

# **ECHR Project**

## **Code Book (Updated 09.09.09)**

### **VARIABLE (NAME OF CASE)**

Designates the name of the case and often includes a number designating the time before the Court. The early numbers are not decisions—they are often “Questions of Procedure” or “Preliminary Objections.”

### **VARIABLE (YEAR OF JUDGMENT)**

Designates that year in which the case was decided or remanded by the Court.

### **VARIABLE (CASE NUMBER)**

Designates the case number as described within the “Chronological List of Judgments and Published Decisions” of 31 July 2008.

### **VARIABLE (COUNTRY)**

See ECHR Country Code (separate PDF)

### **VARIABLE (MULTIPLE CASES)**

0 – One Case

Only one case number was mentioned for the case within the “Chronological List of Judgments and Published Decisions” of 31 July 2008.

1 – Multiple Cases

Multiple case numbers were mentioned for the case within the “Chronological List of Judgments and Published Decisions” of 31 July 2008.

#### **Notes:**

There is a limitation of data before 1999. The cases are numbered differently within the “Chronological List of Judgments and Published Decisions” before and after 1999.

### **VARIABLE (JUDGMENT)**

0 – Inadmissible

No judgment, case ruled inadmissible.

1 – Judgment

Judgment, case ruled admissible by Commission.

2 – Judgment

Judgment, case ruled admissible by Court.

#### **Notes:**

The Court uses the term “partly admissible” and “partly inadmissible.” For coding, these are equivalents and coded as admissible (2).

**VARIABLE (NUMBER OF APPLICANTS UNDER ONE CASE NUMBER)**

0 – One Applicant

Only one applicant associated with the case number.

1 – Multiple Applicants

Two or more applicants are mentioned for the case number (either by specific name or as “others.”

**VARIABLE (ALL ARTICLES INCLUDING “P”)**

0 – Not Considered

A violation of the article was not considered within the case.

1 – No Violation

Article was considered and “no violation” was found. State won the case.

2 – Violation

Article was considered and a “violation” was found. State lost the case. Under circumstances where there is a violation found for an article and the same article, when paired with another, a violation is not found, it is coded as violation. For example, when the summary states “Violation of Article 6-1, No Violation of Article 6-1 + 6-3-d,” “Violation” is coded under “Article 6.1”

3 – Not Necessary to Examine

Article was considered, and the Court decided that a violation of the article was “Not Necessary to Examine.” Usually the plaintiff did not pursue these claims before the Court, and the Court does not consider them of its own motion. The Court sometimes assesses some article violations as “No Separate Issue” and designates them as “Not Necessary to Examine.” This designation is not in the summary. It is coded as described in the summary.

4 – No Separate Issue

Article was considered and the Court decided that there was “No Separate Issue” or separate violation. This usually means that the Court found a violation under one or more articles and did not apply a violation to another article.

**Notes:**

Article 13 is *sometimes* paired with another article and there are sometimes multiple Article 13 violations considered. These, as described above, are coded within the single Article 13 variable. When all considered are found as violation, it is coded as “Violation.” When all considered are found as no violation, it is coded as “No Violation.” When all considered are found to be a mix of violation, no violation and other possible designations, it is coded as “Mixed Violations.” Article 14 is *always* paired with another article, and often multiple Article 14 violations are considered. These are coded within the single Article 14 variable. When all considered are found as violation, it is coded as “Violation.” When all considered are found as no violation, it is coded as “No Violation.” When all considered are found to be a mix of violation, no violation, and other possible designations, it is coded as “Violation.”

5 – Inapplicable

Article does not apply to the case.

**VARIABLE (ARTICLE 50/41 CASE)**

0 – No

1 – Yes

## **VARIABLE (PECUNIARY DAMAGE)**

### 0 – Not Considered

Court did not consider “Pecuniary Damage” within the case.

### 1 – Claim Dismissed

Court considered “Pecuniary Damage” and ruled the “Claim Dismissed” or “Claim Rejected.” Pecuniary damage was considered but not awarded.

### 2 – Finding of Violation Sufficient

Court considered “Pecuniary Damage” and ruled the “Finding of Violation Sufficient.” Just satisfaction is awarded. Financial award under another damage assessment is considered sufficient. The finding of violation can also be considered just satisfaction.

### 3 – Financial Award

Court considered “Pecuniary Damage” and ruled that Just Satisfaction warrants a “Financial Award.”

#### **Notes:**

The designation of “Damage” within the summary is a combination of both “Pecuniary” and “Non-Pecuniary.” It is coded within both variables. For example, “Damage- Financial Award” is coded as “Pecuniary Damage- Financial Award” & “Non-Pecuniary Damage- Financial Award”

## **VARIABLE (NON-PECUNIARY DAMAGE)**

### 0 – Not Considered

Court did not consider “Non-Pecuniary Damage” within the case.

