

Justice Statistics

Some statistical indicators on cases at the first instance courts, 2007-2017¹

The current report aims to briefly portray the main indicators recently disseminated in the on-line Justice Statistical Data System (SIEJ)². First, the updated results on the number of pending cases and on the average duration of the completed cases are referred to. Then, some indicators on the characterization of cases completed in 2017 at the first instance courts, and made available by SIEJ, are presented.

1. Pending cases³ at the first instance courts

Data related to pending cases at the end of each year show strong declines, which amount to less 13.5% between 2016 and 2017 and to less 42.4% between 2012 and 2017 (table 1).

Table 1 - Pending cases at 31 December in the courts of 1st instance, 2007-2017

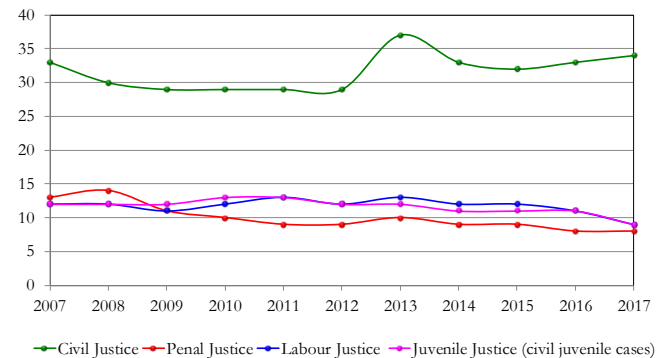


2. Average duration of completed cases⁴ at the first instance courts

The average duration of completed cases between 2007 and 2017 (table 2) has increased in the Civil Justice, going from 33 months to 34 months. The Criminal Justice⁵ has ended this period with an average duration of less than 5 months from what has been initially recorded, being of 8 months the average duration of completed cases in 2017.

The Labour Justice⁶ has presented in 2017 an average duration of completed cases of 9 months, 3 months less that what was registered in 2007. The Juvenile Justice⁷ has registered in 2017, an average duration of completed cases of 9 months, 3 months less that what was registered in 2007.

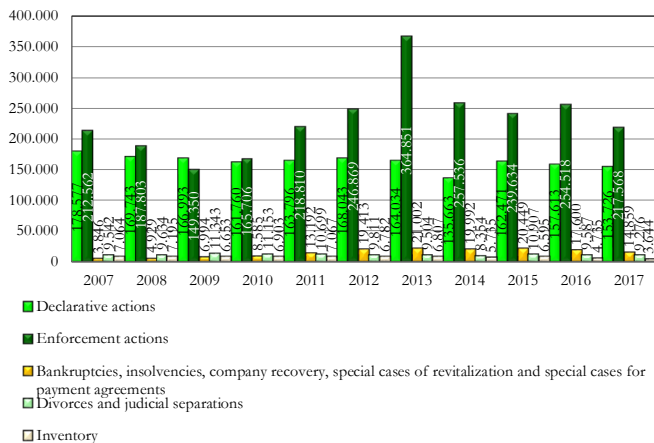
Table 2 - Average duration of completed cases in the courts of 1st instance, by procedural area, 2007-2017



3. Civil procedural area

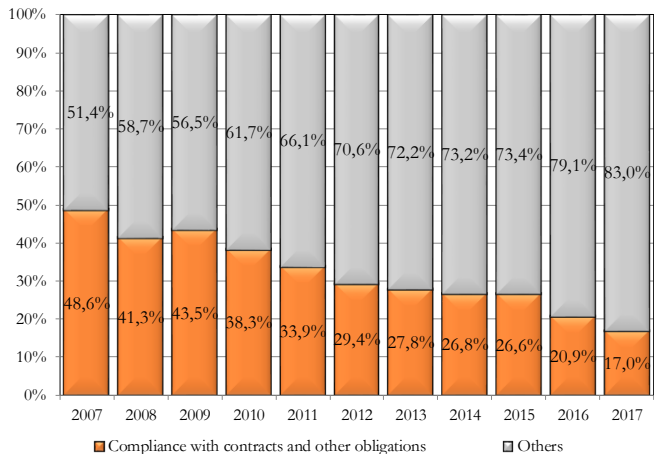
In 2017, and in view of 2016, a decrease in the number of completed cases in the civil procedural area has been observed. To this fact much contributed the behaviour of the enforcement actions that presented, in 2017, a decrease in the number of completed cases, when compared to 2016 (table 3)⁸.

