湖北省潜江市人民法院将全市知名律师纳入法院特邀调解员,河北省沧州市任丘市人民法院18名律师组成的律师调解团队于4~11月诉前调解成功案件1500余件。

**完善家事解纷机制,推动家事审判改革。**2017年3月,全国妇联会同中央综治办、最高人民法院、公安部、民政部、司法部等联合下发了《关于做好婚姻家庭纠纷预防化解工作的意见》。同年7月,最高人民法院会同14个有关部门联合印发《关于建立家事审判方式和工作机制改革联席会议制度的意见》,与中央综治办、教育部、民政部、全国妇联等部门建立家事审判方式和工作机制改革联席会议制度,统筹协调推进家事审判方式和工作机制改革,完善家事纠纷多元化解机制。2018年7月,最高人民法院印发《关于进一步深化家事审判方式和工作机制改革的意见(试行)》,在总结前期试点工作基础上,要求建立社会广泛参与的家事纠纷多元调解机制,倡导符合新时代文明风尚的家风,弘扬社会主义核心价值观。2019年8月,最高人民法院与全国妇联联合会下发《关于进一步加强合作建立健全妇女儿童权益保护工作机制的通知》,进一步加强人民法院与妇联组织的协同配合,依法维护妇女儿童合法权益。安徽省马鞍山市雨山区人民法院推动成立全省首个家事多元调解委员会,吸纳妇联、司法局、辖区村社区、



心理咨询机构等群体组建专门家事调解员队伍。上海市杨浦区人民法院探索家事调解员协助送达机制，诉状副本送达率高达 85.2%。广东省东莞市第一人民法院建立家事调解中心，调解成功率达 80%。吉林省吉林市丰满区人民法院通过诉前分流将 42% 左右的家事纠纷化解在法院之外。

**完善金融解纷机制，防控金融风险。**人民法院积极发挥审判职能作用，依法保护投资者合法权益、促进资本市场健康发展。2018 年 8 月 20 日，上海金融法院正式成立，完善了金融审判体系，提升了金融审判专业化水平，努力营造良好金融法治环境。同年，最高人民法院、中国证券监督管理委员会印发《关于全面推进证券期货纠纷多元化解机制建设的意见》的通知，建立证券期货纠纷多元化解机制，加强资本市场基础制度建设。人民法院将证券监管部门督促的股票欺诈发行案件先行赔付工作一并纳入司法对接范畴，促进责任主体与投资者在诉前达成和解。并通过示范判决机制，对法律规则不明的典型个案先行判决，为调解组织开展集中调解工作创造条件。为保护金融消费者合法权益，防范化解金融风险、促进金融业持续健康发展，2019 年 11 月 20 日，最高人民法院、中国人民银行、中国银行保险监督管理委员会联合印发《关于全面推进金融纠纷多元化解机制建设的意见》，对金融纠纷多元化解机制的案件范围、工作流程、司法确认制度等作出规定。平等民商事主体之间因金融业务产生的合同和侵权责任纠纷，可以向金融纠纷调解组织申请调解，达成的调解协议具有民事合同性质。经调解员和金融纠纷调解组织签字盖章，当事人可以向有管辖权的人民法院申请确认其效力。2020 年 2 月，最高人民法院与中国证券监督管理委员会共同推进人民法院调解平台与“中国投资者网证券期货纠纷在线解决平台”两网贯通，覆盖全国 2800 多家法院和资本市场



各投资业务领域。最高人民法院还加强与中国人民银行协商，实现与中国金融消费纠纷调解网对接，与中国银行保险监督管理委员会就在线多元调解工作形成建设方案。2020年，湖南省高级人民法院指导省金融消费纠纷调解委员会在各市州配备专业调解员171名。2020年12月15日，北京市高级人民法院、人行营管部、北京银保监局同步上线全国首个金融案件多元解纷一体化平台，自8月试运行以来已调解成功金融纠纷2300余件。

**建立涉侨解纷机制，依法维护侨胞权益。**为依法维护归侨侨眷和海外侨胞合法权益，2018年3月，最高人民法院与中国归国华侨联合会联合印发《关于在部分地区开展涉侨纠纷多元化解试点工作的意见》，在吉林、上海、江苏、浙江、安徽、福建、湖南、广东、广西、海南、云南等11省（自治区、直辖市）开展试点。最高人民法院大力支持中国侨联落实试点文件精神，中国侨联法律顾问委员会与中国侨商联合会签订战略合作协议，建立法律服务专项基金，探索适用公益基金维护侨益新途径。各地高院积极部署试点工作，各级法院与当地侨联建立联席会议等工作沟通机制，为涉侨企业和人员提供高效便捷的矛盾纠纷化解服务。2020年10月，最高人民法院和中国侨联在浙江青田主办“涉侨跨境纠纷多元化解机制工作座谈会”，为完善涉侨纠纷多元化解机制积极献言献策。浙江省丽水市青田县人民法院立足侨情县情，全力构建“海内海外联动调解、线上线下多元共治”的涉侨纠纷多元化解格局，推动党委政法委、统战部和法院、检察院、公安局、司法局、侨联等7部门共同设立涉侨纠纷多元化解中心，在各乡镇（街道）设立分中心，为归侨侨眷提供法律援助、法律宣传、法律咨询等服务，形成涉侨多元解纷网络。云南法院立足沿边优势和特殊区情，设立国门诉讼服务站，通过引入行业交易惯例、外方调解员参与调解等方式，





促进简易涉侨纠纷高效、低成本化解。广西壮族自治区玉林市容县人民法院以涉侨诉讼服务中心为载体引进多方力量，汇集 8 个调解组织、32 名调解员，进一步加强涉外涉侨纠纷化解力度。

**建立“一体化处理”平台，提高交通事故解纷效率。**2012 年，最高人民法院与中国保险监督管理委员会在全国 32 个地区开展保险纠纷诉讼与调解对接机制试点工作，试点地区法院积极与保监局、保险行业协会建立诉调对接机制，明确各方职责和对接流程，加强沟通联系和信息共享，更好满足保险消费者的多元解纷需求，涉保险纠纷案件调解率和自动履行率明显提高。为深入推进道路交通事故损害赔偿纠纷“网上数据一体化处理”改革工作，最高人民法院与公安部、司法部、保险监督管理委员会在 14 个省市自治区开展道路交通损害赔偿纠纷“网络数据一体化处理”改革试点工作。2018 年 9 月 10 日，最高人民法院、公安部、司法部、中国银行保险监督管理委员会制定了《道路交通事故损害赔偿纠纷“网上数据一体化处理”工作规范（试行）》，建立道路交通纠纷网上一体化处理工作协调和信息共享等机制，运用大数据构建人民法院与公安机关、调解组织、保险机构、鉴定机构相互衔接、协调联动的工作格局，实现调解、鉴定、诉讼、理赔等业务的信息共享和在线处理，以及道路交通事故损害赔偿纠纷的全程信息化快速处理与化解。经调解达成协议的，各方当事人可以依法自调解协议生效之日起 30 日内，通过道交纠纷网上一体化处理平台在线申请司法确认。司法确认案件在线制作保存电子卷宗，并依法定程序进行归档。2019 年 12 月，最高人民法院印发《关于在全国法院推广应用道路交通事故损害赔偿纠纷网上数据一体化处理平台的通知》，全面推广道交一体化平台。2020 年，最高人民法院、公安部、司法部、中国银行保险监督管理委员会联合印发《关于在全国推广道路交通事



故损害赔偿纠纷“网上数据一体化处理”改革工作的通知》，要求进一步完善道交一体化平台。截至2020年10月中旬，道交一体化平台在全国27家高级人民法院试点上线1640家基层法院，共受理调解44万余件，调解完成37万余件，其中调解成功29万件，调解成功率为78.37%，涉及金额111亿余元（图10）。

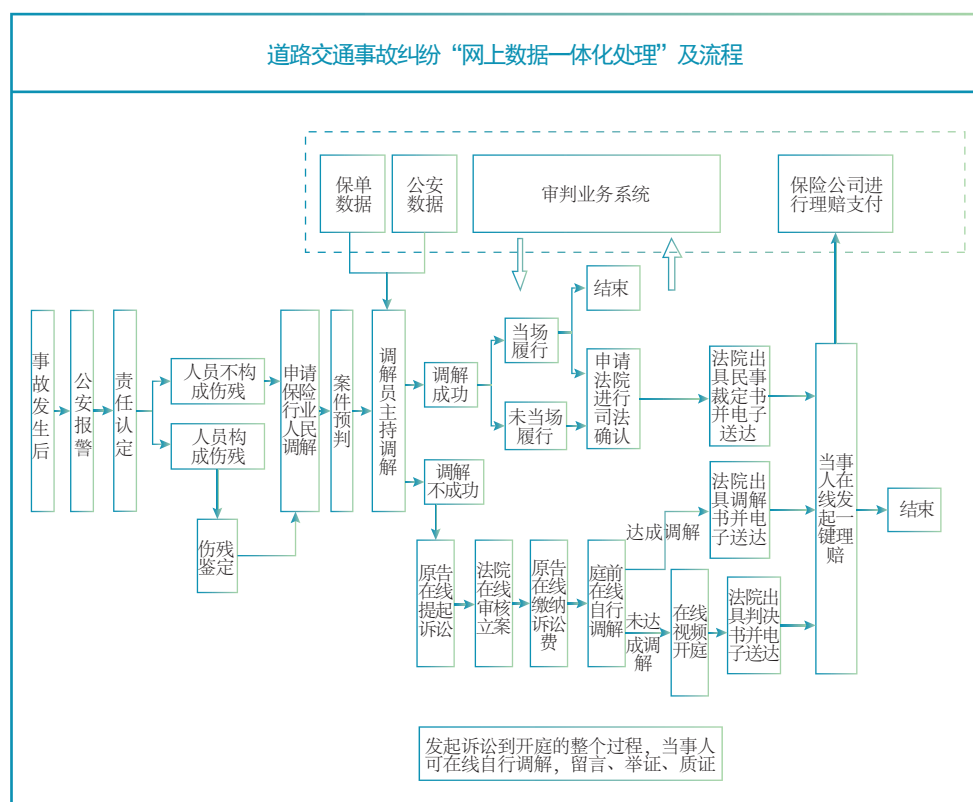


图10 道路交通事故纠纷“网上数据一体化处理”流程图

完善劳动争议解纷机制，推动构建和谐劳动关系。2013年，人力资源和社会保障部、全国工商联在全国部分非公有制企业开展了劳动争议预防调解示范工作，2016年开展第二批劳动争议预防调解示范工作。在此基础上，2017年3月，最高人民法院与人力资源和社会保障部、中央综治办、司法部、财政部等部门联合印发《关于进一步加强劳动





人事争议调解仲裁完善多元处理机制的意见》，按照劳动人事争议处理的程序要求，完善预防协商、调解、仲裁、调裁审衔接、基础保障等五大机制，切实维护劳动人事关系和谐与社会稳定。劳动人事争议仲裁机构在同级人民法院的支持下，积极推进仲裁诉讼衔接机制建设。2017年11月，最高人民法院会同人力资源和社会保障部印发《关于加强劳动人事争议仲裁与诉讼衔接机制建设的意见》，从建立联席会议制度、信息共享制度、疑难复杂案件办案指导制度、联合培训制度等方面出发，初步构建起裁审受理范围一致、裁审标准统一、裁审程序有机衔接的制度。2020年2月20日，最高人民法院、中华全国总工会联合印发《关于在部分地区开展劳动争议多元化解试点工作的意见》，在内蒙古、吉林、上海、江西、山东、湖北、广东、四川等8省（自治区、直辖市），以及西安、宁波、北海3市开展试点。各地法院积极探索与工会、人力资源和社会保障、综治、司法等部门建立多元化调解联动模式，推动构建和谐劳动关系。四川省成都市中级人民法院以“劳动纠纷联动处置中心”为多元解纷主体履职平台，集合劳动监察执法、劳动仲裁、工会法律服务、司法确认等各部门职能职责，为劳资双方提供便利的“一站式”服务，由仲裁前端流入法院的案件比例逐年下降。浙江省宁波市奉化区人民法院在诉讼服务中心设立劳动争议诉调对接工作室，劳动争议诉前委派调解成功率达89.81%，同比增长5.05个百分点。广东省三级法院均与辖区各总工会全面完成对接，共设立158个劳动争议多元化解工作室，308个纠纷化解巡回服务点，吸纳2511名调解员参与劳动争议化解。2019年4月至2020年8月31日，劳动争议调解案件数为118697件，调解成功77716件，调解成功率65.47%，平均调解周期为20.15天。

**发挥公证制度优势，促进公证参与解纷。**为推动公证参与司法辅



助工作，2017 年最高人民法院与司法部联合下发《关于开展公证参与人民法院司法辅助事务试点工作的通知》，在 12 个省市开展试点，引入公证参与司法辅助事务，将其公益性、中立性、专业性、独立性等特殊价值属性融入司法制度中，发挥两类专业法律资源的优势。2018 年，最高人民法院印发《关于公证债权文书执行若干问题的规定》，对经公证赋予强制执行效力的债权文书，可以不经诉讼直接成为人民法院的执行依据，进一步发挥“赋强公证”在纠纷预防方面的功能。2019 年，最高人民法院、司法部下发《关于扩大公证参与人民法院司法辅助事务试点工作的通知》，将试点工作扩大至全国范围。同时，积极推进人民法院和公证处合作，将诉前分流、司法送达、调查取证、财产保全等司法辅助业务外包给公证处，推动在司法辅助事务领域合作发展。山东省聊城市冠县人民法院实行公证驻庭模式，成立冠县公证处驻法院公证工作室，自 4 月成立以来，共开展公证调解案件 356 件，和解成功 37 件，和解成功金额 3706 万元。浙江省湖州市吴兴区人民法院借助“赋强公证”高效化解 69 起委托经营管理合同批量纠纷。

**发挥商会调解优势，推进民营经济领域解纷。**最高人民法院与中华全国工商业联合会（简称“全国工商联”）在推进民营经济领域纠纷多元化解机制建设方面有着良好的基础。2012 年，双方共同开展矛盾纠纷化解机制课题研究。2013 年，双方共同部署在全国 16 个省、21 家单位开展了商会调解试点。2014 年以来，全国工商联与最高人民法院不断总结交流试点工作经验。目前，各级工商联组织 3400 多家，所属商会组织 4.7 万个，工商联系统各类商会调解组织约 1520 家。为发挥商会纠纷多元化解的优势，促进民营经济发展，2019 年 1 月，最高人民法院与全国工商联印发了《关于发挥商会调解优势推进民营经济领域矛盾纠纷多元化解机制建设的意见》，建立健全商会调解机制



与诉讼程序有机衔接的纠纷化解体系，引导民营企业选择调解方式解决纠纷，推动商人纠纷商会化解，为民营经济健康发展提供司法保障。2019年11月，最高人民法院与全国工商联印发《关于加快推进人民法院调解平台与商会调解服务平台对接工作的通知》，依托人民法院调解平台支持商会调解服务平台建设，实现上下联动、资源共享、业务协同，有力促进民营经济领域多元解纷工作开展。2020年，两部门合作建成工商联商会调解服务平台，并对地方工商联、商会及商会调解组织有关同志共4200余人进行在线培训，网络直播覆盖13.7万人次，进一步扩大平台影响力。同年10月，联合印发《关于建立健全人民法院与工商联沟通联系机制的意见》，建立商会联动机制，深化对民营经济领域高发性、类型性矛盾纠纷的诉源治理，进一步提升服务保障民营经济的能力水平。

**建立价格争议解纷机制，提高专业调解公信力。**2019年12月，最高人民法院、国家发展改革委、司法部联合印发《关于深入开展价格争议纠纷调解工作的意见》，对平等民事主体之间因商品或者服务价格产生的纠纷开展调解工作，提供争议化解公共服务，构建调解和诉讼制度有机衔接的价格争议纠纷化解机制，建立形式多样、层次分明的调解网络。发生价格争议纠纷的，可以通过价格主管部门所属的价格认定机构、相关人民调解组织、依法设立的其他调解组织开展调解，充分发挥行政主管部门、人民调解组织、专业调解组织等在价格争议纠纷化解的作用，加强对价格争议纠纷调解的司法保障。意见印发以来，价格争议纠纷调解工作进入快速发展新阶段。多地发展改革委联合当地高级人民法院、司法厅印发了具体贯彻落实的相关规范性文件。绝大部分省份均不同程度开展了调解工作，其中，江苏有98个市（县、区）、山东省有70余个市（县、区）开展了调解工作，覆盖面均超过



