

EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

## Understanding the Court's statistics

**March 2019**

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## 1. Introduction

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The purpose of this document is to explain the terms and calculations used in the Court’s reports and statistical documents. Examples have been given for certain definitions to help readers understand specific tables and graphs published in the Annual Report, Analysis of Statistics, Facts and Figures and other official reports.

The manner of presenting statistical information has changed in recent years to reflect new priorities and procedures implemented by the Court.

The document consists of three parts:

- Key concepts which help in understanding the Court’s statistics;
- Explanation of the terminology used;
- Overview of the major steps in processing applications.

## 2. Understanding the Court’s statistics – key concepts

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### 2.1. Main types of statistics

The Court’s statistics refer to numerical information about the caseload, incoming applications and case processing.

There are numerous reports and statistics published on the Court’s website, but they all fall into one of three main categories:

- Statistics on pending applications (also referred to as “caseload” or “workload”);
- Statistics on case processing (also referred to as “output”);
- Information on violations.

**Statistics on pending applications** refer to “live” applications before the Court on a given date or, in other words, the workload that the Court has still to process at the time that the information is prepared. These statistics range from global (e.g. total applications pending before the Court in general statistics) to detailed (e.g. the Court’s caseload by Contracting State, stage of proceedings and category of priority in the [“Analysis of statistics”](#)). Please note that statistics on pending applications are always dated (e.g. as of 31 December 2018), since their number changes on a daily basis.

**Statistics on case-processing** refer to important procedural steps which took place over a given period, for example the number of new applications which were allocated to a judicial formation or were decided in a given year or month. Different reports offer a varying level of detail and may include information on the Contracting State, application category, decision type, etc. Please note that statistics on case-processing always refer to the period covered (e.g. applications in which judgments were delivered in 2018 in [“Analysis of statistics”](#)).

**Information on violations** refers to violations found against a given State over a given period. A judgment may find more than one violation. Like *statistics on case-processing*, this information must refer to the period covered.

#### 2.1.1. Provisional nature of the Court’s statistics

Information on pending applications is provisional and changes every day. For this reason, any statistics on pending applications are always dated.

This provisional nature is due to the fact that:

- Applications continually arrive at or are disposed of by the Court;
- As regards allocation to a particular judicial formation or to a priority category, applications may be reassigned during their lifetime, in order to ensure that they are dealt with in the most appropriate manner.

Moreover, statistics published on the Court’s website on applications allocated over a given period may be revised at a later date as files evolve in the light of the examination by the Court.

## 2.2. Calculations used in the Court’s statistics

In addition to totals and subtotals, the following calculations can be found in tables and graphs representing the Court’s statistics:

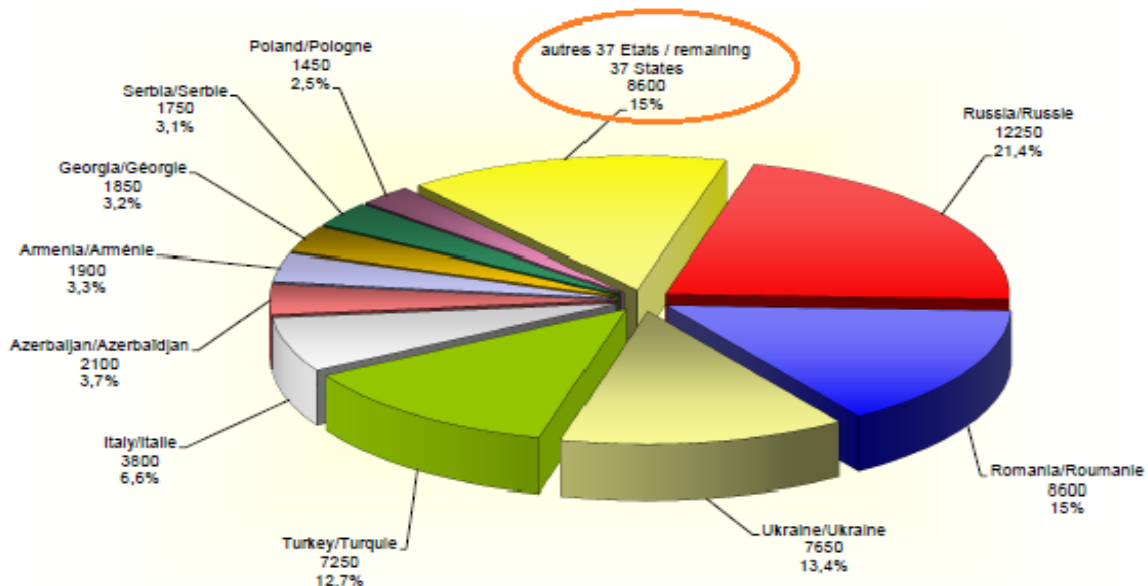
- **Rate of increase or decrease:** the number of applications pending at a given moment or results obtained over a period of time are often compared to another number at the relevant moment or period in order to show a rate of increase or decrease, expressed in percentages:

