CODEBOOK

Compliance with Human Rights Tribunals (CHRT) Dataset

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Updated February 2016

About the CHRT Dataset

I.   **Purpose of the CHRT Dataset**

The CHRT Dataset was created to measure states' compliance with the European and Inter-American Courts of Human Rights. When looking at states' compliance with these tribunals, it became clear that compliance is very rarely an all-or-nothing proposition.[1] Instead, states comply with human rights tribunals in part. Indeed, states treat their compliance obligations as if they were choices on a menu, readily complying with some obligations and ignoring others. In order to capture this à la carte compliance, scholars need new, nuanced data that reflects the way that states view compliance.[2] The CHRT data seeks to provide precisely such information.

II.   **Citing the CHRT Dataset**

Citation information for the CHRT dataset is as follows:

- Courtney Hillebrecht, *Domestic Politics and International Human Rights Tribunals: The Problem of Compliance*. Cambridge: Cambridge University Press, 2014.

- Courtney Hillebrecht. 2014. "The Power of Human Rights Tribunals: Compliance and Domestic Policy Change." *European Journal of International Relations*, 20 (4): 1100-1123.

III.   **Acknowledgements**

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[1] Darren Hawkins and Wade Jacoby, "Partial Compliance: A Comparison of the European and Inter-American Courts for Human Rights," *Journal of International Law and International Relations* 6, no. 1 (2010): 35–85.

[2] Courtney Hillebrecht, "Rethinking Compliance: The Challenges and Prospects of Measuring Compliance with International Human Rights Tribunals," *Journal of Human Rights Practice* 1, no. 3 (November 1, 2009): 362–79; Courtney Hillebrecht, "The Power of Human Rights Tribunals: Compliance with the European Court of Human Rights and Domestic Policy Change," *European Journal of International Relations* 20, no. 4 (2014): 1100–1123; Courtney Hillebrecht, *Domestic Politics and International Human Rights Tribunals: The Problem of Compliance*, Cambridge Studies in International and Comparative Law (Cambridge: Cambridge University Press, 2014).

IV.   Updates
If you are interested in helping to update and extend the CHRT Dataset, please contact me at chillebrecht2@unl.edu.

V.   General Contours of the CHRT Data
The CHRT Data provides compliance information from both the European and Inter-American Courts of Human Rights. The <u>unit of observation</u> is the discrete obligation within each adverse judgment handed down by either of these Courts. Observations are nested within cases; cases are nested within countries; countries are nested within courts.

I collected the data from 2008-2010. As such, it is by nature right-hand censored. The data thus reflects the compliance status of the cases in the dataset at the time of coding. Since that time, states might have very well complied with additional obligations. The data does include a variable that indicates the time of coding.

VI.   Sources of Raw Data
The sources for the CHRT Dataset come from two main outlets. The data on the European Court of Human Rights comes from the Status of Execution Judgments reports that Department for the Execution of Judgments posted online during the 2008-2010 window. Unfortunately, the Council of Europe has taken down this particular page as it moved to more regular annual reports on the execution of judgments and began profiling select, leading cases on its website,
http://www.coe.int/t/dghl/monitoring/execution/default_en.asp

The data from the Inter-American Court of Human Rights came from the Court's own Monitoring of Judgments rulings. These documents are available on the Court's website, http://www.corteidh.or.cr/index.php/en/jurisprudencia.

VII.   Coding the Qualitative Case Reports
The main coding project entailed extracting quantifiable, consistent and comparable compliance data across the different cases, countries and courts. In order to do this for each case report (from both the Execution of Judgments of the Council of Europe and the Inter-American Court of Human Rights), I had to identify, first, the states' obligations and second, whether or not the state had complied with those obligations.

The Inter-American Court of Human Rights' monitoring judgments are quite clear in this regard. In their "Monitoring Compliance with Judgment" rulings the Inter-American Court of Human Rights enumerates each of the obligations for the state and then explains whether or not the state has discharged satisfactorily that obligation. In situations where there was more than one monitoring judgment, I coded the most recent.

The European Court of Human Rights is less directive in identifying the specific compliance obligations. Instead, the Committee of Ministers identifies a set of obligations that the state should fulfill. The Execution of Judgment reports that I coded during this time articulate steps that states have taken toward the execution of the judgment as well as the Committee of Ministers' expectations of what the state will do

next. The obligations embedded in the Execution of Judgments reports are not as clear as in the Inter-American Court's rulings, so coding required particular care and diligence in identifying the discrete obligations.

