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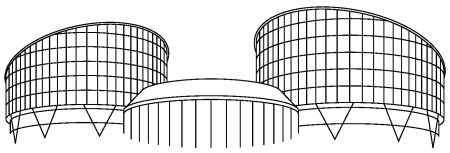
STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

The development of the Court's case-load over ten years

Statistical data for the CDDH

In the 90th CDDH meeting, the Registry of the Court was invited to submit to the CDDH a document reflecting statistical data which would enable the CDDH to analyse the Court's backlog in its follow-up work to the *Copenhagen Declaration* (see CDDH(2018)R90, §§ 26-29).

The present document contains the report sent by the Registry.



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

Case Management and Working Methods
Méthodes de travail et gestion des requêtes

The development of the Court's case-load over ten years

Statistical data for the CDDH

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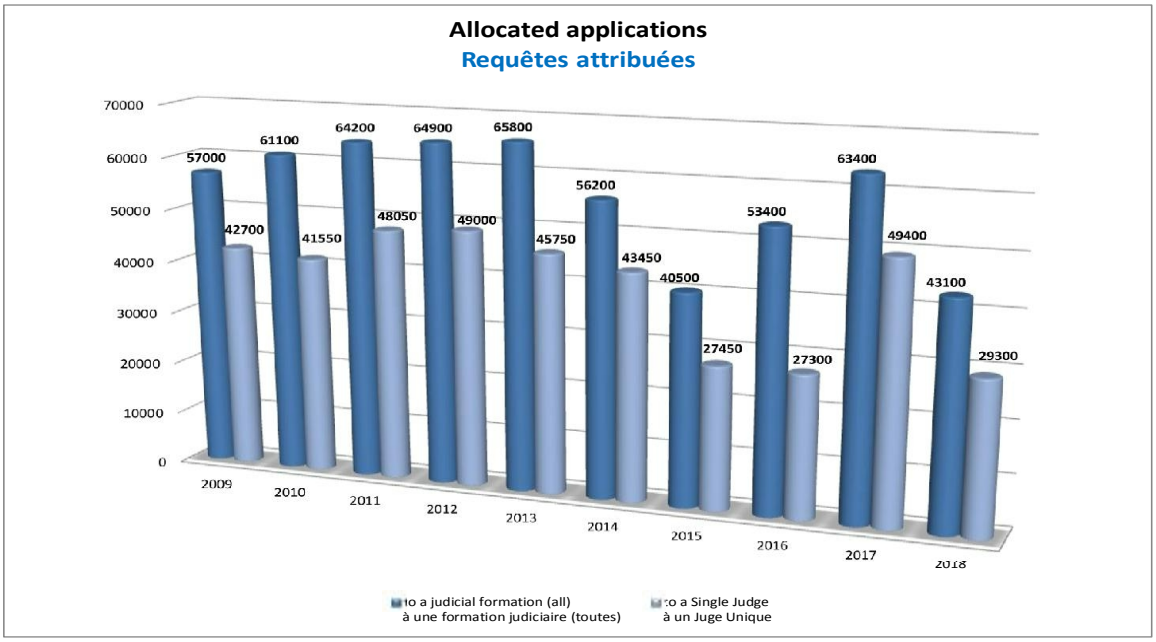
This document has been prepared by the Registry of the Court for the CDDH in order to help it analyse the Court's case-load in accordance with the Ministers' Deputies decision, taken at their meeting on 30 May 2018, in a follow-up to the Copenhagen Declaration.

Other statistical information is available on the Court's internet site:
https://www.echr.coe.int/Pages/home.aspx?p=reports&c=fre

