

Timeliness of civil justice services

Rule of law implies applying the same impartial rules to all individuals, institutions and entities. The absence of the rule of law can undermine people's ability to claim their rights and resolve legal issues. Legal problems are ubiquitous – they arise from everyday life and most frequently are of a civil nature. Delays affect citizens in several ways – costs, productivity, health, employment and relationships – and could deter them from following legal procedures to solve their disputes in the future. The responsiveness of the justice system ensures that the “right” mix of services are provided to the “right” clients, in the “right” areas of law, in the “right” locations and at the “right” time (OECD, 2019).

Main factors that hinder timeliness of dispute resolutions are a shortage of judges and other relevant professionals, lack of court rooms for hearings, limited use of alternative dispute resolution mechanisms, and other issues related to the shortage of funds. Beyond material constraints, inflexibility in justice systems (which do not allow for the reallocation of cases), ineffective procedural rules (e.g. which do not allow prosecuting witnesses who refuse to testify), ineffective allocation of resources and low use of ICTs also affect case management.

The European Commission for the Efficiency of Justice (CEPEJ) collects data on the estimated length of civil, commercial, administrative and other cases in courts (that do not fall within criminal justice), which is also called disposition time (DT). DT estimates the maximum number of days needed for a court to decide on a case in a given jurisdiction, given the number of cases solved in a year and those that remain unresolved.

For non-criminal, non-litigious cases (i.e. uncontested proceedings), DT in Denmark (21 days), Estonia (40 days), and Lithuania (41 days) were the shortest in 2016. On the contrary, France, Italy and Israel take the longest (over 300 days). The time to reach a decision has lengthened in the Czech Republic (where a case takes 39 days more than in 2012), France (37 days more) and Poland (35 days more). Switzerland has reduced DT by 161 days and the Slovak Republic by 120 days since 2012.

For civil and commercial litigious cases, Lithuania (88 days), Luxembourg (91 days) and Switzerland (107 days) had the shortest DT in 2016. On the contrary, Greece (more than 18 months to solve a case), Italy (almost 18 months), and Turkey (more than 1 year) take the longest to reach a decision. The largest improvements were observed in the Slovak Republic (307 days less than in 2012), Portugal (80 days less) and Italy (76 days less). Turkey (265 days more) and Greece (141 days more) have slowed the pace for solving cases since 2012.

In the case of administrative trials, Lithuania (72 days), Israel (101 days), Estonia (108 days), Sweden (108 days) and Hungary (109 days) were the fastest jurisdictions in 2016. Greece, Italy and Portugal have the longest DTs, taking 2.5 years or more. The Slovak Republic has improved its case management, taking 530 days less than in 2012. Greece

has also reduced the time from 1520 days in 2012 to 1086 in 2016. In Slovenia, on the contrary, the DT has more than doubled, from 130 days in 2012 to 282 in 2016.

Methodology and definitions

Data come from the European Commission for the Efficiency of Justice (CEPEJ) database, which reports the 2016 evaluation of judiciary systems and earlier. Length of proceedings indicates the estimated time needed to solve a case, which implies the time taken by a first instance court to reach a decision. It is calculated by dividing the number of pending cases in a given year by the number of cases that were solved the same period, multiplied by 365. Although it does not provide information on the average time needed to solve a case, it does provide an estimate of the length of the process within a specific jurisdiction.

Litigious civil and commercial cases refer to disputes between parties, such as litigious divorces. Non-litigious cases concern uncontested proceedings, e.g. uncontested payment orders. Commercial cases are addressed by dedicated courts in some countries and by civil courts in others. Administrative cases refer to disputes between citizens and local, regional or national authorities. While specialised courts deal with these types of disputes in some countries, civil courts deal with them in others.

Countries differ in the ways they administer justice and distribute responsibilities between courts; hence, cross-country comparisons must be taken with caution. There are differences in the types of courts and cases included in this exercise, as well as different methods of data collection and categorisation.