CHRT Variables

A. Foundational Variables

About these variables: These variables simply identify the number of the obligation, the case number, the state, and other identifying information about the individual observation.

Obligation: This refers to the number of any particular obligation within the case. Some cases have as few as 1 or 2 obligations; others have upwards of 20.

Casename: This is the name of the case, typically abbreviated to include just the petitioner's name. Please note that STATA does not preserve accents, umlauts and the like.

State: This is the state against which the adverse judgment was handed down.

Ccode: This is the Country Code number used by the Polity IV dataset for ease of merging CHRT data with other datasets.

Casenumber: This is the case number, typically only used by the European Court of Human Rights. (The Inter-American Court of Human Rights search engine is driven primarily by case name, not number like the European Court's Hudoc system). Please note that the number after the period indicates the year of the case. Using the European Court of Human Right's numbering system, then, a case number that reads: 1234.04 should be interpreted as 1234/04. If there is no number following the period, the case date is 2000. (This is a function of STATA.)

Datejudgment: This is the date that the judgment was handed down.

Yearcoded: This variable indicates the year in which I coded the data for that observation.

Timelag: This variable refers to the time lag between the date the judgment was handed down and the time I coded the variable, acknowledging that compliance with these obligations is often neither self-executing nor swift.

ECHR: This variable indicates if the court handing down the adverse judgment is the European Court of Human Rights, with 1 indicating that the ECHR is the court in question, and 0 indicating otherwise.

IACHR: This variable indicates if the court handing down the adverse judgment is the Inter-American Court of Human Rights, with 1 indicating that the IACHR is the court in question, and 0 indicating otherwise.

B. Types of Violations

About these variables: These variables describe the types of violations in each case. I divided the types of violations into five categories, described below. Please note that these are not mutually exclusive. That is, a case can have violations in more than one category. If, however, there are multiple violations within the case, these variables are still coded as 0-1. They are not cumulative.

For a list of the articles of the European and Inter-American Conventions that I coded as pertaining to the different categories of violations, please see page 52 of *Domestic Politics and International Human Rights Tribunals.*

Civpol: This binary variable indicates whether or not the court found a violation of civil and political rights, where 1 indicates a violation of civil and/or political rights and 0 indicates no civil and/or political rights violation.

Lawprocedural: This binary variable indicates whether or not the court found a rule of law violation, where 1 indicates a violation of the rule of law and 0 indicates no rule of law violation.

Physintegrity: This binary variable indicates whether or not the court found a physical integrity violation, where 1 indicates a physical integrity violation and 0 indicates no physical integrity violation.

Propertyprivacy: This binary variable indicates whether or not the court found a violation of the rights to property and/or privacy, where 1 indicates a violation of property and/or privacy rights and 0 indicates no violation of property and/or privacy rights.

Socecon: This binary variable indicates whether or not the court found a social-economic violation, where 1 indicates a social-economic violation and 0 indicates no social-economic violation.

C. Compliance Variables

About these variables: The compliance variables indicate the types of compliance obligations and whether or not the state complied with them.

Complied: Complied is a binary variable, where 1 indicates that the state has complied with the obligation to either the Council of Europe's Committee of Ministers (in the case of the ECHR) or the Inter-American Court's satisfaction. If states have partially complied with a particular obligation, the value is 0. A score of 1 indicates complete compliance with that obligation.

Description: This is a brief, qualitative statement about the type of obligation.

Mandatetype: This refers to whether or not the obligation deals with financial reparations, symbolic measures, retrials and accountability, measures of non-repetition and individual measures. The coding breakdown is as follows:

> 1 – financial reparations
> 2 – symbolic measures
> 3 – retrials and accountability
> 4 – measures of non-repetition
> 5 – individual measures

For more information about which types of obligations fall into each of these categories, please see pages 50-51 of *Domestic Politics and International Human Rights Tribunals.*

JSIMGM: This variable is a robustness check on **mandateype**. It uses the three-pronged classification used by the Council of Europe. The coding breakdown is as follows:

> JS – Just Satisfaction
> IM – Individual Measures
> GM – General Measures

For more information on this classification, please visit the Execution of Judgments website.