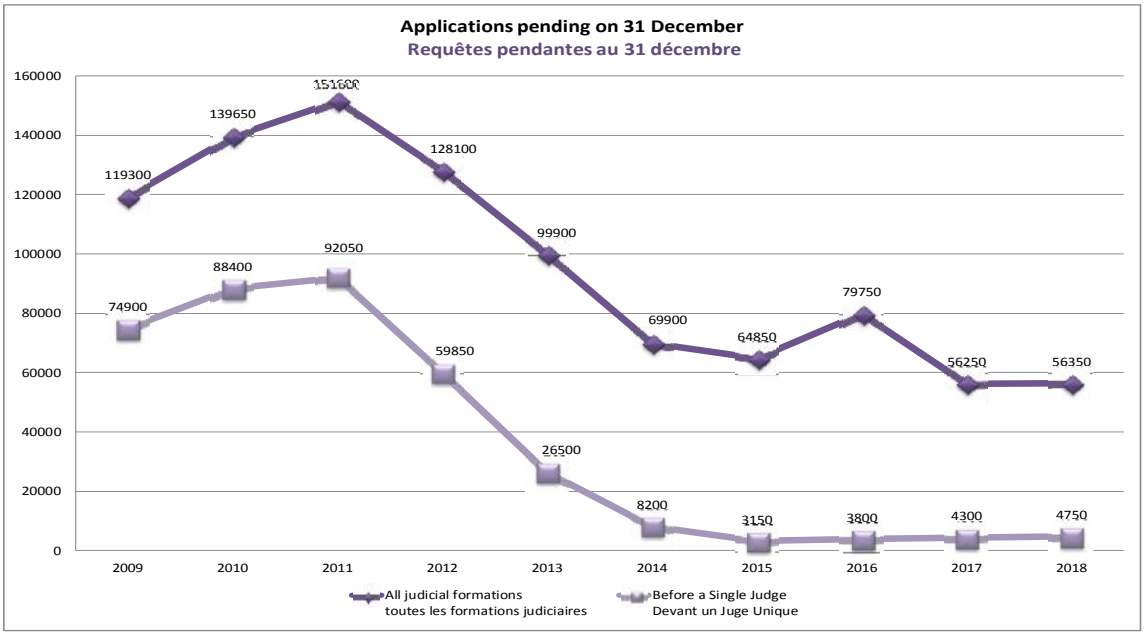
I. The development of applications allocated to a judicial formation

The graph below represents the development of applications allocated to a judicial formation and a focus on the proportion of applications allocated to a Single Judge.[1]

It shows that a significant number of the applications allocated to a judicial formation each year are clearly identified as inadmissible (between 51% in 2016 and 78 % in 2017 depending on the years).



II. The development of pending applications



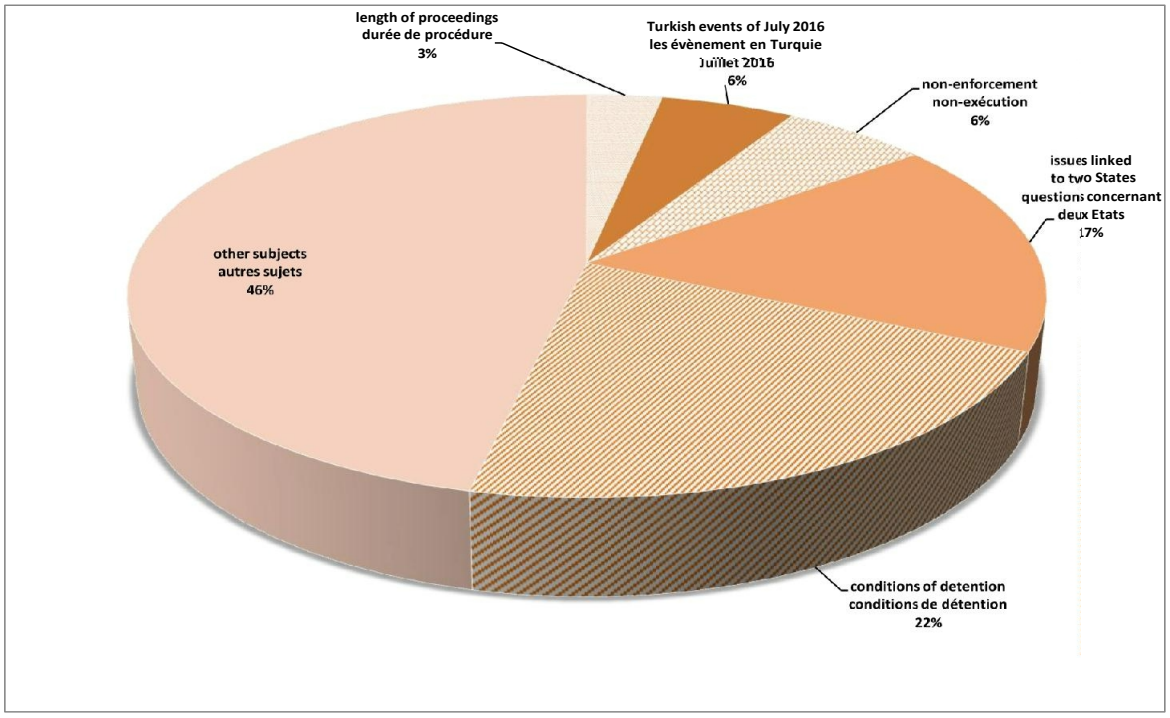
As a result of the entry into force of Protocol no. 14, the constantly evolving working methods and IT tools, the number of pending applications has decreased significantly. The applications allocated to a single Judge are processed as they come in.

