

Effectiveness and fairness of the justice system

Justice systems serve as key pillars to safeguard rights and guarantee that the legal needs of citizens are met. The effective and fair justice system requires consideration of the full continuum of services, ranging from accessibility of legal information and legal assistance to formal (such as courts) and alternative dispute resolution, and their enforcement mechanisms (OECD, 2019).

Courts remain a core element of justice systems serving as the ultimate resort for individuals and companies to solve disputes, protect and enforce their rights. The effective functioning of courts and fair application of the law, in turn, requires judges to be independent from external pressure. A survey of European judges in 2017 found that undue pressure might from the court management and political parties or their lawyers. A third of respondents also doubted that councils for the judiciary have the appropriate mechanisms to defend their independence (ENCJ, 2017).

Freedom from undue government influence on administrative justice lawsuits and effective enforcement of civil justice, as measured by the World Justice Project's (WJP) Rule of Law Index, are highly correlated. On average, OECD countries have shown a slight deterioration between 2015 and 2019 in these indicators. Belgium (+0.09 points on freedom of improper influence and +0.14 on effective enforcement) has made the largest progress in both dimensions.

From the various types of justice that the judiciary system deals with, criminal justice is one of the most sensitive ones as it affects people freedom. In criminal cases, two fundamental human rights collide: personal security and presumption of innocence. Victims have the right to demand investigation and prosecution of their offender in order to defend themselves and the society from future threats, and the accused have the right to a fair process where all guarantees are respected. For example, pre-trial detention must be avoided and, when used, it must be short as possible to avoid violating individual freedoms. Court decisions must be fast and fair in order to guarantee that both rights are respected.

Timeliness and effectiveness in enforcing criminal justice are highly correlated with the non-use of self-administered justice in disputes, as measured by WJP. On average, OECD countries have remained stable on both dimensions. Turkey (+0.20 on non-use of self-justice and +0.05 on adjudication) has shown the largest overall improvement, followed by Germany (+0.05, +0.07). On the contrary, Korea (-0.17, -0.02) and Greece (-0.09, -0.05) have shown the largest overall decrease. Slovenia has reduced the perception that people resort to violence to redress personal grievances, despite the impression that the criminal justice system is less effective than in 2015 (+0.18, -0.12).

The perception that crime is effectively controlled has improved on average in OECD countries since 2015. WJP takes into account whether individuals reported feeling safe walking alone at night, whether they reported being the victims of burglary and/or theft. The majority of the countries are above average and have shown improvements, especially Norway (+0.05), Hungary (+0.05) and Slovenia (+0.04).

Methodology and definitions

Councils for the judiciary are defined in the Budapest Resolution (2008) of the European Network of Councils for the Judiciary (ENCJ) as bodies that are independent and autonomous from the legislative and executive powers of the State and are responsible for the administration and delivery of justice

Data for the three figures comes from the World Justice Projects' Rule of Law Index, which is based on a general population survey of 1000 respondents (representative) in the three largest cities of each country and a survey of experts in civil law (practitioners and academics). Each dimension of the index has a score ranging from 0 to 1; a higher score means a better performance on the dimension. For more information, see: worldjusticeproject.org/ruleoflaw-index.

Freedom from improper influence is gauged by asking how likely a litigant is to win a case against the state, how likely the government is to respect such decision and to seek to influence the court. Effective enforcement of civil justice enquired about the enforcement of court rulings and their timeliness.

Effectiveness and timeliness of the criminal adjudication system is gauged by how long it takes to take a suspect to trial and the length of pre-trial detention as well as whether the perpetrators of violent crimes are caught and taken to court. Resorting to violence includes intimidating or attacking the perpetrator of an offense, for instance.

Effective control of crime includes citizens' perceptions of being safe when walking at night and being the victim of a crime in the past year/three years (depending on the question), among others.

Further reading

European Network of Councils for the Judiciary (2017) Data ENCJ Survey on the Independence of Judges 2016-2017, ENCJ, Brussels

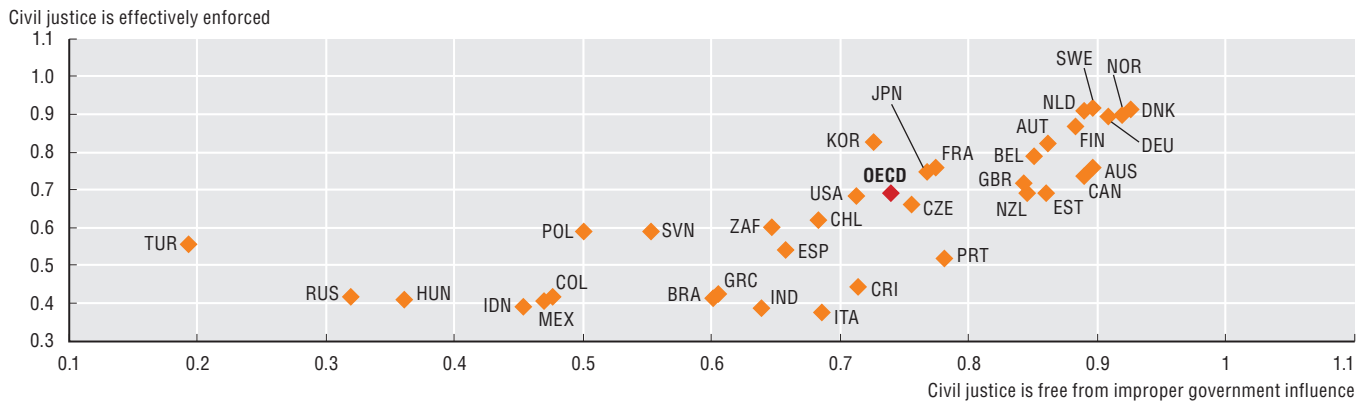
OECD (2019), *Equal Access to Justice for Inclusive Growth: Putting People at the Centre*, OECD Publishing, Paris, <https://doi.org/10.1787/597f5b7f-en>.

