

Effect of Supervision Hearings on Compliance with Reparation Measures Ordered by the Inter-American Court of Human Rights

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We analyze the effect of supervision hearings on state compliance with reparation measures ordered by the Inter-American Court of Human Rights (IACtHR). Our study covers all reparation measures awaiting compliance between 2007 and 2019.

Our statistical findings indicate that:

1. Supervision hearings have no visible effect on partial compliance, but they increase the probability of full compliance.
2. The positive effects of private supervision hearings take place on the year of the hearing, while the positive effects of public hearings normally take place a year later.
3. Supervision hearings are more effective once states have complied partially with a measure.
4. Public hearings have greater impact when conducted in the State's territory. In contrast, private hearings are more effective when conducted at the Court's headquarters.
5. Hearings covering individual cases are more effective than joint hearings.
6. Hearings initiated by the IACtHR appear to be more effective than those requested by parties in the case.
7. Hearings involving several state agencies appear to be more effective than hearings with participation of a single state agent.
8. The most effective hearings are public hearings taking place in the state's territory. While the yearly rate of compliance in the absence of any hearings is about 9%, the expected rate of compliance after public onsite hearings is 41%.

Background

This report analyzes the effect of supervision hearings on compliance with reparation measures ordered by the Inter-American Court of Human Rights (IACtHR). We studied all reparation measures pending compliance between 2007 (the first year when supervision hearings took place) and 2019. The sample includes 1772 measures pending by 2007, or ordered in 2007-2019. For each one, we documented the year of compliance based on information offered by the Court's supervision resolutions. The statistical procedure employed to analyze the data (described in the appendix) estimates the probability of compliance per year. Thus, for example, an estimated probability of compliance of 0.13 indicates that there is a 13% chance that the state will comply with the reparation measure within a year, given certain conditions.

The analysis estimates the effect of conducting a supervision hearing on the yearly probability of compliance. We estimate changes in the probability of compliance on the year of the hearing, one year later, and two years later. For this purpose, we collected information on 198 hearings conducted between 2007 and 2019, based on the Court's annual reports and supervision resolutions. Of those 198 supervision hearings:

- 181 were private (i.e., restricted to parties and the IACHR) and 17 were public.
- 52 were conducted onsite (i.e., in the state's territory). The rest were conducted at the Court's headquarters, except for five hearings conducted outside San José but not in the territory of the specific country. (For statistical purposes, we treat those five hearings as if conducted at the Court's headquarters.)
- 91 hearings addressed several cases jointly, while 107 addressed a single case.
- 105 hearings were initiated by the Court, while 23 were requested by parties in the case (the state, twice; victims, 14 times; and the IACHR, 7 times). We were unable to determine the proponent of the hearing in 70 cases. The statistical analysis below compares compliance after hearings clearly initiated by the Court, against all other hearings.
- 64 hearings included participation of several state agencies, while 53 involved participation of only one state agency. For 81 hearings, information was not available. The statistical analysis below compares compliance after hearings with documented participation of several agencies, against the rest.

We matched each hearing with specific reparation measures in our database. Because hearings may not cover all reparation measures ordered in a case, our analysis estimates the effect

of hearings on the probability of compliance with the specific reparations discussed at each hearing.

Our statistical models account for the fact that different types of reparation measures experience different rates of compliance (e.g., states comply with monetary measures more often), and that the probability of compliance changes over time (i.e., reparation measures experience a life cycle, with a greater probability of compliance in earlier years). They also accommodate the fact that unobserved conditions make some states more likely to comply than others, or make compliance easier in some legal cases than others. Models of full compliance also control for the prior occurrence of partial compliance. We do not discuss those ancillary variables in the report, but results are available in the appendix.

