

司法争端解决程序国别报告

Country Report on Judicial Dispute Resolution (JDR) Procedure

一、中国法律框架介绍

I. Introduction of Legal Framework in China

(一) 中国法律体系概述

(A) Overview of Legal Regime in China

中国是成文法国家。中华人民共和国成立后,坚持将传承历史传统、借鉴文明成果和进行制度创新有机结合起来,构建中国特色社会主义法律体系。中国的法律体系以宪法为统领,包括宪法及宪法相关法、民商法、行政法、经济法、社会法、刑法、诉讼与非诉讼程序法等七个部分构成,分为法律、行政法规、地方性法规三个层次。

China is a statute law country. Since its founding, People's Republic of China has been persevered in building a socialist legal system with Chinese characteristics by inheriting historical traditions, drawing on the achievements of all civilizations as well as making institutional innovations. The legal system in China, with Constitution as the lead, consists of seven parts, including the Constitution and laws related to the Constitution, civil and commercial law, administrative law, economic law, social law, criminal law, litigation and non-litigating procedure law, and is divided into three hierarchies: laws, administrative regulations and local regulations.

(二) 中国法院组织体系

(B) Court Structure in China

根据《中华人民共和国宪法》和《中华人民共和国人民法院组织法》，人民法院作为国家的审判机关，依照法律规定独立行使审判权，不受行政机关、社会团体和个人的干涉。国家设立最高人民法院、地方各级人民法院和专门人民法院。人民法院依照法律规定审理民事案件、刑事案件、行政案件以及法律规定的其他案件，开展民事执行、行政执行等司法活动。独任庭、合议庭、审判委员会和赔偿委员会是法律规定的审判组织。

According to the *Constitution of the People's Republic of China* and *Law of the People's Republic of China on the Organization of People's Courts*, as the judicial organs of the State, people's courts independently exercise judicial power in accordance with the law, without interference by administrative organs, social organizations and individuals. Supreme People's Court, people's courts at all levels and special people's courts are established by the State to hear civil, criminal, administrative cases and other cases stipulated by the law, pursuant to the provisions of the law, and carry out judicial activities such as civil and administrative enforcement. The sole judge, the collegial panel, adjudication committee and compensation committee are trial organizations stipulated by law.

最高人民法院是中华人民共和国最高审判机关，负责审理全国范围内有重大影响的或者法律规定由其审理的各类案件，制定司法解释，监督和指导地方各级人民法院和专门人民法院的审判工作，并依照法律确定的职责范围管理全国法院的部分司法行政工作。

The Supreme People's Court stands highest at the hierarchy of judicial organs of the People's Republic of China, responsible for (1) hearing various types of cases that have great influence nationwide or are required to be tried by it as prescribed by law, (2) formulating judicial interpretations, (3) supervising and directing the trial work of people's courts at lower levels and of special people's courts, as well as (4) managing partial of the judicial administration work of courts across the country within scope of its duties according to law.

地方各级人民法院包括基层人民法院、中级人民法院和高级人民法院。专门人民法院包括军事法院、海事法院、知识产权法院、金融法院等。

People's courts at all levels are classified into primary people's courts, intermediate people's courts and high people's courts. Special people's courts include military courts, maritime courts, intellectual property courts and financial courts, etc.

上级人民法院监督和指导下级人民法院的审判工作。在诉讼活动中，人民法院依法实行审判公开、合议、回避、人民陪审员、辩护等制度。

The people's court at a higher level supervises and directs the trial work of that at a lower level. In trial activities, the people's courts shall adopt and implement systems of open trial, collegial panel, withdrawal, people's jurors, defending, etc.