Table 3 - Completed civil cases, by type, 2007-2017



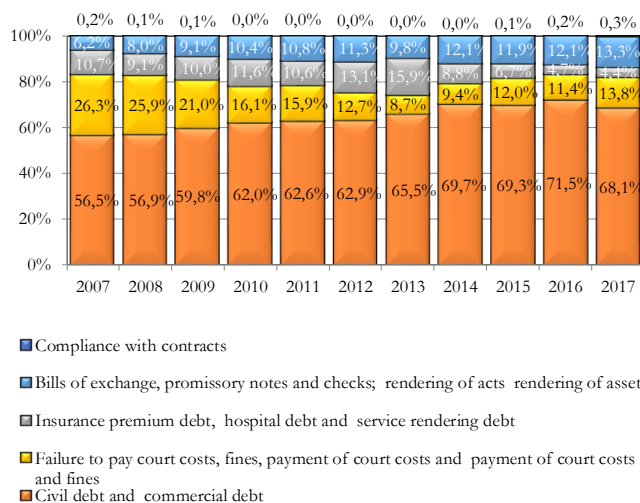
In the whole set of declarative actions, the actions related to the compliance with contracts and other obligations are those that present a greater weight, although this weight shows a decreasing trend over the period 2007-2017. In 2007, the actions related to the compliance with contracts and other obligations represented 48.6% of the overall total of completed declarative actions. In 2017, this value has gone to 17.0% (table 4).

Table 4 - Completed civil declarative actions, by object of action, 2007-2017



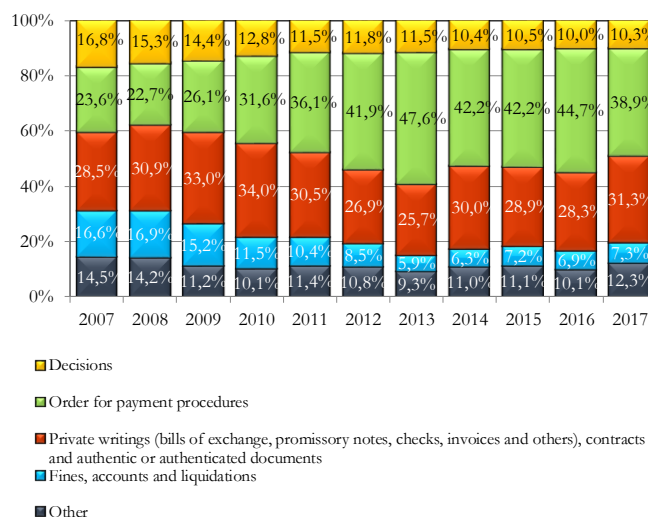
On its turn, as regards the main subject-matters of the enforcement actions, the civil and commercial debts are the type of case with a greater weight, having gone from 56.5% in 2007 to 68.1% in 2017 (table 5).

Table 5 - Completed civil enforcement actions for the compliance with contracts/other obligations, 2007-2017



As concerns the enforcement title, it should be noted the increasing weight of the order for payment procedures, between 2007 and 2017, which have gone from 23.6% of the total of completed enforcement actions in 2007 to 38.9% in 2017 (table 6).

Table 6 - Completed civil enforcement actions, by enforcement title, 2007-2017



With respect to the number of declared insolvencies in the first instance courts (table 7), there was an increase of around 353.4%, between 2007 and 2017. As to the type of person involved in declared insolvencies, there is an increase, between 2007 and 2017, in the weight of natural persons in the overall total of the cases (going from 18.2%

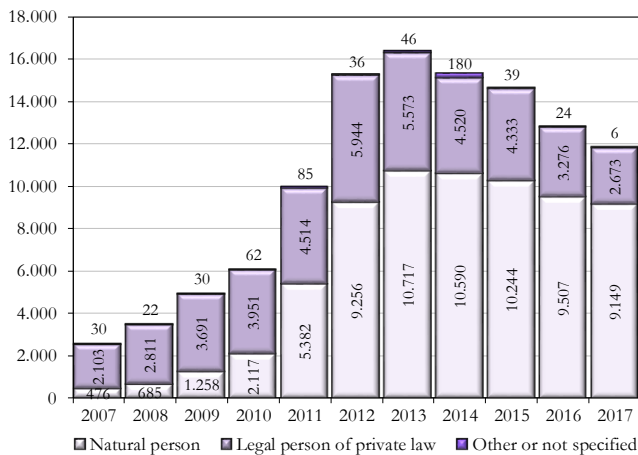
STATISTICAL HIGHLIGHT 59.

Justice Statistics – Some statistical indicators on cases at the first instance courts, 2007-2017

to 77.4%, that is, more than four times the weight), followed by a comparable decrease of legal persons of private law (going from 80.6% to 22.6% and recording a decrease of 58.0 percentage points).

Hence, 2017 is the fourth year, from among those under analysis, where the absolute number of declared insolvencies at global level has decreased when compared with the previous year (-7.6%).

