EUROPEAN COURT OF HUMAN RIGHTS RELIGIOUS LITIGATION DATASET (HUREL)

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General Description

The European Court of Human Rights Religious Litigation Dataset (HUREL) provides data on case law concerning religion in Europe. It contains information on religion-related cases decided by the European Court of Human Rights (ECtHR) between 1959 and 2019. The dataset comprises information on case characteristics, litigants' attributes, the type of claims pursued, the articles invoked under the European Convention on Human Rights (ECHR), and judicial outcomes in terms of judgments and decisions. It is the first dataset offering a comprehensive overview of religion-related applications to the ECtHR. As detailed below, one of its distinctive characteristics is that it contains information on both judgments and admissibility decisions. This allows for an analysis not only of the Courts' judgments pertaining to religion, but also of patterns of litigation pursued by religious and secular groups.

Suggested Citation

Koenig, Matthias & Lisa Harms (2021), *European Court of Human Rights Religious Litigation Dataset (HUREL, 1959-2019)*, Version 1.0

Sample

The sample includes all publicly available religion-related applications brought to the ECtHR. It covers both judgments and admissibility decisions and therefore includes cases that have been dismissed as inadmissible by the Court before reaching the stage of a judgment. Cases were identified by searching HUDOC, the official online-archive of the ECtHR (https://hudoc.echr.coe.int/). The HUDOC online archive records decisions, reports, and judgments of the various judicial bodies involved in the work of the Court. From the adoption of the European Convention on Human Rights in 1953 until 1998, all applications were first brought before the Commission that would refer its reports either to the Committee of Ministers or to the Court, who would then render a final decision. Since 1959, when the ECtHR officially started operating, the Court has sat in Committees of three judges, Chambers of seven judges, or the Grand Chamber of 17 judges. Committees were only responsible for admissibility decisions until 2010, but have also issued judgments since 2010. The Chambers and the Grand Chamber have issued admissibility decisions as well as judgments. Since 2010, additional single-judge formations have been in charge of deciding on the admissibility of a large number of cases.[1] Table 1 details the coverage of HUDOC and, by implication, of HUREL.[2]

TABLE 1

	Type of decision	**Available in HUDOC**	**Included in HUREL**
Commission	Reports (1959-1998)	Since 1960	Yes, since 1960
Committee	Decisions (1959-2010)	Unavailable	No

[1] ECtHR: Simplified case-processing flow chart by judicial information. https://www.echr.coe.int/Documents/Case_processing_Court_ENG.pdf [last accessed August 30 2021]; Council of Europe. CETS 194 – Convention for the Protection of Human Rights (Protocol No. 14), 13.V.2004 https://www.echr.coe.int/Documents/Library_Collection_P14_ETS194E_ENG.pdf [last accessed August 30 2021].

[2] Note that some applications have already been filed before the Court started operating in 1959.

	Decisions, judgments (since 2010)	Available	Yes
Chamber	Decisions Judgments	Available Available	Yes Yes
Grand Chamber	Decisions Judgments	Available Available	Yes Yes
One-judge panel	Decisions (since 2010)	Unavailable	No

To identify relevant cases, a twofold search strategy was adopted. The HUDOC archive was searched, first, for cases including Articles 9 or 14 of the ECHR, or Article 2 of Protocol 1 of the said convention and, second, for cases containing the keywords "religion"/"religious" ("religieux") or names of specific religious denominations, e.g. "Catholic". Cases were included in the sample when meeting the following selection criteria:

- All Article 9 cases;
- All Article 14 cases referring to religion;
- All Article 2 of Protocol 1 cases referring to religion;
- All other cases with claims being religiously motivated or directed against a religious group.

The sample contains cases concerning both religious and non-religious beliefs (e.g. pacifist convictions, vegan beliefs). This includes cases involving Article 9 – even when the applicants have not specified the religious dimension of their claim (frequent in claims concerning the Kurdish conflict in Turkey for example). The sample also contains cases concerning other than Article 9 cases (for instance Article 10) when these relate to a religious conflict. The following cases have been excluded from the sample because they do not pertain to the question of religious practice within state parties to the ECHR: Cases which involve religious individuals, but do not concern their exercise of religion or the protection of their religious groups (e.g. right to life cases), criminal offenses by religious individuals (e.g. sexual abuse by priests), reparation claims for suffering during the Holocaust, asylum cases not involving Article 9.