50%。

**建立知识产权解纷机制，推动知识产权保护。**2017年4月，最高人民法院印发《中国知识产权司法保护纲要（2016—2020）》，明确提出推动建立知识产权多元化纠纷解决机制，有效发挥仲裁和其他纠纷解决方式在知识产权纠纷解决中的积极作用，鼓励当事人通过非诉讼方式化解纠纷。加强与仲裁机构、行业协会、调解组织的沟通，推动知识产权民事纠纷解决第三方平台建设，畅通诉讼与仲裁、调解的对接机制，统一相关流程和法律文书。支持仲裁机构、调解组织在证据保全、财产保全、强制执行等方面依法履职，形成知识产权纠纷非诉讼解决便捷机制。2019年6月，最高人民法院与世界知识产权组织共同举办“WIPO 调解在知识产权诉讼中的应用研讨会”，对知识产权组织的替代性纠纷解决机制开展深入研讨。2020年4月，最高人民法院发布《关于全面加强知识产权司法保护的意见》，提出健全完善多元化纠纷解决机制，支持知识产权纠纷的多渠道化解，开展知识产权纠纷调解协议司法确认试点。四川法院与中国（四川）知识产权保护中心签订关于建立知识产权协同保护机制的合作协议，委托其进行涉专利知识产权案件的调解工作；新疆法院注重采用多种调解方式化解矛盾，调撤率始终保持相对较高水平。

**构建诉前磋商衔接机制，化解生态环境损害赔偿纠纷。**生态环境损害赔偿制度是生态文明制度体系的重要组成部分，是对生态环境损害责任者实行严格赔偿制度的重要举措。2017年，中共中央办公厅、国务院办公厅印发《生态环境损害赔偿制度改革方案》，将磋商设为诉讼的前置程序，拓宽了生态环境损害纠纷的解决路径。人民法院与生态环境部门共同推动生态环境损害赔偿制度改革，为完善生态文明制度体系，推进生态文明建设贡献力量。2019年，最高人民法院发布《关



于审理生态环境损害赔偿案件的若干规定（试行）》，构建了诉前磋商程序和诉讼程序的有效衔接机制，明确经磋商达成生态环境损害赔偿协议的，当事人可以向人民法院申请司法确认，并对司法确认的公告程序、赔偿协议的审查规则以及司法确认裁定书内容等进行具体规定，为行政机关开展磋商达成的成果提供了司法保障。

**加强区际司法合作，建立内地与港澳共商共建共享的多元解纷机制。**2019年4月，最高人民法院与香港特别行政区政府律政司签署《关于内地与香港特别行政区法院就仲裁程序相互协助保全的安排》，这是内地与其他法域签署的第一份有关仲裁保全协助的文件。广东省高级人民法院出台《广东自贸区跨境商事纠纷调解规则》，规范涉港澳商事纠纷的调解工作，在全国首聘港澳特邀调解组织和港澳籍特邀调解员，充分体现和尊重粤港澳群众在纠纷化解机制中的参与度和话语权。广州市南沙区人民法院、珠海横琴新区人民法院、深圳前海合作区人民法院等建立国际商事诉调对接中心，选聘102名港澳籍特邀调解员，参与调解案件1898件，调解成功844件，调解成功率达44.47%。广州互联网法院上线首个跨港澳在线纠纷多元化解平台，汇聚大湾区42个调解机构、951位调解员，成功调处跨境纠纷1万余件。

**推进涉台纠纷多元化解，依法维护台湾同胞权益。**2019年3月，最高人民法院发布《关于为深化两岸融合发展提供司法服务的若干措施》，积极推广台胞陪审员、调解员参与司法工作经验，促进纠纷实质性解决。福建、辽宁、江苏、广东等省法院选任台胞台商担任陪审员、调解员参与涉台案件全流程调处。截至2020年底，福建法院共聘任台胞陪审员157名，在各区市台湾同胞服务中心以及台湾同胞聚集地、台商投资区、台湾地区农民创业园区、台湾地区青年就业创业基地等推广设立60家台胞权益保障法官工作室，发挥法律咨询、多元化调解、





司法建议和法律宣传等作用，引导台胞通过法律途径维权，促进涉台矛盾纠纷化解在诉前和诉外。

**营造法治营商环境，促进国际商事纠纷多元化解。**为依法公正及时审理国际商事案件，平等保护中外当事人合法权益，营造稳定、公平、透明、便捷的法治化国际营商环境，最高人民法院根据中央决定设立了国际商事法庭。2018年6月25日，最高人民法院审判委员会审议通过《最高人民法院关于设立国际商事法庭若干问题的规定》，对国际商事法庭的职责和功能作出了规定。同年8月26日，最高人民法院成立了国际商事专家委员会，陆续制定了国际商事法庭程序规则和国际商事专家委员会工作规则，并选定了首批纳入“一站式”国际商事纠纷多元化解决机制的仲裁和调解机构。开通国际商事法庭双语网站，及时发布消息，有效提升了国际商事法庭的宣传力度和透明程度。加强多元解纷国际交流，建立共建共治共享国际和区际对话沟通协同机制，让中外当事人自愿选择调解、仲裁等非诉讼方式解决纠纷。推动调解、仲裁机构积极参与最高人民法院国际商事法庭国际商事争端解决机制，完善调解、仲裁、诉讼相互衔接的“一站式”国际商事纠纷解决平台，目前正在积极建设信息化平台，打通诉讼与调解、仲裁有机衔接的线上渠道，逐步实现立案、送达、调解、庭前证据交换、开庭到宣判全流程的网上办理。截至2020年底，最高人民法院国际商事法庭受理18件国际商事案件并审结5件。在国际商事法庭网站上线域外法查明平台，正式建立全国法院域外法查明统一平台。印发了《最高人民法院关于人民法院进一步为“一带一路”建设提供司法服务和保障的意见》，为“一带一路”建设营造国际化法治化营商环境，用中国特色的和谐文化思想丰富全球治理理念，为服务国家一系列重大发展战略及倡议作出应有贡献。



## 四、保障多元化纠纷解决机制发展

最高人民法院在持续深入推进多元化纠纷解决机制改革中，不仅注重制度建设和机制完善，还注重将智慧法院与多元化纠纷解决机制改革深度融合，不断加大多元解纷机制技术应用的广度、深度和力度，全面加强法治、经费、人员、科技、宣传等配套保障工作，推动多元化纠纷解决机制持续发展。

**加强法治保障，提高依法解纷水平。**切实发挥司法引领、推动和保障作用，依法公正高效审理案件，支持非诉讼纠纷解决机制更好发挥作用，推动多元化纠纷解决机制健康发展。加快推进法院诉讼服务中心、诉前解纷、速裁团队建设，诉讼服务中心、人民法庭加强与乡镇综治中心、司法所联动，加大对基层调解工作的业务指导力度。加强特邀调解工作管理，健全特邀调解组织和调解员名册管理机制，提升多元解纷力量专业化、职业化、梯队化建设水平。做好民事诉讼程序繁简分流试点改革。积极参与商事调解立法研究，转化改革成果，推动上升为立法。最高人民法院积极参与并推动一些条件成熟的地方着手本地多元化纠纷解决机制的综合性立法和单项立法进程，并已取得初步成果。自2015年4月厦门市出台全国第一部促进多元化纠纷解决机制建设的地方性法规，2016年7月山东省出台我国第一部关于完善纠纷多元化解机制、促进多元化解纠纷工作的省级地方性法规以来，



黑龙江、福建、安徽、四川、吉林、海南、辽宁、贵州、河北、武汉等九省二市均颁布了关于矛盾纠纷多元化解的地方立法（图 11）。

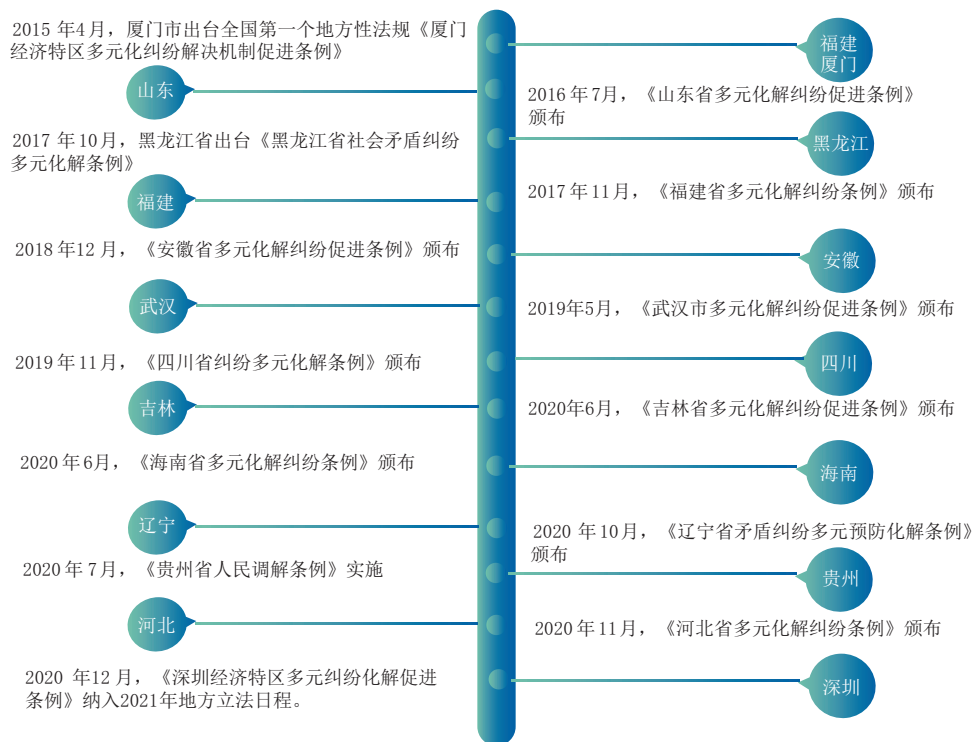


图 11 多元化纠纷解决机制地方立法

**加强经费保障，完善配套激励机制。**将多元调解工作纳入法官业绩考评，将调解员的办案补贴列入法院财政专项预算，调动了法官和特邀调解员的工作积极性，实现了资源配置和工作对接协调一致。建立完善考核指标体系，将矛盾纠纷多元化解率纳入平安中国考核。加大特邀调解确认率在绩效考评体系中的权重，督促当事人自行履行调解协议。发挥诉讼费的调节作用，保障当事人诚信参加调解、合理行使诉讼权利。将是否同意适用特邀调解与诉讼费用的承担方式、减免





政策等相联系，发挥激励机制效用。

**加强人员保障，提升理论实践水平。**2016年4月，最高人民法院在湘潭大学设立多元化纠纷解决机制研究基地，开展特邀调解员培训20余次，出版了《如何当好调解员系列丛书》等2部培训教材和理论丛书，最高人民法院组织开展了“湘潭杯”“羊城杯”等3次理论研究征文活动，先后3次开展多元纠纷解决机制课题研究，先后出版了《多元化纠纷解决机制改革典型经验与实践案例》等4部指导实务丛书，为深化改革奠定基础。

**加强科技保障，提高解纷资源效能。**中国法院将信息化、智能化作为诉讼服务发展新动能，结合推进智慧法院建设，大力推广现代信息技术在矛盾纠纷多元化解中的运用，建立纵向贯通、横向集成、共享共用、安全可靠的在线矛盾纠纷化解信息系统，推动一站式多元解纷和一站式诉讼服务体系建设。截至2020年底，中国超过98%的法院具备网上立案或预约立案功能，目前，近90%的法院能够提供自助立案服务，绝大多数法院具备电子送达功能。推动诉讼服务线上线下功能互补、有机结合，协同推进诉讼服务大厅、诉讼服务网、移动端诉讼服务平台、12368热线建设，依托中国移动微法院，利用人脸识别、远程音视频、电子签名等技术，通过手机在线办理立案、查询、送达、证据交换、调解、开庭等诉讼事务，让当事人和法官充分感受到便利。截至2020年底，全国共有3488家法院使用人民法院调解平台开展调解工作（图12）。平台入驻调解组织3.7万家，调解员16.1万名，调解案件1267万件，每周新增调解案件量从年初的百十件增长到上万件，调解成功率超过61%。各级人民法院在总结推广“网上枫桥经验”的基础上，积极探索在线纠纷解决机制建设，在线纠纷解决机制逐步从简单的线上调解向实现“数据流转、信息共享、资源聚合”的综合

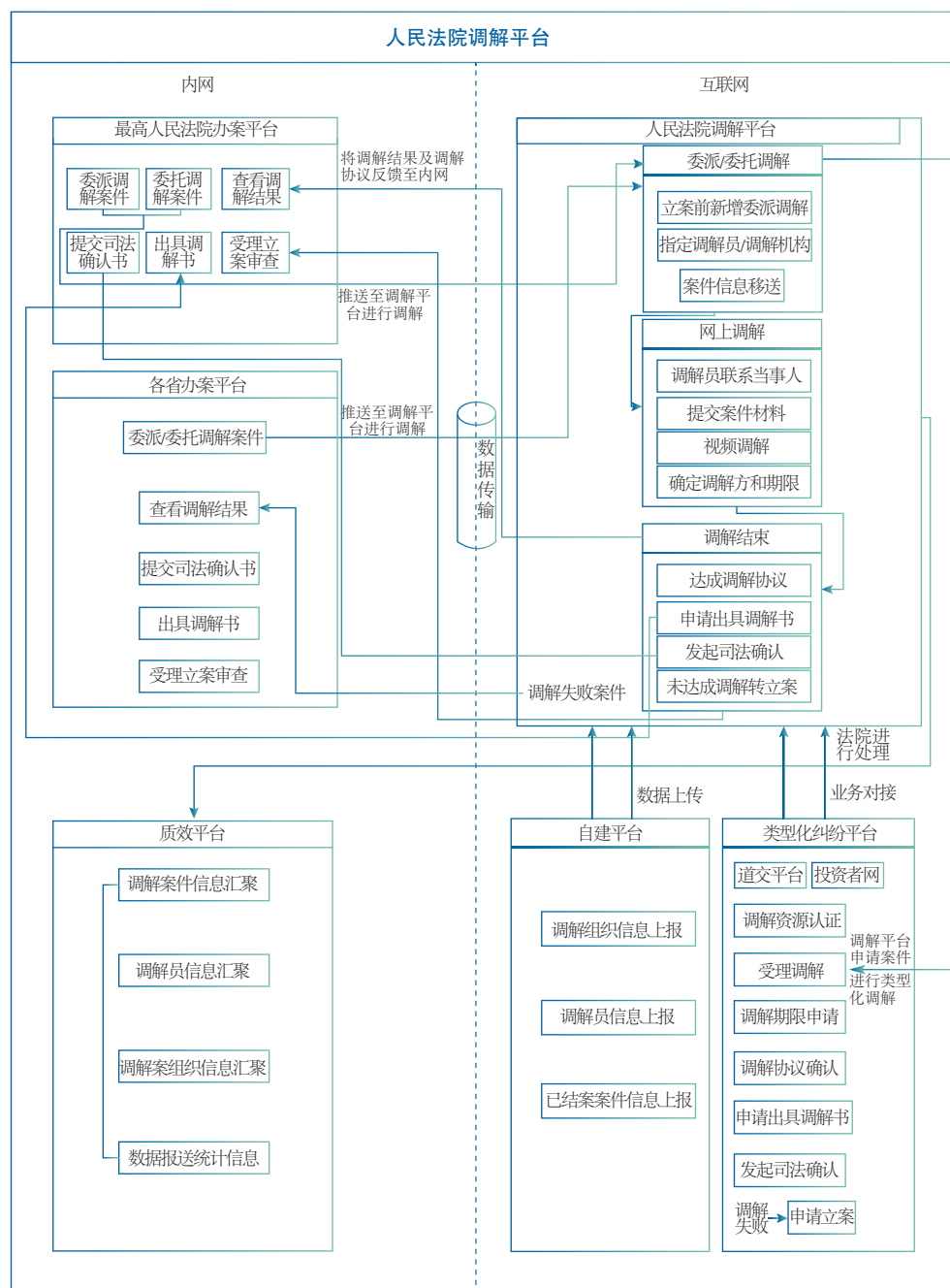


图 12 人民法院调解平台流程图



性平台转变。浙江省打造“在线矛盾纠纷多元化解平台”（ODR），集在线咨询、评估、调解、仲裁、诉讼五大服务功能于一体，为人民群众提供便捷、高效、经济的解纷服务。截至2020年12月27日，ODR平台注册用户达1887149人，注册调解员45196人，申请调解案件1225783件，调解成功率为76%。该平台先后被评为中国互联网法治大会“优秀‘互联网+法律’创新项目”、中央政法委“矛盾纠纷多元化解工作创新优秀项目”第一名、第四届世界互联网大会优秀项目。

**加强宣传交流，宣讲多元解纷中国经验。**加强政策解读，编写出版《最高人民法院多元化纠纷解决机制改革意见和特邀调解规定的理解与适用》《人民法院多元化纠纷解决改革实务指引和案例选编》《涉侨纠纷多元化解工作指南》等书籍。做好经验总结推广，精选一批多元化纠纷解决机制改革经验案例，编发《人民法院司法改革案例（五）》。加强宣传交流，参加第三届中新法律和司法圆桌会议、中国—新加坡国际商事争议解决论坛、中国—非洲法律论坛、国际调解高峰论坛、第四届沪港商事调解论坛、中国仲裁高峰论坛、第八届大中华仲裁论坛等论坛活动。参加《新加坡调解公约》签署研究工作。组织召开“中法国际商事审判交流研讨会”，中国和法国30多名法官代表参会。与中国侨联代表团赴西班牙等国考察涉侨纠纷多元化解工作。最高人民法院选派人员参加在英国举办的第三次中英商事争端解决专家工作组会议，在新加坡举办的“‘一带一路’争议解决机制国际会议”，在韩国首尔举办的“一带一路”综合服务能力建设论坛，在由越南最高法院组织的越南河内举办的《法院附设调解对话法》国际会议，积极参与多元化纠纷解决机制改革国际交流。