(三) 司法争端解决程序的实施

(C) Implementation of Judicial Dispute Resolution Procedure

人民法院审判案件, 实行两审终审制, 小额诉讼案件和特别程序案件实行一审终审。基层人民法院审理第一审案件, 法律另有规定的除外。中级人民法院主要审理重大涉外第一审案件、在本辖区有重大影响的第一审案件和对基层人民法院判决和裁定的上诉、抗诉案件。高级人民法院主要审理在本辖区有重大影响的第一审案件、对中级人民法院判决和裁定的上诉、抗诉案件。最高人民法院主要审理全国范围内有重大影响的第一审案件和对高级人民法院判决和裁定的上诉、抗诉案件。

The people's courts implement the two-tiered trial system, small claims cases and cases of special procedures are subject to the system where the judgment of first instance shall be final. The primary people's courts try cases of first instance, unless otherwise provided by law. The intermediate people's courts mainly hear major foreign-related cases of first instance, cases of first instance that have great influence in their respective jurisdictions, and cases of appeals and counterappeals against judgments and rulings of primary people's courts. The high people's courts mainly hear cases of first instance that have great influence in their respective jurisdictions, appeals and counterappeals against judgments and rulings of intermediate people's courts. And accordingly the Supreme People's Court mainly hears cases of first instance that have great influence nationwide and appeals and counterappeals against judgments and rulings of high people's courts.

二、司法争端解决程序的目标

II. Objectives of The Judicial Dispute Resolution Procedure

在“以和为贵”传统观念影响下, 面对纠纷时, 人们更多地选择私下协调解决, 而不是提起诉讼。在这种司法文化背景下, 中国

法院的司法争端解决程序体现了中华民族追求自然秩序、社会秩序和谐的理想,符合社会民众的价值观念和诉讼意识,经过长期司法实践证明是行之有效的纠纷解决方式。

Under the influence of the traditional concept “harmony is precious”, parties to disputes are inclined to settle disputes through private coordination rather than litigation. Against the background of this judicial culture, the Judicial Dispute Resolution Procedure implemented by courts in China, embodying the Chinese nation's ideal of pursuing harmony between natural order and social order, and conforming to the public's values and litigation consciousness, has been well proved by long-term judicial practices to be an effective way of dispute settlement.

司法争端解决程序的目标是消解当事人因诉讼引起的人际关系紧张,使法官全面深入地了解纠纷背后深层次的矛盾,让纠纷得以彻底解决;同时,有效避免双方当事人之间因非赢即输的判决而导致的关系破裂甚至“二次冲突”,最大限度地节约法院的司法资源,节省当事人的纠纷解决成本,实现人民安居乐业、社会安定有序。

The Judicial Dispute Resolution Procedure aims to relieve the interpersonal tension between the parties concerned due to litigation, and for the judge to master the deep-seated contradictions behind the dispute in a comprehensive and deep manner to solve the dispute thoroughly, meanwhile to effectively avoid the relationship breakdown or even the "secondary conflicts" between the two parties caused by the win-or-lose judgment, so as to save the judicial resources of the court to the maximum extent and to save the cost of dispute resolution of the parties, and realize people's living and working in peace and contentment and

social stability and order.

司法争端解决程序的特点在于高效率、低成本地实质性化解纠纷。对于进入法院的各类纠纷，人民法院主要采取诉前调解、中立评估、委托调解、司法调解、司法确认等争端解决模式，促进社会矛盾纠纷更加便捷、高效、一站式、低成本地得到解决。

The Judicial Dispute Resolution Procedure is characterized by its high efficiency, low cost and substantial resolution of disputes. For various types of disputes brought to the court, the people's courts mainly adopt dispute resolution modes such as pre-litigation mediation, neutral assessment, mediation through entrusted organizations, judicial mediation and judicial confirmation, so as to promote social conflicts and disputes to be solved more conveniently, efficiently, at one-stop and low cost.

三、司法争端解决程序的法律框架

III. Legal Framework of Judicial Dispute Resolution Procedure

司法争端解决程序的权力来源，包括法律、司法解释、政策性文件和指导性案例等。

The power sources of Judicial Dispute Resolution Procedure include laws, judicial interpretations, policy documents and guiding cases, etc.

《中华人民共和国民事诉讼法》第 96 条规定：“人民法院审理民事案件，根据当事人自愿的原则，在事实清楚的基础上，分清是非，进行调解。”第 125 条规定：“当事人起诉到人民法院的民事纠纷，适宜调解的，先行调解，但当事人拒绝调解的除外。”

Article 96 of the *Civil Procedure Law of the People's Republic of China* stipulates: “When hearing civil cases, the people's courts shall, pursuant to the principle of the parties' voluntariness and on the basis of clear facts, determine the merits and conduct mediation.” Article 125 provides: “Where mediation is appropriate for a civil dispute brought by a party to a people's court, mediation shall be conducted first, , unless the parties refuse mediation.”