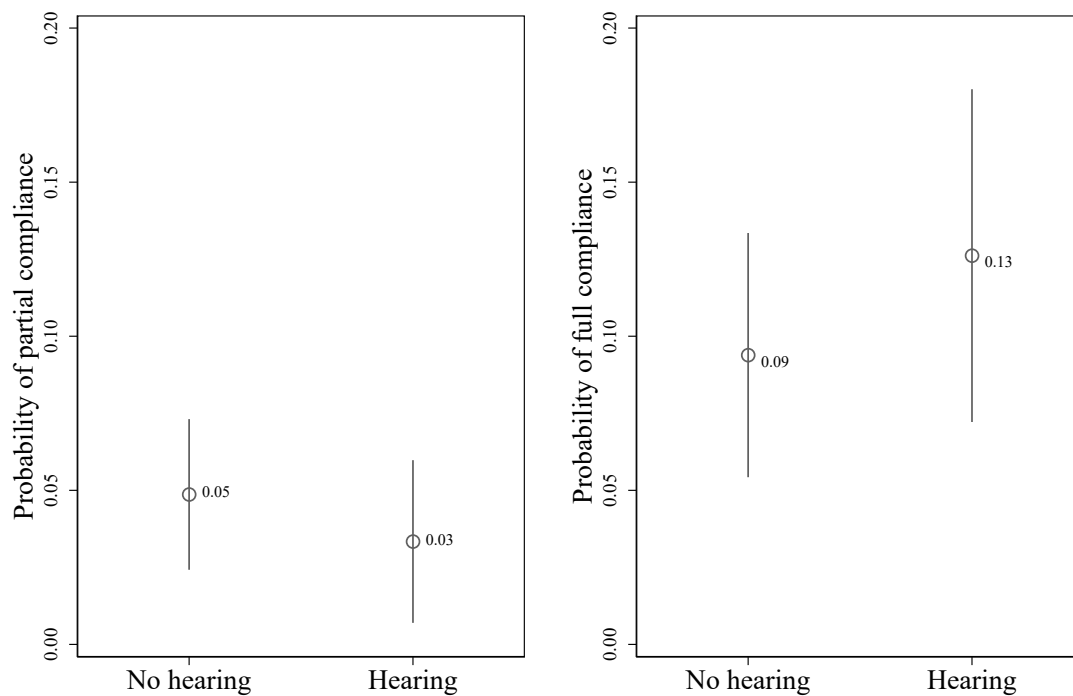
Findings

Partial and Full Compliance. Our first set of tests explores whether supervision hearings induce partial or full compliance. The results indicate that hearings have no visible effect on partial compliance, but they increase the probability of full compliance. The null findings for partial compliance hold when we analyze the impact of hearings in the same year, one year later, or two years later.

Figure 1 illustrates this difference by comparing the expected probability of partial and full compliance in the year of the hearing. The left panel shows that the probability of *partial* compliance in the absence of a hearing is about 5% per year, while the expected probability of partial compliance in the year of a hearing is 3% (statistically indistinguishable from the 5% otherwise expected). The right panel shows that the probability of *full* compliance in the absence of a hearing is about 9% per year, while the expected probability of compliance in the year of a hearing increases to 13%.

The predicted probabilities presented in Figure 1—and in all figures—are uncertain estimates rather than precise predictions. Due to the limited number of hearings and the large number of factors affecting compliance, the probability of compliance resulting from a hearing will vary in different contexts. Confidence intervals represent this uncertainty. For example, in the right panel, the expected probability of full compliance in the absence of a hearing is 9%. The confidence interval suggests that, if we repeated this study many times drawing new samples, the predicted probability would fall between 5% and 13% in 95 percent of the new studies.

Figure 1. Supervision Hearings Promote Full Compliance but not Partial Compliance

