

Justice Statistics – First results Case flow in the 1st instance courts, 1996-2018¹

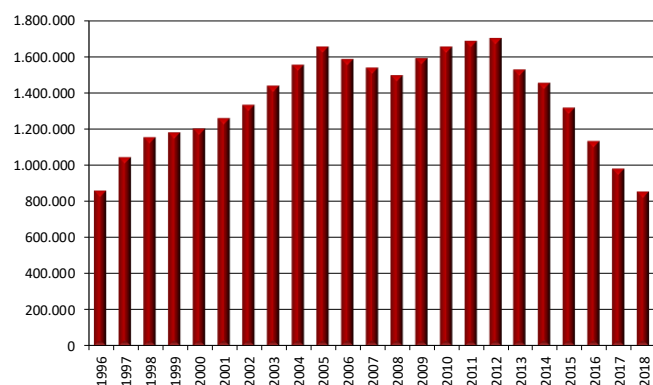
Not taking into account the data of the courts for the enforcement of sentences, in 2018 the number of pending cases in the first instance courts has decreased (-12.6%); such corresponds to a clearance rate of 124.6%. This result is due to the fact that the number of completed cases (-8.3% when compared to 2017) has exceeded the number of new cases (-4.7% when compared to 2017).

These variations are, in large part, due to the civil case flow, which accounts for around 63% of new cases and to 70% of completed cases in the first instance courts. It is important to highlight the behaviour of the civil enforcement action, being this type of case that has most contributed to the decrease of the pendency.

1. Pending cases and clearance rate

In 2018, not taking into account the data of the courts for the enforcement of sentences, the number of pending cases has decreased around 12.6%. On 31 December 2018, the number of pending cases² in the first instance courts was 853.605 (table 1).

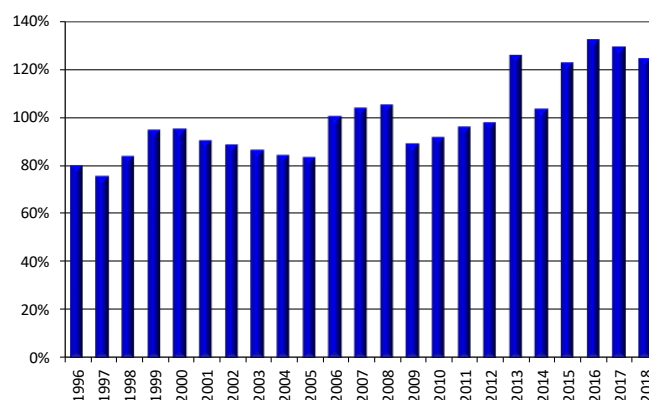
Table 1 - Pending cases as of 31 December, 1996-2018



In 2018, the clearance rate³, which measures the capacity of the system, on a given moment, to face the demand

verified on that same moment was 124.6%, being this the sixth consecutive year with a positive clearance rate (table 2).

Table 2 - Clearance rate, 1996-2018

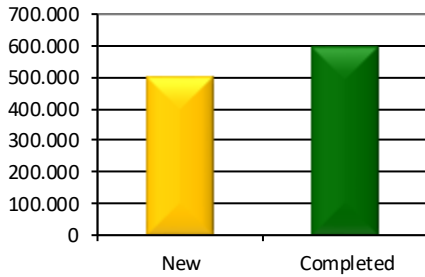


2. Global flow of new and completed cases

In 2018, the number of completed cases has been higher than the number of new cases⁴ (table 3). The positive balance of 123.558 justifies the decrease in the pendency

of around 12.6%, being 2018 the sixth consecutive year in which there was a decrease in the number of pending cases.

Table 3 - New and completed cases in 2018



In 2018, the civil cases corresponded to about 63% of the total of new cases and to 70% of the total of the cases completed at the first instance courts, being this type of case the one that most influenced the overall balance. Tables 4 and 5 show the variations of the new and completed cases in the several procedural areas⁵.

