

# Codebook and Documentation Women on High Courts (WOHC) Database<sup>1</sup>

Version 1.0

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## Version Notes

We are committed to transparency and the release of the data. Version 1 corresponds with the data used in the production of our book (Escobar-Lemmon, Hoekstra, Kang, and Kittilson 2021). We anticipate releasing an updated version of the data with a few number of changes that have no substantive effect upon the conclusions in our book in the future.

Years covered in Version 1:

- Year of the first woman high court justice: 1946 to 2020, with missing data
- Number and percentage of women on high courts: 1970 to 2013, with missing data

The corresponding data files for this codebook and documentation are the following:

- Comma-separated values: WOHCv1.csv
- Excel: WOHCv1.xlsx
- Stata (Version 15.1): WOHCv1.dta

## We Welcome Your Feedback

If you find any errors, discrepancies, or know of additional data for country court years where we are missing information, please contact:

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## How a Country Came to be Included in Our Database

We sought to collect data on independent countries with a population greater than 200,000 in 2010. This means we exclude countries with a relatively small population size (e.g., Tuvalu).

If a country had not yet become independent as of 1970, its high court enters the database when the country gains independence and officially establishes the high court and appoints justices.

For countries that were created after 1970 as a result of separation from a country (e.g., Eritrea) but where the pre-existing country (e.g., Ethiopia) still exists, we begin observing the new country in the year it gained independence, but also continue to follow the pre-existing country in the dataset. Thus, Eritrea enters the database in 1993, and Ethiopia in 1970.

There are countries that existed at some point in time, but they ceased to exist by 2010 because of dissolution. We do not include the following polities in our database:

- We do not include East Germany. “Germany” refers to West Germany prior to reunification and reunified East and West Germany after reunification.
- We do not include the U.S.S.R. The countries that emerged out of the U.S.S.R. enter when they officially establish high courts and appoint justices. These include Belarus, Estonia, Latvia, Lithuania, Moldova, Russia, and Ukraine. The following countries that were under Soviet domination, but were not part of the U.S.S.R are treated as existing during and after Soviet rule: Albania, Bulgaria, Hungary, Poland, and Romania.
- Czechoslovakia dissolved into the Czech Republic and Slovakia in 1993. We only include the latter two countries that formed out of the split and exclude Czechoslovakia from the database.
- Yugoslavia before its dissolution is not included. The newly created independent states that emerged from the dissolution enter when they officially establish high courts and appoint justices.

## How a Court Came to be Included in Our Database

We drew on several sources to compile a primary list of high courts in our countries of interest. Sources included the New York University School of Law’s GlobalLex and country or region-specific secondary articles and books as well as country level experts.

As with the existence of a country, if a high court was created and justices appointed *after* the founding of the country, it is not included until the high court is created and filled with justices. Many countries revised their constitutions and judiciaries to create standalone constitutional courts that were separate from what had previously been a single peak high court. In these cases, the peak high court exists for the entire time span. However, if the constitutional court was created by a constitutional revision in 1990, for instance, the constitutional court will not appear in the dataset until 1990 because it did not exist prior to that point.

In the course of collecting data on the composition of courts we encountered instances where a court was suspended by the government. These instances cause there to be missing data on our dependent variable, but they represent a different kind of missingness from instances where we were unable to locate data. We thus include a code for whether we believe a high court was suspended.

In addition to the creation of standalone constitutional courts, some countries (both democratic and not) undertook institutional changes which shifted the particular court in the country that should be viewed as “the high court”. One example of this is that prior to 2009 the House of Lords of the UK Parliament (specifically the Law Lords within this body) served as the highest court of appeal. In 2009 the Supreme Court of the United Kingdom became the final court of appeals following a 2005 reform of the legal system.

We are aware of other countries that have standalone constitutional courts that are not included in our dataset. These courts were either created or filled (or both) after our data collection was complete. Future updates may include these high courts:

- Constitutional Court, Cameroon
- Constitutional Court, Cabo Verde
- Constitutional Court, Guinea
- Constitutional Court, Suriname
- Constitutional Court, Zambia

We do not include standalone highest administrative courts, highest religious courts, or separate high courts for the military in our database.

For a number of former British colonies, a privy council served as a high or highest court of appeal. In these cases, we examine the highest court with a physical presence in the country. For instance, we examine whether there were women on the High Court of Kenya in from 1970 to 1977, even though there was a higher Court of Appeal for East Africa.