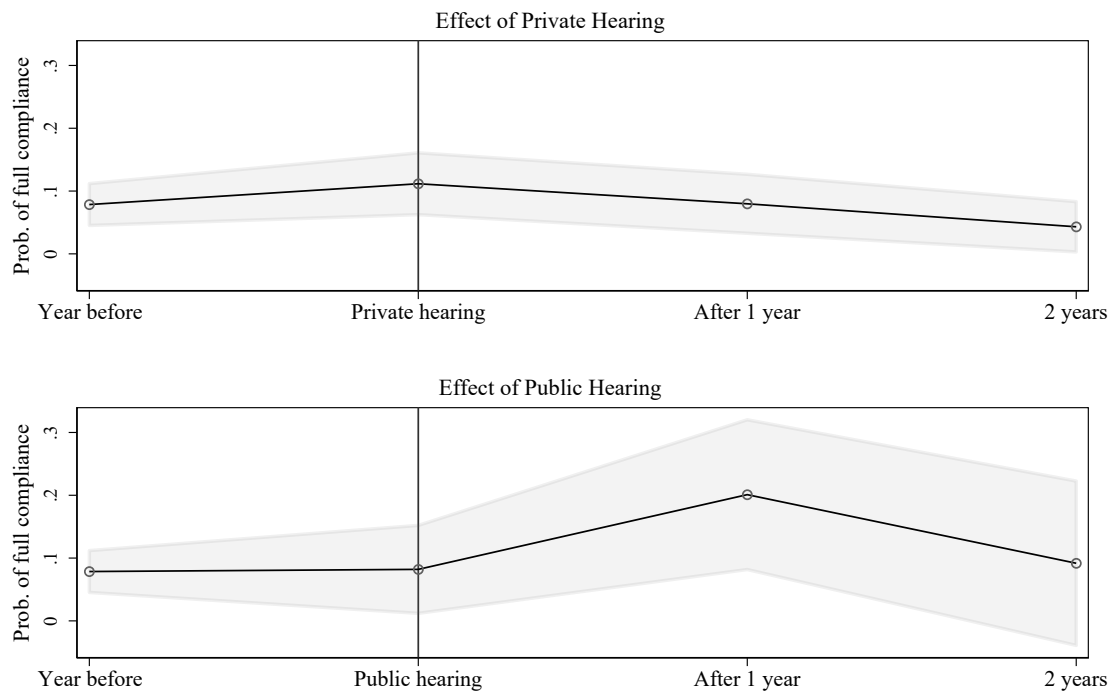


Note: Based on Models 1.1 and 1.2 (see the appendix). Bars present 95% confidence interval for the predicted probability.

Uncertainty about the predicted probability (reflected by confidence intervals) is conceptually different from uncertainty regarding the positive effect of hearings. We are confident that hearings have a statistically significant effect on full compliance (see Table 1 in the appendix), even though it is difficult to estimate the precise rate of compliance after a hearing takes place.

Private and Public Hearings. Our second set of tests compare the effects of private and public hearings, both in terms of their magnitude and in terms of their timing. Figure 2 summarizes the results, displaying the probability of full compliance on the year prior to a hearing, on the year of the hearing, and over the next two years. Private hearings induce compliance almost immediately: the probability of full compliance increases modestly, from 8% to 11% on the year of the hearing. In contrast, public hearings produce effects later: the probability of compliance increases from 8% to 20% after a year. Positive effects dissipate afterwards.

Figure 2. Private Hearings Have Faster (but Smaller) Effects on Full Compliance

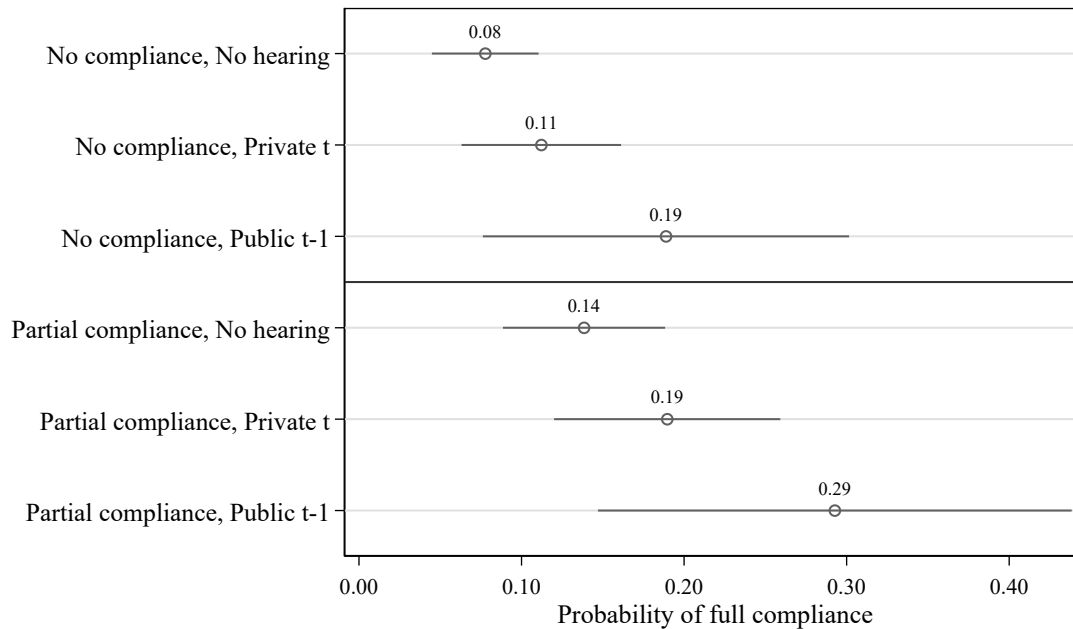


Note: Based on Model 2.1 (see the appendix). Bars present 95% confidence interval for the predicted probability.

Because Figure 2 suggests that private and public hearings operate differently, in the rest of this report we focus on the effects of private hearings on the same year, and on the effects of public hearings a year later. The following sections analyze those effects under different conditions.