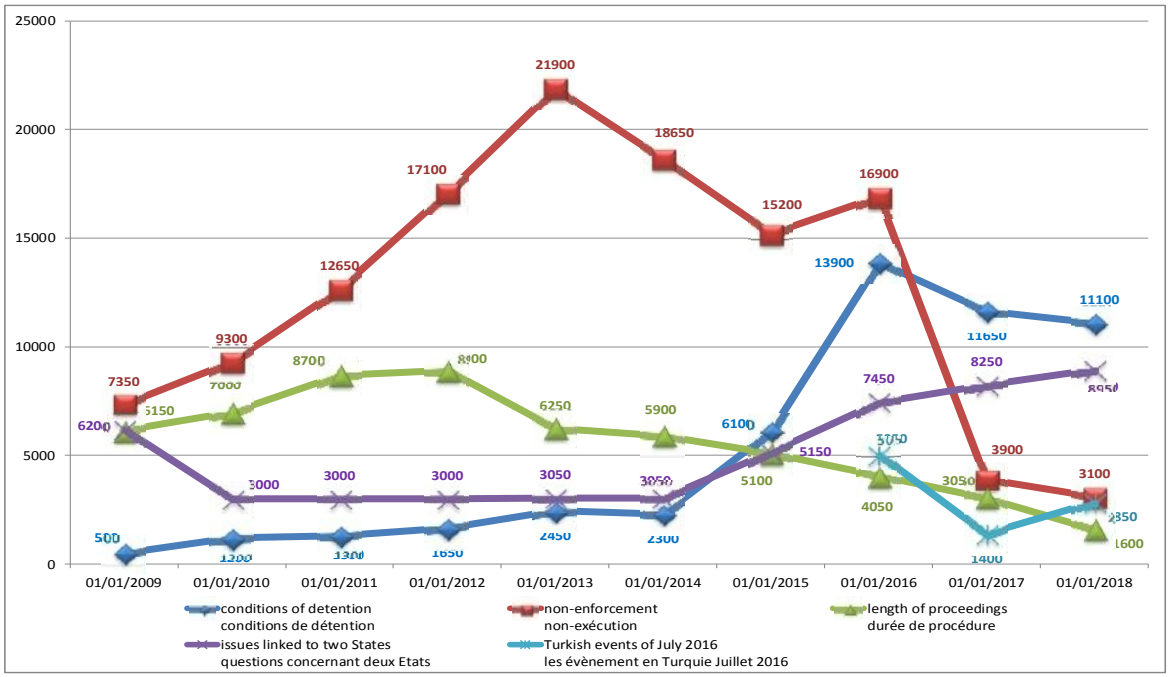
[1] 2009 data takes into account the applications that would have been allocated to a single judge if Protocol 14 had entered into force for all States.

III. The development of the main subject matter of pending applications (excluding Single Judge cases)[2]

A. Trends over ten years

These 5 subjects (conditions of detention, non-enforcement of domestic judgments, length of proceedings, issues linked to two States, and the Turkish events of July 2016) alone represent 54% of all applications pending before a judicial formation[2] compared with 45% on 1st January 2009.





[2] In this part and the following parts, the pending applications (51,600) do not take into account the applications pending before a Single Judge (4,750).

The decrease in the number of non-enforcement applications (red line) is mainly due to the judgment striking out 12,148 applications and sending them to the Committee of Ministers (see *Burmych and Others v. Ukraine* (striking out) [GC], nos. 46852/13 et al, 12 October 2017).

The number of applications related to condition of detention (blue line) is problematic essentially for two States for which an internal remedy is still to be put in place.

