We would like to thank the editor and the reviewers for their constructive comments. See below our point-by-point response.

Reviewer 1

The caveats in the rebuttal and the changes made to the paper are interesting. The relevant limitations that are acknowledged -- those that make the paper reliant on crude proxies -- mean that the paper's arguments would struggle to be satisfactory in a legal paper or in legal argument. I understand that the methods adopted in this area may be different.

Four specific revisions:

(1) The the rule on exhaustion of domestic remedies seems to be poorly articulated, or perhaps misunderstood, at line 152. In particular, its application at the domestic level seems back-to-front, at least as it is explained here. It should be revised.

The reviewer is right that maybe the formulation we used was not as clear as it could be. The formulation is this: 'While domestic courts do not necessarily hear complaints on the same legal issues as the ECtHR does, by virtue of the rule of exhaustion of domestic remedies they typically have powers to issue judgments on ECHR-related issues.' We meant to say that the rule of exhaustion of domestic remedies, which is an aspect of the principle of subsidiarity, guarantees that domestic courts will be the first to hear complaints on ECHR-based issues (among other things). Of course, whether these issues can be formulated before domestic courts in ways that invoke specifically the Convention will depend on whether the ECHR is indeed incorporated and directly applicable before domestic courts. This is currently the case for all States Parties to the Convention. As the Committee of Ministers puts it (Appendix to Recommendation Rec(2004)6 of the Committee of Ministers to Member States on the improvement of domestic remedies (12 May 2004), at 3–4): '[the ECHR] has become an integral part of the domestic legal orders of all states parties'. In any event, we have further clarified the point in the text (see lines 147-149).

(2) If there is literature to support the assumption made in lines 108-111, that literature should be noted. Or is it the literature in lines 134-173?

We know of no academic literature to support this claim with regard to pending applications and/or briefs, the situation being different with respect to domestic judgments (where we provided references in lines 134-173). The reason is simply that applications and briefs are not publicly available. However, one of the coauthors has drafted applications to the ECtHR and has handled cases before the Court: his experience was to the effect that the summaries of the facts by the Court bear important similarities to those prepared by individuals and States. The sample of cases, nonetheless, was not significant. Be that as it may, we reiterate that we formulated our premise in a hypothetical way to underscore the fact that more research is

needed, based on the text of applications and briefs, and that the encouraging results we got for the present paper provide us with a reason to proceed to this further research, which we are very keen to undertake in the future.

(3) The authors have explained eloquently the limitations on their methodology due to unavailable data. It is therefore jarring to see an expression of belief at line 116-117 ("we believe there is") that, surely, is unsupported due to those very limitations? Is belief the basis for scientific argument here?

We agree with the reviewer and have revised the text accordingly.

(4) Line 416 says "Large repositories like HUDOC should be easily and freely accessible." This could be more precise: is HUDOC not easily and freely accessible? Isn't the authors' real concern with the fact that HUDOC is a "case law database" and not a "database of case law and other things"?

We agree with the reviewer and have revised our text accordingly.