



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

THE COURT'S PRIORITY POLICY

In June 2009 the Court amended its Rules of Court concerning the order in which it deals with cases. Up until that point cases had been processed and adjudicated principally on a chronological basis. In other words cases were examined in the order in which they became ready for decision, though it was possible to give priority to particularly urgent cases.

With the Court's increasing case-load this approach meant that certain very serious allegations of human rights violations were taking too long to be examined by the Court, in some cases several years. This was particularly true of applications coming from countries with the highest volume of complaints. Not only was this clearly unsatisfactory for the applicants concerned; it also meant that violations and their causes were going undetected which in turn could lead to more victims and potentially more applications to the Court.

The Court therefore decided to adopt a new policy, the essence of which is expressed in the amended Rule 41. According to this Rule the Court is to have regard to the importance and urgency of the issues raised in deciding the order in which cases are to be dealt with. The Court is also to fix criteria which will enable it to do this.

To implement this policy the Court has drawn up a number of different categories which are set out in the following table.

I.	Urgent applications (in particular risk to life or health of the applicant, other circumstances linked to the personal or family situation of the applicant, particularly where the well-being of a child is at issue, application of Rule 39 of the Rules of Court)
II.	Applications raising questions capable of having an impact on the effectiveness of the Convention system (in particular a structural or endemic situation that the Court has not yet examined, pilot-judgment procedure) or applications raising an important question of general interest (in particular a serious question capable of having major implications for domestic legal systems or for the European system), inter-State cases
III.	Applications which on their face raise as main complaints issues under Articles 2, 3, 4 or 5 § 1 of the Convention (“core rights”), irrespective of whether they are repetitive, and which have given rise to direct threats to the physical integrity and dignity of human beings
IV.	Potentially well-founded applications based on other Articles
V.	Applications raising issues already dealt with in a pilot/leading judgment (“repetitive cases”)
VI.	Applications identified as giving rise to a problem of admissibility
VII.	Applications which are manifestly inadmissible

Under this scheme in principle a case in a higher category will be examined before a case in a lower category, although it remains open to a Chamber or its President to decide that an individual case should be treated differently. In practice this means for instance that a plausible allegation of torture or inhuman or degrading ill-treatment (Article 3 of the Convention – category III) will normally be dealt with before an allegation of a violation of the right to freedom of speech (Article 10 – category IV – potentially well-founded applications based on other Articles) concerning the same country.

The aim is clearly to ensure that the most serious cases and the cases which disclose the existence of widespread problems capable of generating large numbers of additional cases are dealt with more rapidly. Low priority is given to repetitive cases, that is cases which follow a pilot judgment establishing a structural problem. The lowest categories of priority are cases which are identified as clearly failing to satisfy the admissibility conditions.

The Court will keep this policy and its effects under review. A special Working Party has been set up to follow its implementation. One possible impact is on the Court’s statistics. As it concentrates its resources on the more complex, time-consuming cases, the total number of cases disposed of is likely to decrease.