

Access to legal and justice services

Access to justice is 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. This involves legal information, counsel and representation to formal (e.g. courts) and alternative dispute resolution, and enforcement mechanisms (OECD, 2019). Nowadays, more emphasis is placed on legal empowerment, which enables people's meaningful participation in the justice system and builds capabilities 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 would be left behind and exposed to vulnerabilities.

Legal needs surveys are useful in helping policymakers understand citizens' experiences in seeking justice, the pathways they follow and the obstacles they face in resolving disputes. These surveys ask respondents whether they experienced any legal problems throughout the reference period, whether they sought legal help and from whom, whether they attempted to solve the dispute and how, among others. Some countries have included modules on legal needs in their household surveys, but these are not regularly collected (OECD/Open Society Foundations, 2019). Since 2016, the World Justice Project collects data on access to justice in its General Population Poll across the world, allowing for cross-country comparisons.

In 2018, on average, 59% of respondents across OECD countries reported experiencing a legal problem over the past 24 months. Of these, 32% sought legal help, primarily from relatives or friends –who may or may not have been law professionals. There is a large disparity across OECD countries regarding the decision to request legal advice: while in the Netherlands almost half of those who experienced a legal problem sought help, only 16% did so in Turkey.

From those who experienced a legal problem, only 14% decided to turn to a formal mechanism, such as courts, the police, government offices, or religious or community authorities. In Spain 22% of respondents sought such type of solution to their dispute, while less than 8% did so in Finland Hungary, Norway and the United Kingdom.

Reported reasons for not seeking legal assistance were mainly that respondents who experienced legal problems did not consider it difficult to resolve on their own (54% on average). The proportion spans from 74% of the respondents in Chile to 39% in Belgium. Across OECD countries, almost 30% of respondents on average reported experiencing access barriers such as lack of knowledge on the possibility of receiving advice or where to do so, distance, fear of getting legal support or of financial costs implied. Some 40% of the respondents in Belgium and 18% in Chile reported having one of such barriers.

Across OECD countries, on average 28% of the respondents did not attempt to solve their problems through a third party because they thought they could solve the problems

on their own. In the United Kingdom and the United States, 37% reported this, while 19% did so in Japan. On average, 21% of respondents across OECD countries reported not finding their problem important or easy enough to resolve. This was the case for 35% of respondents in Poland.

Methodology and definitions

Data come from the World Justice Project General Poll conducted in 2017 and 2018. The data are based on a 1,000 sample of respondents in the three largest cities of every country. A quota sampling technique was used, and interviews were conducted online and face to face.

Disputes cover any issues that the individual had with service providers, the government, their employer, their neighbours, their relatives, among others. Examples of such issues include malpractice, power abuse from the police, unfair dismissals, disputes over boundaries and divorces. Individuals who reported experiencing any such issue were asked whether they sought advice from any person or organisation and whether they made a claim to a court or any other mediator to intervene. As a follow-up, respondents who did not were asked to explain why. Reasons for not seeking help included: thinking that the issue was not important; considering that advice was not needed; fear of financial costs; and lack of knowledge on whom to contact, among others. Reasons for not contacting a mediator included thinking that the problem could be resolved without third-party intervention; considering that the process would be long and bureaucratic; and being scared of the consequences, among others.

Further reading

OECD (2019), *Equal Access to Justice for Inclusive Growth: Putting People at the Centre*, OECD Publishing, Paris, <https://doi.org/10.1787/597f5b7f-en>.

OECD/Open Society Foundations (2019), *Legal Needs Surveys and Access to Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/g2g9a36c-en>.

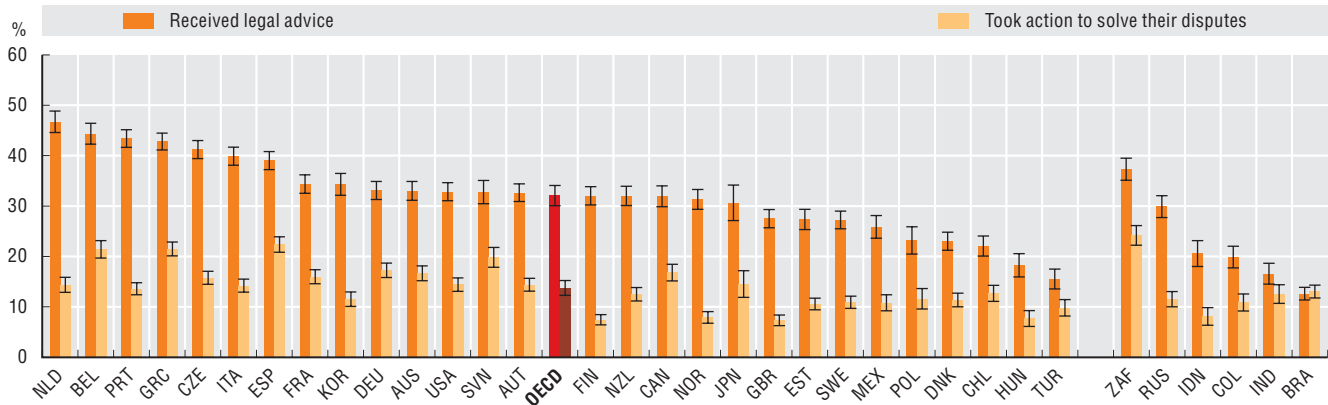
Figure notes

Data for Austria, Canada, Chile, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Italy, Mexico, New Zealand, Norway, Portugal, Slovenia, Brazil and Indonesia are from 2017 instead of 2018. Data for Iceland, Ireland, Israel, Latvia, Lithuania, Luxembourg, the Slovak Republic and Switzerland are not available.