## 结束语

中国共产党第十九次全国代表大会指出，全面深化改革的总目标是完善和发展中国特色社会主义制度，推进国家治理体系和治理能力现代化。妥善处理各类矛盾纠纷是国家治理的重要内容，矛盾纠纷化解体系也是国家治理体系的重要组成部分。当前，多元化纠纷解决机制进一步向纵深发展面临着前所未有的机遇。

习近平新时代中国特色社会主义思想是全党全国各族人民为实现中华民族伟大复兴而奋斗的行动指南，也是深化多元化纠纷解决机制改革的行动指南。当前，中国社会主要矛盾已经转化为人民日益增长的美好生活需要和不平衡不充分的发展之间的矛盾。中国社会主要矛盾的变化是关系全局的历史性变化，对党和国家工作提出了许多新要求。多元化纠纷解决机制改革要从满足人民群众日益多元的纠纷解决需求出发，着力解决好解纷体系发展不平衡、保障群众权益不充分的问题，大力提升改革实效，形成全社会共建共治共享的格局。

司法体制改革归根结底要以人民群众是否满意作为评价标准，解决好人民群众日益增长的司法需求与人民法院工作发展不平衡、保障群众权益不充分之间的矛盾。多元化纠纷解决机制改革作为改进社会治理的方式之一，是社会治理体系和国家治理体系改革的重要内容，是实现国家治理体系和治理能力现代化的重要举措，其本质属性是为



为了满足人民群众的多元解纷需求，提高人民群众公平正义获得感。在改革中，要以人民群众的多元解纷需求为出发点，以多元方式化解矛盾纠纷作为改革落脚点，引导社会各方面力量积极参与矛盾纠纷化解，为深化改革注入动力，将解纷方式纳入法治轨道，推动完善立法、畅通诉调对接、推动多元共治，努力提升纠纷解决体系的法治化水平，为实现国家治理体系和治理能力现代化不断贡献新的力量。



## Preface

The reform of diversified dispute resolution mechanism is an important effort to advance the modernization of China's system and capacity for governance, a comprehensive, fundamental and long-term work to implement the Four-pronged Comprehensive Strategy, and one of the crucial tasks to promote the establishment of a dispute resolution mechanism for domestic and international civil and commercial cases.

In the reform of diversified dispute resolution mechanism, by always following the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, implementing Xi Jinping Thought on the Rule of Law, as well as the spirit of the 18th and 19th National Congress of the CPC and all past Plenary Sessions of the 18th and 19th Central Committee of the CPC (“CCCPC”), carrying through the conception of diversified dispute resolution into the country governance, social governance, and self-governance at all levels, comprehensively adopting the conceptions and approaches of the rule of law, China's courts have effectively promoted the organic integration of rule of law, rule of virtue, and self-governance, continuously strengthened the mutual support and coordination among



various departments, identified each department's functions, procured these departments to share resources and shoulder common responsibilities, vigorously advanced the improvement of the social governance pattern based on collaboration, participation and common interests, ensured the vigorous promotion, orderly progress, and effective implementation of the reform and innovation of dispute resolution mechanism in the new era, and gradually formed a social governance system led by party committees, implemented by the governments, based on democratic consultation, social coordination and public participation, guaranteed by the rule of law, and supported by various technologies.

According to the development needs of the new era, China's courts have strived to upgrade the reform of diversified dispute resolution mechanism by further applying artificial intelligence, big data, and information and network technologies in the construction of smart courts. They have promoted the diversification of dispute resolution channels by offering more options of mediation, arbitration, notarization, and reconciliation in addition to litigation, which used to be the only option for dispute resolution, and streamlining them so that all of them become joint forces for dispute resolution; promoted the diversification of dispute resolution resources by integrating the previously primary public resources with non-government resources, commercial resources, and other resources so that all of them can be utilized for dispute resolution; promoted the diversification of dispute resolution personnel by recruiting people from all walks of life to join the dispute resolution team and making the team more accessible and professional in order to pool collective intelligence;





promoted the diversification of dispute resolution platforms by launching online platforms in addition to offline platforms and integrating them with the support of various technologies; promoted the diversification of dispute resolution forces by encouraging the participation of and coordination among countries, regions, and international organizations around the world, instead of reliance only on domestic forces.

Since China signed the *Singapore Convention on Mediation* in 2019, China's commercial mediation in the new era has embarked on a new journey from a new starting point. China's courts will continue deepening the reform of diversified dispute resolution mechanism, always proceed from China's actual conditions, adhere to and develop the "Experience of Fengqiao" in the new era, meet the needs of the social development and the development of the rule of law in China, give full play to the role of the judiciary in leading, promoting, and safeguarding the reform, effectively transform the advantages of the diversified dispute resolution system into the efficiency of governance, and attach primary importance to alternative dispute resolution. Under the deployment of the Central Committee, the courts will strengthen the diversified prevention and resolution of COVID-19 related disputes, and actively participate in global governance for the purpose of construction of a community with a shared future for mankind. They will serve and safeguard the implementation of the overall plan for the epidemic prevention and control and economic and social development, effectively prevent and resolve social conflicts and disputes, and continuously meet the people's needs for diversified dispute resolution. They will provide distinctive "Chinese solutions" to conflict and dispute



resolution issues, and contribute “Chinese wisdom” to global governance, in order to create a social governance pattern based on collaboration and broad participation with the goal to bring benefits to all.



## I. Background of the Reform of Diversified Dispute Resolution Mechanism

Dispute resolution through mediation has a history of thousands of years in China. In recent years, China's courts have conscientiously implemented the strategy to comprehensively advance the law-based governance in China, by comprehensively deepening the reform of the judicial system, giving full play to the functional role of the judiciary, and adjudicating various cases according to the law, resolving social conflicts, and maintaining social fairness and justice. In deepening the reform of diversified dispute resolution mechanism, China's courts proceed from China's actual conditions, value the inheritance of excellent traditional culture, inherit generally accepted dispute resolution concepts such as "dispute resolution through mediation", "harmony brings wealth", and "fight leads to lose-lose, while cooperation results in win-win", combine China's traditional culture, actual conditions, institutional advantages and national policies with the people's needs, draw on the successful experience of foreign countries, constantly carry forward the Experience of Orientals, and facilitate the organic combination of the rule of law and the rule of virtue so that "the society is stabilized through law and the people are appeased



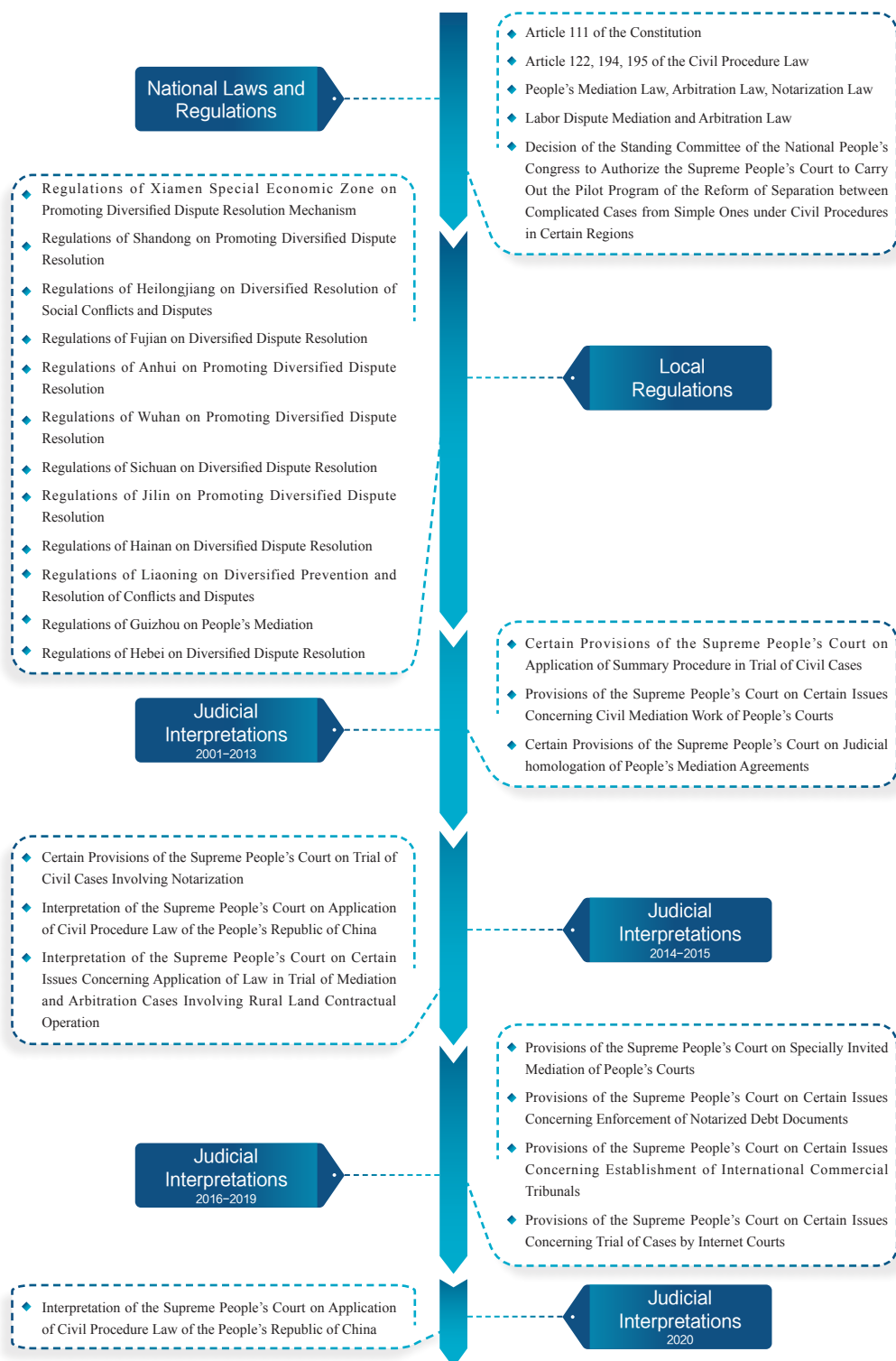
through virtue”, in order to promote the modernization of China’s system and capacity for governance.

### **Strategic deployment for implementing the law-based governance**

In the context of advancing law-based governance in all respects in China, China’s courts implement deeply the reform of diversified dispute resolution mechanism as their strategy. The Constitution of the People’s Republic of China contains specific provisions on people’s mediation committees. The *Civil Procedure Law of the People’s Republic of China* stipulates that mediation is a basic duty of courts, providing a legislative guarantee for mediation (see Figure 1). In the *Resolution on Major Issues Concerning Comprehensively Advancing the Rule of Law* adopted at the 4th Plenary Session of the 18th CCCPC, the reform of diversified dispute resolution mechanism was incorporated into the strategic deployment for modernization of China’s system and capacity for governance and proposed to improve the social conflict and dispute prevention and resolution mechanism, perfect the diversified dispute resolution mechanism featured by the organic connection and mutual coordination of mediation, arbitration, administrative decree, administrative review and litigation, reinforce the construction of industry-specific professional people’s mediation organizations, and ameliorate the joint working system for people’s mediation, administrative mediation, and judicial mediation. Since the 18th National Congress of the CPC, China has insisted on equal emphasis on the rule of law and social development, and actively promoted modernization of China’s system and capacity for governance. On October 13, 2015, the 17th Meeting of the Central Leading Group for Comprehensively Deepening Reform deliberated and approved



## 中国法院的多元化纠纷解决机制改革



**Figure 1 Main Laws and Regulations and Judicial Interpretations related to Mediation since the Founding of the People's Republic of China**



the *Opinions on Improving the Diversified Conflict/Dispute Resolution Mechanism*, in which it was proposed to adhere to the joint working system for people's mediation, administrative mediation, and judicial mediation, and encourage conflicts and disputes to be resolved through mediation and other non-litigation methods first; focus on perfecting systems, improving mechanisms, building platforms, and strengthening guarantees, promote the connection and coordination of various conflict and dispute resolution methods; and establish a sound, efficient and convenient diversified conflict and dispute resolution mechanism featured by organic connection, coordination and linkage. To this end, great emphasis has been placed on the reform of diversified dispute resolution mechanism from the level of national governance.

**Institutional guarantee for national governance system.** In the *Decision on Several Major Issues concerning Upholding and Improving the Socialist System with Chinese Characteristics by Promoting the Modernization of China's system and Capacity for governance* made at the 4th Plenary Session of the 19th Central Committee of the CPC, it was proposed the reform task to improve the comprehensive mechanism for diversified prevention and resolution of social conflicts and disputes. By following the idea of “first running pilot program, then summing up experience, next demonstrating good effect, and finally comprehensively promoting best practice”, based on China's institutional foundations and actual conditions, such as rule of law strategy, national governance conception, people's mediation system, traditional judicial culture, development of mediation practices, and people's dispute resolution needs,



the Supreme People's Court has steadily promoted the reform of diversified dispute resolution mechanism whereby diversified dispute resolution methods such as mediation, arbitration, administrative decree, administrative review, and litigation are connected and coordinated with each other, in order to transform the advantages of diversified dispute resolution system into the effectiveness of diversified joint governance, and ultimately provide legal guarantee for completing the building of a moderately prosperous society in all respects. China's courts have constantly improved judicial policies, strengthened judicial guarantees, steadily promoted the reform of diversified dispute resolution mechanism, strengthened the diversified prevention and resolution of conflicts and disputes, properly performed the COVID-19 pandemic prevention and control, trial and enforcement, and other tasks by overall planning, advanced the improvement of the social governance pattern based on collaboration, participation and common interests, and promoted the modernization of China's system and capacity for governance. Since the 19th National Congress of the CPC, from the height of strategic deployment, with the conception of rule of law, and from social perspective and historical perspective, China's courts have re-examined the functions and roles of courts in social governance, and guided the active participation of various mechanisms in dispute resolution, to realize a diversified joint governance pattern in which each gives full play to its advantages and does its best, and form a routinized, scientific and systematic diversified dispute resolution system. In 2020, at the 5th Plenary Session of the 19th Central Committee of the CPC, it was proposed "to improve the social governance system based on collaboration and broad participation with the goal to bring benefits





to all”. In the *Proposals of the CPC Central Committee for Formulating the 14th Five-Year Plan (2021—2025) for National Economic and Social Development and the Long-Range Objectives through the Year 2035*, it was pointed out that we should adhere to and develop the “Experience of Fengqiao” in the new era, improve the joint working system for dispute resolution, and actively participate in the construction of a comprehensive social conflict management mechanism covering prevention and control from the source, investigation and sorting-out, dispute resolution, and emergency response. According to the central conference on work related to overall law-based governance, the modernization of China’s system and capacity for governance must be persistently advanced in line with the rule of law, and it was required to establish and improve various systems in order to provide institutional guarantees for national governance.

**Innovation and development of people’s mediation system.** The people’s mediation system originated from the “Ma Xiwu’s approach to adjudication” in the Shaanxi-Gansu-Ningxia Revolutionary Base. In his approach, mediation was the main means of resolving civil disputes. After the founding of the People’s Republic of China, mediation and court trials became the main means of resolving social disputes, while the people’s mediation system continued developing. In 1963, Comrade Mao Zedong made comments on the “Experience of Fengqiao”, requiring all local governments to mobilize and rely on the masses to resolve disputes on the spot so that no conflicts are passed on to the higher authorities. Even when judicial resources were extremely constrained at that time, courts still put much energy into mediation, which not only reflects the



fine tradition of people's judicature, but also is consistent with the various social functions of China's courts. Since the reform and opening up, with the continuous advancement of the rule of law in China, specific systems such as mediation and arbitration systems have become increasingly sound. Since China's accession to the World Trade Organization, the Central People's Government, local people's governments at all levels, relevant administrative departments, and judicial organs at all levels have all diligently explored effective solutions to resolve social conflicts, maintain social stability, and promote social development. China's courts have played an active role in facilitating, guiding, regulating, and safeguarding the prevention and resolution of conflicts and disputes from the source, adhered to and developed the "Experience of Fengqiao" in the new era, effectively integrated people's mediation, industry mediation, administrative mediation, judicial mediation and other dispute resolution resources, and promoted the formation of strong synergy in diversified dispute resolution.