《中华人民共和国行政诉讼法》第 60 条规定：“行政赔偿、补偿以及行政机关行使法律、法规规定的自由裁量权的案件可以调解。”

Article 60 of the *Administrative Procedure Law of the People's Republic of China* stipulates: “Mediation can be conducted in cases of administrative compensation, reimbursements and cases where administrative organs exercise their discretion as prescribed by laws and regulations.”

《中华人民共和国刑事诉讼法》第 212 条规定：“人民法院对自诉案件，可以进行调解。”

Article 212 of the *Criminal Procedure Law of the People's Republic of China* stipulates: “People's courts may conduct mediation in private prosecution cases.”

此外，最高人民法院先后出台了《关于人民法院民事调解工作若干规定》《关于人民法院特邀调解的规定》《关于进一步发挥诉讼调解在构建社会主义和谐社会中积极作用的若干意见》《关于进一步完善委派调解工作机制的指导意见》等一系列司法解释和政策性文件，分别确立了诉前委派调解、诉中委托调解、法院专职调解、民商事纠纷中立评估等制度机制。

In addition, the Supreme People's Court has successively issued a series of judicial interpretations and policy documents, such as *Several Provisions on Civil Mediation by People's Courts*, *Provisions on Invited Mediation by People's Courts*, *Several Opinions on Further Playing the Positive Role of Litigation Mediation in Building a Harmonious Socialist Society*, and *Guiding Opinions on Further Perfecting the Mechanism of Appointed Mediation*, which respectively established such institutional mechanisms as pre-litigation mediation by appointed organizations, in-process-litigation mediation by entrusted organizations, mediation by full-time court staff and neutral assessment in civil and commercial disputes.

四、调解

IV. Mediation

调解是人民法院解决纠纷的重要手段，运用调解化解纠纷在中国已有数千年的历史。按照发生阶段的不同，可以分为诉讼程序之外和诉讼过程中的调解两大类。

As an important tool for people's courts to resolve disputes, mediation has been adopted to resolve disputes in China dating back to thousands of years ago. It can be divided into two categories according to its use in different stages: mediation outside the litigating procedure and mediation during the litigation process.

(一) 诉讼程序之外的调解

(A) Mediation Outside the Litigation Procedure

目前，各级人民法院普遍建立了诉讼服务中心。诉讼服务中心

是负责各类纠纷进入法院的第一道“关口”，设置专人负责甄别分流纠纷，在登记立案前对诉讼材料进行审查判断，筛选出适宜调解的案件。

Currently, people's courts at all levels have generally established their litigation service centers, which serve as the first “gateway” for various types of disputes entering the courts. Special persons are designated to identify and distribute disputes, so as to screen out the cases suitable for mediation by reviewing and determining the litigation materials before registration and filing of cases.

1. 调解范围。对于家事纠纷、相邻关系、小额债务、消费者权益保护、交通事故、医疗纠纷、物业管理等纠纷，人民法院在征求当事人意愿的基础上，在登记立案前先行调解。除民商事纠纷外，一些案件事实清楚、法律关系简单的刑事自诉案件，也可纳入立案前调解的收案范围。

1. Scope of mediation. For disputes such as family disputes, neighboring relationships, small debts, consumer rights protection, traffic accidents, medical disputes, property management, etc., the people's court shall, on the basis of obtaining the consent of the parties, conduct mediation before the case is registered and filed. In addition to civil and commercial disputes, some criminal private prosecution cases with clear facts and simple legal relations can also fall into the scope of mediation before case-filing.