11.13. The 2017 round of interviews did not include questions on reasons for not taking action to resolve disputes.

The error bars display the standard error.

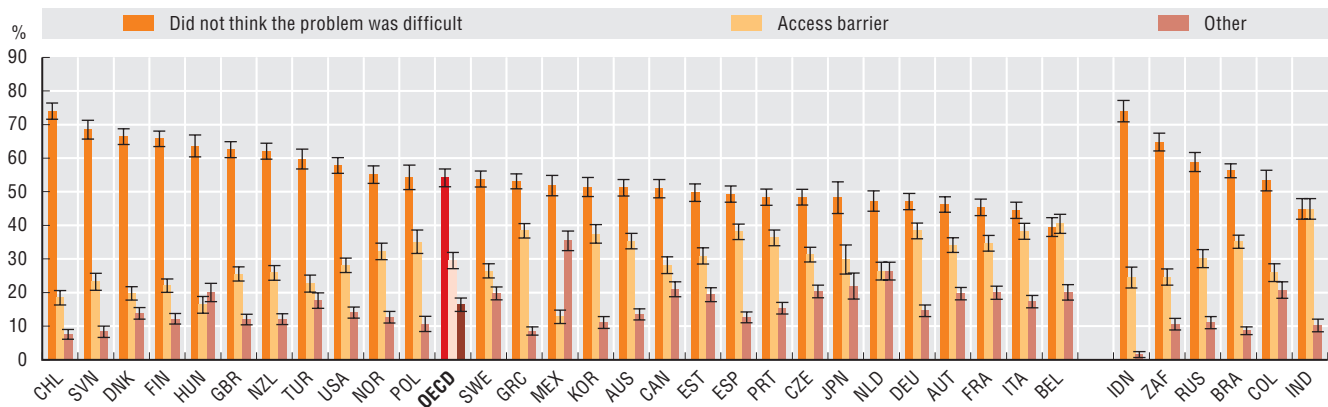
11.11 Percentage of individuals who received legal advice and who took actions to solve their disputes over the past two years, 2018



Source: World Justice Project (2018), "General Population Poll".

StatLink <https://doi.org/10.1787/888934033612>

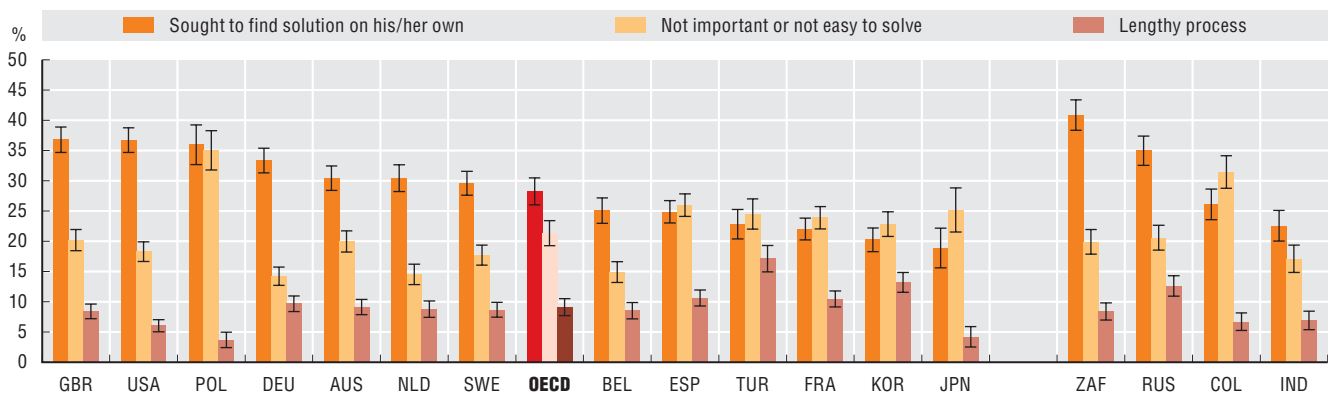
11.12 Top three reasons for not attempting to obtain legal assistance to resolve a dispute, 2018



Source: World Justice Project (2018), "General Population Poll".

StatLink <https://doi.org/10.1787/888934033631>

11.13 Reasons for not taking action to resolve a dispute, 2018



Source: World Justice Project (2018), "General Population Poll".

StatLink <https://doi.org/10.1787/888934033650>



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