*Example:* The [“General statistics”](#) by month chart on the Court’s website shows if the number of pending applications has increased or decreased since the beginning of the year.

3. Pending applications [round figures (50)]	31/1/2019	1/1/2019	+/-
Applications pending before a judicial formation	57250	56350	2%

- **Percentage:** the number of applications pending against a Contracting State or before a judicial formation is represented as a percentage of all applications pending before the Court:

*Example:* The [“Pending applications”](#) pie-chart on the Court’s website shows the percentage share of 37 remaining States in the overall caseload.



- **Average rate per inhabitant:** the population of a given State as reported at the beginning of a given year is divided by the number of applications allocated in respect of that State in the same year; the result is the number of applications allocated in the year per inhabitant. Overall population is expressed in thousands, whereas for the ratio of allocated applications per population, population is expressed in 10,000 (e.g. an average rate of “0.80” means that the number of applications allocated per 10,000 inhabitants was 0.80 in a given year).  
*Example:* “Applications allocated per Contracting State and population” table in [“Analysis of statistics”](#).

## 2.3. Information on case-law

### 2.3.1. Violations by Article of the Convention

[Tables of violations](#) are published in the Annual Report and on the “Statistics” page. They provide information on the number of violations found against a given State over a given period. A judgment may find more than one violation.

**Judgment types:** the first four columns of the table represent the overall number of judgments delivered in respect of a given State by type:

- violation,
- non-violation,
- striking out and
- other judgments (e.g. on just satisfaction).

Only the judgments finding a violation are then broken down by particular Articles, in the following columns.

**Violations by Article:** Some Articles are split into several keywords, such as Article 3 (4 keywords) and Article 6 (3 keywords).

**Periods covered:** The whole year (e.g. 2013) or the cumulative period since 1959. For information on the violations found during other periods (e.g. in the course of the current year), a Hudoc search should be used.

### 2.3.2. Use of Hudoc

[Hudoc](#) is the Court’s database of decisions, judgments and other documents such as press releases. Its powerful search engine enables searches to be made by application number, case title, State, date or Article, but also by keywords and many other criteria. The results list can then be filtered by language, judicial formation, importance, etc. Hudoc users may also subscribe to RSS feeds on the basis of custom-made criteria.

A Hudoc search should be used for any research on the Court’s case-law other than the information found in the yearly Tables of Violations.

For more help on Hudoc searches (tutorials, explanation of keywords, etc.), please consult [Hudoc Help](#).

For more information on the Court’s case-law (guides, handbooks, factsheets, etc.), please consult [Case-Law Analysis](#) on the Court’s website.

### 3. Explanation of terminology used in the Court’s statistics

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#### 3.1. General terms

##### 3.1.1. Difference between applications and cases

An “application” is a complaint recorded in the Court’s database under a separate application number. A “case” may be equivalent to one application examined separately, or to a number of applications which have been joined and are examined together (in other words, a single judgment may concern numerous applications).

As a result of applications being brought together, i.e. joined, in the form of cases, the number of applications in which judgments have been delivered (e.g., as published in “Analysis of Statistics”) is superior to the number of judgments themselves (e.g. as provided in the annual Tables of Violations). There is no limit on the number of applications that may be joined together; for example, the Court has delivered a judgment (*Gaglione and Others v. Italy*) which concerned 475 applications or (*McHugh and Others v. United Kingdom*) which concerned 1,014 applications.