## Who Counts as a Judge?

For high courts where there may be one or more acting or temporary judges, we attempt to only count “permanent” judges. Some of our primary or secondary sources, however, may include acting judges or start counting a judge from the time that he or she was temporarily appointed. This may be especially true in the cases where all we obtained was compositional data.

We recognize that in some legal system there are high-ranking and prestigious positions within the judiciary whose holders may be referred to as judges. However, these individuals are not responsible for adjudicating legal cases or issuing judicial rulings. While these are important positions, and women occupying them is definitely important, we do not count these as members of the high court. For instance, Sally al-Saidi served as a judge on the Criminal Court (an important but intermediate level court) in Egypt and later joined the technical bureau of the Court of Cassation (which we code as the peak Appellate Court in Egypt). While this might be seen as a promotion for her and in this role she likely participates in reviewing cases and preparing legal opinions because she is not a member of the judicial panel, we do not consider her to be a high-court judge (see Lindbekk 2017).

We focus on women judges who are citizens of the country. In a number of cases, expatriate judges can be appointed to high courts. Some of our primary and secondary sources, however, may include expatriate judges when reporting the number and percentage of women justices on the high court. For the variable on the year of the first woman, we sought to systematically code for the first woman citizen judge and excluded expatriate women judges.

## List of Variables

country                      Name of Country, string variable

cowcode                     Correlates of War Numeric Code, numeric variable

A three-digit number assigned by the Correlates of War Project. For the following countries, we assign these COW codes:

Germany	260
Serbia	345
Vietnam	816
Yemen, Rep.	678

*Source:* The Correlates of War Project. N.d. "COW Country Codes."  
<https://www.correlatesofwar.org/data-sets/cow-country-codes>

year                         Calendar Year, numeric variable

courttype                   Court Type, string variable

Whether the court is coded as Highest Appellate (APP), Constitutional (CON), or Supreme (SUP).

All courts in our database are classified as one of these three types. Peak courts encompass supreme courts in countries with a single peak court and separate constitutional and final appellate courts in countries with multiple peak benches. Where there is a single supreme court (as in the United States), it is our high court of interest. These cases are designated in the dataset as SUP. In countries where there are separate constitutional and high appellate courts (as in many civil law countries), we include both. In these split court systems, we categorize and refer to the court of last resort as the highest appellate court (APP) even if the official name of the court is Supreme Court. The court responsible for constitutional decisions is designated as CON.

In countries where a separate constitutional court was created later, meaning that for a time there was only a single peak court we categorize both the appellate body as well as the preceding single peak court as APP. Thus, the coding of courts cannot change from SUP to APP. For instance, in 1992 Colombia created a separate standalone constitutional court (CON). Prior to 1991 there was only a single peak court, however because the constitutional court would later be created, we designate the Supreme Court of Justice as APP for the entire series.

courtname Court Name, string variable

This variable provides information on which of a country's variously named courts we categorized as a high court and which designation (APP, CON, SUP) we applied. This is sometimes recorded in a national language, but in many others, the English translation of the court's name is included. This is most useful in countries where the legal/proper names of institutions in the judicial system do not intuitively align with terminology we use. **This is not a definitive listing of the names of high courts and does not track name changes over time.**

yearfirstwoman Year First Woman Appointed, string variable

This variable is the year in which a woman was first appointed to that particular high court. If a country has two high courts (i.e., both APP and CON), the year in which the first woman was appointed may differ as the value reported reflects the year in which a woman joined that particular court.

"none as of 2020" indicates that we are not aware of any woman justice appointed to the high court as of December 31, 2020.

"NA" indicates we are missing data.

*Sources:* For sources for a specific country court, please contact the authors.

numwomen Number of Women on High Court, string variable

This variable is the number of women holding seats on the high court in that year.

"NA" indicates we are missing data.

"court was suspended" indicates that the information we found suggests there were no judges on the court as its functions were suspended for the majority of that year.

"unsure court exists" indicates we were not able to find compositional data and were unclear whether the court existed or not.

*Source:* For details on how the number of women was collected and what counts as holding a seat, please see Appendix 1: How We Calculated the Number and Percentage of Women on High Courts.

pctwomen

Percent Women on High Court, string variable

This variable is the percentage of women on the high court in that year. It ranges from 0 to 100.

