The Civil Liberty Dataset (CLD) Codebook

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Introduction

This codebook describes the Civil Liberty Dataset (CLD). This dataset offers scores of government/state respect for and guarantee of civil liberties in all independent countries from 1975 until 2020. The dataset contains five variables:

1) freedom of opinion and expression
2) freedom of assembly and association
3) freedom of thought, conscience and religion
4) freedom of movement and residence
5) fair trial

The following information is found in the codebook: the name (and an abbreviated variable name) of the indicators, a definition, the component scale, what actions do and do not qualify as violations and, finally, the component's foundation in the United Nations *Universal Declaration of Human Rights* as well as the *International Covenant on Civil and Political Rights*.

Sources

The primary data material used as the foundation for the assessments is the US State Department *Country Reports on Human Rights Practices* as they cover more countries and provide more systematic and comprehensive information regarding the civil liberties assessed in this dataset than other annual worldwide reports of human rights violations. The responsibility of the United States to speak out on behalf of international human rights standards was formalized in the early 1970s. In 1976, the US Congress enacted legislation creating a Coordinator of Human Rights in the Department of State, a position later upgraded to Assistant Secretary. In 1994, the Bureau of Human Rights and Humanitarian Affairs in charge of the preparation of the reports was reorganized and renamed as the Bureau of Democracy, Human Rights and Labor. The first reports in 1976 covered only countries receiving US aid, whereas virtually all countries were covered as from 1979.

The Country Reports are submitted on an annual basis by the US Department of State to the US Congress. The reports cover internationally recognized individual, civil, political, and worker rights, as set forth in the Universal Declaration of Human Rights. They reflect the effort by hundreds of State Department, Foreign Service, and other US Government employees. The US

embassies prepare the initial drafts of the reports. They gather information throughout the year from a variety of sources across the political spectrum, including government officials, jurists, armed forces sources, journalists, human rights monitors, academics, and labour activists. After the embassies have completed their drafts, the Bureau of Democracy, Human Rights and Labor subject the texts to review processes in cooperation with other State Department offices.

The coding is also informed by supplementary country-specific sources, especially where the *Country Reports on Human Rights Practices* do not to provide sufficient information. The additional sources include (but are not limited to) *Amnesty International*'s annual reports; the *Bertelsmann Transformation Index* country reports; Charles Humana's *World Human Rights Guide*;[1] Freedom House's *Freedom in the World* country reports, *Nations in Transit* country reports, and *Countries at the Crossroads* country reports; and *Human Rights Watch*'s world reports.

Focus

The assessments do not take into account the general societal conditions nor the legal (de jure) framework in itself. This means that missing ability of the population to utilize the liberties due to lack of initiative, commitment, financial means, or the like does not affect the scores. Similarly, the presence or absence of formal guarantees of civil liberties in the constitution or formal legislation is not important per se. It is the actual practices of governments and their agents (i.e., public authorities in general), that is, their concrete performance regarding respect for and guarantee of civil liberty, which are assessed.

Furthermore, the geographical distribution of civil liberty violations in a country does not affect the coding, and only violations that occur within the internationally recognized borders of a country are considered. Finally, it is considered a civil liberty violation when large (mainly ethnically defined) groups, who do not hold citizenship in their country of residence for many years, do not hold the same rights as the citizens of this country.

The scores concern country-years, that is, the units are a particular country in a particular year. Thus, each country receives separate scores for each year running from January through December for all years reported by the country reports. If major changes in the respect for civil liberty occurred during the year, the score is based on an endurance-adjusted average (estimation).

[1] Humana; Charles (1983). *World Human Rights Guide*. New York: PICA Press; Humana, Charles (1986). *World Human Rights Guide*. London: The Economist Publications; Humana, Charles (1992). *World Human Rights Guide*. Oxford: Oxford University Press.

Coders

Scores have been assigned to country-years through "hand-coding". They are based on systematic judgement of relevant information found in the sources mentioned above. Regarding the country-years between 1977 and 2003 (both included), scores were assigned by two independent coders (either two MA students or an MA student and Svend-Erik Skaaning). Disagreements were solved either through discussion or by engaging a third coder. All other country-years have been coded by a single coder, Svend-Erik Skaaning, who has also been the only coder with respect to the fair trial indicator, which was not part of the original dataset.