Partial Compliance. Not surprisingly, states are more likely to comply in full with reparation measures once they have complied partially. In the absence of any supervision hearings, the probability of full compliance is about 8% before partial compliance, and 14% afterwards. Supervision hearings can therefore take advantage of the momentum created by partial compliance. Figure 3 shows that the probability of full compliance following private hearings is 11% before partial compliance, and 19% afterwards. The probability of full compliance following public hearings is 19% before partial compliance, and 29% afterwards. (The smaller number of public hearings makes estimates for this category more uncertain.)

Figure 3. Hearings Are More Effective After Partial Compliance

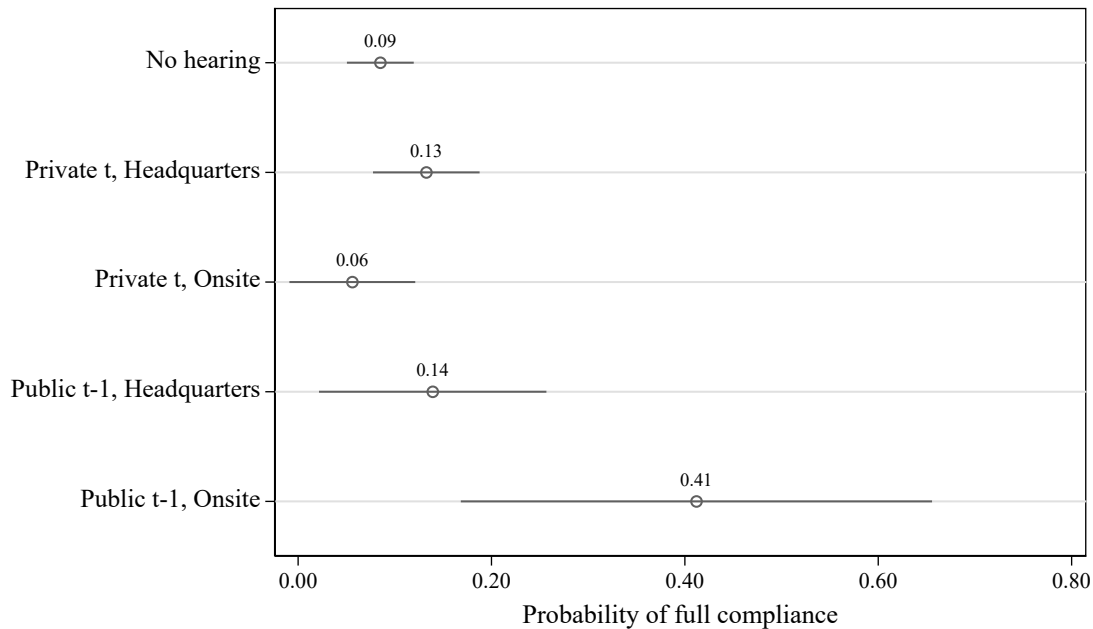


Note: Based on Model 2.2 (see the appendix). Bars present 95% confidence interval for the predicted probability.

Location. Private and public hearings differ not only in the timing of their effects but also in their optimal location. Private supervision hearings increase the probability of compliance when they take place in secluded settings, mainly at the Court’s headquarters. In contrast, public hearings increase the probability of compliance when they take place in the state’s territory. (Our study focuses only on onsite *hearings*, and excludes site visits from the analysis.) Figure 4 illustrates the magnitude of these effects:

- Private hearings held at the Court’s headquarters produce an expected probability of compliance of about 13% (comparable to the general effect observed in Figure 1).
- Onsite public hearings, in contrast, produce an expected probability of compliance close to 41%. This is the most remarkable effect in our study.
- Onsite *private* hearings produce no discernible effect.
- Public hearings hosted at the Court’s headquarters produce an effect similar to the effect of private hearings (14% vs. 13%), but due to the small number of public hearings, this effect is not statistically significant (see Table 3 in the appendix, model 3.1).