Table 7 - Insolvencies declared, by type of person, 2007-2017



4. Criminal procedural area

The total of criminal cases completed at trial stage (table 8) has decreased around 41.3% between 2007 and 2017. From among the criminal cases completed at trial stage, the road crimes occupy a relevant place in the types of crime tried in 2017, with about 27.3% of the total weight (table 9).

Table 8 - Total of completed criminal cases at the trial stage, 2007-2017

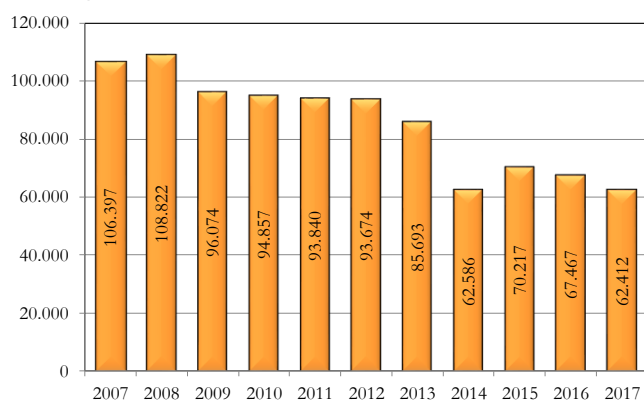
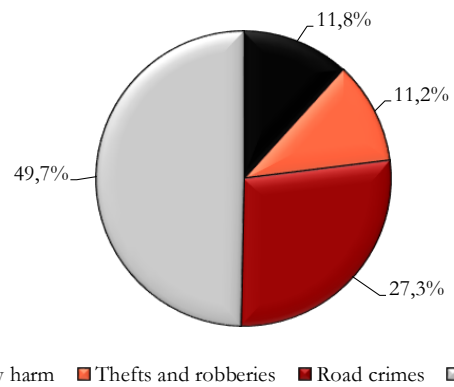


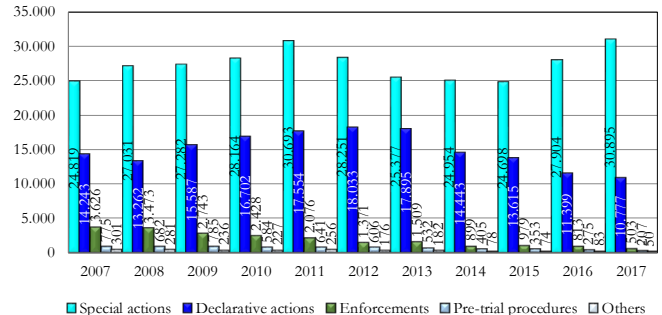
Table 9 - Completed criminal cases at the trial stage, by type of crime, 2017



5. Labour procedural area

In the Labour Justice, the number of completed actions has decreased 3.0% between 2007 and 2017. In this procedural area and in any of the years under analysis, the special actions, such as for instance those related to work accidents or professional diseases, are the most represented, corresponding to about 72.8% of completed labour cases, in 2017. In this same year, the declarative labour actions have showed a weight of approximately 25.4% (table 10).

Table 10 - Completed labour cases, by type of action, 2007-2017



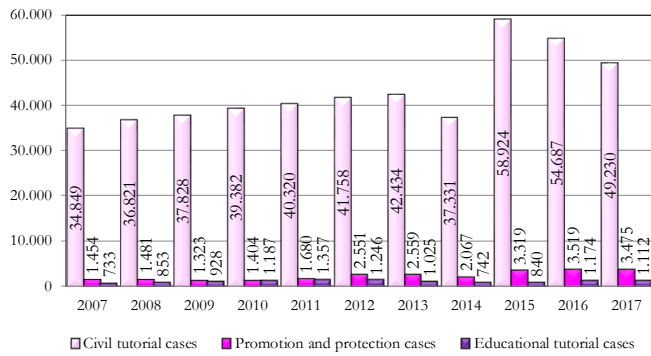
6. Juvenile procedural area

The civil tutorial cases are clearly the type of cases with greater weight in the Juvenile Justice throughout the years analysed in this document. Nonetheless, its weight has slightly decreased, going from 94.1% in 2007 to 91.5% in 2017 (table 11).

STATISTICAL HIGHLIGHT 59.

Justice Statistics – Some statistical indicators on cases at the first instance courts, 2007-2017

Table 11 - Completed juvenile cases, by type of action, 2007-2017



STATISTICAL HIGHLIGHT 59.

Justice Statistics – Some statistical indicators on cases at the first instance courts, 2007-2017

Footnotes:

¹ The results presented do not include the courts for the enforcement of sentences (see framework notes) and, with respect to the enforcement action, follow the legal model in force until 1 September 2013, when the new Civil Procedure Code, approved by Law 41/2013 of 26 June, came into force. Pursuant to Article 551 (5) of this Code, the enforcement procedure takes place in court when the law requires or indicates that the court back-office or the judge should take action within their competence and until they do so. Accordingly, the enforcement procedure should not therefore be considered pending in court in any other circumstances. Following the changes introduced in the procedural system of the first instance courts on the implementation of the aforementioned legal provision in October 2017, the works necessary for its implementation in the scope of the Justice official statistics, including the monitoring of data quality are being carried out. These works will enable us to portray, in this context, the evolution of these cases in the first instance courts

² Data available on 31 October 2018.