2. 调解主体。当事人同意调解的，由人民法院专职调解员进行调解，或者由人民法院委派调解组织或者调解员提供调解服务。专职调解员一般由擅长调解的法官或者司法辅助人员担任。特邀

调解组织一般包括依法成立的人民调解、行政调解、商事调解、行业调解及其他具有调解职能的组织。特邀调解员一般包括人大代表、政协委员、人民陪审员、专家学者、律师、仲裁员、退休法律工作者等符合条件的个人。人民法院制定特邀调解组织和特邀调解员名册供当事人查询。

2. **Actor of mediation.** Where the parties agree to mediation, the full-time mediator of the people's court shall conduct the mediation, or the mediation organization or mediator appointed by the people's court shall provide mediation services. Full-time mediators are generally judges or judicial assistants who are skilled in mediation. Invited mediation organizations generally include people's mediation, administrative mediation, commercial mediation, industrial mediation and other organizations with mediation functions established in accordance with the law. Specially invited mediators generally include eligible individuals such as NPC deputies, CPPCC members, people's jurors, experts and scholars, lawyers, arbitrators, retired legal professionals, etc. The people's court shall formulate a list of invited mediation organizations and specially invited mediators for the parties' inquiry.

3. **调解协议效力。** 通过调解组织或调解员达成调解协议的，具有民事合同效力。无法达成调解协议的，依法登记立案。

3. **Validity of mediation agreement.** Where a mediation agreement is reached through a mediation organization or mediator, the agreement shall take effective as a civil contract. Where a mediation agreement fails to be reached, the dispute shall be registered and filed according to law.

(二) 司法确认

(B) Judicial Confirmation

司法确认是人民法院按照民事诉讼法规定，对诉讼程序之外调解达成的调解协议赋予强制执行力的一项特别程序。经依法设立的调解组织调解达成调解协议，自调解协议生效之日起三十日内，双方当事人可以共同向人民法院提出申请司法确认。

Judicial confirmation is a special procedure where the people's court, according to the provisions of the *Civil Procedure Law*, grants force for the parties to enforce the mediation agreement reached through mediation outside the litigation procedure. Where a mediation agreement is concluded through mediation conducted by a legally established mediation organization, both parties may jointly apply to the people's court for judicial confirmation within 30 days from the effective date of the mediation agreement.

1. 申请条件。 人民法院邀请调解组织开展先行调解的，向作出邀请的人民法院提出。调解组织自行开展调解的，向当事人住所地、标的物所在地、调解组织所在地的基层人民法院提出；调解协议所涉纠纷应当由中级人民法院管辖的，向相应的中级人民法院提出。

1. Conditions of Application. Where mediation is to be conducted first by a mediation organization invited by the people's courts, an application shall be submitted to the people's court that made the invitation. Where the mediation is to be conducted by a mediation organization on its own, an application shall be submitted to the primary people's court where the parties are domiciled, where the subject matter is located or where the mediation organization is located; where the dispute involved in the mediation agreement shall be under the jurisdiction of the

intermediate people's court, an application shall be submitted to the appropriate intermediate people's court.

2. 法律效力。 人民法院受理申请后, 经审查, 符合法律规定的, 裁定调解协议有效, 一方当事人拒绝履行或者未全部履行的, 对方当事人可以向人民法院申请执行; 不符合法律规定的, 裁定驳回申请, 当事人可以通过调解方式变更原调解协议或者达成新的调解协议, 也可以向人民法院提起诉讼。

2. Legal effect. The people's court, after reviewing an application which is accepted, shall decide that the mediation agreement is valid if it is in compliance with laws, and then if one party refuses to perform or fails to perform all the obligations under the mediation agreement, the other party may apply to the people's court for enforcement; or shall decide to reject the application if it's not in conformity with the laws, and then the parties may modify the original mediation agreement or conclude a new mediation agreement through mediation, or bring an action to the people's court.

(三) 诉讼过程中的调解

(C) Mediation during the Litigation Process

人民法院的调解活动, 可以在任何一个诉讼阶段, 根据案件的具体情况。人民法院受理案件后, 经审查, 认为法律关系明确、事实清楚, 只要是能够调解的案件, 无论是一审程序、二审程序, 还是再审程序中, 在征得当事人双方同意后, 人民法院都可以调解。在审判中, 审理前的准备阶段、开庭审理中直至辩论终结作出判决前, 均可以进行调解。

The mediation activities of the people's court can be carried out at any stage of action as the case may be. Where people's courts find, after reviewing a case which is accepted, that both the legal relation and facts are clear, the people's court can conduct mediation with the consent of both parties, whether in the first-instance procedure, the second-instance procedure or the retrial procedure, provided that it is a mediatable case. Mediation can be conducted in the preparatory stage before the trial, and during the whole trial proceeding in court until the end of debate and rendering of judgment.

