Treaty Body Views Dataset (TBVD)

-

Codebook

Corresponding Publication:

A thorough description and application of the data can be found in:

Ullmann, Andreas, and Andreas von Staden. 2023. "A Room Full of 'Views': Introducing a New Dataset to Explore Compliance with the UN Treaty Bodies' Individual Complaint Procedures". *Journal of Conflict Resolution* (forthcoming)

Sources of Raw Data:

All information on the views and the state of their implementation was taken from the UN treaty bodies' annual reports or follow-up reports to views. The documents were mainly accessed via the https://juris.ohchr.org/ and https://tbinternet.ohchr.org/ websites.

TBVD Variables:

- **ID**: unique identifier for each case.
- **Region / Region Slim**: region in which the responding state is situated in.
- **Country**: name of the responding state in the according communication.
- **Treaty**: acronym of the UN treaty body that is concerned in the according communication.
- **Case Name**: names of the author(s) of the according communication.
- **Case Number**: the official communication number.

- **Date: Intro**: date of the initial submission of the specific communication.

- **View: Date**: date of the adoption of the view concerning the specific communication. Format is DD.MM.YYYY.

- **View: Year**: year of the adoption of the view concerning the specific communication.

- **Type/Decision**: type of decision the committee took. It can take the values *Decision (Merits)*, *Opinion (Merits)*, and *Views (Merits)* depending on the treaty body concerned.

- **Violation**: dummy variable that takes the value *Y* if an article was violated and a *N* if it was not violated. Conditional violations that would only take place if a government would proceed with the undertaking at question are marked with a *Y**.

- **Art. #1; Art. #2; Art. #3; Art. #4; Art. #5; Art. #6; Art. #7; Art. #8; Art. #9; Art. #10; Art. #11; Art. #12; Art. #13**: articles of the respective convention that were violated in the specific case.

- **Conditional Violation**: dummy variable that takes the value of 1 if the decision concerns a violation that is conditional on state behavior following the decision and the value of 0 otherwise.

- **Remedy: Compensation**: dummy variable that takes the value of 1 if a remedy in the form of a compensation was recommended by the UN committee and the value of 0 otherwise.

- **Remedy: Individual Measure**: dummy variable that takes the value of 1 if a remedy in the form of an individual measure was recommended by the UN committee and the value of 0 otherwise.

- **Remedy: General Measure**: dummy variable that takes the value of 1 if a remedy in the form of a general measure was recommended by the UN committee and the value of 0 otherwise.

- **AR Mention**: dummy variable that takes the value of 1 if the case was mentioned in the Annual Report of the UN committee and the value 0 otherwise.

- **State Reply**: dummy variable that takes the value of 1 if concerned state replied to the UN committee following the view and the value 0 otherwise.

- **Follow-Up: Compensation**: ordinal variable that takes a value between 0 and 1 to show how much the concerned state complied with the recommendations of the UN committee in the form of compensation. It takes the value of 1 if the state fully complied with the recommendations, the value 0.5 if it complied partially, and the value of 0 otherwise.

- **Follow-Up: Individual Measure**: continuous variable that takes a value between 0 and 1 to show how much the concerned state complied with the recommendations of the UN committee in the form of an individual measure. If there is only one measure to be taken, it takes the value of 1 if the state fully complied with the recommendations, the value 0.5 if it complied partially, and the value of 0 otherwise.

- **Follow-Up: General Measure**: continuous variable that takes a value between 0 and 1 to show how much the concerned state complied with the recommendations of the UN committee in the form of a general measure. If there is only one measure to be taken, it takes the value of 1 if the state fully complied with the recommendations, the value 0.5 if it complied partially, and the value of 0 otherwise.

- **Follow-Up Info**: dummy variable that takes the value 1 if a follow-up information is available and the value 0 otherwise.

- **AR Year**: year of the annual report from which the latest information about the implementation status were taken from.

- **Stop Year:** reports either the last year of the observation period (2019) if the follow-up process is ongoing or the year of the last annual report if the follow-up process is closed.

- **Document Number**: document identification code of the Annual/Follow-up Report from which the latest information about the implementation status were taken from.

- **Follow-Up: Status**: nominal variable that takes the value *ongoing* if the case is still considered by the UN committee and the value *closed* if the UN committee decided to close the case and does not consider it anymore in upcoming annual reports.

- **Aggregate Compliance Score All:** continuous variable that takes a value between 0 and 1. It is the mean of the three *Follow-Up: Remedy* measures and gives the degree to which the responding state complied with all the remedial measures mentioned in the view. For this variable, communications in which there is no follow-up info were counted as non-compliance and were given a value of 0.