“NA” indicates we are missing data

“court was suspended” indicates that the information we found suggests there were no judges on the court as its functions were suspended for the majority of that year.

“unsure court exists” indicates we were not able to find compositional data and were unclear whether the court existed or not.

*Source:* For details on how the percentage of women was calculated and the sources of the data please see Appendix 1: How We Calculated the Number and Percentage of Women on High Courts.

region

Region of the World, string variable

Countries were coded as belonging to one of the following eight regions of the world based on their geography:

Africa

East Asia & Pacific

Eastern Europe & former Soviet Asia

Latin America & the Caribbean

Middle East & North Africa

Scandinavia

South Asia

West (not Scandinavia)



## References

\*A longer list of references can be found on our website, [womenonhighcourts.com](http://womenonhighcourts.com)

The Correlates of War Project. N.d. "COW Country Codes."  
<https://www.correlatesofwar.org/data-sets/cow-country-codes>

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## Appendix 1: How We Calculated the Number and Percentage of Women on High Courts.

Arriving at the number and percentage of women on high courts is not straightforward. There are a number of decisions we made in calculating the percentage of women on a high court. Our overarching goal was to include as many courts and years as possible.

As shown in Equation 1, for the majority of observations in our dataset, the numerator in calculating the percentage of women on a high court is the number of women on that court at a given point in the year. The denominator is our best estimate of the number of judges on the court at the time.

$$\text{Percent women} = \frac{\text{Number of women on the court at a snapshot in the year}}{\text{Our best estimate of the number of judges on the court in the year}} \quad (1)$$

We do not always have a high-level of precision and needed to use our judgement in two regards. First, we sometimes lack precision in terms of the exact date a judge was appointed. For some high courts and years, the data we were able to obtain report the number or percentage of women mid-year, while for others, our data provide end-of-year statistics. Where we were aware of a change in the number of women during the course of the year, we use the largest possible number and percent. For instance, if a court with 9 judges has no women January through October and one woman November through December, we report 11.1% for the entire year. Consequently, if there is a woman judge for any part of the year the court gets credit for her presence for the entire year. In cases where a woman judge is replaced by another woman judge, the court is only credited with having a single woman judge because the two do not serve concurrently. Therefore, one may arrive at slightly different percentages than we do depending on whether one chooses to use January 1, July 15, December 31, or some other date as the reporting date.

Second, we faced multiple choices of how to set the denominator based on differences in the availability of data about court size. One could define the denominator as the total number of de facto judges sitting on the court, regardless of how many are required to be there by law. For instance, from October 2001 to April 2003 only four of the seven seats on Burundi's Constitutional Court were filled, all by women! To maximize both the number of women and the number of judges for 2001 we code the number of women as four and the number of judges as seven; in 2002 we code the number of women as four and judges as four; and in 2003, the number of women is four, but the number of judges returns to seven. In cases like this, where we can confirm a long-standing vacancy, we use the de facto measure of court size for several reasons. First, we know that the court was operating at less than full staff. This means that a public looking at the court saw women as the fraction of judges actually present, not a fraction of possible judges. Legal decisions taken and signed during this period were made only by those judges serving, which was not the de jure number, consequently women should count for their percentage of actual judges not the percent possible.

Because the data are annualized there will not be a difference caused by using the de facto versus the de jure size of the court when vacancies are short-lived (i.e., less than one year). When vacancies are long-standing, however, the difference is salient. In cases where we were unable to confirm long-standing vacancies or where they were short-lived, we used the de jure size as a more accurate measure

In some countries the specific number of judges is not fixed by law or the constitution and instead a range is specified (e.g., the Bahamas where Statue Law states, “There shall be in addition to the Chief Justice not more than eleven and not less than two Justices of the Court.”). There are also cases where the constitution states a minimum (or maximum) number of judges for the high court, but subsequent laws call for a specific number of judges and we could not locate them (e.g., Nigeria). In these instances, we preferred to use the de facto size of the court.

For a number of high courts, we found a credible source that reported the percentage of women on the court, but not the number of women nor the size of the court nor the names of individual justices. In these cases, for which we have data on the composition of the court, but not the number of women, we are uncertain whether the percentage is based on de facto or de jure court size.