The unit of analysis is the case as decided by the Court. When the Court summarized several individual applications into one case, the dataset follows the logic of the Court and considers the summarized cases as the unit of analysis (the number of summarized applications is recoded in variable v3). In seven instances, the summarized applications involve different articles and decisions per applicant (e.g. *Eweida and Others v. the United Kingdom*). In these instances, summarized cases have been split up into units containing identical attributes. Moreover, in three cases where only some of a set of summarized applications concerned a religious claim, only these have been coded.

The full sample contains 1527 cases.

CODING PROCEDURE AND DATA

In a first step, each case contained in the sample was comprehensively documented in EndNote to facilitate subsequent coding. In a second step, individually trained coders coded

all cases based on the codebook documented below. Independently achieved coding results were validated by lead researchers who also tested the consistency of the final dataset.

The codebook is organized as a series of closed response questions. Each question is assigned a unique variable name (bold and capitalized). For the former, data are recorded as numeric codes, for the latter as textual codes. Missing data are given the code 99. Where response questions were not applicable, the code 77 was assigned.

ACKNOWLEDGMENTS

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LIST OF VARIABLES

IDENTIFICATION VARIABLES

v.1 **[case]** – Unique case identifier

v.2 **[reference]** – Reference number attributed by the ECtHR

v.3 **[title]** – Title of case

CASE CHARACTERISTICS

v.4 **[nbapp]** – Number of individual applications summarized in one case

v.5 **[court]** – Chamber in charge of decision/judgment

1 = Commission (until 1998)
2 = Committee (since 2010)
3 = Chamber
4 = Grand Chamber
77 = not applicable [pending cases]

v.6 **[yearapp]** – Year of application

v.7 **[yeardec]** – Year of admissibility decision

v.8 **[yearjudg]** – Year of judgment (or of Commission report for cases until 1998)

77 = not applicable

v.9 **[respondent]** – Respondent state

Correlates of War (COW) country code

CLAIMANT CHARACTERISTICS

v.10 **[typeapp]** – Type of applicant

1 = organization(s)
2 = one individual
3 = several individuals
4 = organization(s) and individual(s)
5 = governments

v.11 **[appnat]** – Nationality of applicant

Correlates of War (COW) country codes
995 = stateless
77 = not applicable (for organizations)
99 = missing

v.12 **[appnat2]** – Nationality of additional applicant

see coding v.11

v.13 **[gender]** – Gender of all applicants

1 = female
2 = male
3 = both
77 = not applicable
99 = missing

v.14 **[age]** – Age of applicant

1 < 30
2 = 30-39
3 = 40-49
4 = 50-59
5 = 60-69
6 ≥ 70
77 = not applicable
99 = missing

v.15 **[apprel]** – Religious affiliation of applicant

1 = Christian (without additional specification)
2 = Orthodox
3 = Catholic
4 = Anglican
5 = Protestant
6 = Pentecostal/Evangelical
7 = Baptist
8 = Reformed Church
9 = Quaker
10 = Mormon
11 = Seventh Day Adventists
12 = Salvation Army
13 = Jehovah's Witnesses
14 = Soldiers of the Christ
15 = Other Christian minority/movement
16 = Muslim
17 = Alevi
18 = Yezidi
19 = Jewish
20 = Hindu
21 = Sikh
22 = Buddhist
23 = Scientology
24 = Osho movement
25 = Raëlism
26 = Hare Krishna
27 = Moon-movement

28 = Other religious or spiritual movements
29 = Atheists, freethinkers, humanists, agnostics, druids, anthroposophist, freemason, other non-religious individuals
30 = Other philosophical beliefs (pacifist, vegan)
31 = Organizations without reference to religion or belief
99 = missing

v.16 **[apprel2]** – Religious affiliation of additional (second) applicant

See list v.15

v.17 **[apprel3]** – Religious affiliation of additional (third) applicant

See list v.15

LEGAL SUPPORT STRUCTURE

v.18 **[statelawyer1]** – Country of practice of lawyer

Correlates of War (COW) country codes
99 = missing

v.19 **[statelawyer2]** – Country of practice of second lawyer

Correlates of War (COW) country codes
99 = missing

v.20 **[statelawyer3]** – Country of practice of third lawyer

Correlates of War (COW) country codes
99 = missing

v.21 **[statelawyer4]** – Country of practice of fourth lawyer

Correlates of War (COW) country codes
99 = missing

v.22 **[third]** – Third parties involved in the case

0 = no
1 = yes
77 = not applicable [applies in inadmissible decision when there is no opportunity for intervention]

v.23 **[thirdstate]** – Intervention by a state

0 = no
1 = yes
77 = not applicable

v.24 **[thirdrel]** – Intervention by a religious organization (e.g. church)

