

## Access to justice

Access to justice is defined as the ability of individuals and businesses to seek and obtain a just resolution of legal problems through a wide range of legal and justice services. These services include legal information, counsel and representation, formal (e.g. courts) and alternative dispute resolution, and enforcement mechanisms (OECD, 2019). Emphasis should also be placed on legal empowerment, which enables people's meaningful participation in the justice system and builds their capability to understand and use the law for themselves (OECD, 2019). The rule of law requires impartial and non-discriminatory justice. Without equal access, a large portion of the population can be left behind and their vulnerabilities exposed.

During the COVID-19 pandemic, many legal advice services that helped users of the court system navigate the system effectively were affected by lockdown measures. Providers of such services were not always equipped to operate virtually during the pandemic. However, many countries were able to switch to digital means: Greece, Ireland, Israel, Italy, Latvia, Poland, Portugal, Romania, Slovenia, Spain, Switzerland, the United Kingdom and the United States, among others, carried out fully virtual trials. In Canada and Mexico, mediators used videoconferencing software to carry out employment and civil mediations (OECD, 2020).

On average, OECD countries scored 0.65 out of a maximum of 1 in the *accessibility and affordability of civil justice* dimension of the 2020 World Justice Project (WJP) Rule of Law index, an increase of 0.03 points since 2016. The Netherlands (0.80), Germany (0.79), Denmark and Sweden (0.76 each) had the highest scores. The greatest increases between 2016 and 2020 were in Estonia, Turkey (0.08 points each), Austria, Greece and Sweden (0.07 each) (Figure 14.10). Estonia has one of the most digitalised court systems, which allowed the courts to continue working even during the COVID-19 pandemic. The Council for Administration of Courts, a non-permanent body whose members are predominantly judges, plays an important role in managing the justice system. It issued recommendations to further the digitalisation of the court system during the emergency (European Commission, 2020). Other countries also issued decrees and regulations to facilitate the digitalisation of court systems during lockdown. For instance, in Spain, Royal Decree 16/2020 gave preference to digital means for conducting judicial proceedings.

On average, in 2020, OECD countries scored 0.78 points in the *accessibility, impartiality and effectiveness of alternative dispute resolution (ADR) mechanisms* dimension of the Rule of Law Index, a decrease of 0.01 points since 2016. Norway

(0.90), Estonia (0.89) and Japan (0.88) had the highest scores. Estonia had the largest increase (0.08) between 2010 and 2020 (Figure 14.11).

### Methodology and definitions

The World Justice Project collects data via a set of questionnaires based on the Rule of Law Index's conceptual framework. The questionnaires are administered to representative samples of the general public and to legal experts who frequently interact with their national state institutions. For the general population, a probability sample of 1 000 respondents in each of the 136 countries is selected while on average 30 experts per country are surveyed. All questionnaires are administered by leading local polling companies. Each dimension of the index is scored from 0 to 1; a higher score means a better performance on the dimension. For more information, see <https://worldjusticeproject.org/our-work/wjp-rule-law-index>.

*Accessibility and affordability of civil justice* is gauged by considering aspects such as people's awareness of available remedies, and affordability of legal advice and representation. *Accessibility, impartiality and effectiveness of alternative dispute resolution mechanisms* is gauged by considering costs, timeliness and effective enforcement of arbitral awards.