##### 3.1.2. Judicial formations

Judicial formations are the decisional organs to which the Court’s judges are attached for the purpose of examining applications. The selection of a formation depends on the application’s category and the type of procedure it follows.

The current judicial formations are:

- Single-Judge formations;
- Committees – consisting of three judges;
- Chambers – consisting of seven judges;
- Grand Chamber – consisting of seventeen judges.

During the lifetime of an application, it may be re-assigned from one judicial formation to another in order to ensure that it is dealt with in the most appropriate manner.

##### 3.1.3. Categories of priority

There are seven categories of priority which relate to the urgency of a case, its importance for the case-law or the seriousness of the complaints. The first three categories are referred to as prioritised applications.

- **Cat. I:** Urgent applications
- **Cat. II:** Pilot and Leading applications
- **Cat. III:** Applications which, at first sight, raise as their main complaints issues under Articles 2, 3, 4 or 5 § 1 of the Convention (“core rights”)
- **Cat. IV:** Potentially well-founded applications based on other Articles
- **Cat. V:** Repetitive applications
- **Cat. VI:** Applications which disclose a problem of admissibility
- **Cat. VII:** Applications which are manifestly inadmissible

**Context:** In 2009 the Court adopted a new policy concerning the order in which it deals with cases. Under this policy, the Court takes into consideration the importance and urgency of the issues raised when deciding the order in which cases are to be dealt with. Thus, the most serious cases and those which disclose the existence of widespread problems are singled out (categories I, II and III) and examined as soon as practicable.

For more details, please consult the [“Priority policy”](#) document on the Court’s website.

An application may be re-assigned from one priority category to another during its lifetime. For example, an urgent application may be transferred from category I to an inferior category if an interim measure indicated under Rule 39 is lifted.

*Example: The “Applications in categories I, II and III processed” chart in [“Analysis of statistics”](#) on the Court’s website indicates productivity levels for the prioritised categories.*

#### **3.1.4. Contracting (or Defending or Respondent) States**

An application must be lodged against one or more Contracting (also “defending” or “respondent”) States which are signatories to the Convention and are part of the Convention system. The Court will not deal with applications lodged against non-member States. However, applicants need not necessarily be nationals of one of the respondent States.

#### **3.1.5. High case-count countries**

These are the “top ten” Contracting States against which the largest number of applications is pending before a judicial formation at a given moment. However, the order of high-count countries may change as developments occur in the workload in respect of given States.

*Example: The [“Pending applications”](#) pie-chart on the Court’s website shows the number of applications currently pending before the Court against each of the top ten countries, as well as the overall number in respect of the remaining 37 countries.*

### **3.2. Terms related to pending applications**

#### **3.2.1. Pre-judicial files**

This term refers to files which have been recorded in the Court’s database but not allocated to a judicial formation as applications. Statistics on pre-judicial files are always dated, as their number changes on a daily basis.

Pre-judicial files are not usually included in the official statistics on pending applications, since they may be disposed of administratively if applicants have not provided all of the necessary information. For an application to be accepted by the Court, all the relevant fields in the application form must be properly completed and all the necessary documents must be provided as set out in Rule 47 of the Rules of Court (see also “Applications disposed of administratively”).

If the applicant provides all the necessary information, a pre-judicial file will be allocated to a judicial formation as an application and become an “application pending before a judicial formation”, which will be examined by the Court in due course. Only then will it be counted in the official statistics on pending applications.

#### **3.2.2. Applications pending before a judicial formation**

Applications are pending from the moment of allocation to a judicial formation until they are disposed of by the Court through a final decision or judgment. Please note that an application in which a judgment has been delivered but has not yet become final is still considered pending.

Statistics on applications pending before a judicial formation are always dated, as their number changes on a daily basis.

#### **3.2.3. State of proceedings**

Once allocated to a judicial formation, an application may go through different stages or “states of proceedings”, depending on its complexity and the procedure chosen by the Court.