**Conception Change in governance from the source.** Governance from the origins of the disputes, as an important initiative for dispute prevention in the context of the diversified dispute resolution mechanism, means an ongoing process in which individuals and organizations jointly prevent and resolve disputes through/in various measures/ways/methods, to reconcile the conflicts and interests between the parties in potential or actual disputes. Governance from the origins of the disputes is an important system design that forms on the basis of inheritance and innovation of the "Experience of Fengqiao", gives full play to the role of the diversified dispute resolution mechanism, and allows the judicature to play a better role



as the final line of defense in maintaining social fairness and justice. By giving full play to the guiding role of judicial policies and the advantages of administrative dispute resolution resources, it encourages and instructs the parties to resolve disputes in a method other than litigation, and enhances the public's acceptance to alternative dispute resolution. Moreover, it integrates the core socialist values into the whole process of dispute resolution, promotes the formation of a diversified dispute resolution atmosphere featured by complementary values, interconnected mechanisms, interoperable procedures, collaboration and sharing, and multi-party win-win, attaches primary importance to alternative dispute resolution, curbs the increase in litigations from the source, and improves the rule of law through the diversified dispute resolution mechanism from a higher level.

**Ideological influence of traditional culture.** Since ancient times, the traditional Chinese thoughts such as “the golden mean”, “the policy of benevolence and the teaching of philanthropy”, and “the paramount importance of peace” have profoundly influenced the public's views on judicial culture. When comes to disputes, people used to resolve them in private instead of before court, in order to maintain order and harmony, according to the seniority rules, by following the teaching of moral authority, based on the patriarchal clan system. These cultural traditions have become the ideological foundation for China's unique idea of “mediation”, forming the dispute resolution art of the nation whereby long-term relationship and harmony are pursued. “Harmony without litigation and dispute resolution through mediation” is not only what was pursued in the traditional Chinese judicial culture, but also an important goal in the global idea about Rule



of Law. Compared with litigation, mediation has self-evident advantages. Litigation is costly and time-consuming, needs much mental energy, and has very uncertain outcome, while negotiation and mediation prevent the parties from hurting each other's feelings as far as possible, and make it easier for the parties to get along well with each other in work and life for the future. The essence of the concept "harmony without litigation" is not to eliminate litigation, but to minimize litigation and get unlimitedly closer to the goal of social harmony without litigation through promotion of the limited litigation. In the context of this judicial culture, in order to meet the people's needs for diversified dispute resolution, the people's courts strive to unblock the path for the entire society to participate in dispute resolution through the reform of diversified dispute resolution mechanism. To this end, they have built a platform for the whole society to participate in dispute resolution, given full play to the role of the judiciary in leading, promoting and guaranteeing the diversified dispute resolution mechanism, and established dispute resolution channels that conform to the law of dispute resolution, and are efficient, fast, and convenient for the people; combined the advantages of self-governance of the masses and function of judicature by not only giving full play to the role of self-governance but also allowing the agreements reached during self-governance to become enforceable through judicial homologation, and improved the working mechanism for people's courts to participate in grassroots social governance. By doing so, they enable the parties to resolve disputes in a cost-effective method and reduce litigation exhaustion, mitigate conflicts and disputes at the grassroots level before they become serious to the greatest extent, and resolve disputes arising in the reform and



development through the rule of law and the institutional arrangements.

**Extensive application of information technologies.** With the development of modern information technologies such as artificial intelligence, big data, cloud computing, and blockchain, China's courts have applied Internet thinking in judicial work, and organically integrated modern information technologies with the reform of diversified dispute resolution mechanism through the establishment of online dispute resolution platforms. Externally, they have linked online platforms to dispute resolution resources such as people's mediation, industry mediation, and commercial mediation; internally, they have strengthened the interconnection with Mobile Micro Courts, lawyer service platforms, trial process management systems, international commercial mediation platforms, and so on. The connections between its platform and the self-built platforms of local courts have been strengthened, and the functions such as intelligent assessment, audio/video mediation, judicial homologation, case filing, separating complicated cases from simple ones are integrated on these platforms, in order to break down regional, departmental and hierarchical barriers against the flow of information, and provide the parties with cross-regional and whole-course online dispute resolution services available anytime and anywhere, realize the integration and sharing of various dispute resolution resources, make distribution of cases, online mediation, litigation-mediation connection and other work more IT-based and intelligent, fully release the vitality of the online mode of diversified dispute resolution, and provide the people with more convenient and efficient online diversified dispute resolution services.

**Trends of global governance system.** Since the COVID-19 pandemic outbreak, the Chinese government has enhanced information disclosure,



assistance & cooperation, targeted control, and effective response. Due to these efforts, it has managed to not only control the situation in a short time, but also get the economy back on track more rapidly and sustainably. A comparison of China's governance model with those of other countries tells us: choosing and implementing a governance paradigm that fits the local reality in response to changes in situations is a basic sign indicating that national governance is mature and well-established, and also a realistic way to provide Chinese solutions and contribute Chinese wisdom to the global governance. At present, the socialism with Chinese characteristics has entered a new era, and the principal challenge facing our society has been transformed into the gap between unbalanced and inadequate development and the growing expectation of the people for a better life, which sets stricter requirements on the governance model; the further implementation, upgrading, innovation and development of China's institutional and strategic deployments such as One Country Two Systems policy, The Belt and Road initiative make it necessary to, starting from the perspective of the modernization of China's system and capacity for governance, based on the new situations for, new tasks of, and new requirements on national governance, promote the integration of policy-based governance, rule of law, rule of virtue, self-governance, and rule of wisdom, namely the development of diversified joint governance, and effectively transform the governance advantages of the socialism with Chinese characteristics into governance effectiveness, in order to construct a new development pattern to realize mutual-benefit and win-win, and make China's contribution to building a community with a shared future for mankind.



## II. Leading the Reform of Diversified Dispute Resolution Mechanism

The Supreme People's Court gives full play to the leading role of the judiciary in the reform of diversified dispute resolution mechanism, integrates the conception of diversified dispute resolution into social governance throughout the process, takes a law-based approach, adopts a mindset consistent with the rule of law, emphasizes top-level design, strengthens system innovation, and continuously lead the deepening of the reform of diversified dispute resolution mechanism.

**Emphasize the top-level design and plan the reform as a whole.** The Supreme People's Court, who regards the improvement of the diversified dispute resolution mechanism as an important task of the judicial reform, has continuously performed this task according to a series of reform programs from the *Second Five-Year Reform Program for People's Courts* to the *Fifth Five-Year Reform Program for People's Courts* (see Figure 2), and achieved a leapfrog progress along the reform path that “the state formulates development strategies, and the judiciary provides legislative guarantees and advances relevant legislation process”. In 2016, the Supreme People's Court issued the *Opinions on Further Deepening the Reform of Diversified*





### The Second Five-Year Reform Program

7. Strengthen and improve the litigation and mediation system, attach importance to the guidance on people's mediation, support and supervise arbitration activities according to the law, explore new dispute resolution methods with other departments and organizations, and promote the establishment and improvement of the diversified dispute resolution mechanism.

### The Fourth Five-Year Reform Program

46. Improve the diversified dispute resolution mechanism. Continue to promote the organic connection and coordination between mediation, arbitration, administrative decree, administrative review and other dispute resolution methods and litigation, and instruct the parties to choose appropriate dispute resolution methods. Promote the construction of industry-specific professional dispute resolution organizations for land expropriation and demolition, environmental protection, labor protection, healthcare, traffic accident, property management, insurance, and other disputes, and promote the improvement of the arbitration system and administrative decree system. Establish a joint working system for people's mediation, administrative mediation, industry mediation, commercial mediation, and judicial mediation. Promote the legislative process related to the diversified dispute resolution mechanism, and build a systematic and scientific diversified dispute resolution system.



### The Third Five-Year Reform Program

26. Establish and improve the diversified dispute resolution mechanism. As required by the diversified dispute resolution mechanism featured by "leadership of party committee, support of government, multi-party participation, and judicial promotion", cooperate with relevant departments to vigorously develop the alternative dispute resolution mechanism, expand the scope of entities/individuals eligible to conduct mediation, improve the mediation mechanism, and provide the people with more dispute resolution options. Strengthen the effective connection between pre-litigation mediation and mediation in litigation, improve the mechanism for coordinating diversified dispute resolution methods, and improve the conflict and dispute resolution mechanism that connects litigation and non-litigation.

### The Fifth Five-Year Reform Program

9. Improve the Belt and Road international commercial dispute resolution mechanism. Strengthen the construction of the International Commercial Tribunals under the Supreme People's Court. Promote mediation and arbitration institutions to actively participate in the international commercial dispute resolution mechanism of the International Commercial Tribunals of the Supreme People's Court, and improve the "one-stop" international commercial dispute resolution platform with mediation, arbitration, and litigation proceedings followed one after another. Improve the working mechanism of the International Commercial Expert Committee of the Supreme People's Court. Improve the foreign law ascertainment mechanism. Promote the establishment of a network and platform for service abroad.

13. Deepen the reform of diversified dispute resolution mechanism. Innovatively develop the "Experience of Fengqiao" in the new era, improve the mechanism for "governance from the origins of the disputes", always attach primary importance to alternative dispute resolution, and further reduce the increase of litigation cases from the source. Improve the diversified dispute resolution system in which mediation, arbitration, administrative decree, administrative review, litigation, and others are organically connected and mutually coordinated, and promote the construction of the social governance pattern based on collaboration, participation and common interests. Put more efforts to the guidance on industry-specific professional mediation, improve the mediation mechanism featured by multi-party participation, improve the lawyer mediation mechanism, and give further play to the role of professional mediation. In respect of cases for which mediation is suitable, in line with the principles of voluntariness and legality, improve the advance mediation and appointed mediation mechanisms, and instruct and encourage the parties to choose non-litigation methods to resolve disputes. Promote the establishment of a unified online conflict and dispute resolution platform, and get online consultation, appraisal, diversion of cases, mediation, and homologation for dispute resolution. Promote the combination of online and offline judicial homologation, and promote the determination of mediation results on the spot and the resolution of conflicts and disputes on the spot.

**Figure 2 The reform of diversified dispute resolution mechanism is included in the Five-Year Reform Outline of the People's Court**



*Dispute Resolution Mechanism in People's Courts*, clearly setting out the basic principles, work priorities and implementation roadmap for the reform of diversified dispute resolution mechanism in people's courts, and institutionalizing and standardizing platform construction, litigation-mediation connection, specially invited mediation, online dispute resolution, and so on. In 2017, the Supreme People's Court successively held meetings on pushing forward diversified dispute resolution, Separation between Complicated cases from simple ones, and mediation and fast trial, at which it reviewed and further arranged for the reform. In 2018, the Supreme People's Court successively held a national meeting on pushing forward the pilot program of diversified resolution of disputes involving overseas Chinese and a seminar on improving the appointed mediation mechanism, at which it formulated standards for model courts in the reform of diversified dispute resolution mechanism and in the reform of mechanism for separating complicated cases from simple ones, and identified 50 and 80 model courts in these two reforms respectively. In 2019, at a seminar of presidents of higher courts nationwide, the participants conducted focused discussions on "promoting the establishment of a diversified dispute resolution mechanism and a modern litigation service system". The Supreme People's Court issued the *Fifth Five-Year Reform Program for People's Courts*, planning to innovate and develop the "Experience of Fengqiao" in the new era, improve the mechanism for governance from the origins of the disputes, always attach primary importance to alternative dispute resolution, and further reduce the increase of litigation cases from the source. On December 28, the *Decision of the Standing Committee of the National People's Congress*



*to Authorize the Supreme People's Court to Carry Out the Pilot Program of the Reform of Separation between Complicated Cases from Simple Ones under Civil Procedures in Certain Regions* was made at the 15th Meeting of the Standing Committee of the 13th National People's Congress, to further optimize the allocation of judicial resources, comprehensively promote judicial justice, improve judicial effectiveness, and meet the people's needs for diversified dispute resolution. In 2020, the Supreme People's Court successively issued the *Measures for the Implementation of the Pilot Program of the Reform of Separation between Complicated Cases and Simple Ones under Civil Procedure* and the *Questions and Answers for the Pilot Program of the Reform of Separation between Complicated Cases and Simple Ones under Civil Procedure (I) and (II)*, to ensure the smooth and orderly progress of the Pilot Program of the Reform of Separation between Complicated Cases and Simple Ones under Civil Procedure.

**Focus on litigation services and properly connect platforms.**

On July 3, 2019, the Supreme People's Court issued the *Opinions of the Supreme People's Court on Construction of the One-stop Diversified Dispute Resolution Mechanism and Construction of the One-stop Litigation Service Centers*, to combine the construction of litigation-mediation connection platforms with the construction of litigation service centers, establish comprehensive service platforms integrating multiple functions such as litigation service, case filing registration, litigation-mediation connection, litigation-related petition, instruct the parties to rationally express their claims, create a new model of dispute resolution and litigation service with Chinese characteristics, and standardize, systemize and routinize the



**Figure 3 The Meetings on the Reform of Diversified Dispute Resolution Mechanism Organized by the Supreme People's Court since 2015**



litigation-mediation connection work (See Figure 4). According to the *Opinions*, people's courts actively participate in the construction of the mechanism for governance from the origins of the disputes. Specifically, they develop the one-stop diversified dispute resolution mechanism, strengthen the procedural connection with mediation, arbitration, notarization, and administrative review procedures, improve the mechanism for connecting with the administrative adjudication and remedy procedures, and unblock the channels for communicating with administrative authorities, labor unions, federations of returned overseas Chinese, communist youth leagues, women's federations, law societies, arbitration institutions, notary offices, industry associations, trade organizations, chambers of commerce, and so on, to strengthen data collaboration and sharing. Moreover, they promote the construction of category-specific professional mediation platforms, improve the mechanism for litigation-mediation integration and connection, and promote the application of online mediation platforms. As of the end of 2020, courts at all levels across the country had set up 3,835 specialized litigation-mediation connection centers and appointed 29,921 dedicated staff members, further perfecting the work system for exercising the functions of diversion of cases, advance mediation, appointed mediation, entrusted mediation, judicial homologation, and so on to resolve disputes rapidly, and for giving full play to the role of dispute resolution distribution centers, dispatch stations and diversion points. More than 3,000 grassroots courts nationwide instruct 800,000 people's mediation organizations and 4,000,000 people's mediators to carry out professional work, and people's mediation organizations resolve nearly 10,000,000 disputes every year. By adhering to

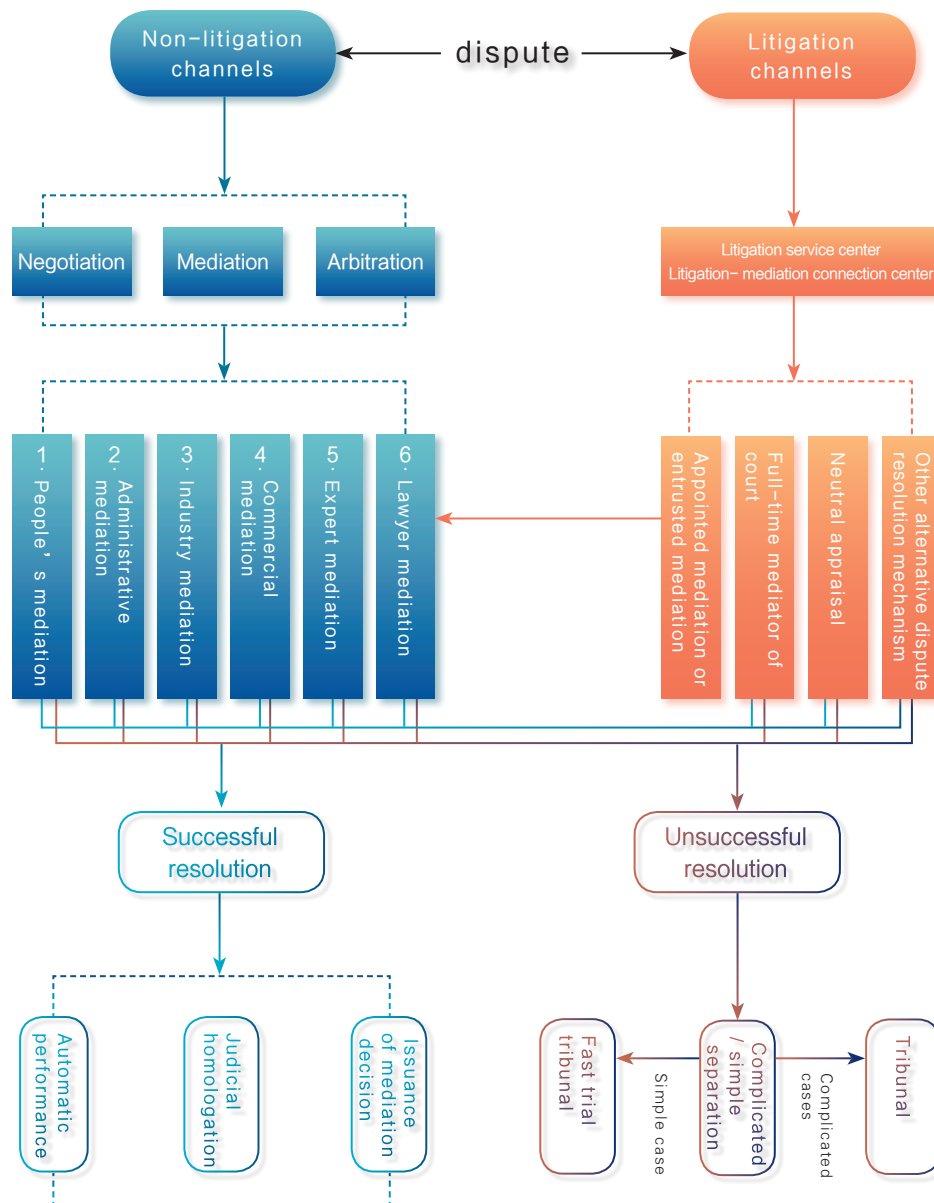


Figure 4 Schematic diagram of diversified dispute resolution mechanism



the people-centered approach, people's courts further standardize litigation services, continuously broaden service channels, improve service methods, build one-stop litigation service centers, and improve all-around access to litigation services, to provide one-stop litigation services to the parties. As of the end of 2020, 98% of courts nationwide had established litigation service halls, 98% of courts had launched litigation service websites, and 95% of courts had opened 12368 litigation service hotlines. More than 50% of courts have opened lawyer service platforms, and many courts have established litigation service stations, 24h self-service courts and the like in towns, villages and neighborhood, to keep litigation services available 24 hours a day. The courts will further optimize the allocation of judicial resources and concentrate auxiliary and routine judicial work in litigation service centers, to improve the quality and effectiveness of litigation services.