The assessments are based on the description of the different levels of the scale. The coder has to some extent taken into account that more recent sources are generally more detailed than older sources.[2] Moreover, in case of disagreement between sources, more weight has been given to the most detailed accounts and to the 'plurality' or 'majority' perception, while less weight has been given to accounts likely to be biased.[3]

[2] Fariss, Christopher (2014). "Respect for Human Rights has Improved over Time: Modeling the Changing Standard of Accountability." *American Political Science Review* 108(2): 297-318.

[3] See Gourevitch, Peter; David Lake & Janice Stein (2012). *The Credibility of Transnational NGOs: When Virtue is Not Enough*. New York: Cambridge University Press; Innes, Judith (1992). "Human Rights Reporting as a Policy Tool: An Examination of the State Department Country Reports." Pp. 235-257 in Thomas B. Jabine and Richard P. Claude (eds.), *Human Rights and Statistics: Getting the Record Straight*. Philadelphia: University of Pennsylvania Press; Giannone, Giovanni (2010). "Political and Ideological Aspects in the Measurement of Democracy: The Freedom House Case." *Democratization* 17(1): 68-97; Ron, James; Howard Ramos & Kathleen Rodgers (2005). "Transnational Information Politics: NGO Human Rights Reporting, 1986–2000." *International Studies Quarterly* 49(3): 557-588; Hill, Daniel; Will Moore & Bumba Mukherjee (2013). "Information Politics Versus Organizational Incentives: When Are Amnesty International's ''Naming and Shaming'' Reports Biased?" *International Studies Quarterly* 57(2): 219-232; Poe, Steven; Sabine Carey & Tanya Vazquez (2001). "How are These Pictures Different? A Quantitative Comparison of the US State Department and Amnesty International Human Rights Reports, 1976-1995." *Human Rights Quarterly* 23(3): 650-677; Bollen, Kenneth & Pamela Paxton (2000). "Subjective Measures of Liberal Democracy." *Comparative Political Studies* 33 (1): 58-86.

Indicators

Freedom of Opinion and Expression (freexp)

Definition

The component specifies the extent to which individual citizens, groups, and the media have freedom of opinion and expression, that is, the right of the citizens, groups and press to hold views freely and to seek, obtain and pass on information on political issues broadly understood without being subject to actual limitations or restrictions.

Component Scale

(1) Severely restricted. Hardly any freedom of opinion or expression exists. As a rule political statements and press coverage independent and/or critical of the government do not exist or are harshly suppressed.

(2) Fairly restricted. Some elements of expression of political opinions and press coverage independent and critical of the government exist but are exposed to numerous interventions and prohibitions.

(3) Modestly restricted. There are minor restraints on the freedom of opinion and expression, predominantly limited to a few isolated cases, but as a rule there are no interventions and prohibitions on political statements and/or press coverage.

(4) Unrestricted. Unhampered freedom of opinion and expression exists.

Qualifying Violations

Ad 1) The restrictions on the freedom of opinion and expression are severe, uncompromising and rigid. As good as all media, except maybe a few underground publications, are government controlled, and they do not criticize the political leaders or their policies. Criticism of the regime is not tolerated.

Ad 2) The government imposes restrictions on the freedom of speech and press freedom yet does allow limited rights to do this. In practice the government limits freedom of the press through use of criminal and administrative charges and/or regular intimidation through threats, direct physical attacks, vandalism etc. The closing of some of the most critical newspapers, journals and broadcast media is also a possibility as well as the occurrence of repeated harassment, monitoring, discriminatory tax inspections and libel cases against independent and opposition media by public authorities, which make journalists and others practice extensive self-censorship. Government

controlled media, especially concerning television and radio stations, play a prominent and generally biased role in the news coverage.

Ad 3) The right is generally respected, but minor general restrictions exist or in a small number of occasions the public authorities have limited this right through some bias in the reporting from government media in relation to personal or collective statements as well as press coverage. Maybe some extent of self-censorship is present due to fear of government reprisal for particular public expressions or activities or widespread bribes by public officials.

Ad 4) Freedom to speak freely and to print or broadcast opinions without the fear of prosecution does not necessarily correspond to unconditional freedom as restrictions established to hinder the rights and reputation of others to be infringed are legitimate. If laws on slander, insult, and protection of state secrets, on the other hand, are illegitimately misused to suppress debate and criticism of the government or other public authorities then it is regarded a violation. Self-censorship not grounded in perceived pressure or bribe from the public authorities is not counted as a restriction, as it is self-invoked for reasons not related to government activity.