Table 4 - Percentage change on the number of new cases, 2017-2018

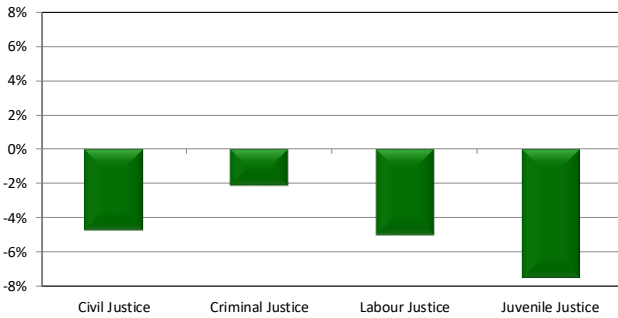
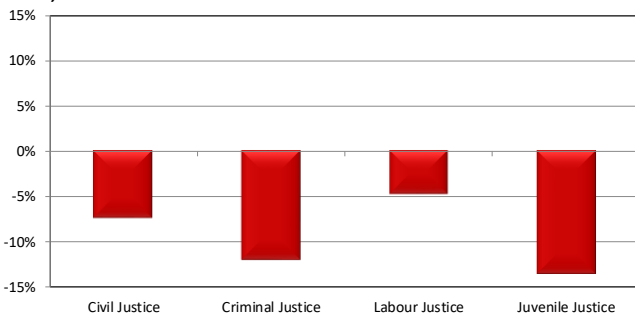
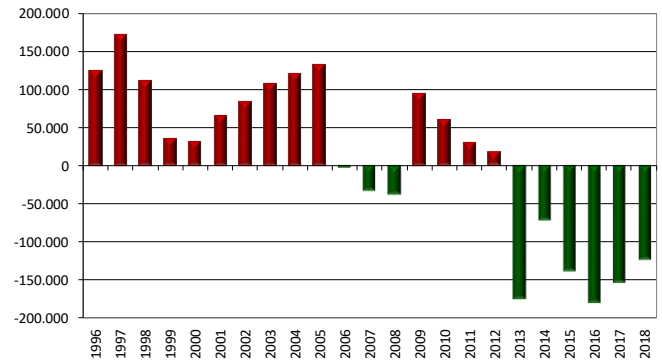


Table 5 - Percentage change on the number of completed cases, 2017-2018



Because the number of completed cases exceeded the number of new cases, the procedural balance in 2018 (table 6) was less than 123.558 cases, justifying thus the decrease of 12.6% when compared with the previous year.

Table 6 - Annual procedural balance (new - completed cases), 1996-2018



By analysing the two most important procedural types in the civil area, it may be observed that, in 2018, the declarative actions have maintained a favourable procedural balance and that the enforcement actions have had the sixth consecutive favourable procedural balance (tables 7 and 8).

Table 7 - Declarative actions - procedural balance, 1996-2018

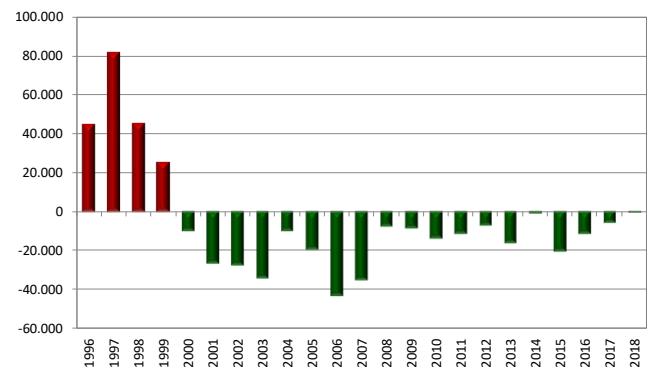
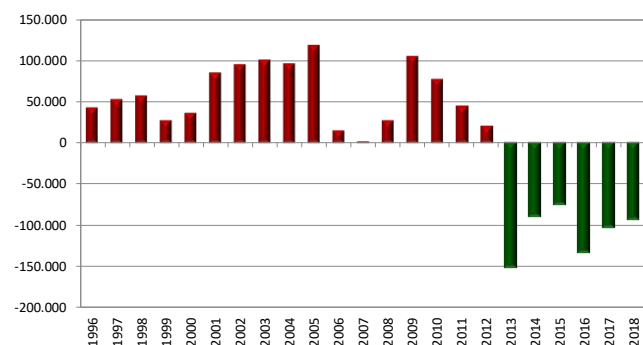