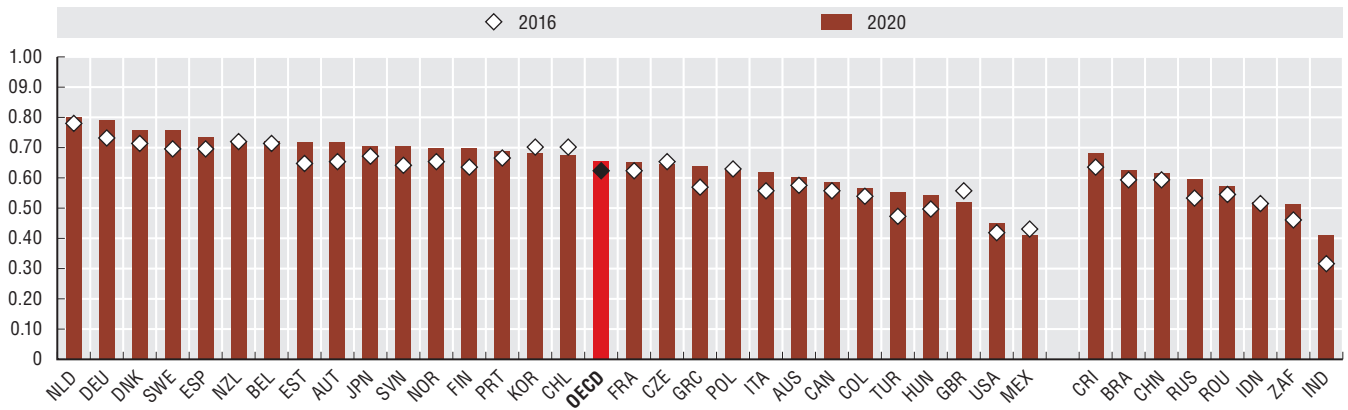
### Further reading

- OECD (2020), "Access to justice and the COVID-19 pandemic", *OECD Policy Responses to Coronavirus (COVID-19)*, OECD Publishing, Paris, <https://doi.org/10.1787/09a621ad-en>.
- OECD (2019), *Equal Access to Justice for Inclusive Growth: Putting People at the Centre*, OECD Publishing, Paris, <https://doi.org/10.1787/597f5b7f-en>.
- European Commission (2020), "2020 Rule of Law Report: Country chapter on the rule of law situation in Estonia", *Commission Staff Working Document, SWD (2020) 305*, European Commission, Brussels, [https://ec.europa.eu/info/sites/info/files/ee\\_rol\\_country\\_chapter.pdf](https://ec.europa.eu/info/sites/info/files/ee_rol_country_chapter.pdf).

### Figure notes

Data for Iceland, Ireland, Israel, Latvia, Lithuania, Luxembourg, the Slovak Republic and Switzerland are not available.

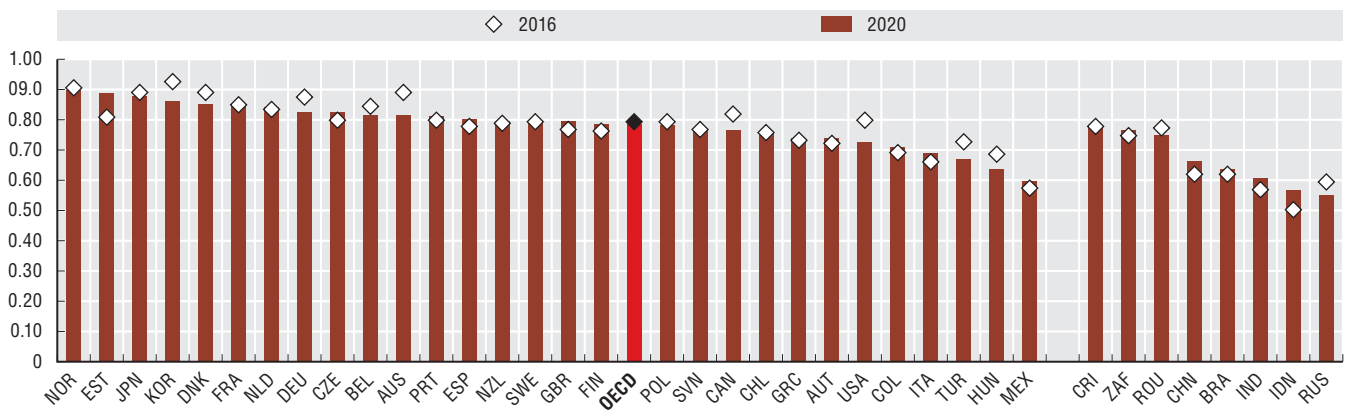
14.10. People can access and afford civil justice, 2016 and 2020



Source: World Justice Project (2020), Rule of Law Index 2020.

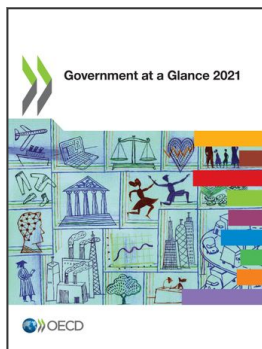
StatLink <https://doi.org/10.1787/888934259579>

14.11. Alternative dispute resolution mechanisms are accessible, impartial and effective, 2016 and 2020



Source: World Justice Project (2020), Rule of Law Index 2020.

StatLink <https://doi.org/10.1787/888934259598>



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