Foundation in UN Human Rights Conventions

Universal Declaration of Human Rights, Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

International Covenant on Civil and Political Rights, Part III, Article 19, 1: Everyone shall have the right to hold opinions without interference.

International Covenant on Civil and Political Rights, Part III, Article 19, 2: Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

International Covenant on Civil and Political Rights, Part III, Article 19, 3: The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Freedom of Assembly and Association (freass)

Definition

The component specifies the extent to which individuals and groups have freedom of assembly and association, that is, the right of the citizens to gather freely and carry out peaceful demonstrations as well as to join, form and participate with other persons in political parties, cultural organizations, trade unions or the like of their choice without being subject to actual limitations or restrictions.

Component Scale

(1) Severely restricted. Hardly any freedom of association and assembly exists. As a rule politically relevant civic organizations and attempts to assembly do not exist or are harshly suppressed.

(2) Fairly restricted. Some elements of civic organizations exist, but oppositional organizations with relevance for governance are prohibited, disabled or systematically repressed and demonstrations critical of the government are exposed to numerous interventions and prohibitions.

(3) Modestly restricted. There are minor restraints on the freedom of association and/or assembly, predominantly limited to a few isolated cases, but as a rule there are no interventions or prohibitions on parties, social organizations or public meetings.

(4) Unrestricted. Unhampered freedom of association and assembly exists.

Qualifying Violations

Ad 1) The government hardly allows any independent associations, or organizations are allowed to be formed, joined and function in practice, especially if they have a political focus. Public officials routinely deny public meetings by oppositional groups and often detain activists to prevent them from attending meetings, demonstrations, or ceremonies. If they exist, peaceful demonstrations against the government and its policy are regularly broken up, whereas assemblies and associations found in the country are often initiated and sanctioned by the government. Attendance at public demonstrations is often a duty assigned to schools and enterprises to their members, and the government requires people to join certain supportive organizations or parties if they want to access influential positions.

Ad 2) The government imposes significant restrictions on this right in that public authorities dissolve peaceful demonstrations or meetings critical of the government. Applications for such gatherings are often turned down. The government arrests and imprisons peaceful demonstrators and leading

oppositional figures, intimidates and fires people affiliated with oppositional groups, etc. Significant political associations, parties and unions exist and function but they are either outlawed, required to go through discriminate registration procedures, or are routinely harassed in their day to day work. They are most likely kept under tight government surveillance.

Ad 3) The government denies registration/recognition of one or more minor political associations and/or restricts the freedom of assembly by denying this right to some groups. Even if such groups are anti-systemic/anti-democratic and the restrictions may be justified with reference to the potential undermining of democratic order or necessity to maintain the integrity of the state, it is considered a rights violation. Other instances would be only to permit demonstrations according to a certain time, place, and manner in a discriminatory way or to hinder demonstrators from entering certain public areas.

Ad 4) The public authorities respect the rights of peaceful assembly and association for all citizens. The government's respect for these rights entails that public meetings, including those of political parties and opposition groups, are held unconstrained, so citizens are allowed to freely protest government decisions and actions and if permits to demonstrate are required, they are routinely granted and applied consistently to all groups and organizations. Professional, academic, trade, and political associations are also allowed to operate without discrimination and government interference. The public authorities only intervene when demonstrations/rallies become violent or interfere considerably with normal civic activity.

Foundation in UN Human Rights Conventions

Universal Declaration of Human Rights, Article 20, 1: Everyone has the right to freedom of peaceful assembly and association.

Universal Declaration of Human Rights, Article 20, 2: No one may be compelled to belong to an association.

International Covenant on Civil and Political Rights, Part III, Article 21: The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

International Covenant on Civil and Political Rights, Part III, Article 22, 1: Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

International Covenant on Civil and Political Rights, Part III, Article 22, 2: No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals

or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

International Covenant on Civil and Political Rights, Part III, Article 22, 3: Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Freedom of Thought, Conscience and Religion (frerel)

Definition

The component specifies the extent to which individuals and groups have freedom of thought, conscience and religion, that is, the right of the citizens to have and change religion or belief of own choice and alone or in community manifest their religion or belief in practice, worship, observance, and teaching in private or public as well as proselytize peacefully without being subject to actual limitations or restrictions.