0 = no
1 = yes

77 = not applicable

v.25 **[thirdhr]** – Intervention by a human rights NGO

0 = no
1 = yes
77 = not applicable

v.26 **[thirdfaith]** – Intervention by a faith-based NGO

0 = no
1 = yes
77 = not applicable

v.27 **[thirdother]** – Intervention by another organization

0 = no
1 = yes
77 = not applicable

LEGAL CLAIMS AND OUTCOMES

v.28 – v.51 **[art1 (art2, etc., p1a1, p1a2, p1a3)]** – Information on articles involved

Note: Each variable informs about a distinctive article of the ECHR involved in the respective application and codes the Court's decision. E.g. Art1 designates Article 1 of the Convention; P1a1 designates Article 1 of the First Protocol to the Convention. Article 14 is covered in four variables, differentiating whether it has been claimed in combination with Article 9 or not.

0 = Article not involved in the case
1 = inadmissible
2 = no violation
3 = violation
4 = struck out of the list
5 = article claimed by applicant, but no examination on admissibility by the Court [mostly because the Court considered that the claim is covered by another article]
6 = article admissible, but no separate examination by the Court [mostly because a violation was already found with respect to another article pertaining to similar facts]
7 = pending decision

v.52 **[claimobject]** – Primary object of the religious conflict

Note: This variable introduces a detailed description of cases' objects. A case might involve other non-religious claims, too, which are not included in this dataset.

Religious organizations and associations

1 = Intra-religious conflict [within one or between different religious groups]
2 = Official legal recognition of religious entity
3 = Religious assemblies [collective worship or religious rituals]
4 = Prohibition of religious organization [ban, dissolution]
5 = Party dissolution or prohibition
6 = Political actions against religious organizations or individuals
7 = Judicial prosecution [of religious group or individual]
8 = Property
9 = Expropriation/eviction

Religion and education

10 = Religious education
11 = Ethics education
12 = Home-schooling
13 = Other education entitlements
14 = Exemption from religious education
15 = Exemption from other than religious education
16 = Child custody [education according to parents' religious belief]

Religious practice in state institutions

17 = Dietary rules in state institutions
18 = General practice of religion [prison, hospital, military]
19 = Access to religious officials in state institutions
20 = Display of religious symbols in public institutions
21 = Removal of religious symbols in public institutions

Religion and state law

22 = Conscientious objection [military service]
23 = Conscientious objection [other than military service]
24 = Exemption from taxes supporting religion
25 = Entitlement to social benefits/tax exemptions (other than church tax)
26 = Disclosure of religion on official documents or in judicial process
27 = No disclosure of religion on official documents or in judicial process
28 = Exemption from religious oath
29 = Religious holidays
30 = Recognition of religious law
31 = Recognition of religious/civil marriage or divorce

Religious practices

32 = Places of worship [construction, access]
33 = Ritual slaughter
34 = Burial customs
35 = Proselytism
36 = Other religious exercise

Religion in the public sphere

37 = Violence against religious group or individual
38 = Religious speech or dissemination of information on religion

39 = Critical speech/offense against religious group or individual
40 = Protection against "blasphemous" speech
41 = Religious sign in the public sphere [e.g. wearing the burqa publicly]
42 = Residence/work permit [hindering religious exercise]

Religious practice at the workplace
43 = Employment related discrimination [dismissal or non-hiring]
44 = Religious symbols and practice at workplace [private employer]

Other
45 = Asylum under Article 9
46 = Other freedom from religion
47 = Other religious discrimination
48 = Article 9 claim without any additional information

v.53 **[claimobject2]** – Second object of the religious conflict

Coding see v.52
77 = not applicable

v.54 **[decision]** – Decision on admissibility

Note: This variable informs about the overall decision in a case. If one or more articles are found to be admissible, the overall decision is (partially) admissible.

0 = inadmissible
1 = partly admissible
2 = admissible
3 = struck out of the list
4 = friendly settlement or unilateral declaration of indemnity by the government
5 = final pending decision

v.55 **[judg]** – Judgment

Note: This variable informs about the overall case outcome. If one or more articles are found to be violated, the case has been coded as violated.

0 = no violation
1 = violation
2 = struck out of the list
3 = friendly settlement [either before or after admissibility decision]
4 = pending judgment
77 = not applicable

v. 56 **[diss]** – number of judges expressing a dissenting opinion

v. 57 **[conc]** – number of judges expressing a concurring opinion