Codebook for "Directing Compliance? Remedial Approach and Compliance with European Court of Human Rights Judgments"

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May 15, 2019

The data for 'Directing Compliance? Remedial Approach and Compliance with European Court of Human Rights Judgments" was collected by Øyvind Stiansen and Erik Voeten and are part of the "PluriCourts Georgetown European Court of Human Rights Database" containing information on various aspects of European Court of Human Rights (ECtHR) judgments and decisions rendered by June 1st 2016 and their implementation by respondent states. The data is organized in several datasets covering case details for each judgment, the judges serving on each judgment, separate opinions and respondent states' implementation of judgments.

All information is collected from the Council of Europe's (CoE) HUDOC and HUDOC-EXEC databases. The HUDOC searches were done in June 2016 and included all cases until June 1 2016.

Data structure

The units of analysis are the implementation processes that follow adverse judgments. The implementation dataset is limited to so-called lead cases which "are the first ECtHR judgments to reveal a new structural/general problem in a respondent state and which thus require the adoption of new general measures." The CoM considers compliance jointly for the lead case and all following cases linked to it, so implementation of following cases cannot be studied independently of the lead case. Case selection procedure

To identify lead cases with a CoM Final Resolution, we downloaded the full list of CoM provisional and final resolutions on execution of judgments. The search was conducted June 25, 2016 and included all resolutions until June 1, 2016. We selected the first application number listed in the final resolution as the lead case.

The replication dataset has been expanded to a start-stop format to facilitate survival analysis with time-varying covariates (see e.g. Therneau, Crowson and Atkinson 2016).

Included Variables

- **id**: This is the unique identifier for the implementation process
- **article46tvc**: This is time-varying dummy variables that takes the value of 1 if remedial indications had been provided for the implementation process at time t and 0 otherwise.
- **legislation**: This is dummy variable that takes the value of 1 if legislative change was needed for compliance and 0 otherwise.
- **jurisprudence**: This is dummy variable that takes the value of 1 if jurisprudential change was needed for compliance and 0 otherwise.
- **exe_adm**: This is dummy variable that takes the value of 1 if executive or administrative change was needed for compliance and 0 otherwise.
- **publication**: This is dummy variable that takes the value of 1 if publication or dissemination of the judgment was needed for compliance and 0 otherwise.
- **practical**: This is dummy variable that takes the value of 1 if practical measures were needed for compliance and 0 otherwise.
- **property**: This is dummy variable that takes the value of 1 if property return was needed for compliance and 0 otherwise.
- **reopen**: This is dummy variable that takes the value of 1 if reopening of a domestic court case (for the applicant) was needed for compliance and 0 otherwise.
- **prosecution**: This is dummy variable that takes the value of 1 if prosecution perpetrators was needed for compliance and 0 otherwise.
- **other_individual**: This is dummy variable that takes the value of 1 if any other type of individual measure was needed for compliance and 0 otherwise.
- **numberOfArticlesViolated**: This is a count of the number of distinct articles of the European Convention that were found to be violated by the lead case judgment.
- **years_since_legislative_election_tvc**: This is time-varying count of the number of years since the last legislative election in the respondent state.

- **followCases**: This is a time-varying count of the number of repetitive judgments that have been rendered for the lead case.
- **polconiii**: This is the political constraints index from the Henisz (2000; 2002) dataset.
- **nondemocracy**: This is a time-varying dummy variable that takes the value of 1 if the respondent state had a Polity score less than 6 and 0 otherwise. See Marshall, Jaggers and Gurr (2004) for additional details about the Polity measure.
- **newdemocracy1**: This is time-varying dummy variable that takes the value of 1 if the respondent state had a Polity score of 6 or higher but had not yet enjoyed this states for 30 consecutive years. See Grewal and Voeten (2015).
- **execap**: This is a time-varying measure of the bureaucratic capacity of the respondent state. Its calculation is discussed in Grewal and Voeten (2015).
- **v2x_accountability**: This is the government accountability index from the Varieties of Democracy dataset (Coppedge et al. 2018).
- **year**: This is the time-varying year of the row. Note: not the year of the judgment.
- **Judgment.Year**: This is the year of the lead case judgment.
- **postProtocol11**: This is dummy variable taking the value of 1 if the judgment was rendered after the entry into force of Protocol 11 and 0 otherwise.
- **postCoMWorkingmethodChange**: This is dummy variable taking the value of 1 if the judgment was rendered after the 2006 change in the CoM working methods and 0 otherwise.
- **postProtocol14**: This is dummy variable taking the value of 1 if the judgment was rendered after the entry into force of Protocol 14 and 0 otherwise.
- **article2violated**: This is dummy variable taking the value of 1 if lead case judgment found a violation of article 2 and 0 otherwise.
- **article3violated**: This is dummy variable taking the value of 1 if lead case judgment found a violation of article 3 and 0 otherwise.
- **article5violated**: This is dummy variable taking the value of 1 if lead case judgment found a violation of article 5 and 0 otherwise.