Component Scale

(1) Severely restricted. Hardly any freedom of religion exists. As a rule any kind of religious practice is controlled by the government and harshly suppressed.

(2) Fairly restricted. Some elements of autonomous organized religious practices exist and are officially recognized, but major religious directions are repressed, prohibited or systematically disabled.

(3) Modestly restricted. There are minor restraints on the freedom of religion, predominantly limited to a few isolated cases, but as a rule there are no interventions or prohibitions on communities or individual worshippers.

(4) Unrestricted. Unhampered freedom of religion exists.

Qualifying Violations

Ad 1) Religious activity is directly prohibited by government policy or is severely restricted for all major religions. In some instances, penalties on persons who engage in religious practices exist as well as educational campaigns against religion and obliging citizens to expose believers. Religious leaders are appointed by and subjected to public authorities, who control the activities of any religious direction in detail. Open expression of certain religious belief or any religious belief in general is incompatible with membership in the ruling party or attainment of influential public positions.

Ad 2) The government discourages religious believe in general or harasses some of the major religious directions in the country, but traditionally established religions are recognized and religious practice is generally tolerated, although kept under surveillance by the public authorities. People openly expressing traditional religious beliefs of certain sorts are discriminated and/or intimidated by public authorities. Sometimes members of several minor religious groups are not allowed to teach or

practice their religion or face severe restrictions concerning registration, places of worship, restrictions on voluntary conversion, etc.

Ad 3) The government places minor or few restrictions on the rights of religious groups such as discrimination against a few minority religions in terms of denial of registration, hindrance of foreign missionaries to enter the country, not allowing citizens or foreigners to proselyte or hindering the access to or construction of places of worship. Few instances of discrimination and/or intimidation of individuals or groups due to their, often non-traditional, religion are carried out by public officials.

Ad 4) Citizens enjoy the right to practice any religious belief they choose. Religious groups may organize, select and train personnel, solicit and receive contributions, publish, and engage in consultations without government interference. There are no government restrictions on establishing and maintaining places of worship. All religious groups may worship freely and uphold contact with their coreligionists abroad. Active missionary presence is not restrained. The redistribution of former places of worship after earlier confiscation is not considered in the assessment. Whether the clergy is able to freely advocate partisan political views, oppose government laws, support political candidates, and otherwise freely participate in politics is only taken into consideration as far as restrictions and repression by public authorities is attributable to religious rather than direct political discrimination. It does not count as a restriction if religious communities have to register, if the public authorities routinely grant registration and do not abuse the process to discriminate against a religion, and if the government does not constrain the right to worship before registration.

Foundation in UN Human rights Conventions

Universal Declaration of Human Rights, Article 18: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

International Covenant on Civil and Political Rights, Part III, Article 18, 1: Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

International Covenant on Civil and Political Rights, Part III, Article 18, 2: No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

International Covenant on Civil and Political Rights, Part III, Article 18, 3: Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

International Covenant on Civil and Political Rights, Part III, Article 18, 4: The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Freedom of Movement and Residence (fremov)

Definition

The component specifies the extent to which individuals and groups have freedom of movement and residence, that is, the right of the citizens to settle and travel within their country as well as to leave and return to their country of own choice without being subject to actual limitations or restrictions.

Component Scale

(1) Severely restricted. Hardly any freedom of movement exists. As a rule citizens are not allowed to choose their place of residence and to travel within and out of the country.

(2) Fairly restricted. Some elements of foreign travel, residence and/or domestic travel of own choice exist but numerous individuals, often belonging to specific groups, are exposed to a variety of prohibitions.

(3) Modestly restricted. There are minor restraints on the freedom of travel and/or residence, predominantly limited to a few isolated cases, but as a rule there are no prohibitions.

(4) Unrestricted. Unhampered freedom of movement and residence exists.

Qualifying Violations

Ad 1) The government rarely permits emigration and foreign travel. Such restrictions are often combined with restrictions on residence and travel inside the country and the rigid provision of identity papers and detailed registration procedures. Transgressors are severely punished. Many people discredited by the government are either exiled or are not allowed to travel at all.