Table 8 - Civil enforcement actions - procedural balance, 1996-2018



Footnotes:

¹ The results presented do not include the courts for the enforcement of sentences (see framework notes) and, as far as the enforcement action is concerned, follow the legal model in force until 1 September 2013, when the new Civil Procedure Code, approved by the Law 41/2013, of 26 June, entered in 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 registry or the judge should take action within their competence and until they do so. As such, the enforcement procedure must not be considered as pending in court under any other circumstance. However, since it has not yet been possible to conclude and validate the technical developments necessary for the implementation of this legal provision in the procedural support system of the courts of first instance (CITIUS system), the results continue to be presented according to the previous model.

² Pending cases correspond to cases that have not 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 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. In the case of pending civil enforcement actions in particular, and according to the legal model in force until 1 September 2013, where the new Civil Procedure Code entered in force, the cases rather than awaiting the practice of acts by the courts, may be waiting for acts to be carried out by external entities, public or private, as well as the practice of acts by the enforcement agents. A pending case is not necessarily a delayed case, as it may be a case that is running within the legal timeframes.

³ The clearance rate corresponds to the ratio of the total volume of completed cases over the total volume of new cases. If equal to 100% the volume of new cases is equal to the completed ones, being the variation of the pendency zero. If greater than 100%, there is a recovery in the pendency. The higher this indicator is the higher the recovery in the pendency in that year. If less than 100%, the volume of new cases is higher than the completed ones, generating pendency for the following year.

⁴ In 2018, were registered 502.069 new cases and 625.627 completed cases. However, from these totals, only 471.245 and 594.803 new and completed cases, respectively, correspond to actual movements of beginning and end of the cases. The remaining 30.824 do not correspond to new cases or to cases that have been completed. These numbers on new and completed cases refer to the total of cases that have run internally between organic units/courts and they have not been considered in the calculation of the annual variation of new and completed cases. They are not thus cases that have re-entered the Portuguese courts but cases that were completed in the organic unit/court from where they left and that have entered the organic units/courts to which they were transferred.

⁵ The values presented in these tables illustrate the percentage change, by procedural area, excluding the cases that have run internally between organic units/courts. As such, in 2017, from the total number of new and completed cases the following values are subtracted: 22.952 cases in the civil procedural area, 6.022 in the criminal procedural area, 3.585 in the labour procedural area and 2.551 cases in the juvenile procedural area. In 2018, the subtracted values are the following: 20.503 in the civil procedural area, 5.452 in the criminal procedural area, 3.550 in the labour procedural area and 1.319 in the juvenile procedural area.

Framework notes:

Until 2006, the statistical data related to the cases in the first instance courts were collected by post, through the filling in of paper-based surveys. As of 2007, the method of collection has changed and data are directly gathered from the courts' computer system. Thus the present procedural situation corresponds to the cases that are recorded in this system.

The 2017 data, provisional as of the date of the previous report and now updated, confirm the trends and conclusions then reached.

The 2018 data have a provisional nature and may be altered as a result of quality control and updates carried out to the courts' computer system.

Areas and procedural types included in the case flow

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

Criminal procedural area – types of cases included: criminal procedures (trial); misdemeanours; judicial decisions on administrative offences; enforcement of sentences; 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 through the courts' computer system, there were marked discrepancies in the 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 data related to the courts for the enforcement of sentences. So far, such discrepancies have not yet been surpassed. Based on the case flow of 2009, it is reckoned 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 2018 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 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.

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