

## Responsiveness of judicial systems to citizen needs

Citizens expect judicial procedures to be implemented without unreasonable delays. In a study carried out by the OECD economic department in 2013, the authors estimated that a 10% increase in the length of trials is associated with around 2 percentage point decrease in the probability to have confidence in the justice system (Palumbo et al., 2013).

### Timeliness of judicial proceedings

Disposition time (DT) is a commonly used indicator to estimate the timeframe of a judicial system for solving a case (CEPEJ, 2014). Starting from the prospective capacity of judicial courts of a country to solve a case (measured as the number of resolved cases in a year) DT estimates the maximum number of days necessary for a pending case to be solved by a court in a given jurisdiction. DT offers valuable information on the estimated length of proceedings.

The average DT of first instance civil and commercial litigious cases among European OECD countries for which data are available ranged from 590 days in Italy to less than 90 days in Luxembourg for 2013. Countries such as France (311), Finland (325), Portugal (369), Slovenia (405), the Republic Slovak (437), Greece (469) and Italy (590) reported DT above 300 days.

Conclusions should be drawn with caution. DT does not provide a clear estimate of the time needed to process each case. Case level data from functional ICT systems would be needed to make a full analysis. Also, procedural differences across legal systems (including case load) and the organisation of the justice system (including for instance staffing and human resource management policies) can have an impact on DT. It should also be emphasised that very rapid proceedings do not always translate into good justice and certain expedited procedures (where speed takes priority) may be detrimental to the quality of justice.

To reduce delays in the treatment of cases and better interact with parties and citizens, many countries are moving towards more technology driven judicial systems. Almost all courts in European OECD countries are currently using electronic case and court management systems. Some countries also report that a high proportion of law courts allow for electronic submission of claims, online follow-up of cases and electronic processing of small claims. The use of ICT by law courts is particularly developed in countries like Austria, Estonia, Portugal, Finland and Sweden.

### The use of special arrangement mechanisms for vulnerable persons

In 2012 all European OECD countries reported having arrangements mechanisms during judicial procedures for at least one category of vulnerable people, which include in the CEPEJ methodology: victims of rape, terrorism, children witnesses/victims, victims of domestic violence, ethnic minorities, disabled persons and juvenile offenders. Some countries provide some type of special arrangements

mechanisms to all seven categories of vulnerable groups. Those special arrangements mechanisms correspond to the existence of special information mechanisms for those groups during judicial proceedings (specific telephone hot-lines, Internet portals, leaflets, etc.) and/or specific hearings modalities (for instance the use of videoconferencing in courts) to protect and strengthen the rights of those people.

### Methodology and definitions

Data for the 3 figures come from the 2014 European Commission for the Efficiency of Justice (CEPEJ) evaluation of judicial systems.

Disposition time in days, determines the maximum estimated number of days necessary for a pending civil and commercial litigious case to be solved in a court. For example, if a court is able to resolve 50 cases in 365 days and has 10 cases as backlog at the end of the year (i.e. pending cases) the DT is equal to 20% of these 365 days  $[(10/50) \times 100]$  or more simply put the average timeframe for solving a pending case can be estimated between 0 and 73 days. The exact formula used is:  $(\text{Number of unresolved cases at the end of a period} / \text{Number of resolved cases in a period}) \times 365$ .

“All courts” refers to countries that answered that 100% of their law courts were equipped with the corresponding computer facility. “Some courts” refer to countries who answered more than 50% and less than 50% (but more than 10%). “Few courts” refer to countries who answered less than 10%. No courts refer to countries who answered 0%.

“Special arrangements” category refers to specific and adapted information mechanisms on procedural steps for certain groups and to the existence of special arrangements in court hearings. “Ethnic minorities” does not concern foreigners involved in a judicial procedure. This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences.

### Further reading

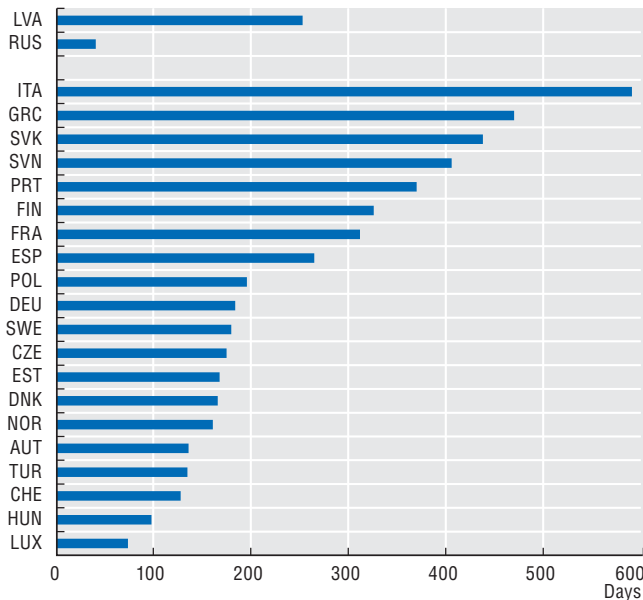
CEPEJ (2014), *Evaluation of European Judicial Systems*, 5th Report, Council of Europe Publishing, Strasbourg.