1. 案件类型。对于婚姻家庭纠纷和继承纠纷、劳务合同纠纷、交通事故和工伤事故引起的权利义务关系较为明确的损害赔偿纠纷、宅基地和相邻关系纠纷、合伙合同纠纷、诉讼标的额较小的纠纷等六类纠纷，人民法院在开庭审理时，应当调解。

1. Type of cases. The people's courts shall conduct mediation when opening a court session to hear the following six types of disputes: marriage and family disputes and inheritance disputes, labor contract disputes, damage compensation disputes with clear rights and obligations caused by traffic accidents and work-related injury accidents, homestead and neighboring relations disputes, partnership contract disputes and disputes with smaller value of subject matter of an action.

2. 调解主体。根据案件具体情况，法官可以主持调解，也可以委托给调解组织或者调解员进行调解。

2. Actor of mediation. Judge can preside over a mediation, or entrust mediation organizations or mediators to conduct mediations as the case may be.

3. **调解效力。** 诉中调解达成调解协议的，由人民法院制作调解书结案。未达成调解协议的，转入审判程序继续审理。

3. **Validity of mediation.** If a mediation agreement is reached through mediation in the course of proceeding, the people's court shall make a mediation letter to conclude the case. If a mediation agreement fails, the case shall be transferred to the trial procedure to be continuingly proceeded.

五、中立评估

V. Neutral Assessment

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》，鼓励各地法院积极探索建立民商事纠纷中立评估机制。

In 2016, the Supreme People's Court issued the *Opinions on Further Deepening the Reform of Diversified Dispute Resolution Mechanism by People's Courts*, encouraging local courts to vigorously explore their establishment of a neutral assessment mechanism for civil and commercial disputes.

1. **选择适用。** 在案件立案前或者已经立案后、开庭前，征求双方当事人的意见，根据当事人的自愿选择是否适用中立评估机制。

1. **Optional application.** The neutral assessment mechanism may be adopted before case-filing, after case-filing or before the court session, after consulting with parties and according to the parties' willingness.

2. **评估主体。** 中立评估的主体为中立评估员，由医疗卫生、

不动产、建筑工程、知识产权、环境保护等领域的专业人员担任。选择中立评估员采取以当事人自愿选择为主、法院指定为辅相结合的方式。法院制定专门的中立评估员名册供当事人公开查阅。

2. **Assessor.** The neutral assessment shall be conducted by neutral assessors, who shall be acted by professionals in health care, real estate, construction engineering, intellectual property, environmental protection, etc. Selection of a neutral assessor shall be primarily based on the parties' willingness, as supplemented by court's appointment. The court shall establish a special roster of neutral assessors which shall be publicly accessible to the parties.

3. **评估效力。** 评估员出具的评估意见书本身不具有法律约束力, 主要供当事人或后续案件承办法官参考。若当事人可达成调解或和解协议, 根据当事人的要求, 可以经法院审查后进行司法确认或者出具民事调解书。若未达成调解或和解协议的, 案件及时移送法院立案或者继续审理。

3. **Validity of Assessment.** The Assessment statement itself issued by the assessor is not legally binding, and is mainly for the reference by the parties or by the judges responsible for follow-up case proceeding. Where the mediation or settlement agreement is reached between the parties, at the request of the parties, the court, after review, may grant judicial confirmation or issue a civil mediation letter. If no mediation or settlement agreement is reached, the case shall be promptly transferred to the court for case-filing or continued trial proceeding.

六、法律文书强制执行

VI. Enforcement of Legal Instruments

对于以下两类非诉执行审查案件，当事人可以依法向人民法院申请执行，无需经过庭审程序。

For the following two types of non-litigation enforcement review cases, the parties may apply to the people's court for enforcement according to law, without going through the trial proceedings.