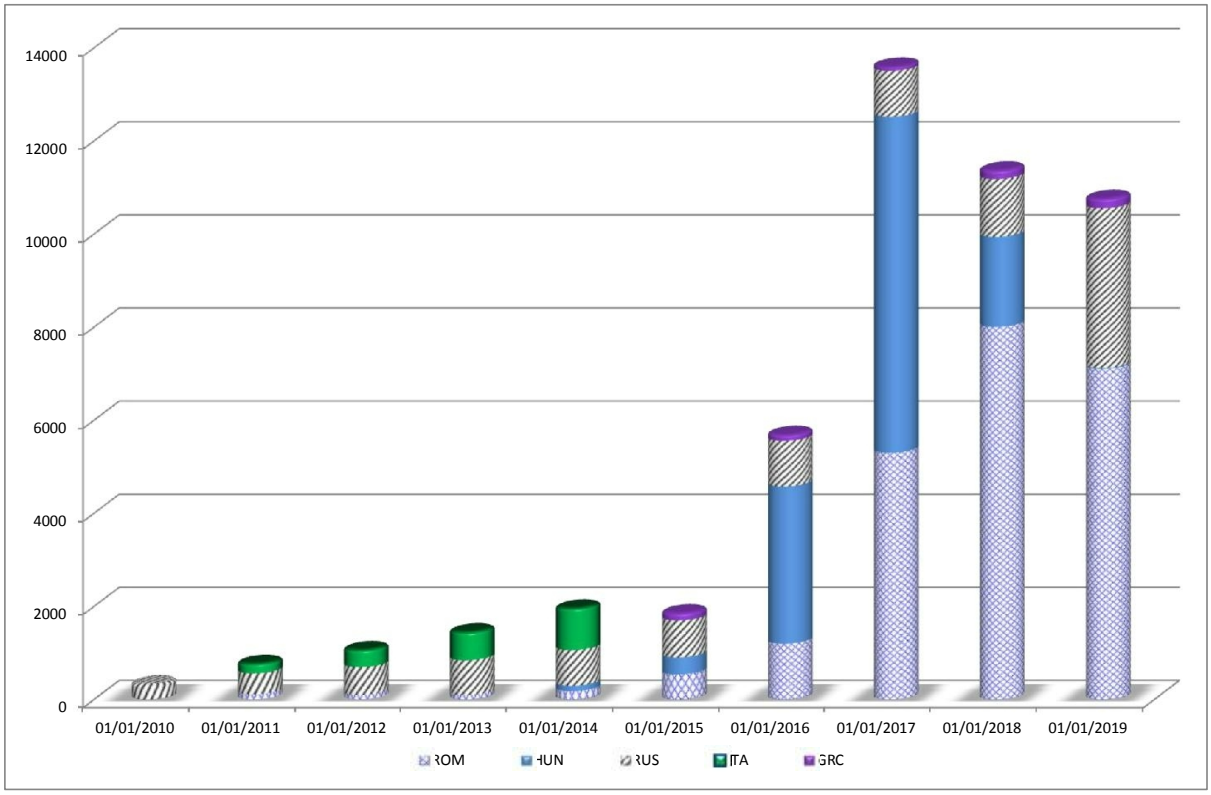
The number of applications concerning issues between two Member States (purple line) continues to rise.

The number of length of procedure applications (green line) is decreasing even though not all Member States have a domestic remedy or if they do have a remedy it still needs to be improved.

Finally, exceptional circumstances like the attempted coup in Turkey (turquoise line) can rapidly have an impact on the Court's workload. These applications which concern varied complaints, in particular detention, represent 6% of all pending applications.

B. The main States concerned

i. Applications concerning conditions of detention



While on 1st January 2010 about 1% of the pending applications concerned conditions of detention, on 1st January 2019 this subject matter amounted to about 22% of all pending applications.