**Promote specially invited mediation to professionally resolute disputes.** Specially invited mediation refers to a type of mediation legally conducted by qualified people's mediation, administrative mediation, commercial mediation, industry mediation and other mediation organizations or individuals recruited by people's court as specially invited mediation organizations or mediators, as appointed/entrusted by people's courts before/after case filing, to facilitate the parties' conclusion of mediation agreements and resolution of disputes through negotiation on an equal footing. Invited mediation can effectively integrate social dispute resolution resources, optimize the allocation of judicial resources, and externally extend the functions of judicial dispute resolution and judicial service, to meet people's needs for multi-level, multi-channel, and cost-effective dispute resolution as





far as possible. In 2016, the Supreme People's Court issued the *Provisions on Mediation Specially Invited by People's Courts*, setting out the principles to be followed by specially-invited mediation, the ways in which courts should carry out the work related to specially-invited mediation, the qualification requirements for and obligations of specially-invited mediation organizations and mediators, the procedures for specially invited mediation, and so on. By the end of 2020, courts nationwide had set up nearly 7,000 mediation offices, and recruited 22,000 specially invited mediation organizations and 70,000 specially invited mediators. Courts nationwide have officially staffed 12,648 full-time mediators in litigation service centers or litigation-mediation connection centers, and these full-time mediators have mediated 1,739,000 cases, including 1,480,000 successfully mediated ones, with a success rate of 85%. The number of cases diverted to specially invited mediation accounts for approximately 40% of the total number of civil and commercial cases in the first instance.

**Improve appointed mediation and standardize dispute resolution before litigation.** The appointed mediation mechanism occupies an important position in the entire reform of diversified dispute resolution mechanism in the sense that it is supported by the specially invited mediation system of people's courts, and supports the reform of mechanism for separating complicated cases from simple ones and the reform of mechanism for “cases identification + mediation + fast trial +quickly hearing”. In 2020, the Supreme People's Court issued the *Guiding Opinions on Further Improving Appointed Mediation Mechanism*, from the perspective of improving the social governance system and building a



community of social governance, requiring that appointed mediation must be conducted according to laws and procedures based on the parties' will, and that primary importance should be really attached to alternative dispute resolution, to meet people needs' for diversified, efficient and convenient dispute resolution. The *Opinions* have legally expanded the scope of application of appointed mediation, standardized the operating procedures of appointed mediation, and improved the mechanism for connecting appointed mediation to litigation, and safeguarded the litigation right of the parties in the process of appointed mediation. In 2019, courts nationwide handled 3,253,000 cases through appointed mediation before case filing, including 1,181,000 successfully mediated ones.

**Promote the separation between complicated cases from simple ones to improve the quality and efficiency of trials.** On September 12, 2016, the Supreme People's Court issued *Certain Opinions on Furthering Separation between Complicated Cases from Simple Cases and Optimizing Allocation of Judicial Resources*, to promote scientific allocation of judicial resources and improve the quality and efficiency of trials. In May 2017, the Supreme People's Court issued the *Operating Procedures for Separation between Complicated Cases from Simple Ones and Resort to Mediation and Fast Trial(for Trial Implementation)*, to comprehensively carry out the reform of mechanism for "cases identification + mediation + fast trial +quickly hearing". In 2020, in order to implement the spirit of the CPC Political and Legal Work Conference on "deepening the reform of the litigation system and promoting the separation of the complicated cases from the simple ones, the minor cases from the major ones, and the



fast closed cases from the slow ones”, according to the authorization and decision of the Standing Committee of the National People’s Congress, the Supreme People’s Court issued the *Plan for the Pilot Program of the Reform of Separation between Complicated Cases and Simple Ones under Civil Procedure*, deciding to carry out the Pilot Program of the Reform of Separation between Complicated Cases and Simple Ones under Civil Procedure in the intermediate people’s courts, primary people’s courts and specialized courts covered by the pilot program in 15 provinces, autonomous regions, and municipalities directly under the Central Government including Beijing and Shanghai, in order to further optimize the judicial homologation proceedings, improve small claims procedure improve rules of summary procedure, expand the scope of application of sole-judge system, and improve electronic litigation rules. This pilot program of the reform is people-oriented, practical, and forward-looking, and taps potential, improves effectiveness, and stimulates vitality though systems. At present, 78% of courts nationwide have started to operate the mechanism for “cases identification + mediation + fast trial +quickly hearing” (Figure 6). 65% of the courts have appointed cases identification clerks, responsible for litigation guidance and counseling and cases identification. More than 50% of courts nationwide have set up various specialized mediation offices in litigation service centers, and about 70% of the courts have established fast trial and quickly hearing teams, to make the litigation-mediation connection workable and the simplify the litigation procedures, and ensure that cases should be mediated are mediated, cases should be tried are tried, and simple disputes are resolved through fast trial and quickly hearing as much as

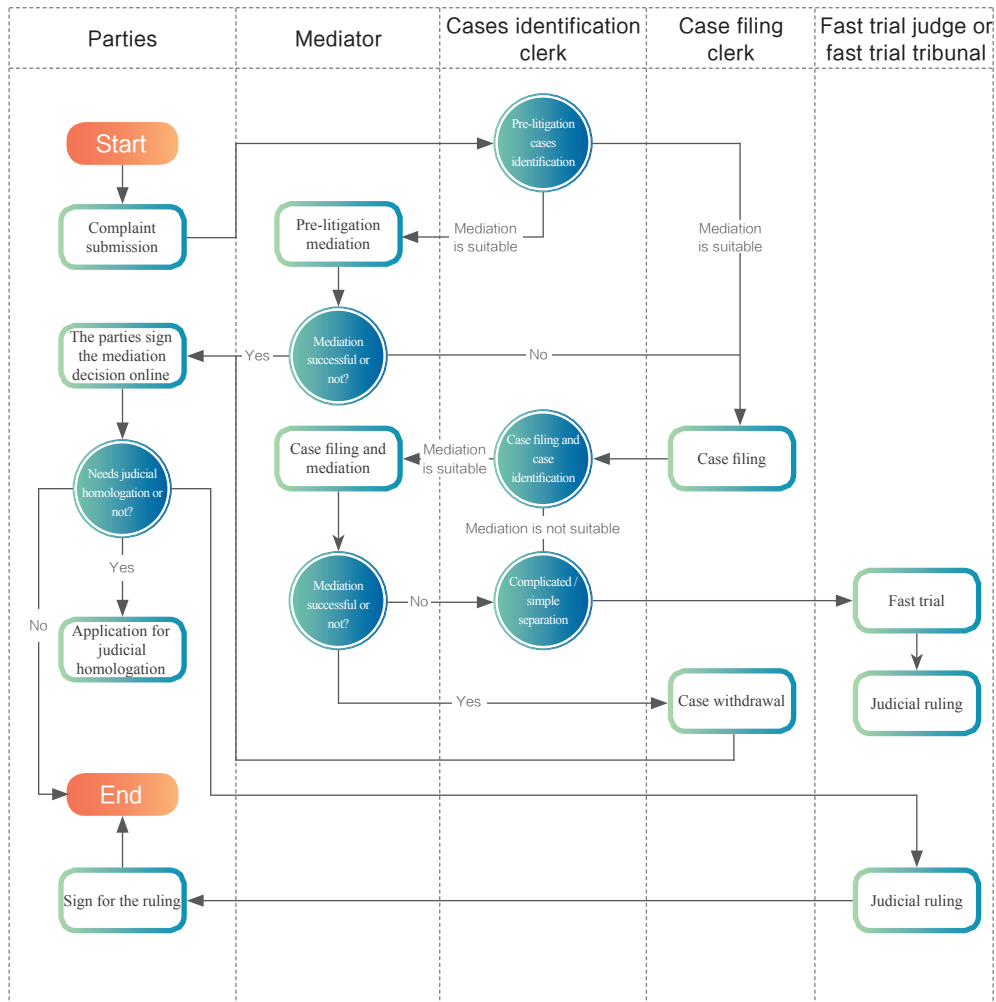


possible. Since 2019, about 40% of civil and commercial cases nationwide were resolved in a one-stop manner at litigation service centers on average.

**Improve the judicial homologation system to support the work of mediation organizations.** Judicial homologation is a non-litigation procedure in which a people's court decides that a mediation agreement is enforceable upon review of its voluntariness and legality based on the petition of a party. Since it was prescribed in the *People's Mediation Law* in 2011 and was included into the “list of special procedures” in the *Civil Procedure Law* amended in 2012, judicial homologation has been



**Figure 5 Trend Chart of Quantity Statistics of Judicial Homologation Cases and Cases Homologated as Valid**



**Figure 6** Flow chart of diversified mediation management in national courts



playing an active role in supporting and safeguarding the development of people's mediation organizations, and improving the efficiency of dispute resolution, clarifying legal rules, and stabilizing legal relations. In 2020, in the *Measures for the Implementation of the Pilot Program of the Reform of Separation between Complicated Cases and Simple Ones under Civil Procedure* issued by the Supreme People's Court, the court further optimized the judicial homologation procedure by: first, emphasizing the responsibility of the pilot courts for establishing and maintaining a register of specially invited mediations; second, establishing a mechanism for connecting specially invited mediation to judicial homologation, and expanding the scope of mediation agreements of which judicial homologation may be applied for; third, clarifying that intermediate courts and specialized courts may also invoke judicial homologation procedure. In 2019, courts nationwide accepted 556,275 judicial homologation cases, and decided relevant agreement as valid in 537,354 cases, accounting for 96.6% of the accepted judicial homologation cases.



### **III. Promoting the Formation of a Diversified Dispute Resolution System**

In recent years, with the promotion and support of the Committee of Political and Legal Affairs of the CPC Central Committee, the Standing Committee of the National People's Congress and other departments of the central government, the Supreme People's Court has actively given full play to the role of the judiciary in the reform of diversified dispute resolution mechanism, and solely issued more than 30 judicial interpretations, guiding opinions, provisions, circulars, and plans for pilot programs related to diversified dispute resolution; and issued 28 documents jointly with the Ministry of Justice, the Ministry of Public Security, the National Development and Reform Commission, the Ministry of Human Resources and Social Security, the People's Bank of China, the China Securities Regulatory Commission, the China Banking and Insurance Regulatory Commission, the All-China Women's Federation, the All-China Federation of Returned Overseas Chinese, the All-China Federation of Industry and Commerce, the All-China Federation of Trade Unions and the like, through topic research, joint survey, joint publication, establishment of joint working mechanism, support to legislation and the like. These documents



have promoted the establishment of a mechanism for various entities and individuals to conduct professional dispute resolution in various fields such as marriage and family, labor dispute, finance and insurance, securities and futures, price dispute, disputes involving overseas Chinese, lawyer mediation, mediation before chamber of commerce, environmental resource protection, and intellectual property protection, international commercial affairs, forming a diversified dispute resolution system (Figure 7), in which the whole society are encouraged to participate in dispute resolution, in order to create powerful synergy. (Figure 8、Figure 9)

**Establish lawyer mediation program to promote dispute resolution by and under the auspices of professional.** On September 30, 2017, the Supreme People's Court and the Ministry of Justice jointly issued the *Opinions on the Pilot Program of Lawyer Mediation*, to carry out the pilot program of lawyer mediation in 11 provinces and cities. A lawyer mediator team has been set up to give full play to the professional advantages of lawyers in resolving disputes and to expand the scope of legal services. On December 26, 2018, the Supreme People's Court and the Ministry of Justice jointly issued the *Circular on Expanding the Pilot Program of Lawyer Mediation*, to expand the pilot program of lawyer mediation nationwide, in order to further make use of the professional and practical advantages of lawyers in resolving social conflicts and promoting the Rule of Law, and establish a lawyer mediation system that matches China's actual conditions. In 2020, the Supreme People's Court included the establishment of lawyer service platform of people's court as a part of the construction of one-stop diversified dispute resolution and litigation service system, to provide



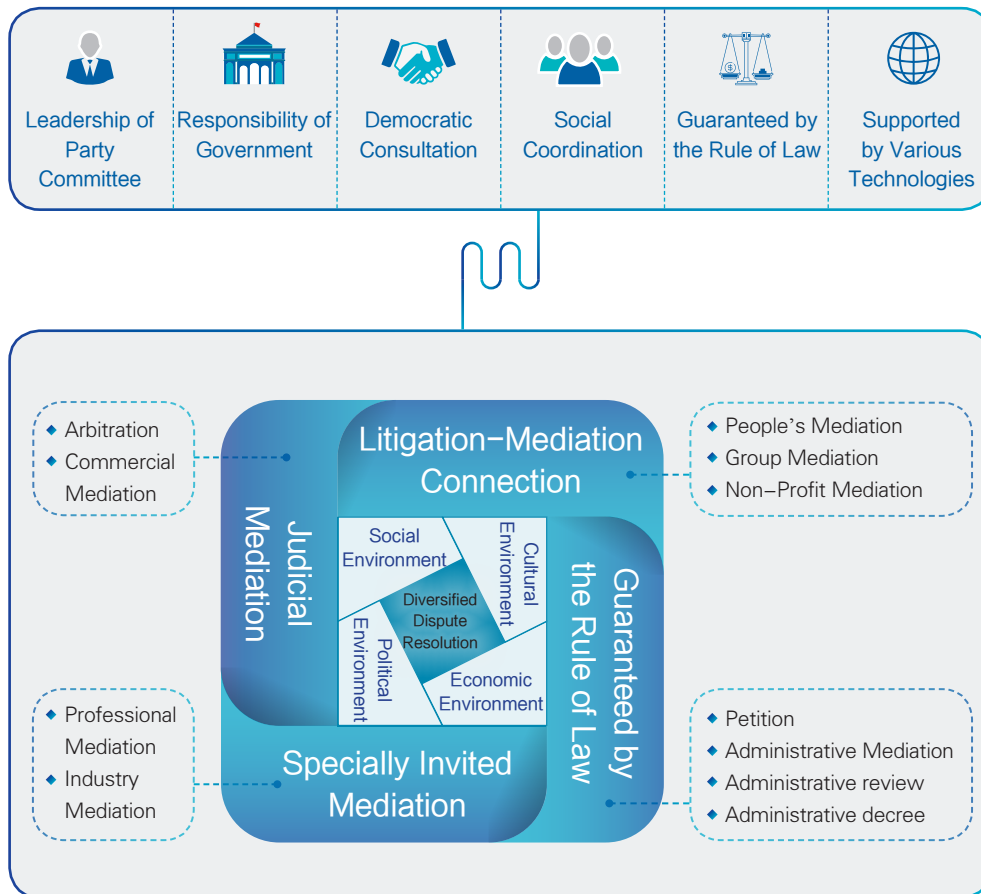


Figure 7 Schematic diagram of diversified dispute resolution system



## 中国法院的多元化纠纷解决机制改革



## The Reform of Diversified Dispute Resolution Mechanism of China's Courts



**Figure 8 Policy document on reform of diversified dispute resolution mechanism**



## 中国法院的多元化纠纷解决机制改革

2011  
|  
2016

- ◆ in April 2011, the Central Comprehensive Management Office, the Supreme People's Court, the Supreme People's Procuratorate, the Legislative Affairs Office of the State Council, the Ministry of Public Security, the Ministry of Justice, the Ministry of Human Resources and Social Security, the Ministry of Health, the Ministry of Land and Resources, the Ministry of Housing and Urban-Rural Development, the Ministry of Civil Affairs, the State Administration for Industry and Commerce, the National Public Complaints and Proposals Administration, the All-China Federation of Trade Unions, the All-China Women's Federation, and the Central Committee of the Communist Youth League of China jointly issued the Guiding Opinions on Deepening and Promoting the General Mediation of Conflicts and Disputes
- ◆ in December 2012, the Supreme People's Court and the China Insurance Regulatory Commission jointly issued the Circular on Launch of a Pilot Program of Litigation-Mediation Connection for Insurance Disputes in Certain Regions Across the Country
- ◆ in November 2016, the Supreme People's Court and the China Insurance Regulatory Commission jointly issued the Opinions on Comprehensively Promoting the Construction of Litigation-Mediation Connection for Insurance Disputes