³ Pending cases correspond to cases that have not yet had a final decision, judgment, sentence or order, in their respective instance, regardless of *res judicata*. These are cases that are waiting for acts or due diligences to be carried out by the court, by the parties or by other entities. In certain types of cases, they may also be waiting for certain facts to occur or for a time period to run out. A suspended case is, for instance, a pending case, irrespective of the cause of suspension. A pending case is not necessarily a delayed case, as it may be a case that is running within the legal timeframes.

⁴ Completed case- corresponds to cases that have had a final decision, a judgment, sentence or order, in their respective instance, regardless of *res judicata*. The cases that have run their course, that are attached, incorporated or sent to another entity are not counted.

⁵ The categories “criminal cases at trial stage”, “administrative offences/ misdemeanour” and “others” are comprised in the data given.

⁶ The cases related to the criminal area are excluded.

⁷ Only the civil tutorial cases are counted.

⁸ From 2012 onwards and in the characterization of completed cases, the category corresponding to bankruptcy, insolvency and company rescue cases comprises the special revitalization procedures and, from 2017, the special procedures for payment agreement.

Framework notes:

In 2007, the collecting method has been altered, and data are now received through the courts' computer system. They represent thus the state of the cases recorded through this system.

The 2017 data related to the case-flow have been updated and confirm the trends and conclusions reached in the previous report.

The 2017 data may be altered as a result of quality control and updates made to the courts' computer system.

Areas and types of procedures included in the case flow

Civil procedural area – types of cases included: declarative actions; enforcement actions; special actions; interim measures and other cases.

STATISTICAL HIGHLIGHT 59.

Justice Statistics – Some statistical indicators on cases at the first instance courts, 2007-2017

Criminal procedural area – types of cases included: criminal procedures (trial); misdemeanours; judicial decisions on administrative offences; other procedures/proceedings; the criminal cases that are strictly military are also comprised in this procedural area (the criminal inquiry and investigative cases are not included).

Juvenile procedural area – types of cases included: civil tutorial cases; promotion and protection cases; tutorial educational cases.

Labour procedural area – types of cases included: declarative actions; enforcement actions; special actions; interim measures; other cases; administrative offences and misdemeanours.

Failure to include data from the courts for the enforcement of sentences in the published results on the case flow in the first instance courts

As part of the verification and correction procedures carried out by the Directorate General for Justice Policy on the information received from the courts' computer system, there were marked discrepancies from 2010 onwards in the data related to the courts for the enforcement of sentences, whose overcoming was not possible up to the closing date of the results of the courts of first instance. Based on the case flow of 2009, it is estimated that the missing information represents about 3% of the total of new cases, 4% of the total of completed cases and 1% of the total of pending cases. In order to ensure the comparability between the results of 2017 and the results of the other years under consideration, it was decided not to include this type of cases in the analysis presented in this document.

Technical sheet:

The Directorate-General for Justice Policy (DGPJ) of the Ministry of Justice, in accordance with Article 2 (1) of Decree-Law 163/2012 of 31 July has the mission to give technical support within the scope of legislative production and legal assessment, to monitor the policies and the strategic planning for the sector, to coordinate the external affairs and the cooperation in the justice area, being also responsible for the statistical data in the Ministry of Justice.

Law 22/2008 of 13 May defines the basic general guidelines and principles that govern the National Statistical System (SEN), particularly with regard to the delegation of powers of the National Statistical Institute (INE), in other entities.

Under the provisions of Article 24 of Law 22/2008, of 13 May, a protocol was celebrated empowering the DGPJ with the production and dissemination of the Justice official statistics.

As a delegated entity, DGPJ is subject to compliance, in its relevant part, with the Law 22/2008, of 13 May, with the Decree-Law 166/2007, of 3 May, as well as with the rules established by Community legislation, adopting the Code of Conduct for European Statistics and the Regulation for the Application of the Principle of Statistical Confidentiality of the National Statistical Institute.

Directorate General for Justice Policy (DGPJ)
Av. D. João II, n.º 1.08.01 E, Torre H, Pisos 2/3
1990-097 Lisboa, Portugal
Tel.: +351 217 924 000
Fax: +351 217 924 090
E-mail: correio@dgpj.mj.pt
<http://www.dgpj.mj.pt>

STATISTICAL HIGHLIGHT 59.

Justice Statistics – Some statistical indicators on cases at the first instance courts, 2007-2017