Palumbo, G., et al. (2013), “Judicial Performance and Its Determinants: A Cross-country Perspective”, *OECD Economic Policy Papers*, OECD, Paris, <http://dx.doi.org/10.1787/5k44x00md5g8-en>.

### Figure notes

Data for all 3 figures are not available for OECD non-European countries. Information on data for Israel: <http://dx.doi.org/10.1787/888932315602>.

**12.19. Disposition time in days for first instance civil and commercial litigious cases, 2012**



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

StatLink <http://dx.doi.org/10.1787/888933249522>

**12.20. Proportion of all law courts using computer facilities for case management and communication with parties and citizens, 2012**

	All courts	Some courts	Few courts (less than 10%)	No courts
Electronic submission of claims	AUT, CZE, EST, FIN, ISR, LVA, PRT, SVK, SWE, GBR (England and Wales)	HUN, ITA, SLV, CHE, TUR, DEU, GBR (Northern Ireland)	FRA, GRC, IRL, POL, RUS, ESP	BEL, DNK, ISL, LUX, NLD, NOR, GBR (Scotland)
Follow-up of cases online	AUT, CZE, EST, FIN, DEU, ISR, LVA, NLD, PRT, RUS, TUR, GBR (Northern Ireland), GBR (Scotland)	ITA, FRA, IRL, SLV, CHE, GBR (England and Wales)	GRE, POL, SVK, ESP	BEL, DNK, FIN, HUN, ISL, LUX, NOR, SWE
Electronic processing of small claims	AUT, CZE, EST, FIN, ISR, LVA, PRT, SWE, CHE, GBR (England and Wales), GBR (Northern Ireland)	IRL, ITA, FRA	DEU, GRC, POL	BEL, DNK, HUN, ISL, LUX, NLD, NOR, RUS, SVK, SLV, ESP, TUR, GBR (Scotland)

Source: Adapted from the European Commission for the Efficiency of Justice (CEPEJ) (2014), European judicial systems (database).

StatLink <http://dx.doi.org/10.1787/888933249531>

**12.21. Special arrangements mechanisms during judicial procedures for vulnerable groups, 2012**

	Victims of rape	Victims of terrorism	Children/Witnesses/Victims	Victims of domestic violence	Ethnic minorities	Disabled persons	Juvenile offenders
Austria	●	●	●	●	●	●	●
Belgium	●	○	●	●	●	○	●
Czech Republic	○	○	●	○	○	○	●
Denmark	●	○	●	●	○	●	●
Estonia	●	●	●	●	○	●	●
Finland	●	○	●	●	●	●	●
France	●	●	●	●	○	●	●
Germany	●	●	●	●	○	○	●
Greece	●	●	●	●	○	○	●
Hungary	●	○	●	●	○	●	●
Iceland	●	●	●	●	●	●	●
Ireland	●	○	●	●	○	●	●
Israel	●	●	●	●	●	●	●
Italy	●	●	●	○	●	●	●
Luxembourg	●	○	●	○	○	○	●
Netherlands	●	●	●	●	●	●	●
Norway	●	●	●	●	●	●	●
Poland	●	○	●	●	○	●	○
Portugal	●	●	●	●	○	●	●
Slovak Republic	●	●	●	●	●	●	●
Slovenia	●	●	●	●	○	●	●
Spain	●	●	●	●	○	●	●
Sweden	●	●	●	●	●	●	●
Switzerland	●	○	●	○	○	●	●
Turkey	●	●	●	○	○	●	●
GBR-England and Wales	●	●	●	●	●	●	●
GBR-Northern Ireland	●	●	●	●	●	●	●
GBR-Scotland	●	●	●	●	●	●	○
Latvia	●	○	●	○	●	●	●
Russia	●	●	●	●	●	●	●

- Yes.
- No.

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

StatLink <http://dx.doi.org/10.1787/888933249549>



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