

The Civil Liberty Dataset (CLD) Codebook

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Version: May 2010

Introduction

This codebook is a guideline for the coding of the government/state respect for and guarantee of civil liberties in all country-years (1976-) covered by the Country Reports on Human Rights Practices. It provides the necessary information for the coders enabling them to assess and score the respect for different civil liberties as accurately as possible, and it also provides an overview of the basic coding procedures.

For each of the components, that is, freedom of opinion and expression, freedom of assembly and association, freedom of thought, conscience and religion, and freedom of movement and residence, the following information is found in the codebook: the name (and an abbreviated variable name) of the component, 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*.

Source

The 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. All draw on their own sources of information such as reports provided by US and other human rights groups, foreign government officials, representatives from UN and other international and regional organizations and institutions, experts from academia, and the media. Officers also consult with experts on worker rights issues, refugee issues, military and police topics, women's issues, and legal matters. The guiding principle is to ensure that all relevant information is assessed as objectively, thoroughly and fairly as possible.

Focus

Neither the general conditions of the respective civil liberties nor the legal protections are coded. In other words, missing ability of the population to utilize the liberties due to lack of initiative, commitment, financial means or the like does not affect the score. Similarly, the presence or absence of formal guarantees of civil liberties in the constitution or formal legislation is only taken into consideration to the degree they are observed by the public authorities. It is the actual practices of governments (i.e., public authorities in general), that is, their concrete performance regarding respect for and guarantee of civil liberty, which is assessed. Furthermore, the geographic distribution of civil liberty violations in a country does not affect the coding but, on the other hand, only violations that occur within the internationally recognized borders of a country are considered. In addition, it is considered a civil liberty violation if 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). Notice that not all countries are covered in all the annual reports either because the country reports had a more narrow focus in the first years (countries receiving aid from the US) or because the country has either ceased to exist such as Yugoslavia and the Soviet Union or has gained independence during the observed period such as Ukraine and Lithuania.

The intention is to generate a database with as few missing observations as possible. Therefore, if the information needed to assign a particular score is rather poor, the information on

the issue provided by the country reports regarding the year before and the year after is taken into consideration if no strong indications exist that significant variations between the years is likely. Furthermore, if a civil liberty violation is not reported in the report concerning the year of the violation but in another report covering a subsequent year, it influences the coding of the year the commitment took place.

Coders

In transforming the information into the scores constituting the dataset, at least two independent coders (trained graduate students well-versed in comparative politics and, regarding the Latin American and (post-)communist countries for the period 1977-2003, a graduate student and Svend-Erik Skaaning) assigned scores to all the country-years. In case of the scores for Latin American and (post-)communist countries 1979-2003, disagreements were settled by discussions among the coders, and for the remaining country-years a third coder was authorized with the final judgment in the case of disagreement.

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.

Information Location

For each year and country the information on the background of which the scores are assigned is found in Section 2 Respect for Civil Liberties, a. Freedom of Speech and Press [1976-1981: Section 3 Respect for Civil and Political Liberties, a. Freedom of Speech, Press, Religion and Assembly].

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.

Information Location

For each year and country the information on the background of which the scores are assigned is found in Section 2 Respect for Civil Liberties, b. Freedom of Peaceful Assembly and Association [1976-1981: Section 3 Respect for Civil and Political Liberties, a. Freedom of Speech, Press, Religion and Assembly].

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.

Information Location

For each year and country the information on the background of which the scores are assigned is found in Section 2 Respect for Civil Liberties, c. Freedom of Religion [1976-1981: Section 3 Respect for Civil and Political Liberties, a. Freedom of Speech, Press, Religion and Assembly].

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.

Information Location

For each year and country the information on the background of which the scores are assigned is found in Section 2 Respect for Civil Liberties, d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation [1976-1981: Section 3 Respect for Civil and Political Liberties, b. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation].

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.