

Effectiveness and fairness of judicial systems

An essential component of the rule of law is based on effective and fair justice systems to ensure that laws are respected, legal needs are met and appropriate sanctions are taken when they are violated. Effective justice systems protect the rights of all citizens against infringement of the law by others, including by powerful parties and governments. The impact of well-functioning justice systems and services on a wide range of well-being outcomes is nevertheless difficult to isolate from the involvement of other stakeholders such as the police, the prison system and other justice and social actors.

Effectiveness and independence in the implementation of civil justice decisions

In a democracy, individual judges and the justice system as a whole should be impartial and independent of all external pressures. This is key to ensure that those who go to court and the wider public have confidence that their cases will be decided fairly and in accordance with the law. Every year, a number of citizens rely on civil justice courts to solve a wide range of legal disputes including for cases of domestic violence, family/relationship breakdown, medical treatments, housing or employment issues. Undue influence can arise from a wide range of stakeholders including the executive or the legislature, individual litigants, pressure groups, the media, self-interest or other judges.

The World Justice Project collects annually data on the perception of people and experts on the effectiveness of civil justice services and their independence from undue government influence. Based on the latest data released, there is a strong correlation between the perception that civil courts are effective and their perceived independence from undue government influence. The delivery of civil justice services entails effective enforcement of justice decisions. In 2016, citizens and justice experts living in Denmark, Finland, Germany, the Netherlands, Norway and Sweden perceived their civil justice system as both highly effective and independent from government influence.

Effectiveness of criminal justice system and protection against crime

Effective criminal justice systems are capable of investigating and adjudicating criminal offences effectively and impartially, while ensuring that the rights of suspects and victims are protected. Rates of crimes and recidivism are commonly used metrics to evaluate the performance of the criminal justice system. However, an assessment of such systems, should take into consideration the entire system, including police, lawyers, prosecutors, judges, and prison officers (Botero and Ponce, 2012).

Yet, according to the data collected by the World Justice Project, there is a high positive correlation between the perceived effectiveness and timeliness of the criminal adjudication system and the extent to which people do not resort to violence to redress disputes and grievances. This suggests that when criminal adjudication system

are perceived as effective people will tend to use it and enact procedures rather than taking actions themselves to obtain justice.

In 2016, the extent to which crime was perceived to be effectively controlled was high in almost all OECD countries compared to other major economies with the exception of Mexico. However, as for the other indicators presented in this section, data apply only to the three major urban areas in each of the countries. Data are perception-based and may be sensitive to specific events that occurred when they were collected. Further analyses and data are needed to better capture empirically the relationship and interactions between the court, police and prison system and their impact on broader societal outcome.

Methodology and definitions

Data for the three figures are from the World Justice Project's Rule of Law Index. The index is based on replies from a general population survey conducted by leading local polling companies using a sample of 1 000 respondents in the three largest cities in each country and a survey of qualified respondents completed by practitioners and academics with expertise in civil law. Scores over time are not perfectly comparable due to changes in the underlying methodology and survey instrument. For more information see: worldjusticeproject.org/ruleoflaw-index.

"Criminal adjudication system" measures whether perpetrators of crimes are prosecuted and punished. It also measures the degree to which criminal judges and other judicial officers are competent and produce speedy decisions without abuse of pre-trial detention.

"People do not resort to violence to redress personal grievances" measures the degree to which people resort to intimidation or violence to resolve civil disputes amongst themselves, or to seek redress from the government, and the degree to which people are free from mob/riot violence.

"Crime is effectively controlled" measures the prevalence of common crimes, including homicide, kidnapping, burglary and theft, armed robbery and extortion, as well as people's general perceptions of safety in their communities."

Further reading

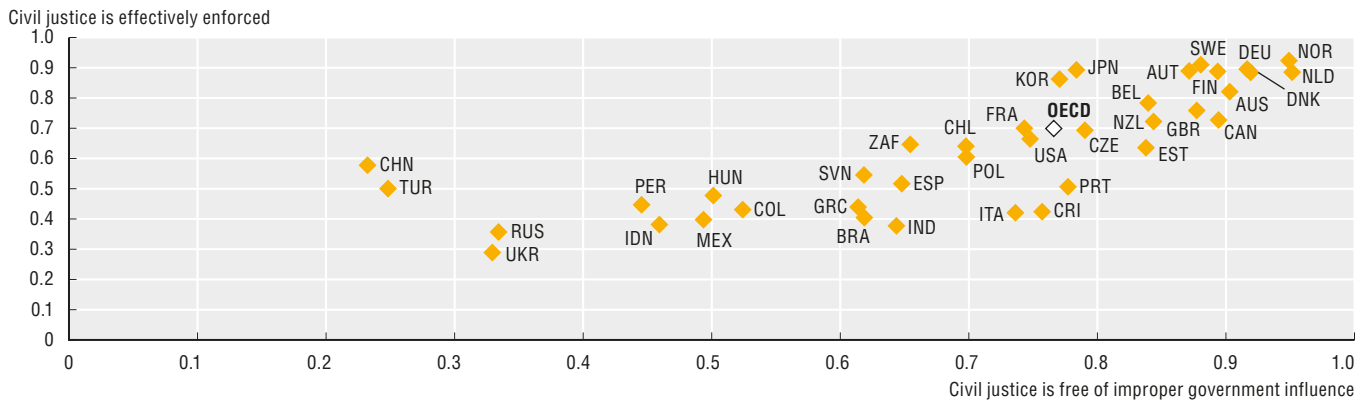
Botero, J. and A. Ponce (2012), *Measuring the Rule of Law*, WJP Working Paper No. 2, World Justice Project, Washington, DC.