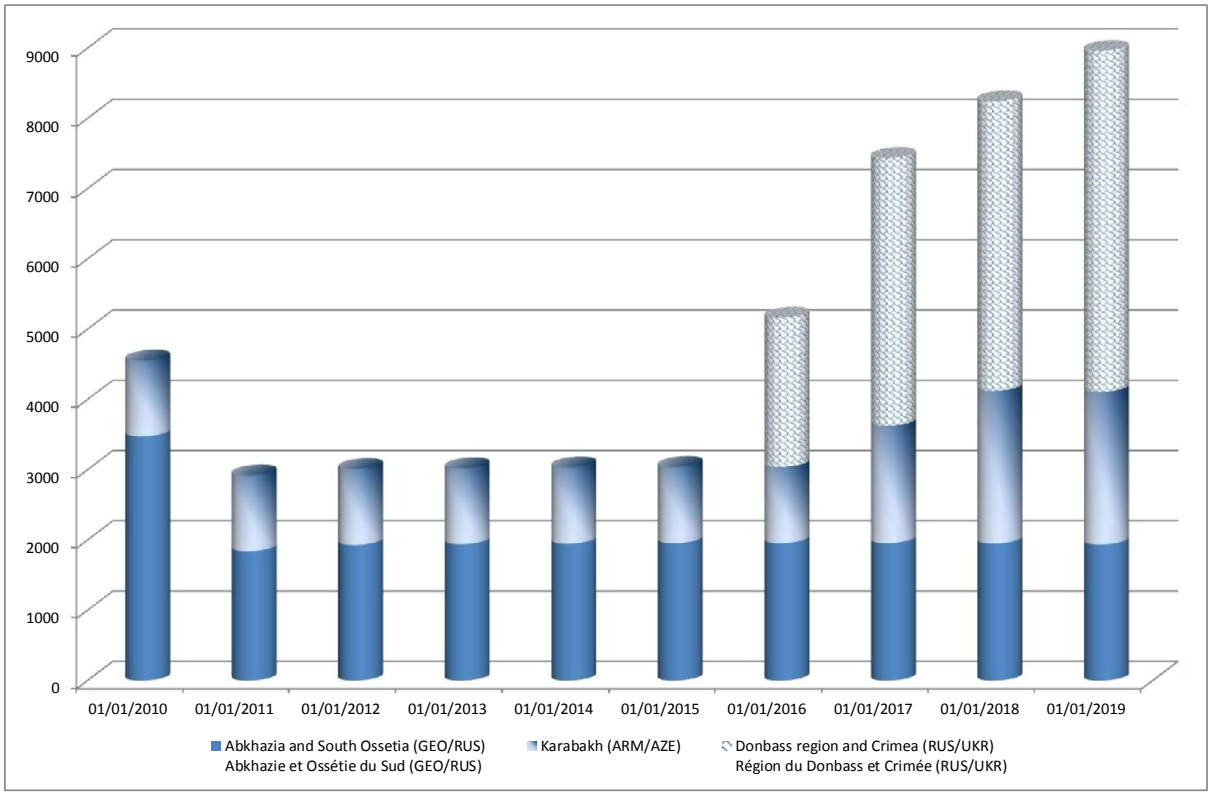
The graph above shows the impact that an internal remedy can have on the number of applications pending before the Court.

Italy and Hungary had an increasing number of such applications for some years and have demonstrated their will to deal with the issue by putting into place effective domestic remedies.

It is obvious that, on 1st January 2019, the two States which have the highest number of applications concerning conditions of detention are Romania and the Russian Federation. These applications represent 20% of the 51,600 pending applications.

A compilation of effective national remedies prepared by the Council of Europe could enable these States, as well as others that have or could have the same issues in the future, to assist in preparing the most appropriate domestic remedy for their country.[3]