- **Applications awaiting first decision** are those which have been allocated to a judicial formation but not yet disposed of or communicated to the Government. The majority of simple applications, particularly in categories VI and VII, are disposed of at this stage.
- **Applications communicated to the respondent Government** are those which have been notified to respondent Governments but have not yet been declared admissible or disposed of. The Court may request factual information or observations, or inform the Government that their observations are not required since the application concerns well-established case-law. In principle all applications in categories I, II, III, IV and V undergo this procedural stage.
- **Applications pending Government action** are those which have been suspended within the framework of a pilot judgment procedure aimed at remedying a structural or systemic problem. Following a pilot judgment, all similar applications may be put on hold and await the Government’s action to resolve the problem on the domestic level. If the Government complies, the applications “pending Government action” are disposed of; if not, they follow the standard examination procedure.
- **Admissible applications** are those which have been declared admissible in a separate decision. This is the most advanced procedural stage, and also comprises applications which have been referred to the Grand Chamber. Applications which undergo this procedural stage are usually disposed of by a judgment.

Statistics on applications by state of proceedings are always dated, as the information changes on a daily basis.

#### 3.2.4. Backlog applications

In general, applications “in backlog” are those pending applications in which certain targets fixed by the Court have not been met.

Since November 2012 the Court has identified its backlog according to the criteria specified at the Brighton Conference:

- *Applications awaiting first decision* are considered as backlog if they have not moved to the next procedural step (i.e. disposed of or communicated to the respondent Government) within **one year**;
- *Applications having been communicated to the respondent Government*: these are considered as backlog if they have not been disposed of by a decision or judgment within **two years**.

The backlog applications are subject to constant supervision by the Court, especially if they are in the prioritised categories (see also “Categories of priority”).

### 3.3. Terms related to case processing

#### 3.3.1. Files disposed of administratively

These are files which cannot be examined by the Court because the applicants have not lodged a valid application in accordance with the requirements of Rule 47 of the Rules of Court (e.g. information on the respondent State is missing, or illegible statement of the facts in the application form). In consequence, such files are destroyed.

You will find the text of Rule 47 and other information on how to make a valid application on the [Applicants' page](#) on the Court’s website.



### 3.3.2. Applications allocated to a judicial formation

When the applicant sends the completed application form and all necessary information and documentation in compliance with the time-limit, an application is allocated to a judicial formation, thus opening the way to judicial examination. It is not possible to dispose of the file administratively once the application has been allocated. Upon assessment, applications are assigned or “earmarked” for Single-Judge, Committee or Chamber procedure. During an application’s lifetime, it may be re-assigned from one judicial formation to another in order to ensure that it is dealt with in the most appropriate manner.

Statistics on applications allocated to a judicial formation always refer to the period covered, e.g. since the beginning of the current year.

Please note that the Court does not provide statistics on applications lodged or introduced over a given period, as the information on applications allocated is more relevant. Only upon allocation is the application considered as a pending application and counted as such in the Court’s statistics.

### 3.3.3. Applications decided

Applications are “decided” when they are declared inadmissible or struck out of the list of cases (in a decision), or when a judgment is delivered in their respect.

Statistics on applications decided always refer to the period covered, e.g. since the beginning of the current year. They are often compared to the same reference period in previous years.

*Example: The “[General statistics](#)” by month table on the Court’s website shows the number of applications decided since the beginning of the current year as compared to the relevant period last year.*

3. Applications decided	2019	2018	+/-
By decision or judgment	6791	6953	-2%
- by judgment delivered	516	548	-6%
- by decision (inadmissible or struck out)	6275	6405	-2%

### 3.3.4. Statistics on interim measures (Rule 39)

The Court regularly receives requests for the application of interim measures, made under Rule 39 of the Rules of Court. These requests are examined under an urgent procedure, as they may involve a risk to the applicant’s life, health or other circumstances related to the applicant’s private or family life.

Statistics on interim measures refer to the number of decisions by the Court to accept or refuse such requests. In addition, some requests received by the Court fall outside the scope of application of Rule 39.

The available statistics break down the decisions to accept or refuse interim measures by respondent State, and by country of destination if the applicant faces expulsion. Statistics on interim measures always refer to the period covered.