World Justice Project (2016), *The Rule of Law Index 2016*, World Justice Project, Washington, DC.

Figure notes

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

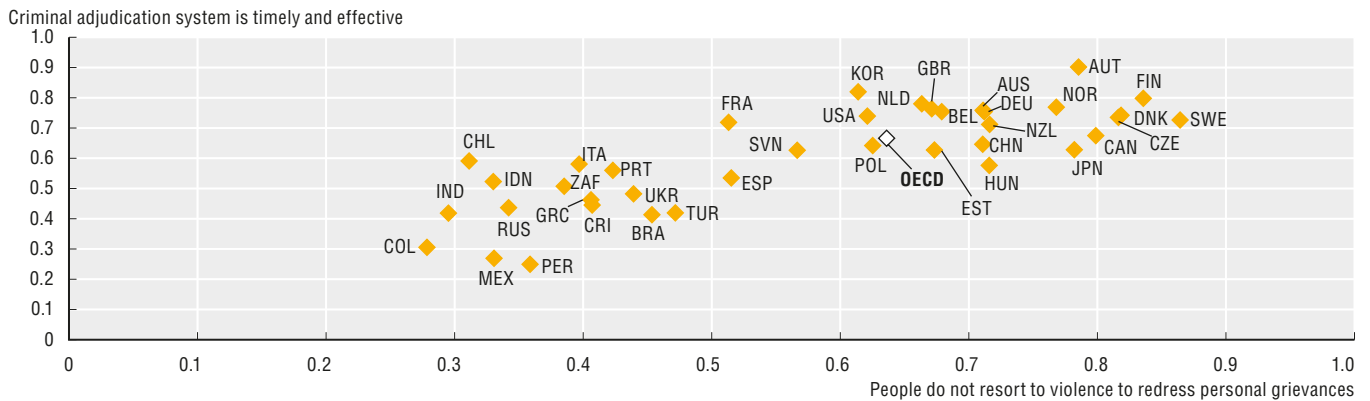
14.36. Effective enforcement of civil justice and freedom from improper government influence, 2016



Source: World Justice Project

StatLink <http://dx.doi.org/10.1787/888933534366>

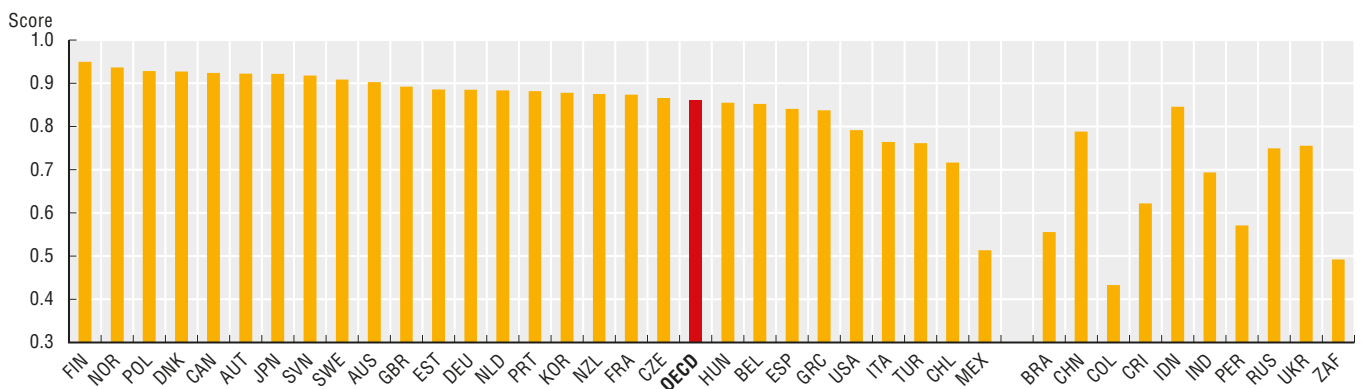
14.37. Effectiveness/timeliness of criminal justice courts adjudication system and the extent of the use of violence to redress personal grievances, 2016



Source: World Justice Project

StatLink <http://dx.doi.org/10.1787/888933534385>

14.38. Crime is effectively controlled, 2016



Source: World Justice Project

StatLink <http://dx.doi.org/10.1787/888933534404>



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