Ad 2) The government restricts the right to travel and/or residence of own choice for many people. This can be general restrictions on the duration of stays abroad and frequent problems with regard to change residence and travel permits. Another possibility is restraints on certain groups based on ethnic origin, political observation etc., who are not allowed to travel into, within, or out of the country or who are ostracised or expelled from their homes. Measures used by governments to restrict freedom of movement include denial or withholding of passports, revocation of citizenship, and various forms of intimidation.

Ad 3) Most citizens are allowed freedom of movement, but minor or few restrictions are imposed on them such as hindrances to register residence in certain cities or areas or if some highly educated or especially skilled people are prevented from leaving the country. Also the provision of exit visas needed for travel or emigration is considered a restriction just like if some citizens are required to

surrender their passports upon completion of foreign travel and must request their return for further use. The same goes for cases where a few persons are not allowed to travel within or outside the country or they are exiled and/or not permitted to return, often due to political reasons. Other examples of minor restraints are restriction on movement in some areas near the border or characterized by conflict, safe-conduct passes required for certain areas or the imposition of a limited curfew. If an adult person needs permission to travel or emigrate from members of the family, it counts as a restriction.

Ad 4) The freedom of movement to travel domestically and abroad, as well as for emigration and repatriation is unimpeded by the public authorities. Citizens have the right to move freely within the country, choose residence, travel and reside abroad, and return. No restrictions exist, except perhaps for entry to (and not from) indigenous reservations or limited military areas. If parents are not allowed to leave the country with their children without permission of the other parent, it is not accounted a violation. The same goes for roadblocks or the like by the police or the military (or protestors) and for restrictions on the movement of refugees or other non-citizens.

Foundation in UN Human Rights Conventions

Universal Declaration of Human Rights, Article 13, 1: Everyone has the right to freedom of movement and residence within the borders of each state.

Universal Declaration of Human Rights, Article 13, 2: Everyone has the right to leave any country, including his own, and to return to his country.

International Covenant on Civil and Political Rights, Part III, Article 12, 1: Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

International Covenant on Civil and Political Rights, Part III, Article 12, 2: Everyone shall be free to leave any country, including his own.

International Covenant on Civil and Political Rights, Part III, Article 12, 3: The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

International Covenant on Civil and Political Rights, Part III, Article 12, 4: No one shall be arbitrarily deprived of the right to enter his own country.

Fair Trial (fairtrial)

Definition

The indicator specifies the extent to which citizens have the right to fair trial in practice, that is, they are not subjected to arbitrary arrest, detention, or exile; they have the right to recognition as a person before the law, the right to be under the jurisdiction of, and to seek redress in, competent, independent, and impartial tribunals, and the right to be heard and to be entitled to trial without undue delays if arrested, detained, or charged with a criminal offence.

Indicator Scale

(1) Severely restricted. Fair trials are very unlikely. The courts are totally subordinated to the will of government, or the justice system is profoundly undermined by arbitrary arrests, incompetence, corruption, and intimidation.

(2) Substantially restricted. Some elements of fair trials exist but the courts are not fully independent of the government, and/or the justice system is characterized by widespread corruption, intimidation, and inefficiency.

(3) Moderately restricted. The courts are generally independent of the government, but the justice system is characterized by moderate degrees of corruption or inefficiency.

(4) Unrestricted. All elements of fair trails are respected. No arbitrary arrests take place, the courts are competent, independent, and impartial, and hearings and trials generally follow arrests and charges within reasonable time.

Foundation in UN Human Rights Conventions

Universal Declaration of Human Rights, Article 6: Everyone has the right to recognition everywhere as a person before the law.

Universal Declaration of Human Rights, Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Universal Declaration of Human Rights, Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Universal Declaration of Human Rights, Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

Universal Declaration of Human Rights, Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Universal Declaration of Human Rights, Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

International Covenant on Civil and Political Rights, Part III, Article 9: (1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. (2) Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. (3) Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement. (4) Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. (4) Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

International Covenant on Civil and Political Rights, Part III, Article 14: (1) All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children. (2) Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law. (3) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; (c) To be tried without undue delay; (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it; (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; (f) To have the free assistance of an interpreter if he cannot understand or speak

the language used in court; (g) Not to be compelled to testify against himself or to confess guilt. (4) In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation. (5) Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law. (6) When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him. (7) No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

International Covenant on Civil and Political Rights, Part III, Article 15: (1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby. (2) Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

International Covenant on Civil and Political Rights, Part III, Article 16: Everyone shall have the right to recognition everywhere as a person before the law.