

Access to judicial systems and legal information

Equal access to justice is an essential element of the proper functioning of the rule of law. Affordability of legal procedures for all citizens as well as access to legal information that is easily understandable are two key dimensions to assessing the degree of accessibility of judicial systems in OECD countries.

Affordability of legal procedures

Most OECD countries provide some form of legal aid to people below a certain income threshold and other population groups considered to be disadvantaged to guarantee equal access to justice. Comparing legal aid provision across OECD countries is difficult however, given differences in the scope and coverage of legal services. Differences in the functioning and financing of the justice system also affect the need for legal aid provision in different countries.

According to the 2014 Evaluation of Judicial Systems carried out by the European Commission for the Efficiency of Justice (CEPEJ), legal aid was provided in about 9% of all first instance cases in the group of European OECD countries reporting such data. Legal aid is more often provided in Norway, the Netherlands, the United Kingdom and France, whereas it is provided in only a very small percentage of first instance cases in Denmark (data only refer to non-criminal cases rather than all cases), the Slovak Republic (data only refer to non-criminal cases rather than all cases), Slovenia, Hungary and Austria.

For the reasons noted above, this does not necessarily mean, that there are financial barriers to the legal system in this latter group of countries. More comprehensive efforts to reform the justice system may facilitate access to justice, particularly for individuals who are not granted legal aid, by raising the availability of private legal expense insurance or through administrative simplification (CEPEJ, 2014).

Access and understandability of information on laws and legal procedures

Ensuring access for layman citizens to legal information and procedures is crucial to empower them in exercising their legal rights. According to the 2013 Eurobarometer, only about one-fifth of people (22%) in OECD-EU countries felt highly informed about judicial procedures. This ranged from more than 30% in Slovenia, Finland and Italy to only 15% in France and 16% in Hungary, Spain and Estonia. Most people in the countries surveyed felt well informed about how to find a lawyer, but less informed on many other aspects (including what to do if they need to go to court, the cost of legal procedures and their right to legal aid).

People with a higher level of education felt generally better informed than those with lower level of education. Simi-

larly, self-employed people are the most likely to feel well informed about legal procedures, while manual workers feel the least well informed (European Commission, 2013). While most OECD countries have developed Internet portals to access legal texts, case law of higher courts and other legal documents, there seems to be a persisting need to communicate more about legal proceedings -including alternatives to court, such as mediation.

Methodology and definitions

Data on legal aid come from the European Commission for the Efficiency of Justice (CEPEJ) 2014 report. Legal aid, is defined as aid given by the state to persons who do not have sufficient financial means to defend themselves before a court or to initiate court proceedings. Data refer to the percentage of all first instance cases provided with legal aid. Data only cover European countries. For more details on the methodology underlying the data, please see: www.coe.int/t/dghl/cooperation/cepej/evaluation/default_en.asp.

Data come from the European Commission's 2013 Eurobarometer No. 385 on Justice in the EU. The survey was carried in the 28 states of the European Union between 30 September and 2 October 2013. Some 26 581 respondents from different social and demographic groups were interviewed via telephone on behalf of the European Commission, Directorate-General for Justice. The methodology used is that of Eurobarometer surveys. Data refer to the Eurobarometer Information Index, which measures self-reported level of information about the right to legal aid, the alternatives to court (e.g. mediation), what to do if you need to go to court, how to find a lawyer and the costs of proceedings. For more details on the methodology underlying the data, please see: http://ec.europa.eu/public_opinion/flash/fl_385_en.pdf.

Further reading

CEPEJ. (2014), *Evaluation of European Judicial Systems*, 5th Report, Council of Europe Publishing, Strasbourg.
European Commission (2013), *Justice in the EU*, Flash Eurobarometer 385, European Commission Publishing, Brussels.