ii. Pending applications resulting from tensions between two Member States



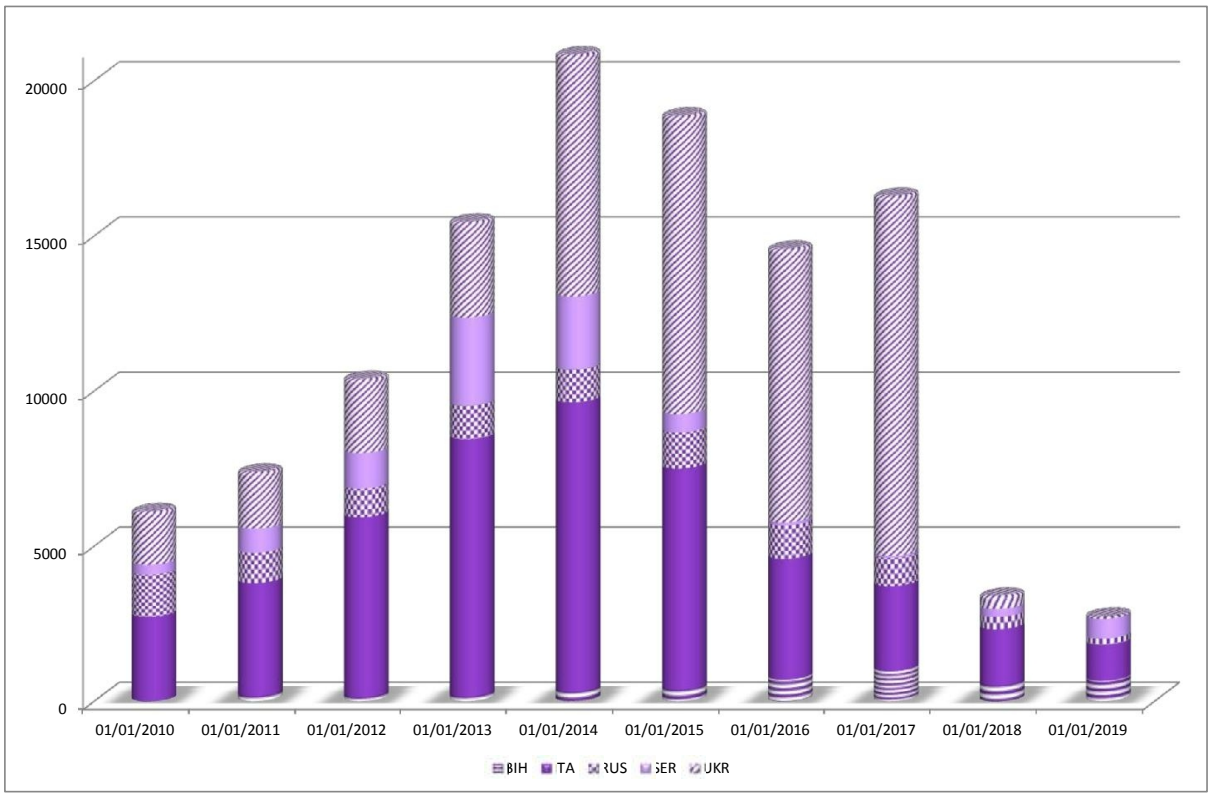
On 1st January 2019 these applications represent 17% of the pending applications. On 1st January 2010 they represented 14% of all pending applications.

These applications are essentially comprised of three groups: applications concerning Abkhazia and South Ossetia (GEO/RUS), Karabakh (ARM/AZE) and the Donbass region and Crimea (UKR/RUS).

While there are some Inter-state applications, the majority of applications are mainly brought by individuals.

[3] A similar compilation concerning length of proceedings has been prepared by the Council of Europe.

iii. Pending applications concerning non-enforcement of domestic decisions



While on 1st January 2010 about 17% of pending applications concerned non-enforcement, on 1st January 2019 these cases represent about 6% of pending applications.

On 1st January 2019, applications from 3 States (Italy, Bosnia-Herzegovina and Serbia) count for 5% of the applications pending before the Court.