Figure notes

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

11.32. (Effective enforcement of civil justice and freedom from improper government influence, 2015 and 2019) and 11.33. (Effectiveness/timeliness of criminal justice courts adjudication system and the extent of the use of violence to redress personal grievances, 2015 and 2019) are available online on Annex F.

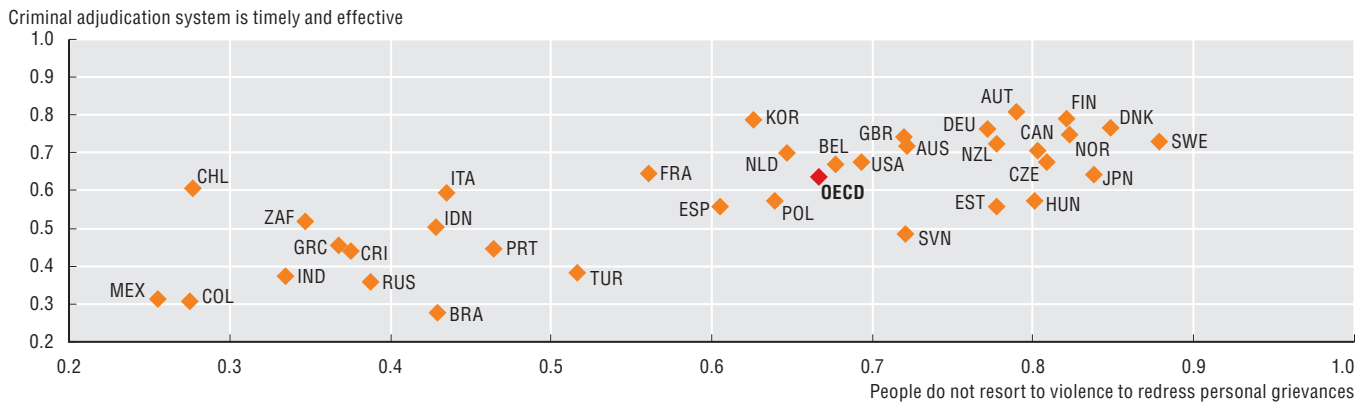
11.29 Effective enforcement of civil justice and freedom from improper government influence, 2019



Source: World Justice Project (2019), Rule of Law Index 2019.

StatLink <https://doi.org/10.1787/888934033954>

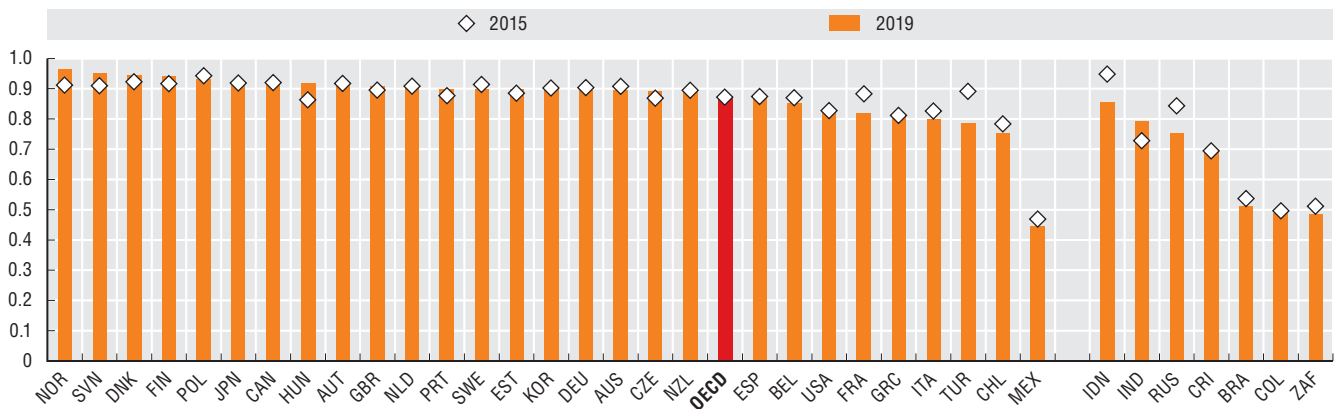
11.30 Effectiveness/timeliness of criminal justice courts adjudication system and the extent of the use of violence to redress personal grievances, 2019



Source: World Justice Project (2019), Rule of Law Index 2019.

StatLink <https://doi.org/10.1787/888934033973>

11.31 Crime is effectively controlled, 2015 and 2019



Source: World Justice Project (2019), Rule of Law Index 2019.

StatLink <https://doi.org/10.1787/888934033992>



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