1. **仲裁裁决。**对于仲裁裁决，当事人可以依法向仲裁委员会所在地的中级人民法院申请撤销裁决，经人民法院审查核实后，作出撤销裁决或者驳回申请的裁定。对依法设立的仲裁机构的裁决，一方当事人不履行的，对方当事人可以向有管辖权的人民法院申请执行。

1. **Arbitration award.** For an arbitral award, the parties may apply to the intermediate people's court where the arbitration commission is located for repeal of the award according to law, and the people's court, after review and verification, shall make a ruling to cancel the award or reject the application. If one party fails to perform the award issued by an arbitration institution legally established, the other party may apply to the people's court with jurisdiction for enforcement.

2. **公证债权文书。**对于公证机关依法赋予强制执行效力的债权文书，一方当事人不履行的，对方当事人可以向有管辖权的人民法院申请执行。

2. **Notarized creditor's rights instruments.** If one party fails to perform the creditor's rights instruments that are legally endowed with enforceability by notarial institutions, the other party may apply to the people's court with jurisdiction for enforcement.

七、司法争端解决程序的在线运行

VII. Online Operation of Judicial Dispute Resolution Procedure

近年来,中国法院借助信息化技术,大力推进网上法院建设,建成人民法院调解平台、以微信小程序为依托的“移动微法院”等电子诉讼平台,制定发布《人民法院在线诉讼规则》《人民法院在线调解规则》。当事人可以通过互联网或者专用网络在线完成评估、立案、调解、证据交换、询问、庭审、送达等全部或者部分诉讼环节。

In recent years, with the help of information technology and through vigorous efforts to promote the construction of online courts, Chinese courts, have established electronic litigation platforms including the mediation platforms of people's courts and “mobile micro-courts” based on WeChat, and have formulated and issued *Online Litigation Rules of People's Courts* as well as *Online Mediation Rules of People's Courts*. Parties can complete all or part of the activities in connection with the action online through the Internet or private networks, including assessment, case-filing, mediation, evidence exchange, inquiry, trial and service, etc.

1. **适用平台。**主要依托电子诉讼平台开展,既包括最高人民法院统一指导建设的电子诉讼平台,也包括各地法院结合工作需要自行建设的平台。当事人只要有一部智能手机或一台电脑,便可以参与全部诉讼流程。

1. **Applicable platforms.** It is mainly relied on the electronic litigation platforms, which includes the electronic litigation platform constructed under the

unified guidance of the Supreme People's Court, as well as the platforms established by local courts according to their work demands. Parties, with a smart phone or a computer, can participate in the whole litigation process.

2. 案件范围。民事、行政、执行、刑事自诉以及被告人、罪犯未被羁押的刑事附带民事诉讼等法律规定可以调解或者和解的纠纷，均可以开展在线调解。

2. Scope of cases. Online mediation can be carried out for disputes that can be mediated or settled according to the law, such as civil action, administrative action, enforcement action, criminal private prosecution, as well as incidental civil action of criminal action in which the accused and criminal are not detained.

3. 启动方式。人民法院开展在线诉讼，应当征得当事人同意，并告知适用在线诉讼的具体环节、主要形式、权利义务、法律后果和操作方法等。人民法院审判人员、专职或者兼职调解员、特邀调解组织和特邀调解员以及人民法院邀请的其他单位或者个人，均可以开展在线调解。

3.Mode of initiation. The people's court shall conduct online litigating proceeding with the consent of the parties, and inform them of the specific activities, main forms, rights and obligations, legal consequences and operation methods, etc., in connection with the online action. Judges of people's courts, full-time or part-time mediators, invited mediation organizations and mediators, and other units or individuals invited by the people's court can conduct their respective mediation online.

4. 适用环节。从在线申请、委派委托、音视频调解，到出具

司法确认书、制作调解书等全部或者部分活动均可以在线进行。当事人可以选择部分活动通过平台开展，也可以选择全部活动通过平台开展。

4.Scope of application. All or part of the litigating related activities, from online application, appointment and entrustment, mediation via audio and video, to issuance of judicial confirmation letter and preparation of mediation letter, can be carried out online. It is the Parties' choice to participate in some or all the above-mentioned activities through the platform.