2017

- ◆ in March 2017, the All-China Women's Federation, the Central Comprehensive Management Office, the Supreme People's Court, the Ministry of Public Security, the Ministry of Civil Affairs, and the Ministry of Justice jointly issued the Opinions on Doing a Good Job in the Prevention and Resolution of Marriage and Family Disputes (Fu Zi (2017) No. 13)
- ◆ in March 2017, the Ministry of Human Resources and Social Security, the Central Comprehensive Management Office, the Supreme People's Court, the Ministry of Justice, the Ministry of Finance, the All-China Federation of Trade Unions, the All-China Federation of Industry and Commerce, the Chinese Enterprise Confederation, and the China Enterprise Director Association jointly issued the Opinions on Further Strengthening the Mediation and Arbitration of and Improving the Diversified Resolution Mechanism for Labor Disputes
- ◆ in 2017, the Supreme People's Court and the Ministry of Justice jointly issued the Circular on Carrying out a Pilot Program of Notary Offices/Officers' Participation in Auxiliary Judicial Work of People's Courts
- ◆ on September 2017, the Supreme People's Court and the Ministry of Justice jointly issued the Opinions on the Pilot Program of Lawyer Mediation

2017

- ◆ in July 2017, the Supreme People's Court, the Central Comprehensive Management Office, the Supreme People's Procuratorate, the Ministry of Education, the Ministry of Public Security, the Ministry of Civil Affairs, the Ministry of Justice, the National Health and Family Planning Commission, the National Press and Publication Administration, the Office of the National Working Committee on Children and Women under the State Council, the All-China Federation of Trade Unions, the Central Committee of the Communist Youth League, the All-China Women's Federation, the China Cares for the Next Generation Working Committee, the China National Working Commission on Ageing, and so on issued the Opinions on Establishing a Joint Meeting System for the Reform of the Approach and Working Mechanism for Family Law Cases (Fa (2017) No. 18)
- ◆ in November 2017, the Supreme People's Court, in conjunction with the Ministry of Human Resources and Social Security, issued the Opinions on Strengthening the Establishment of An Arbitration-Litigation Connection Mechanism for Labor Disputes (Ren She Bu Fa (2017) No. 70)
- ◆ in November 2017, the Supreme People's Court, the Ministry of Public Security, the Ministry of Justice, and the China Insurance Regulatory Commission issued the Circular on Launching the Pilot Program of the Reform of "Integrated online Data Processing" in respect of Disputes over Damages in Road Traffic Accidents in Certain Regions Across the Country



2018

- ◆ in March 2018, the Supreme Court and the All-China Federation of Returned Overseas Chinese issued the Opinions on the Pilot Program of Diversified Resolution of Disputes Involving Returned Overseas Chinese in Certain Regions
- ◆ in September 2018, the Supreme People's Court, the Ministry of Public Security, the Ministry of Justice, and the China Banking and Insurance Regulatory Commission jointly issued the Specifications for "Integrated Online Data Processing" in respect of Disputes over Damages in Road Traffic Accidents (for Trial Implementation)
- ◆ in November 2018, the Supreme People's Court and the China Securities Regulatory Commission jointly issued the Opinions on Comprehensively Promoting the Construction of Diversified Resolution Mechanism for Securities and Futures Disputes

2019

2020

- ◆ in January 2019, the Supreme People's Court and the All-China Federation of Industry and Commerce jointly issued the Opinions on Giving Full Play to the Advantages of Chambers of Commerce in Mediation and Promoting the Construction of a Diversified Dispute Resolution Mechanism for Private Economy
- ◆ in June 2019, the Supreme People's Court issued the Several Provisions on Trying Claims for Ecological Damages (for Trial Implementation)
- ◆ on November 20, 2019, the Supreme People's Court, the People's Bank of China, and the China Banking and Insurance Regulatory Commission jointly issued the Opinions on Comprehensively Promoting the Development of Diversified Financial Dispute Resolution Mechanism
- ◆ in December 2019, the Supreme People's Court, the National Development and Reform Commission, and the Ministry of Justice jointly issued the Opinions on Deepening the Work related to the Mediation of Price Disputes
- ◆ in March 2020, the Supreme People's Court and the All-China Federation of Trade Unions jointly issued the Opinions on the Pilot Program of Diversified Resolution of Labor Disputes in Certain Regions
- ◆ in December 2020, the General Office of the Supreme People's Court and the Office of the China National Intellectual Property Administration jointly issued the Circular on Establishing an Online Litigation-Mediation Connection Mechanism for Intellectual Property Disputes (Fa Ban [2020] No. 441)
- ◆ in December 2020, the General Office of the Supreme People's Court and the General Office of the All-China Federation of Returned Overseas Chinese issued the Circular on Accelerating the Online Litigation-Mediation Connection for Disputes Involving Overseas Chinese (Fa Ban [2020] No. 448)

**Figure 9 Joint publication on reform of diversified dispute resolution mechanism**



lawyers and grassroots legal service personnel with litigation services such as: [lawyer's identity] "valid nationwide upon one authentication"; and "quick service on offline platform and one-stop service on online platform". As of September 2020, 20 higher people's courts had completed platform connection. Sichuan Higher People's Court has promoted the establishment of lawyer mediation offices in 180 courts within its jurisdiction. Qianjiang People's Court in Hubei has recruited local well-known lawyers as specially invited mediators. Renqiu People's Court in Cangzhou, Hebei has set up a lawyer mediation team composed of 18 lawyers, who successfully mediated more than 1,500 cases before litigation from April to November.

**Improve the family dispute resolution mechanism and promote the reform of family trials.** In March 2017, the All-China Women's Federation, in conjunction with the Office of the Social Security Comprehensive Management Committee of the Central Government("Central Comprehensive Management Office"), the Supreme People's Court, the Ministry of Public Security, the Ministry of Civil Affairs, the Ministry of Justice, and so on, issued the *Opinions on Doing a Good Job in the Prevention and Resolution of Marriage and Family Disputes*. In July of the same year, the Supreme People's Court, in conjunction with 14 relevant departments, issued the *Opinions on Establishing A Joint Meeting System for the Reform of the Approach and Working Mechanism for Family Law Cases*, and in conjunction with the Central Comprehensive Management Office, the Ministry of Education, the Ministry of Civil Affairs, the All-China Women's Federation, and other departments, established the joint meeting system for the reform of the approach and working mechanism for



family law cases, to, based on overall planning, coordinate and promote the reform of the approach and working mechanism for family law cases, and improve the diversified resolution mechanism for family law cases. In July 2018, the Supreme People's Court issued the *Opinions on Further Deepening the Reform of the Approach and Working Mechanism for Family Law Cases (for Trial Implementation)*, based on a review of the previous pilot program, requiring the establishment of a diversified mediation mechanism featured by extensive social participation for family disputes, to advocate family traditions in line with civilized customs in the new era, and carry forward the core socialist values. In August 2019, the Supreme People's Court and the All-China Women's Federation jointly issued the *Circular on Further Strengthening the Cooperation in Establishing and Improving the Working Mechanism for Protecting Women's and Children's Rights and Interests*, to further strengthen the coordination and cooperation between people's courts and women's federations to protect the legitimate rights and interests of women and children according to the law. Yushan District People's Court in Ma'anshan, Anhui has promoted the establishment of the province's first diversified mediation committee for family disputes, which recruits personnel from the women's federation, the bureau of justice, the villages and communities in the district, and psychological counseling agencies to form a team of specialized family dispute mediators. Yangpu District People's Court in Shanghai explored a mechanism for family dispute mediators to assist with the service of legal process, increasing the rate of service of copy of complaint to 85.2%. The First People's Court of Dongguan in Guangdong established a family dispute mediation center,



achieving a mediation success rate of 80%. Fengman District People's Court in Jilin City, Jilin Province resolved 42% of family disputes outside court through pre-litigation diversion.

**Improve the financial dispute resolution mechanism to prevent and control financial risks.** People's courts give full play to the functional role of the judiciary, to protect the legitimate rights and interests of investors according to the law, and promote the healthy development of the capital market. On August 20, 2018, Shanghai Financial Court was formally established, improving the judiciary system for finance, making the trial of financial cases more professional, and striving to create a good environment for the rule of law in the financial sector. In the same year, the Supreme People's Court and the China Securities Regulatory Commission issued a circular on publishing the *Opinions on Comprehensively Promoting the Construction of Diversified Resolution Mechanism for Securities and Futures Disputes*, to establish a diversified resolution mechanism for securities and futures disputes, and strengthen the development of basic systems in the capital market. People's Court have assumed the responsibility for enforcing the pre-payment of damages in fraudulent stock issuance cases which securities regulatory authorities urge to be handled, and for facilitating liable parties and investors to reach a settlement before litigation. Through the exemplary adjudication mechanism, they adjudicate typical cases to which no clear legal provisions apply, to create conditions for mediation organizations to conduct mediation in a centralized way. In order to protect the legitimate rights and interests of financial consumers, prevent and mitigate financial risks, and promote the sustainable and





healthy development of the financial sector, on November 20, 2019, the Supreme People's Court, the People's Bank of China, and the China Banking and Insurance Regulatory Commission jointly issued the *Opinions on Comprehensively Promoting the Development of Diversified Financial Dispute Resolution Mechanism*, setting out the scope of cases, work procedures, and judicial homologation system in respect of the diversified financial dispute resolution mechanism. If any dispute over contract or tort liability arises in the financial transaction between/among various equal civil and commercial subjects, either party may file the dispute before competent mediation organization dealing with financial disputes for mediation, and the mediation agreement reached during the mediation is a civil contract in nature. After the mediator and the mediation organization dealing with financial disputes signed and sealed the mediation agreement, either party to the dispute may apply to a people's court with jurisdiction to homologate the mediation agreement. In February 2020, as promoted jointly by the Supreme People's Court and the China Securities Regulatory Commission, the mediation platforms of people's courts and the Online Resolution Platform for Securities and Futures Disputes of China Investor Website were connected, with the connected platforms covering more than 2,800 courts across the country and all kinds of investment businesses in the capital market. The Supreme People's Court has also strengthened the consultation with the People's Bank of China, realized the connection with the China Financial Consumer Dispute Mediation Website, and together with the China Banking and Insurance Regulatory Commission, made a plan for building online diversified mediation platform. In 2020, as instructed



by Hunan Higher People's Court, Hunan Financial Consumption Dispute Mediation Committee staffed by 171 professional mediators from the cities and prefectures in Hunan. On December 15, 2020, the Beijing Higher People's Court, the Operations Office of the People's Bank of China, and the Beijing Office of the China Banking and Insurance Regulatory Commission simultaneously launched China's first integrated platform for diversified resolution of financial disputes. Since the trial operation of the platform in August, more than 2,300 financial disputes have been successfully mediated on the platform.

**Establish a mechanism for resolving disputes involving overseas Chinese to protect the rights and interests of overseas Chinese according to the law.** In order to protect the legitimate rights and interests of returned overseas Chinese and their families according to the law, in March 2018, the Supreme People's Court and the All-China Federation of Returned Overseas Chinese jointly issued the *Opinions on the Pilot Program of Diversified Resolution of Disputes Involving Returned Overseas Chinese in Certain Regions*, to carry out the pilot program in 11 provinces (/ autonomous regions / municipalities directly under the Central Government), namely Jilin, Shanghai, Jiangsu, Zhejiang, Anhui, Fujian, Hunan, Guangdong, Guangxi, Hainan, and Yunnan. The Supreme People's Court strongly supports the All-China Federation of Returned Overseas Chinese in implementing the spirit of the *Opinions on the Pilot Program*. The Legal Advisory Committee of the All-China Federation of Returned Overseas Chinese and the China Federation of Overseas Chinese Entrepreneurs have entered into a strategic cooperation agreement to establish a special foundation for legal services



and explore new ways to use the non-profit foundation to protect the rights and interests of overseas Chinese. Local higher courts have actively arranged for the pilot program, and courts at all levels have established joint meeting and other communication mechanisms with local federation of returned overseas Chinese, to provide efficient and convenient conflict and dispute resolution services to enterprises and individuals related to overseas Chinese. In October 2020, the Supreme People's Court and the All-China Federation of Returned Overseas Chinese hosted a *Seminar on Diversified Resolution Mechanism for Disputes Involving Overseas Chinese* in Qingtian, Zhejiang, in which participants actively made comments and suggestions on improving the diversified resolution mechanisms for disputes involving overseas Chinese. Based on the actual conditions of the Qingtian county and the affairs related to overseas Chinese, Qingtian People's Court in Lishui, Zhejiang strives to create a pattern of diversified resolution of disputes involving overseas Chinese featured by "mediation through joint efforts of Chinese at home and abroad, and diversified joint governance on online and offline platforms", and together with the political and legal commission and the united front work department of the party committee, the procuratorate, the bureau of public security, the bureau of justice, and the federation of returned overseas Chinese of the county, has promoted the establishment of a center for diversified resolution of disputes involving overseas Chinese, as well as its branches in towns (neighborhood), to provide legal aid, legal publicity, legal counseling and other services to returned overseas Chinese and their families, forming a network of diversified resolution of disputes involving overseas Chinese. The courts in Certain Regions of Yunnan,



based on the advantages as border region and the unique conditions of these regions, have established transnational litigation service stations, to promote cost-effective resolution for simple disputes involving overseas Chinese by introducing industry transaction practices and recruiting foreign mediators. Rongxian People's Court in Yulin, Guangxi Zhuang Autonomous Region, has brought together 8 mediation organizations and 32 mediators at the Overseas Chinese-related Litigation Service Center in the county, to further strengthen the resolution of disputes involving foreigners and overseas Chinese.

**Establish an “integrated processing” platform to improve the efficiency of resolution of disputes over traffic accidents.** In 2012, the Supreme People's Court and the China Insurance Regulatory Commission launched a pilot program of litigation-mediation connection for insurance disputes in 32 regions across the country. In the pilot program, the courts in the regions covered by the pilot program, together with the local offices of the China Insurance Regulatory Commission and the local branches of the Insurance Association of China, actively put efforts into the establishment of a litigation-mediation connection mechanism, clarification of each department's responsibilities and the connection process, and enhancement of communication and information sharing, to better meet insurance consumers' needs for diversified dispute resolution. Due to these efforts, the mediation rate and volunteer performance rate of cases involving insurance disputes have increased significantly in these regions. In order to further advance the reform of “integrated online data processing” in respect of disputes over damages in road traffic accidents, the Supreme People's



Court, the Ministry of Public Security, the Ministry of Justice, and the China Insurance Regulatory Commission carried out the pilot program of the reform of “integrated online data processing” in respect of disputes over damages in road traffic accidents in 14 provinces, municipalities directly under the Central Government, and autonomous regions. On September 10, 2018, the Supreme People’s Court, the Ministry of Public Security, the Ministry of Justice, and the China Banking and Insurance Regulatory Commission formulated the *Specifications for “Integrated Online Data Processing” in respect of Disputes over Damages in road Traffic Accidents (for Trial Implementation)*, establishing coordination, information sharing and other mechanisms for integrated online resolution of disputes over damages in road traffic accidents, requiring the use of big data technology to build a work pattern in which people’s courts and public security organs, mediation organizations, insurance companies, and appraisal agencies are connected and coordinated with each other to realize the sharing and online processing of information about mediation, appraisal, litigation, claim and other procedures, as well as the use of IT technology throughout the process to achieve rapid resolution of disputes over damages in road traffic accidents. If an agreement is reached through mediation, either party may apply for judicial homologation online through the integrated online data processing platform for disputes over traffic accidents within 30 days from the effective date of the mediation agreement. The electronic files of judicial homologation cases are generated and saved online, and are filed according to the legal procedures. In December 2019, the Supreme People’s Court issued the *Circular on Promoting the Application of the Integrated Online*