*Example: The “[Thematic statistics – interim measures](#)” charts on the Court’s [Statistics page](#) show the number of decisions given in respect of each of the 47 Contracting States over the last three years.*

### 3.3.5. Applications communicated

An application is “communicated” when the Court gives notice of an application to the respondent Government. This may include:

- informing them that an urgent or important application has been lodged;
- requesting factual information;
- requesting observations;
- informing them of the subsequent procedure without asking for observations (in the case of repetitive applications where the Court’s case-law is well-established).

Statistics on applications communicated always refer to the period covered, e.g. since the beginning of the current year. They are often compared to the same reference period in previous years.

For applications in categories VI and VII (see “Categories of priority”), a communication is not required.

**Example:** The [“General statistics”](#) on the Court’s website show the number of applications communicated by month since the beginning of the current year compared to the relevant period last year.

2. Interim procedural events	2019	2018	+/-
Applications communicated to respondent Government	613	1653	-63%

### 3.3.6. Friendly settlement

A friendly settlement takes place when the parties reach an agreement, facilitated by the Court, and the Government may undertake to pay a certain amount to the applicant(s) to cover all damage and expenses. The Court considers such an application as resolved and strikes it out of the list of cases.

### 3.3.7. Unilateral declaration

A unilateral declaration is made by the respondent Government when they undertake to redress the damage sustained by an applicant; this may occur when the applicant refuses to accept a friendly-settlement proposal without giving a valid justification. If the Court considers the Government’s offer as satisfactory, the application is struck out of the list of cases.

**Example:** The [“Unilateral declarations and friendly settlements in the past three years”](#) table in the [“Analysis of statistics”](#) on the Court’s website shows the number of applications struck out after a friendly settlement or a unilateral declaration by a Contracting State.

### 3.3.8. Pilot judgments

The “pilot judgment” procedure is a method developed by the Court in order to deal with numerous applications relating to the same structural or systemic problem at domestic level, by obliging the respondent State to undertake to resolve the problem in question. These so-called “repetitive” applications represent a large portion of the Court’s caseload (e.g. applications concerning excessive length of proceedings). In addition to deciding whether there has been a violation of the Convention, a pilot judgment identifies the systemic or structural problem and indicates which measures the Government should take to resolve it.

Please note that only one or a few applications are selected to be the “pilot case”, while all similar applications may be put on hold for a certain period of time and await the Government’s action to remedy the problem on the domestic level. Once this is done, the Court may deal speedily with the remaining applications.

For more information, please consult the [Factsheet on the pilot judgment procedure](#).

#### 4. Major steps in processing applications before the Court

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- When the applicant sends the completed application form and all necessary information and documents in compliance with the time-limit, an application is allocated to a judicial formation.
- An application may be *declared inadmissible* or *struck out* of the Court’s list of cases by a Single-Judge formation, Committee or a Chamber, without any further procedural steps.
- Otherwise the Section President or the Chamber gives notice of the application to the respondent Government (“*communication*”).
- At the communication stage the Section Registrar may encourage the Parties to reach a *friendly settlement*. If the parties accept the Registrar’s proposal, reach a settlement on their own initiative or if the Court is otherwise satisfied that the case has been settled (e.g. by means of the Government’s *unilateral declaration*), it is then *struck out* of the list of cases.
- If the application has not been settled, the Chamber or Committee resumes the examination of the admissibility and merits. Unless the Chamber or Committee decides at this stage to declare the application inadmissible, the decision on admissibility is usually incorporated in the *judgment* on the merits. A judgment adopted by a Committee is final at the moment of delivery, whereas a Chamber judgment becomes final on expiry of a three-month period during which the Parties may request that the case be referred to the Grand Chamber or when a referral request is rejected by the Panel.
- If a Party’s request is accepted by the Grand Chamber Panel, the case is referred to the Grand Chamber, where a second judgment is delivered in due course. Only a very small percentage of cases are referred by the Panel to the Grand Chamber. Judgments adopted by the Grand Chamber are final on the date of delivery.
- An application may be *struck out* of the Court’s list of cases at any procedural stage if the applicant does not wish to pursue the case or does not reply to correspondence from the Court.

**Example:** The “Major procedural steps in processing of applications” chart in the [“Analysis of statistics”](#) on the Court’s website shows the overall number of applications processed by year.