5. 法律效力。 在线诉讼活动与线下诉讼活动具有同等法律效力。

5. Legal effect. Online litigation activities have the same legal effect as offline litigation activities.

八、对开展司法争端解决程序的法官进行培训

VIII. Training Judges Involved in Judicial Dispute Resolution Procedure

中国法官培训制度包括脱产培训和在职培训，培训的具体内容视不同培训对象的需求有所侧重。法官每年接受培训的时间累计不少于半个月。

The judge training system in China consists of off-the-job training and in-service training, with specific content of training varies depending on the needs of different trainees. The accumulated time for judges to receive training each year shall be no less than half a month.

1. **脱产培训。** 各级法院定期轮派法官到地级以上法官学院等机构进行脱产学习。注重类型化案件规范性审理的经验传授, 提升法官的证据审核、事实认定能力, 法律适用能力以及论证分析能力。

1. **Off-the-job training.** Courts at all levels regularly send judges to institutions such as judges' colleges at **corresponding** level for **training**. The training focuses on experience teaching of the normative trial of typed cases, in order to improve the judges' capability in verification of evidence, determination of facts, application of laws and reasoning and analysis.

2. **在职培训。** 一般采取分段培训、累计学时的方式。注重法官的职业道德素质和业务素质教育, 通过组织开展庭审观摩、优秀裁判文书评比、团队交往互动等多种形式的活动, 提升法官庭审驾驭能力、诉讼调解能力和裁判文书制作能力。

2. **In-service training.** Generally, the training is segmented and the class hours are accumulated. The training focuses on professional ethics and professional quality education of judges, aiming to improve the judges' capability in trial control, mediation in litigation and preparation of adjudicative documents through organization of various activities, such as trial observation, assessment and contest for excellent judgments as well as team interaction.

九、关于司法争端解决程序的统计数据

IX. Statistical Data on Judicial Dispute Resolution Procedure

2019年、2020年、2021年人民法院新收一审民事案件数分别为1385.2万件、1313.6万件、1661.2万件; 诉前调解成功案件数分别为145.5万件、424万件、604.5万件。

The people's courts newly received 13.852 million civil cases of first instance in the year of 2019, 13.136 million in 2020 and 16.612 million in 2021, and the number of cases resolved successfully through mediation prior to litigation is 1.455 million, 4.24 million and 6.045 million respectively in those three years.

2019年、2020年、2021年人民法院受理申请司法确认案件数分别为35万件、56.2万件、38.9万件；审结案件数分别为34.8万件、56万件、38.6万件。

The people's courts accepted cases of application for judicial confirmation of 350,000, 562,000 and 389,000 in the year of 2019, 2020 and 2021 respectively, with 348,000, 560,000 and 386,000 cases concluded respectively.

2019年、2020年、2021年人民法院受理申请执行仲裁裁决案件数分别为46.5万件、40.9万件、45.9万件；审结案件数分别为43.1万件、38.3万件、41.7万件。

In 2019, 2020 and 2021, the people's courts accepted 465,000 cases, 409,000 cases and 459,000 cases, respectively, of application for enforcing arbitration awards, among which the number of cases concluded was 431,000, 383,000 and 417,000 respectively.

2019年、2020年、2021年人民法院受理申请执行公证债权文书案件数分别为3.9万件、2.9万件、3.4万件；审结案件数分别为3.2万件、2.5万件、2.7万件。

In 2019, 2020 and 2021, the people's courts accepted 39,000 cases, 29,000 cases and 34,000 cases, respectively, of application for enforcing notarized instruments on creditor's rights, among which the number of cases concluded was

32,000, 25,000 and 27,000 respectively.

截至 2021 年底，人民法院累计在线调解案件 2437 万件，调解量年均增长率达 85.6%。2021 年，在线调解案件量达到 1076.76 万件，是 2018 年的 6.39 倍。平均调解时长 17 天，不到一审民事案件平均审理周期三分之一。

By the end of 2021, the people's courts had conducted mediation online in 24.37 million cases in accumulation, with an average annual growth rate of 85.6%. In 2021, the number of cases went through online mediation reached 10,767,600, 6.39 times that of 2018, with an average mediation duration of 17 days, which is less than one third of the average trial duration of civil cases of first instance.