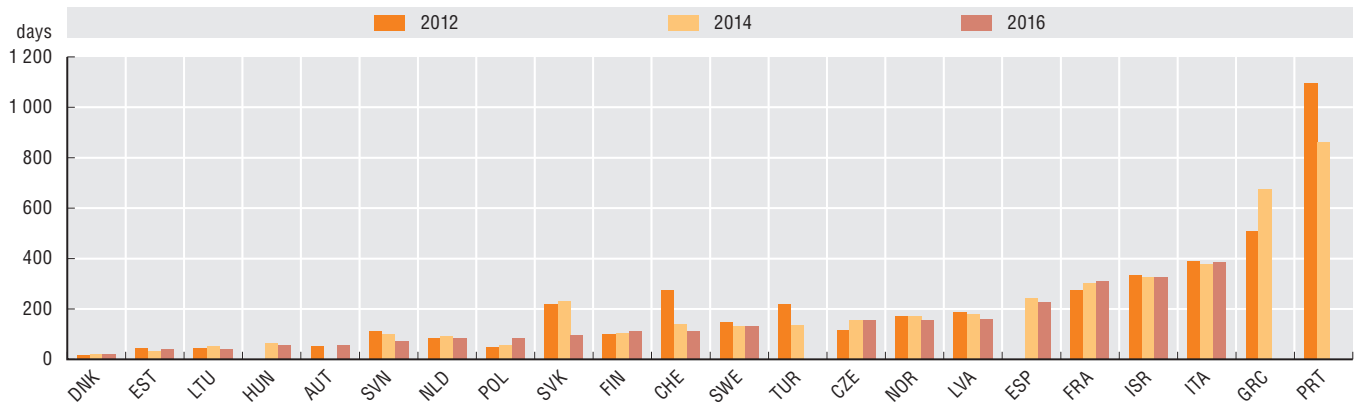
Further reading

- CEPEJ (2018), *European Judicial Systems: Efficiency and Quality of Justice*, Council of Europe, Strasbourg.
- European Network of Councils for the Judiciary (2011), *Timeliness Report 2010-11*, 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 are ranked in ascending order regarding the time needed in days on the latest year when data was available.
- Data for the OECD non-European countries are not available. On data for Israel, see <http://doi.org/10.1787/888932315602>.
- 11.22. Data for the United Kingdom cover only England and Wales.

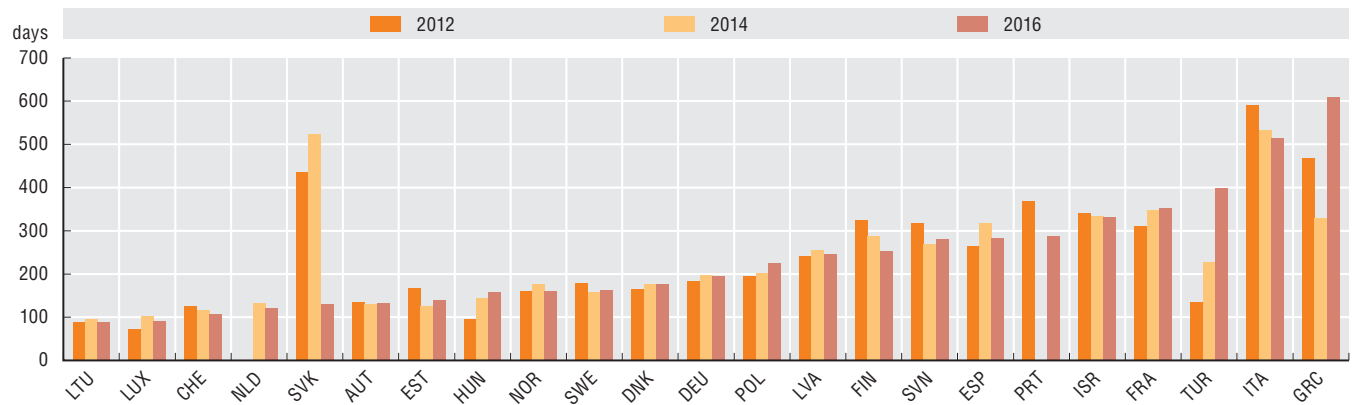
11.20 Disposition time for civil, commercial, administrative and other cases, 2012, 2014 and 2016



Source: Council of Europe European Commission for the Efficiency of Justice (CEPEJ) (database), 2019.

StatLink <https://doi.org/10.1787/888934033783>

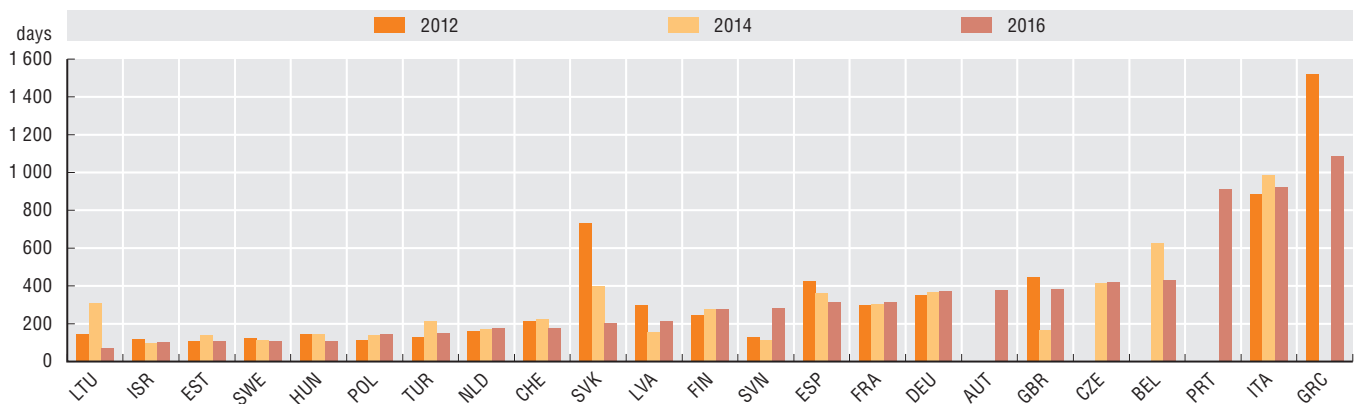
11.21 Disposition time for litigious civil and commercial cases, 2012, 2014 and 2016



Source: Council of Europe European Commission for the Efficiency of Justice (CEPEJ) (database), 2019.

StatLink <https://doi.org/10.1787/888934033802>

11.22 Disposition time for administrative cases, 2012, 2014 and 2016



Source: Council of Europe European Commission for the Efficiency of Justice (CEPEJ) (database), 2019.

StatLink <https://doi.org/10.1787/888934033821>



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