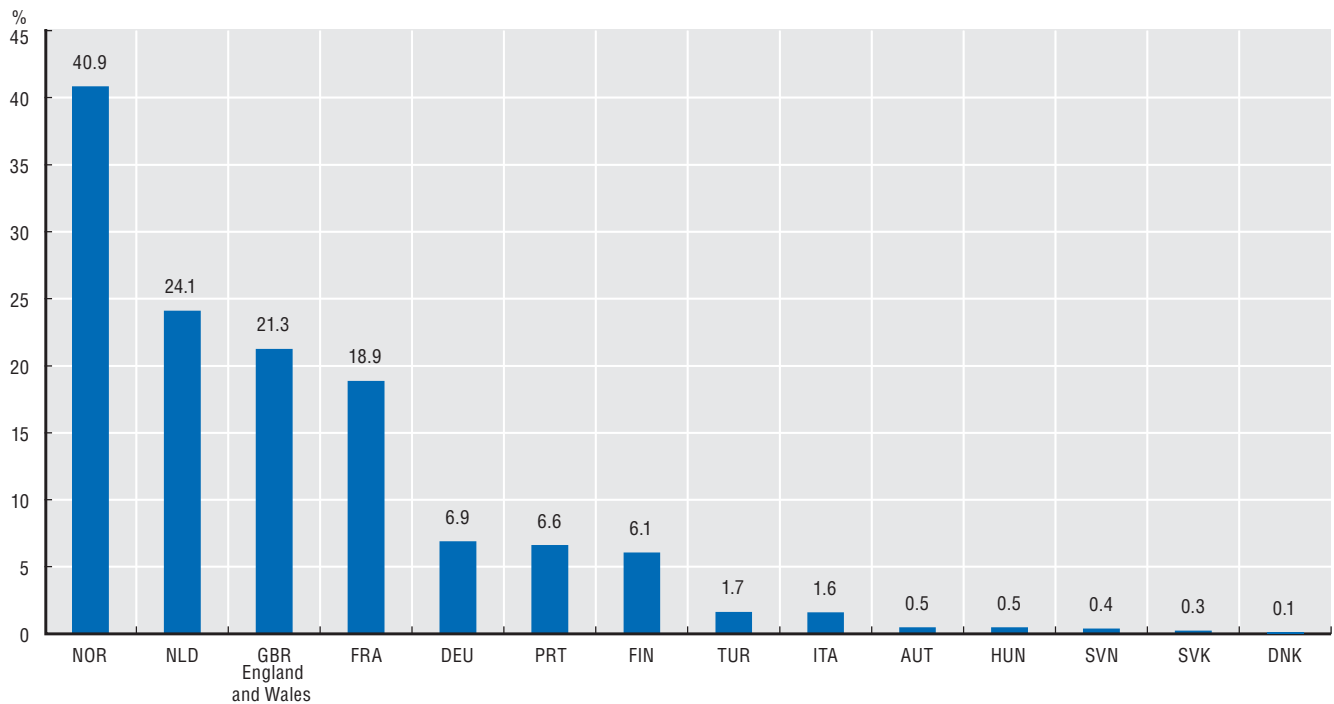
Figure notes

12.10: Data for Denmark and the Slovak Republic only refer to non-criminal cases. Data for OECD non European countries are not available. Data for the United Kingdom refer only to England and Wales.


12.11: Data for OECD non-EU countries are not available.

Information on data for Israel: <http://dx.doi.org/10.1787/888932315602>.

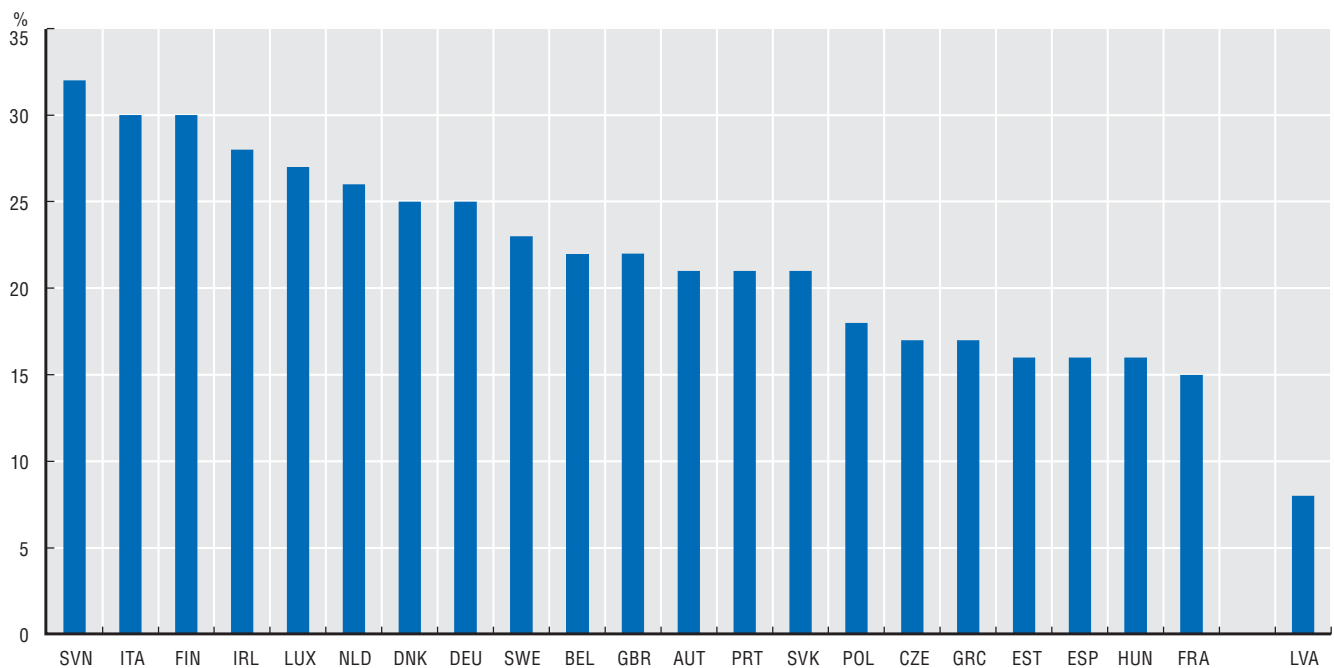
12.10. Percentage of first instance cases granted with legal aid, 2012




Source: The European Commission for the Efficiency of Justice (CEPEJ) (2014), European judicial systems (database); and OECD calculations.

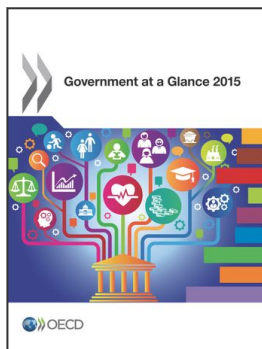
StatLink  <http://dx.doi.org/10.1787/888933249431>

12.11. Percentage of people who feel highly informed about legal procedures, 2013



Source: European Commission (2013), Justice in the EU, Flash Eurobarometer 385, European Commission Publishing, Brussels

StatLink  <http://dx.doi.org/10.1787/888933249447>



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