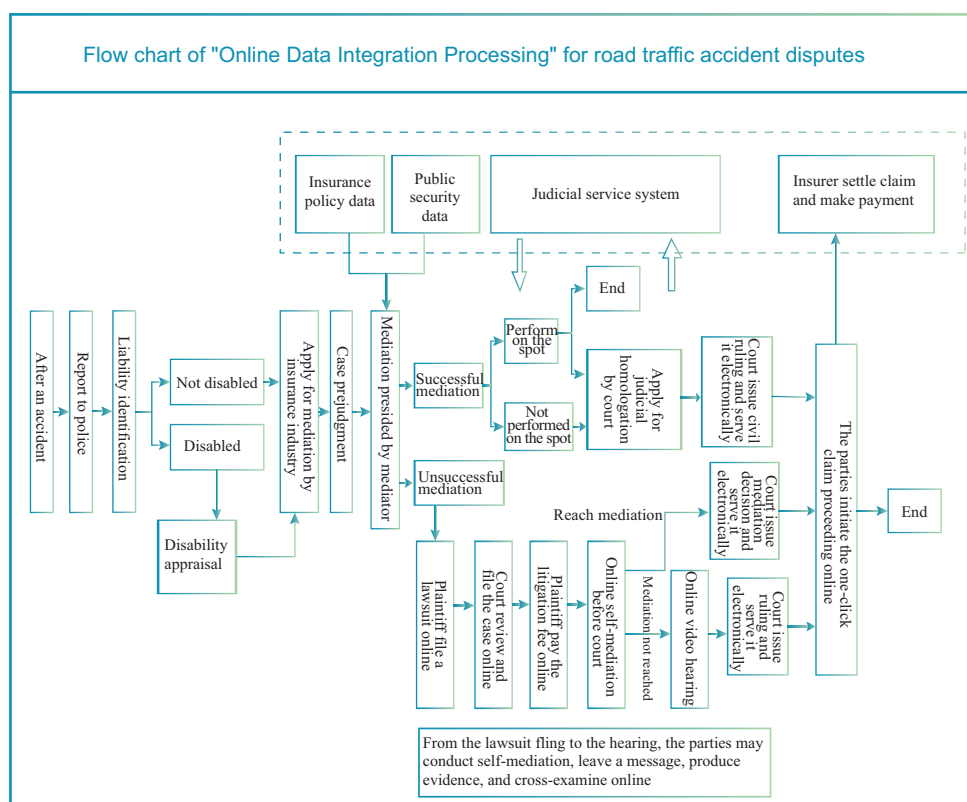


*Data Processing Platform for Disputes over Damages in Road Traffic Accidents in Courts Nationwide*, to comprehensively promote the integrated online data processing platform for disputes over traffic accidents. In 2020, the Supreme People's Court, the Ministry of Public Security, the Ministry of Justice, and the China Banking and Insurance Regulatory Commission jointly issued the *Circular on the Nationwide Promotion of the Reform of "Integrated Online Data Processing" in respect of Disputes over Damages in road Traffic Accidents*, requiring further improvement of the integrated online data processing platform for disputes over traffic accidents. As of mid-October 2020, 27 higher courts nationwide had applied the integrated online data processing platform for disputes over traffic accidents in 1,640 grassroots courts on a pilot basis, and on the platform, more than 440,000 mediation cases had been accepted, more than 370,000 mediation cases had been closed in total, and of them, 290,000 cases were successfully mediated, with a mediation success rate of 78.37%, involving more than 11.1 billion yuan.

**Improve the labor dispute resolution mechanism to promote the development of harmonious labor relations.** In 2013, the Ministry of Human Resources and Social Security and the All-China Federation of Industry and Commerce launched a demonstration program on labor dispute prevention and mediation in some non-public enterprises across the country. In 2016, they launched the second demonstration program of labor dispute prevention and mediation. On this basis, in March 2017, the Supreme People's Court, in conjunction with the Ministry of Human Resources and Social Security, the Central Comprehensive Management



Office, the Ministry of Justice, the Ministry of Finance and other departments, issued the *Opinions on Further Strengthening the Mediation and Arbitration of and Improving the Diversified Resolution Mechanism for Labor Disputes*, requiring the improvement of the prevention and negotiation mechanism, mediation mechanism, arbitration mechanism, mediation-arbitration-litigation connection mechanism, and basic guarantee mechanism for handling labor disputes, to effectively maintain harmonious labor relations and social stability. With the support of people's courts at the same level, labor dispute arbitration institutions have actively promoted the establishment of an arbitration-litigation connection mechanism. In November 2017, the Supreme People's Court, in conjunction with the Ministry of Human Resources and Social Security, issued the *Opinions on Strengthening the Establishment of An Arbitration-Litigation Connection Mechanism for Labor Disputes*, requiring the preliminary realization of consistency between arbitration and litigation in terms of scope of case-acceptance and adjudication criteria, and the organic connection between arbitration and litigation procedures, by first establishing a joint meeting system, an information sharing system, a guidance system for handling difficult and complex cases, a joint training system and other systems. On February 20, 2020, the Supreme People's Court and the All-China Federation of Trade Unions jointly issued the *Opinions on the Pilot Program of Diversified Resolution of Labor Disputes in Certain Regions*, requiring the pilot program to be carried out in eight provinces (/autonomous regions/ municipalities directly under the Central Government), namely Inner Mongolia, Jilin, Shanghai, Jiangxi, Shandong, Hubei, Guangdong, and



**Figure 10** Flow chart of “Online Data Integration Processing” for road traffic accident disputes

Sichuan, and in three cities, namely Xi'an, Ningbo, and Beihai. In the pilot program, local courts are actively exploring on how to establish diversified dispute resolution connection models with local labor unions, departments of human resources and social security, comprehensive management office, and departments of justice to promote the development of harmonious labor relations. Chengdu Intermediate People's Court in Sichuan and other relevant departments uses the Labor Dispute Joint Resolution Center as a platform for performing their duties related to diversified dispute resolution, and the platform integrates labor inspection and law enforcement, labor





arbitration, legal service from labor union, judicial homologation and other functions of the departments to provide convenient “one-stop” services to both employers and employees, decreasing the proportion of the number of cases flowing from arbitration to litigation in the total number of labor dispute cases year by year. Fenghua District People’s Court in Ningbo, Zhejiang has established a labor dispute litigation-mediation connection office in the litigation service center, achieving a success rate of appointed mediation of labor dispute before case filing of 89.81%, a YoY increase of 5.05 percentage points. All the courts at the provincial, municipal and county levels in Guangdong have fully completed the connection with the federations of labor unions within their respective jurisdictions, set up a total of 158 labor dispute resolution offices and 308 dispute resolution circuit service stations, and recruited 2,511 mediators for labor dispute resolution. From April 2019 to August 31, 2020, 118,697 labor disputes were mediated, and 77,716 of them were successfully mediated, with a mediation success rate of 65.47%, and an average mediation period of 20.15 days.

**Give full play to the advantages of the notarization system and promote notary offices/officers to participate in dispute resolution.** In order to promote notary offices/officers to participate in auxiliary judicial work, the Supreme People’s Court and the Ministry of Justice jointly issued the *Circular on Carrying out A Pilot Program of Notary Offices/Officers’ Participation in Auxiliary Judicial Work of People’s Courts* in 2017. The pilot program was carried out in 12 provinces and cities to introduce notary offices/officers to auxiliary judicial work, integrate their valuable



unique attributes such as not-for-profit, neutrality, professionalism, and independence into the judicial system, and give full play to the advantages of the two types of professional legal resources. In 2018, the Supreme People's Court issued the *Provisions on Several Issues Concerning the Enforcement of Notarized Debt Documents*, stating that the debt documents that have become enforceable upon notarization may be directly used by people's courts as basis for enforcement without litigation, to further promote the function of notarization granting enforceability in dispute prevention. In 2019, the Supreme People's Court and the Ministry of Justice issued the *Circular on Expanding the Pilot Program of Notary Offices/Officers' Participation in Auxiliary Judicial Work of People's Courts*, to expand the pilot Program to the whole country. At the same time, they actively promoted the cooperation between people's courts and notary offices on auxiliary judicial work, and outsourced auxiliary judicial services such as pre-litigation diversion, service of legal process, investigation and evidence collection, and property preservation to notary offices. Guanxian People's Court in Liaocheng, Shandong adopted a model of notary officer residing in court and established a branch of Guanxian notary office in the court. Since its establishment in April, a total of 356 cases have been mediated before it, and 37 cases have been successfully settled before it, with a total amount of successful settlement of 37.06 million yuan. By relying on the "notarization granting enforceability function" of notary offices/officers, Wuxing District People's Court in Huzhou, Zhejiang has efficiently resolved 69 disputes over entrusted operation and management contracts.

**Give full play to the advantages of chambers of commerce to**



**promote the dispute resolution in the private economy.** There is a sound foundation for the Supreme People's Court and the All-China Federation of Industry and Commerce (hereinafter referred to as the "ACFIC") to promote the establishment of a diversified dispute resolution mechanism in the private economy. In 2012, the two parties jointly conducted a research on conflict and dispute resolution mechanism. In 2013, the two parties jointly arranged for a pilot program of mediation before chambers of commerce in 21 enterprises in 16 provinces across the country. Since 2014, the ACFIC and the Supreme People's Court have continuously summarized and exchanged experience in the pilot program. At present, there are more than 3,400 federations of industry and commerce at all levels, consisting of 47,000 chambers of commerce, and there are about 1,520 mediation organizations established by chambers of commerce under federations of industry and commerce. In order to give full play to the advantages of chambers of commerce in diversified resolution and promote the development of the private economy, in January 2019, the Supreme People's Court and the ACFIC issued the *Opinions on Giving Full Play to the Advantages of Chambers of Commerce to Promote the Establishment of the Diversified Conflict/Dispute Resolution Mechanism in the Private Economy*, requiring the establishment and improvement of a dispute resolution system in which mediation before chamber of commerce is organically connected to litigation, to encourage private enterprises to choose to resolve disputes through mediation, promote the resolution of disputes between businessmen before chamber of commerce, and ultimately provide judicial protection for the healthy development of the private economy. In November 2019,



the Supreme People's Court and the ACFIC issued the *Circular on Accelerating the Connection between Mediation Platforms of People's Courts and Mediation Service Platforms of Chambers of Commerce*, to support chambers of commerce in constructing mediation service platforms by relying on mediation platforms of people's courts, realize the connection between upper and lower levels, resource sharing, and service coordination, and effectively promote the development of diversified dispute resolution in the private economy. In 2020, the two departments jointly established a mediation service platform of chamber of commerce under the ACFIC, and provided online training to more than 4,200 people from local federations of industry and commerce, chambers of commerce, and mediation organizations established by chambers of commerce, with the live webcast of the training getting 137,000 views, further expanding the platform's influence. In October of the same year, they jointly issued the *Opinions on Establishing and Improving a Communication and Contact Mechanism between People's Courts and Federations of Industry and Commerce*, to establish a linkage mechanism between people's courts and chambers of commerce, deepen the governance from the origins of the disputes for high-incidence and typical conflicts and disputes in the private economy, and ultimately further improve the capability of providing services to protect the private economy.

**Establish a price dispute resolution mechanism to improve the credibility of professional mediation.** In December 2019, the Supreme People's Court, the National Development and Reform Commission, and the Ministry of Justice jointly issued the *Opinions on Deepening the Work*



*related to the Mediation of Price Disputes*, to carry out the work related to the mediation of disputes over prices of goods or services between equal civil subjects, provide public dispute resolution services, build a price dispute resolution mechanism that organically connects mediation and litigation, and establish a mediation network with various forms and well-defined levels of mediation. In the *Opinions*, it is stated that any price disputes may be mediated by price authentication agencies under competent authorities of pricing, relevant people's mediation organizations, and other legally established mediation organizations, to give full play to the role of competent administrative authorities, people's mediation organizations, professional mediation organizations and so on in resolving price disputes, and strengthen the judicial guarantee for the mediation of price disputes. Since the issuance of the *Opinions*, the mediation of price disputes has developed rapidly. The development and reform commissions in many places, in conjunction with the higher people's courts and departments of justice in such places, have issued relevant regulatory documents for specific implementation of the spirit of the *Opinions*. The vast majority of provinces have deepened the work related to the mediation of price disputes to varying extents. In particular, 98 cities (/counties/districts) in Jiangsu and more than 70 cities (/counties/districts) in Shandong have carried out such work, with covering rate more than 50%.

**Establish an intellectual property dispute resolution mechanism to promote intellectual property protection.** In April 2017, the Supreme People's Court issued the *Outlines for Judicial Protection of Intellectual Property Rights in China (2016-2020)*, clearly proposing to promote the



establishment of a diversified intellectual property dispute resolution mechanism, to effectively make arbitration and other dispute resolution methods play an active role in intellectual property dispute resolution, and encourage the parties to resolve disputes through non-litigation methods. It has strengthened the communication with arbitration institutions, industry associations, and mediation organizations, promoted the construction of third-party platforms for resolving intellectual property civil disputes, improved the litigation-arbitration/mediation connection mechanism, and streamlined relevant procedures and legal instruments. It supports arbitration institutions and mediation organizations in performing their duties according to the law in evidence preservation, property preservation, enforcement and other aspects, to form a convenient mechanism for alternative resolution of intellectual property disputes. In June 2019, the Supreme People's Court and the World Intellectual Property Organization co-organized the "Seminar on the Application of WIPO Mediation in Intellectual Property Litigation", to conduct in-depth discussions on the WIPO's alternative dispute resolution mechanism. In April 2020, the Supreme People's Court issued the *Opinions on Comprehensively Strengthening the Judicial Protection of Intellectual Property Rights*, proposing to improve the diversified dispute resolution mechanism, support the resolution of intellectual property disputes through multiple channels, and launch a pilot program of judicial homologation of intellectual property dispute mediation agreements. The courts in Sichuan have entered into a cooperation agreement with the China (Sichuan) Intellectual Property Protection Center on the establishment of a collaborative intellectual property protection mechanism, to entrust it



to mediate patent-related cases; the courts in Xinjiang emphasize the use of multiple mediation methods to resolve conflicts, keeping the rate of withdrawal upon mediation relatively high.

**Establish a litigation-consultation connection mechanism for resolving disputes over ecological damages.** Ecological damage compensation system is an important part of the ecological civilization systems and an important measure to resolutely claim compensation from those liable for ecological damage. In 2017, the General Office of the Central Committee of the CPC and the General Office of the State Council issued the *Plan for the Reform of Ecological Damage Compensation System*, setting consultation as a pre-litigation procedure, and thus adding a channel for resolving disputes over ecological damages. People's courts and authorities of ecology and environment jointly promote the reform of ecological damage compensation system, to contribute to the improvement of the ecological civilization systems and the promotion of the ecological civilization construction. In 2019, the Supreme People's Court issued *Several Provisions on Trying Cases Claiming for Ecological Damages (For Trial Implementation)*, establishing an effective litigation-consultation connection mechanism, expressly prescribing that either party may apply to a people's court for judicial homologation of the ecological damage compensation agreement (if any) reached upon consultation, and specifically setting out the procedure for announcement on judicial homologation, the rules on reviewing compensation agreement, the content of judicial homologation instrument, and the like, which provides judicial guarantee for the legal effect of the agreements reached by the administrative authority



with those liable for ecological damage through consultation.

**Strengthen inter-jurisdiction judicial cooperation and establish a diversified dispute resolution mechanism among the Mainland, Hong Kong and Macao based on consultation, collaboration, and common interests.** In April 2019, the Supreme People's Court and the Department of Justice of the Government of Hong Kong Special Administrative Region entered into that certain *Arrangement for Mutual Assistance with Preservation in Arbitration Proceedings by the Courts in the Mainland and the Hong Kong Special Administrative Region*, which is the first agreement between the Mainland and other jurisdictions on mutual assistance with preservation in arbitration proceedings. Guangdong Higher People's Court issued the *Rules on Mediating Cross-border Commercial Dispute in Guangdong Free Trade Zone*, to regulate the mediation of commercial disputes involving Hong Kong and Macao. Guangdong has taken the lead in specially inviting mediation organizations from Hong Kong and Macao and Hong Kongese and Macanese mediators, which fully reflects and respects the participation and voice of Cantonese, Hong Kongese and Macanese in the dispute resolution mechanism. Nansha District People's Court in Guangzhou, Hengqin New District People's Court in Zhuhai, Qianhai Cooperation Zone People's Court in Shenzhen, and other courts have established international commercial litigation-mediation connection centers, and specially invited 102 Hong Kongese and Macanese mediators, who have participated in 1,898 mediation cases, and successfully mediated 844 cases, with a mediation success rate of 44.47%. Guangzhou Court of the Internet has launched the first Mainland-Hong Kong-Macao online diversified





dispute resolution platform, bringing together 42 mediation organizations and 951 mediators from the Greater Bay Area, and successfully mediating more than 10,000 cross-border disputes.

**Promote diversified resolution of disputes involving Taiwan to protect the rights and interests of Taiwan compatriots according to the law.** In March 2019, the Supreme People's Court issued *Several Measures on Providing Judicial Services for Deepening Cross-Strait Integration and Development*, to actively promote the experience of Taiwanese jurors and mediators in participating in judicial work and promote the substantive resolution of disputes. The courts in Fujian, Liaoning, Jiangsu, Guangdong and other provinces appointed Taiwan compatriots and Taiwanese businessmen as jurors and mediators to participate in the whole courses of adjudication and mediation of cases involving Taiwan. As of the end of 2020, the courts in Fujian had appointed a total of 157 Taiwanese jurors, and promoted the establishment of 60 judge's offices for protecting the rights and interests of Taiwan compatriots in regional and municipal service centers for Taiwan compatriots, as well as gathering places for Taiwan compatriots, Taiwanese investment zones, Taiwan farmer entrepreneurship parks, Taiwan youth employment and entrepreneurship bases, and the like, to give play to the role of legal counseling, diversified mediation, judicial advisory, legal publicity and the like, instruct Taiwan compatriots to protect their rights and interests through legal channels, and promote the resolution of conflicts and disputes involving Taiwan before litigation and outside court.