- **article6violated**: This is dummy variable taking the value of 1 if lead case judgment found a violation of article 6 and 0 otherwise.
- **article8violated**: This is dummy variable taking the value of 1 if lead case judgment found a violation of article 8 and 0 otherwise.
- **article10violated**: This is dummy variable taking the value of 1 if lead case judgment found a violation of article 10 and 0 otherwise.
- **article13violated**: This is dummy variable taking the value of 1 if lead case judgment found a violation of article 13 and 0 otherwise.
- **article14violated**: This is dummy variable taking the value of 1 if lead case judgment found a violation of article 14 and 0 otherwise.
- **protocol1_1violated**: This is dummy variable taking the value of 1 if lead case judgment found a violation of article 1 of protocol 1 and 0 otherwise.
- **change_government_party**: This is time-varying dummy variable taking the value of 1 if the chief party in government has changed since the lead case judgment and 0 otherwise. The variable is coded according to the Database of Political Institutions (Cruz, Keefer and Scartascini 2016).
- **change_government_party**: This is time-varying dummy variable taking the value of 1 if the ideological orientation of the government has changed since the lead case judgment and 0 otherwise. The variable is coded according to the Database of Political Institutions (Cruz, Keefer and Scartascini 2016).
- **application.number**: This is the application number for the lead case.
- **respondent**: This is the name of the respondent state.
- **tstart**: This is number of days since the lead case judgment when the row starts.
- **tstop**: This is number of days since the lead case judgment when the row ends.
- **compliance**: This is dummy variable taking the value of 1 if a final resolution was rendered at the time indicated by tstop at 0 otherwise.
- **article46judgmentAnyPoint**: This is a dummy variable taking the value of 1 if a judgment containing remedial indications has been rendered at any point during the implementation process.

- **COWcode**: This is the numerical correlates of war country code for the respondent state.

- **v2x_veracc**This is the vertical accountability index from the Varieties of Democracy dataset (Coppedge et al. 2018).

- **v2x_horacc**This is the horizontal accountability index from the Varieties of Democracy dataset (Coppedge et al. 2018).

- **v2x_diagacc**This is the diagonal accountability index from the Varieties of Democracy dataset (Coppedge et al. 2018).

References

Coppedge, Michael, John Gerring, Carl Henrik Knutsen, Staffan I. Lindberg, Svend-Erik Skaaning, Jan Teorell, David Altman, Michael Bernhard, M. Steven Fish, Agnes Cornell, Sirianne Dahlum, Haakon Gjerløw, Adam Glynn, Allen Hicken, Joshua Krusell, Anna Lührmann, Kyle L. Marquardt, Kelly McMann, Valeriya Mechkova, Juraj Medzihorsky, Moa Olin, Pamela Paxton, Daniel Pemstein, Josefine Pernes, Johannes von Römer, Brigitte Seim, Rachel Sigman, Jeffrey Staton, Natalia Stepanova, Aksel Sundström, Eitan Tzelgov, Yi ting Wang, Tore Wig, Steven Wilson, and Daniel Ziblatt. 2018. "V-Dem Country-Year Dataset v8.". Varieties of Democracy (V-Dem) Project.

Cruz, Cesi, Philip Keefer and Carlos Scartascini. 2016. "Database of Political Institutions Codebook, 2015 Update.". Updated version of Thorsten Beck, George Clarke, Alberto Groff, Philip Keefer, and Patrick Walsh, 2001. "New tools in comparative political economy: The Database of Political Institutions." 15:1, 165-176 (September), World Bank Economic Review.

Grewal, Sharanbir and Erik Voeten. 2015. "Are New Democracies Better Human Rights Compliers?" *International Organization* 69(02):497–518.

Henisz, Witold J. 2000. "The institutional environment for economic growth." *Economics and politics* 12(1):1–31.

Henisz, Witold J. 2002. "The institutional environment for infrastructure investment." *Industrial and corporate change* 11(2):355–389.

Marshall, Monty G., Keith Jaggers and Ted Robert Gurr. 2004. "Polity IV Project: Political regime characteristics and transitions, 1800-2004, Datasets users' manual.". Center for Global Policy.

Therneau, Terry, Cindy Crowson and Elizabeth Atkinson. 2016. "Using time dependent covariates and time dependent coefficients in the cox model.". Online vignette.
URL: *https://cran.r-project.org/web/packages/survival/vignettes/timedep.pdf (accessed November 24, 2018).*