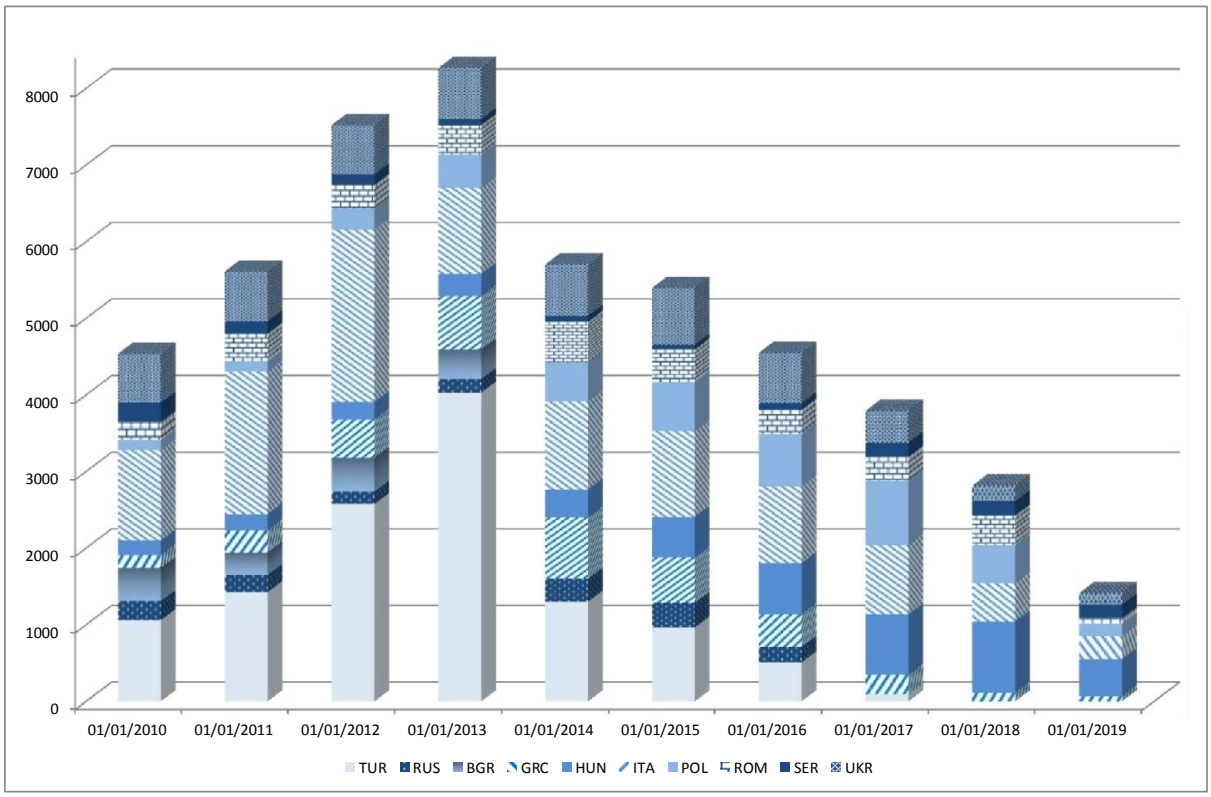
The graph above shows the willingness of Italy to settle applications linked to the non-enforcement of Pinto's decisions (the domestic remedy which provided compensation for length of proceedings applications). The introduction of a domestic remedy risks returning applications unless it is accompanied by the necessary reforms to prevent lengthy proceedings accompanied by sufficient budgetary funding. This was indeed the case for Italy, but the proactive approach of the Government to settle many applications is showing results since the number of these applications is decreasing.

This graph shows a significant decrease in the number of applications pending against Ukraine. As stated before, 12,148 applications were struck out and the issue is now before the Committee of Ministers (see *Burmych and Others v. Ukraine,* cited above).

As regards Russian applications, the introduction of a domestic remedy resulted in a decrease in the number of non-enforcement applications proving once more the usefulness of domestic remedies.

The increasing number of applications coming from Bosnia-Herzegovina and Serbia is still a matter of concern.

iv. Length of proceedings pending applications



While on 1st January 2010 about 14% of all pending applications concerned length of proceedings, on 1st January 2019 they count for about 3% of pending applications.

On 1st January 2019, applications concerning length of proceedings are still significant for two States (Hungary and Italy). These applications represent 2% of all applications pending before the Court.

The graph above shows that States like Turkey, the Russian Federation, Bulgaria or Greece have seen the number of applications drop once a domestic remedy is put in place[4].

A pilot judgment was delivered against Hungary in 2015 (*Gazsó v. Hungary*, no. 48322/12, 16 July 2015). Applications are processed as they come while waiting for the introduction of a domestic remedy.

After the delivery of a pilot judgment against Poland (*Rutkowski and Others v. Poland*, nos. 72287/10 and 2 others, 7 July 2015) establishing that reforms were still necessary to improve the existing domestic remedy, the number of pending applications has decreased as a result of the will of the government to settle these applications.

For Italy the number of applications decreases as a result of the government's willingness to settle these cases. For Romania, Serbia and Ukraine the number of applications is proportionately smaller.

[4] Other States had a relevant number of length of proceedings applications in the past and have also resolved the question by putting into place, or by using, domestic remedies (e.g. Germany, "The former Yugoslav Republic of Macedonia", Portugal or Slovenia).