**Create a business environment under the rule of law and promote the diversified resolution of international commercial disputes.** In order



to try international commercial cases in a fair and timely manner according to the law, protect the legitimate rights and interests of Chinese and foreign parties equally, and create a stable, fair, transparent and convenient international business environment under the rule of law, the Supreme People's Court established the International Commercial Court according to the decision of the central government. On June 25, 2018, the Judicial Committee of the Supreme People's Court deliberated and approved the *Provisions of the Supreme People's Court on Several Issues Concerning the Establishment of International Commercial Court*, setting out the duties and functions of the International Commercial Tribunals. On August 26 of the same year, the Supreme People's Court established the International Commercial Expert Committee, and successively issued the *Procedural Rules of the International Commercial Court*, and *Working Rules of the International Commercial Expert Committee*, and selected the first arbitration and mediation institutions covered by the program of "one-stop" diversified resolution mechanism for international commercial disputes. The Supreme People's Court has opened a bilingual website of China International Commercial Court for the timely release of news, effectively improving the publicity and transparency of the International Commercial Court. It has strengthened international exchanges on diversified dispute resolution, and established an international and interregional dialogue, communication and coordination mechanism "based on collaboration, participation and common interests", allowing Chinese and foreign parties to voluntarily choose mediation, arbitration or other non-litigation methods to resolve disputes. It has promoted mediation and arbitration institutions to actively



participate in the international commercial dispute resolution mechanism of the International Commercial Tribunals of the Supreme People's Court, and improved the "one-stop" international commercial dispute resolution platform on which mediation, arbitration, and litigation are connected with each other. Currently, it is actively building an IT-based platform, to open up online channels for the organic connection of litigation, mediation and arbitration, and gradually get online the entire process from case filing, service of legal process, mediation, pre-trial exchange of evidence, and hearing to judgment. By the end of 2020, the International Commercial Tribunals of the Supreme People's Court had accepted 18 international commercial cases and concluded 5 cases. The Supreme People's Court has launched the Foreign Law Ascertain Platform on the website of the China International Commercial Court, marking the official establishment of a unified foreign law ascertain platform for courts nationwide. It has issued the *Opinions of the Supreme People's Court on People's Courts' Further Provision of Judicial Service and Safeguard for the Implementation of the Belt and Road Initiatives*, to create an international business environment under the rule of law for the implementation of the Belt and Road Initiative, enrich global governance with China's unique culture and idea of "harmony", and make due contributions to the implementation of a series of major development strategies of the country.



## IV. Safeguarding the Development of the Diversified Dispute Resolution Mechanism

In continuously deepening the reform of diversified dispute resolution mechanism, the Supreme People's Court not only emphasizes system construction and mechanism improvement, but also focuses on the deep integration of smart courts and the reform of diversified dispute resolution mechanism. It applies various technologies in the diversified dispute resolution mechanism in an increasingly broader, deeper, and more intensive manner, and comprehensively strengthens supports and guarantees from legislation, funding, staffing, technology, publicity and other aspects, to promote the continuous development of the diversified dispute resolution mechanism.

**Strengthen legal support and improve the law application ability to resolve disputes.** It is required to give full play to the guiding, promoting and guaranteeing role of the judiciary, try cases in a fair and efficient manner according to the law, support the alternative dispute resolution mechanism in playing a better role, and promote the healthy development of the diversified dispute resolution mechanism; accelerate the construction of courts' litigation service centers and building of pre-litigation dispute resolution



and fast trial teams, enhance the linkage between litigation service centers and people's tribunals of courts and comprehensive management centers and judicial offices in township, and strengthen the guidance on grassroots mediation work; strengthen the management of specially invited mediation work, improve the mechanism for managing the register of specially invited mediation organizations and mediators, and make the diversified dispute resolution team more specialized, professional, and well-tiered; do a good job in the Pilot Program of the Reform of regarding separating complicated cases from simple ones; and actively participate in the research on commercial mediation legislation, and promote the transformation of the reform results into legislation. The Supreme People's Court actively participates in and promotes the comprehensive legislation and individual legislative processes for the local diversified dispute resolution mechanism in some places where conditions are mature, and has achieved preliminary success. Since Xiamen issued China's first local regulations to promote the establishment of a diversified dispute resolution mechanism in April 2015, and Shandong issued China's first provincial regulations on improving the diversified dispute resolution mechanism and facilitating the diversified dispute resolution work in July 2016, nine provinces (namely Heilongjiang, Fujian, Anhui, Sichuan, Jilin, Hainan, Liaoning, Guizhou, and Hebei) and Wuhan have all promulgated local legislation for diversified resolution of conflicts and disputes.

**Strengthen financial support and improve supporting incentive mechanisms.** Diversified mediation has been added as a performance evaluation item for judges, and mediator's case-handling subsidy has been



added as a special budgetary item for courts, for mobilizing the enthusiasm of judges and specially invited mediators, and realizing the consistency between resource allocation and work coordination. The Supreme People's Court has established a set of evaluation criteria, and improved it by adding the rate of diversified resolution of conflicts and disputes as a performance indicator under the item of building "China of law and order", and by increasing the weight of the rate of homologation as a performance indicator, to urge the parties to perform the mediation agreement. It gives full play to the regulating role of litigation fees, to ensure that the parties participate in mediation in good faith and reasonably exercise their right of action. It links the consent to specially invited mediation with sharing and reduction of litigation fees, to encourage the parties to choose this method to resolve disputes.

**Strengthen the guarantee of manpower by improving staff's theory and practice competence.** In April 2016, the Supreme People's Court established a diversified dispute resolution mechanism research base at Xiangtan University, provided more than 20 trainings to specially invited mediators, and published two sets of training materials and series of theoretical books, including the series of *How to Be a Good Mediator*. The Supreme People's Court organized and carried out 3 calls for theoretical research papers, including the "Xiangtan Cup" and the "Ram City Cup", and successively conducted 3 researches on diversified dispute resolution mechanism, and successively published 4 practice guidance series, including the *Typical Experience and Practical Cases in the Reform of Diversified Dispute Resolution Mechanism*, laying a foundation for deepening the reform.



Figure 11 Local Legislation for Diversified Dispute Resolution Mechanism

**Strengthen technological support to improve the effectiveness of dispute resolution resources.** China's courts, who regard informatization and intelligence as new drivers for the development of litigation services, by combining with the construction of smart courts, vigorously promote



the application of modern information technologies in the diversified resolution of conflicts and disputes, build a safe and reliable online conflict/conflict resolution information system vertically connecting all procedures, horizontally integrating all functions, and shared by all parties concerned, and promote the construction of one-stop diversified dispute resolution system and one-stop litigation service system. As of the end of 2019, more than 98% of China's courts had enabled online case filing or appointed case filing. At present, nearly 90% of the courts allow self-service case filing, and most of the courts have the capability of electronic service of legal process. China's courts promoted the functional complementation and organic integration of online and offline litigation services, and coordinated the construction of litigation service halls, litigation service websites, mobile litigation service platforms, and 12368 hotlines. Now, by leveraging Mobile Micro Court, with face recognition, remote audio/video, electronic signature and other technologies, case filing, inquiry, service of legal process, exchange of evidence, mediation, court hearing and other litigation affairs can be handled online by mobile phone, very convenient for both the parties and the judges. As of the end of 2020, a total of 3,488 courts nationwide had started to use the mediation platforms of people's courts for mediation(Figure 12). 37,000 mediation organizations and 161,000 mediators have registered and 12,670,000 cases have been mediated on the platforms, the number of new mediation cases per week on the platform has increased from 100 at the beginning of the year to tens of thousands, and the mediation success rate on the platform has exceeded 61%. After summarizing and promoting the Online Experience of Fengqiao, people's



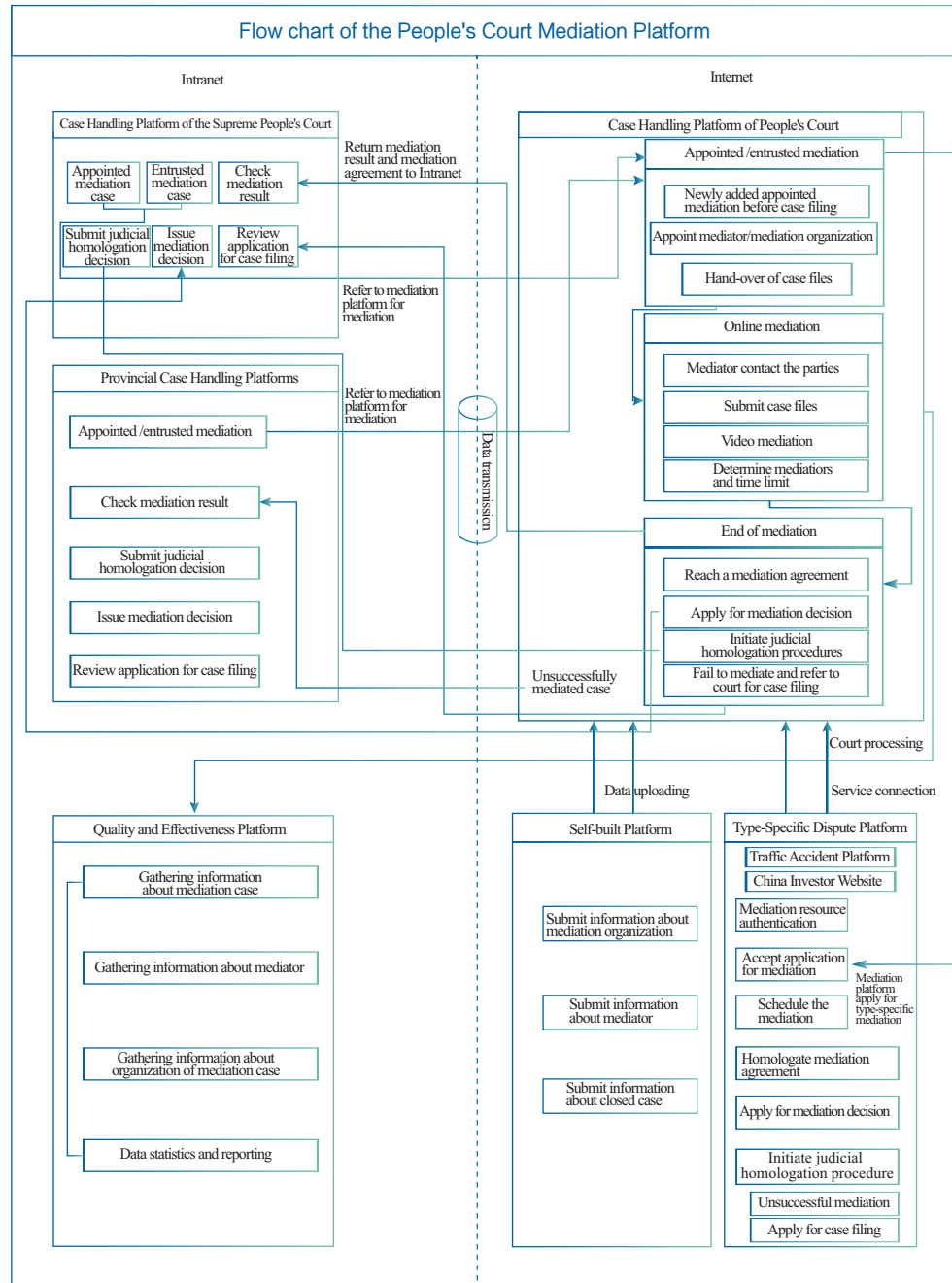


courts at all levels actively explore the construction of an online dispute resolution mechanism, and have gradually changed the online dispute resolution mechanism from simple online mediation to a comprehensive platform enabling “data circulation, information sharing, and resource aggregation”. Zhejiang Province has built an Online Dispute Resolution (ODR) platform, which integrates five major functions, namely online consultation, appraisal, mediation, arbitration, and litigation, to provide the people with convenient, efficient and economic dispute resolution services. As of December 27, 2020, on the ODR platform, there were 1,887,149 registered users and 45,196 registered mediators, 1,225,783 applications for mediation were received, and the mediation success rate was 76%. The platform was successively rated as the “Excellent Project of ‘Internet + Law’ Innovation” at the China Conference on Rule of Law in Internet, the Number 1 “Excellent Project on Diversified Resolution of Conflicts and Disputes” by the Committee of Political and Legal Affairs of the CPC Central Committee, and Excellent Project at the 4th World Internet Conference.

**Strengthen publicity and exchanges to promote China’s experience in diversified dispute resolution.** The Supreme People’s Court put more efforts in policy interpretation, by editing and publishing books such as *Understanding and Application of Opinions on the Reform of Diversified Dispute Resolution Mechanism and Provisions on Specially Invited Mediation of the Supreme People’s Court*, *Practice Guidelines on and Selected Cases of the Reform of Diversified Dispute Resolution Mechanism in People’s Courts*, and *Guidelines on Diversified Resolution of Disputes Involving Overseas Chinese*. It did a good job in summing up



and promoting experience, by selecting a number of cases carrying the experience in the reform of diversified dispute resolution mechanism, and preparing and issuing *Selected Cases of the Judicial Reform of People's Courts (V)*. It strengthened publicity and exchanges, by attending the Third China-Singapore Legal and Judicial Roundtable, China-Singapore International Commercial Dispute Resolution Conference, China-Africa Law Forum, International Mediation Summit, the 4th Shanghai-Hong Kong Commercial Mediation Forum, China Arbitration Summit, the 8th Greater China Arbitration Forum and other forums and conferences. It participated in the research on the signing of the *Singapore Convention on Mediation*. It organized and held a Sino-French Symposium on International Commercial Trial, at which more than 30 judges from China and France attended. The Supreme People's Court and the All-China Federation of Returned Overseas Chinese sent a delegation to Spain and other countries for exchange on the diversified resolution of disputes involving overseas Chinese. The Supreme People's Court actively participated in international exchanges on the reform of diversified dispute resolution mechanism, by selecting and sending personnel to participate in the third meeting of the UK-China Joint Judicial Expert Working Group on Commercial Dispute Resolution held in the United Kingdom, the International Forum on the Belt and Road: Dispute Settlement Mechanism held in Singapore, the Belt and Road Forum on Comprehensive Service Capacity Building held in Seoul, South Korea, and the International Conference on the "Law on Mediation Attached to Court" organized by the Supreme Court of Vietnam, held in Hanoi, Vietnam.



**Figure 12 Flow chart of the People's Court Mediation Platform Intranet**



## Conclusions

At the 19th National Congress of the CPC, it was pointed out that the overall goal of comprehensively deepening reform is to improve and develop the socialist system with Chinese characteristics, and to promote the modernization of China's system and capacity for governance. Properly resolving all kinds of conflicts and disputes is a significant part of national governance, and the conflict and dispute resolution system is also an important part of the national governance system. At present, unprecedented opportunities arise for further driving the diversified dispute resolution mechanism to develop in depth and breadth.

Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era is a guide to action for the whole CPC and the people of all ethnic groups to realize the Chinese Dream of national rejuvenation, and also a guide to action for deepening the reform of diversified dispute resolution mechanism. At present, the principal challenge facing our society has been transformed into the gap between unbalanced and inadequate development and the growing expectation of the people for a better life. The transform of the principal challenge facing our society is a historic change relevant to the overall situation and has set many new requirements on the work



of the party and the state. In carrying out the reform of diversified dispute resolution mechanism, it is necessary to proceed from meeting the growing needs of the people for diversified dispute resolution, focus on solving the problems of unbalanced development of the dispute resolution system and inadequate protection of the rights and interests of the people, vigorously improve the effectiveness of reforms, and form a social governance pattern based on collaboration, participation and common interests.

After all, the reform of the judicial system should be evaluated based on whether it meets the people's needs and solves the problem of the gap between the current level of judicial services and the people's growing needs for judicial services, and the problem of inadequate protection of the rights and interests of the people. As one of the ways to improve social governance, the reform of diversified dispute resolution mechanism is an important part of the reform of social governance system and national governance system, and an important measure to modernize China's system and capacity for governance. Its fundamental purpose is to satisfy the people's needs for diversified dispute resolution, and improve the people's sense of perceived fairness and justice. In the process of reform, it is necessary to, by proceeding from satisfying the people's needs for diversified dispute resolution and focusing on resolving conflicts and disputes in diversified methods, encourage people from all walks of life to actively participate in the resolution of conflicts and disputes, so as to inject impetus into deepening reform; incorporate dispute resolution methods into the rule of law, and promote legislation improvement, litigation-mediation connection, and diversified joint governance, so as to make the dispute resolution system



more law-based, and make continuous contribution to the modernization of China's system and capacity for governance.