### 1 – Claim Dismissed

Court considered “Non-Pecuniary Damage” and ruled the “Claim Dismissed” or “Claim Rejected.” Non-pecuniary damage was considered but not awarded.

### 2 – Finding of Violation Sufficient

Court considered “Non-Pecuniary Damage” and ruled the “Finding of Violation Sufficient.” Just satisfaction is awarded. Financial award under another damage assessment is considered sufficient. The finding of violation can also be considered just satisfaction.

### 3 – Financial Award

Court considered “Non-Pecuniary Damage” and ruled that Just Satisfaction warrants a “Financial Award.”

### 4 – Claim Partially Rejected

Court considered “Non-Pecuniary Damage” and ruled the “Claim Partially Rejected.”

#### **Notes:**

The designation of “Damage” within the summary is a combination of both “Pecuniary” and “Non-Pecuniary.” It is coded within both variables. For example, “Damage- Financial Award” is coded as “Pecuniary Damage- Financial Award” & “Non-Pecuniary Damage- Financial Award”

## **VARIABLE (COSTS AND EXPENSES)**

### 0 – Not Considered

Court did not consider “Costs and Expenses” within the case.

### 1 – Claim Dismissed

Court considered “Costs and Expenses” and ruled the “Claim Dismissed” or “Claim Rejected.”

### 2 - Domestic Proceedings

Court considered “Costs and Expenses” but only “Domestic Proceedings” was awarded. Includes “Costs and Expenses Partial Award” Court awarded the costs and expenses from trials and proceedings conducted within the defendant state.

### 3 – Convention Proceedings

Court considered “Costs and Expenses” but only “Convention Proceedings” was awarded. Includes “Costs and Expenses Partial Award” Court awarded the costs and expenses from trials and proceedings conducted within the Court.

### 4 – Both Awarded

Court considered “Costs and Expenses” and both “Convention Proceedings” and “Domestic Proceedings” were awarded. When one proceeding is “Costs and Expenses Partial Award” and both are awarded, it is coded as “Both Awarded.”

### 5 – Struck out of the List (Friendly Settlement)

Court considered “Costs and Expenses” and neither “Convention Proceedings” nor “Domestic Proceedings” were awarded because the particular damage assessment was “Struck out of the List (friendly settlement).” Court struck “Costs and Expenses” from the damage assessment because the parties reached a friendly settlement of the issue before the Court heard the case.

### 6 – Lack of Jurisdiction

Court considered “Costs and Expenses” but the court found a “Lack of Jurisdiction” to rule.

## **VARIABLE (PRELIMINARY OBJECTION)**

### 0 – Not Considered

Court did not consider any “Preliminary Objections.”

### 1 – Rejected

Court “Rejected” all “Preliminary Objections” considered.

### 2 – Partially Allowed

Court “Partially Allowed” all “Preliminary Objections” considered.

### 3 – Allowed

Court “Allowed” all “Preliminary Objections” considered.

### 4 – Mixed

Court decided a mix of “Allowed”, “Rejected”, “Partially Allowed”, and/or withdrew “Preliminary Objection.” Court considered multiple “Preliminary Objection” and found a mix of judgments.

### 5 – Withdrawn

Court designated all “Preliminary Objection” as “Withdrawn.”

### 6 – Joined to Merits

Court designated all “Preliminary Objection” as “Joined to Merits.”

### **VARIABLE (QUESTION OF PROCEDURE)**

0 – Not Considered

Court did not consider any “Question of Procedure.”

1 – Rejected

Court “Rejected” all “Question of Procedure.”

2 – Partially Allowed

Court “Partially Allowed” all “Question of Procedure.”

3 – Allowed

Court “Allowed” all “Question of Procedure.”

### **VARIABLE (LACK OF JURISDICTION)**

0 – Not Mentioned

Court did not mention a “Lack of Jurisdiction.”

1 – Found

Court found a “Lack of Jurisdiction.”

### **VARIABLE (CASE STRUCK)**

0 – Case not struck from the list

Case not designated as struck from the list.

1 – Struck from List

Case designated as “Struck from List.”

2 – Out-of-Court Solution (Struck from List)

Case designated as “Struck from List” but an explanation was given that referred to an Out-of-Court settlement. For example, “Struck from List (Friendly Settlement)” or “Struck out of the List (Solution of the Matter).”

3 – Partially Struck from List

Case designated as “Partially Struck from List.”

#### **Notes:**

Cases are usually struck from the list within the initial trial phase. Though, parts of the Article 50 phase can be struck from the list. Article 50 cases can be struck whole or partially. If a claim is struck under “Costs and Expenses,” it is coded under that variable.

### **VARIABLE (OTHER)**

0 – Variable not needed

No miscellaneous adjudications occurred.

1 – Interpretation

Case designated as “Interpretation” within the summary because the Court is providing explanations, clarification, or further interpretation of a previous ruling.