- **Aggregate Compliance Score Sample:** continuous variable that takes a value between 0 and 1. It is the mean of the three *Follow-Up: Remedy* measures and gives the degree to which the responding state complied with all the remedial measures mentioned in the view. For this variable, communications in which there is no follow-up info were not counted as non-compliance and were left blank.

- **Partial Compliance Dummy:** dummy variable that takes the value of 1 if the *Compliance Score All* variable takes a value of 0.5 or higher and a value of 0 if otherwise.

- **Full Compliance Dummy:** dummy variable that takes the value of 1 if the *Compliance Score All* variable takes a value of 1 and a value of 0 if otherwise.

- **Duration:** gives the year difference between the **Stop Year** and the **View: Year** variables.

Codingscheme Follow-Up Scores:

Compensation (non-compliance) = 0
Compensation (partial compliance) = 0.5
Compensation (full compliance) = 1
Individual Measures (non-compliance) = 0
Individual Measures (partial compliance) = 0.5
Individual Measures (full compliance) = 1
General Measures (non-compliance) = 0
General Measures (partial compliance) = 0.5
General Measures (full compliance) = 1

Coding occurred on the basis of the follow-up information provided by the respondent state, the author(s) of the communications, and/or the responsible committee and in light of comparable cases and assessments. The compliance status of each remedy was assessed and coded twice by two political science students. Inconsistent codes were reviewed by the authors with the aim to resolve conflicts due to misunderstandings or wrongly chosen precedents.

Concerning the Individual Measures and General Measures categories only: if the UN committee orders multiple (>1) measures that fall within one category, each measure is coded separately on the above three-point scale and an aggregate score for the overarching category is generated by taking the mean of all codes within the category. This means that the follow-up scores for these two categories can take values between 0,0.5, and 1.

Example:

Communication CCPR/C/114/D/2343/2014 as discussed in CCPR/C/121/3 p.14-16

6. Denmark

Communication No. 2343/2014, *H.E.A.K.*	
Views adopted:	23 July 2015
Violation:	Article 7
Remedy:	Effective remedy by proceeding to a review of the decision to forcibly remove him to Egypt, taking into account the State party's obligations under the Covenant. The State party is also under an obligation to take steps to prevent similar violations in the future.

- Required are: individual measures (1) + general measures (1). No compensation measures required (0). This gives a 'remedy score' of 2

Submission from State party:	3 February 2017
	The State party recalls that on 22 September 2015, the Refugee Appeals Board (RAB) had decided to reopen the author's asylum case and to undertake a new assessment of the author's asylum application, in light of the Committee's Views.
	Accordingly, on 19 November 2015, an oral hearing was held by the RAB, during which the author, represented by legal counsel, was allowed to provide a statement. After deliberations, the Board decided to stay the case, pending a consultation of the Danish Ministry of foreign affairs, to seek more information about the *Ultra Ahlawy*and its members.
	On 19 February 2016, the Ministry of Foreign affairs provided its response to the RAB. Based on this response, the RAB issued a new decision, on 26 May 2016, in which it relied on a decision dated 16 May 2005 by an Egyptian appeals court, which determined that there existed no connection between Ultra Ahlawy and terrorism, or the Muslim Brotherhood. The consultation response from the Ministry of foreign affairs also indicates that Ultra Ahlawys have not developed onto a group with political objectives, and that there is no information indicating that Ahlawy members have been prosecuted merely because of their connection to Ultra Ahlawys. Accordingly, in its decision, the RAB determined, in a new hearing, before a new panel, that the author failed to render it probable that he has attracted the attention of the Egyptian authorities in a way that he risks persecution if returned to Egypt.
	On 28 June and 4 July 2016, the author's counsel sought a further reopening of the case before the RAB. On 18 July 2016, it appeared that the author had failed to appear at this accommodation center. His whereabouts remain unknown, to date.
	It follows from section 33(8) of the Aliens Act that the RAB cannot consider a request for reopening if the place of residence of the applicant is unknown. The State party nonetheless considers that the author's asylum application was considered twice by the RAB, including by a new panel on 26 May 2016.
	The State party thus considers that it has complied with the Committee's Views.
	All decisions of the Human Rights Committee are published on the Board's website. As for measures of non-repetition, the Views in the case will be taken into account by the Danish Immigration Service and the RAB.

- Individual measures (effective remedy) were fully complied with = 1; general measures (non-repetition) were partially complied with = 0.5.
  This gives us a 'follow-up score' of 1.5.

- The final aggregate compliance score is generated by dividing the 'follow-up score' (1.5) by the 'remedy score' (2). An aggregate compliance score of 0 indicates no compliance at all, a score of 1 indicates perfect compliance.

- In the example we end up with an aggregate compliance score of 1.5/2 = 0.75