

Summary

Paths to Justice in the Netherlands

In 2003 the research department of the Dutch Ministry of Justice conducted a survey among Dutch citizens into their experience with problems which might have a legal solution (justiciable problems). The survey provides information about

- (1) the incidence of justiciable problems within the population;
- (2) the strategies people choose to solve these problems;
- (3) the outcome of the different strategies used for resolving justiciable problems;
- (4) the public perceptions of the legal system.

The study is a replication of the Paths to Justice research in the UK by Genn (1999) and Genn and Paterson (2001). Data were collected by Internet questionnaires, which were addressed to a random sample of an Internet panel consisting of over 75,000 persons. In the screening survey 3,516 individuals aged 18 or over (response rate 83%) were asked whether they had experienced one or more problems of various sorts during the five year period from January 1998 until December 2002. This sample is representative of the Dutch population with respect to gender, age and educational level. In the main survey 1,911 respondents (response rate 83%) were asked in detail about what they had done, the outcomes achieved, and their views about it all.

Over the five year period about 67% of the Dutch population experienced one or more justiciable problems. The types of problems most commonly experienced related to goods and services (32%), employment (30%), money (22%) and home ownership (20%).

Respondents who were higher educated, employed, and aged between 25 and 45 reported more problems than the lower educated, retired and the youngest and oldest age groups. Respondents who were divorced and those dependent on benefits were more likely to experience justiciable problems. The differences between levels of household income were not significant. About 10% of the respondents reported having made no attempt to resolve their problem, about 46% handled their problem without professional help, and around 44% sought advice to resolve their problem. A very wide range of advisers were consulted. The choice of advisers and the number of advisers used were associated with the type of problem.

About 48% of the problems were settled by agreement and 7% concluded by adjudication. About 35% of the respondents eventually abandoned their efforts to resolve the problem; 10% did nothing from the beginning. Of the respondents who undertook action to resolve the problem, 73% reported that their main objectives had been (partly) achieved. Of the respondents who opted for agreement, 90% indicated that they had achieved their objective compared to 66% of the respondents who went to court.

Nearly half of the respondents who had opted neither for agreement nor adjudication reported achieving their objectives either because the problem simply disappeared or had been resolved in some other way.

Respondents indicated that the problem remained in 6% of the cases settled by agreement, compared to 22% of the cases dealt with by adjudication and 25% of the cases in which respondents decided to 'put up with the problem'. On average, those who sought advice were positive about the help and advice received. The responses to questions concerning views on the legal system suggest that, on average, there is confidence in the fairness of hearings, the judiciary, and the courts as an important means to enforce rights. On the other hand, about 42% of the respondents thought that the rich and the poor were not equally treated by the courts. On average, lawyers are considered to be less trustworthy than judges. It was also strongly felt that that lawyers' fees are too high.

The research indicates that although justiciable problems are quite common in the daily lives of Dutch citizens, people resolve most of their problems by themselves. They do not frequently seek advice and relatively few problems are resolved by a tribunal or court. The research revealed no shortcomings such as insufficient availability or poor quality of advice. People make use of a wide range of professional advisers and are, on average, satisfied with the help given.