



Brief summary

Many defendants fail to appear at hearings in commercial law cases handled by the Dutch sub-district courts. Previous research on the travel distance between the defendant's home address and the sub-district court location has shown that travel distance does not play a role in whether or not the defendant chooses to appear in court. In order to gain more insight into who these absentees are, the Research and Documentation Centre (WODC) has asked Statistics Netherlands (CBS) to conduct statistical research on the socio-economic characteristics of these commercial case defendants, focusing specifically on any differences between defendants who do appear and those who do not. The research question was formulated as follows: *who are the defendants who fail to appear in court, and what are their socio-economic characteristics compared to defendants who do appear in court?* Aside from answering this question, we compared the characteristics of both absentees and defendants appearing in court with the characteristics of the Dutch population.

For this project, CBS received data from the Judiciary (de Rechtspraak) consisting of more than 300 000 subpoena cases that were handled by sub-district courts, specifically cases pertaining to commercial law and in which the defendant is a natural person. This mainly concerns cases where according to the plaintiff a payment obligation has not been fulfilled. Family and labour law cases are excluded. It only concerns cases that were concluded in 2018. Since the BSN identification code of the defendants is missing, it is necessary to base the research on the known residential address from the Municipal Personal Records Database (BRP) which was used to send the defendant summons for the court case. As a consequence, the population actually consists of households to which the defendants belong. It should also be noted that not all cases from the original file with Judiciary data have been used. This has several reasons, e.g. invalid addresses, withdrawals where the case has been withdrawn before the hearing, or where multiple households are living at one address and therefore it was unknown to which household the defendant belonged.

In 83 percent of the investigated cases the defendants failed to appear in court while in 13 percent of the cases the defendants presented themselves. In 4 percent of the cases, it is unknown whether the case was defended. The research shows that (the households of) the absentees are relatively often single-person households on a low income and often with negative own capital. Female defendants seem more likely to be absent in court hearings compared to male defendants, although men are summoned much more frequently than women. Furthermore, absentees are often under 35 years of age, while those defending in court are slightly older on average.

In comparison to the entire Dutch population, defendants with a migration background are overrepresented in that they make up about half of all defendants. There are no differences in this respect between the absentees and those appearing in court. Relatively few defendants have a high education level. However, the level of education is often higher among defendants who present themselves compared to those who fail to appear in court. Lastly, most defendants are

persons in work, although there are relatively more persons with social benefits among those who appear in court compared to those who do not.