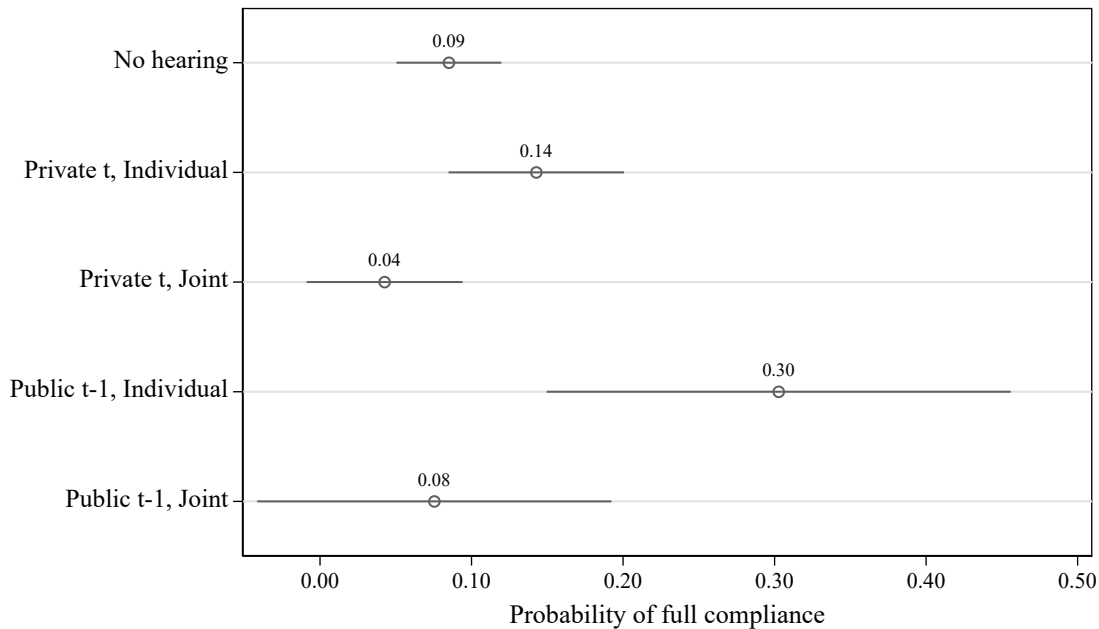
Figure 4. Public Hearings Have Greater Impact When Conducted in the State's Territory



Note: Based on Model 3.1 (see the appendix). Bars present 95% confidence interval for the predicted probability. The category for Headquarters includes a small number of hearings conducted outside of San José, but not in the target state.

Individual and Joint Hearings. Figure 5 compares the effects of individual-case and joint hearings. The results consistently show that individual hearings are more likely to promote compliance than joint hearings. The effect of joint hearings, whether public or private, is statistically indistinguishable from zero—that is, the expected probability of compliance is indistinguishable from the 9% expected in the absence of a hearing. In contrast, the probability of compliance grows to 14% after a private hearing focused on a single case, and increases to about 30% after a public hearing focused on a single case.

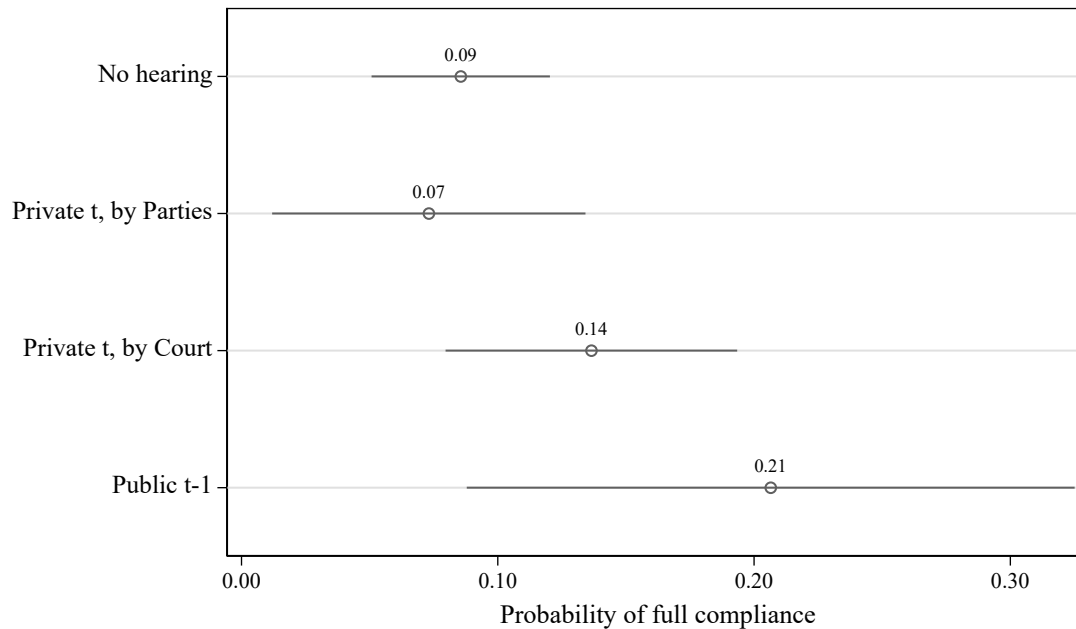
Figure 5. Individual Case Hearings Are More Effective than Joint Hearings



Note: Based on Model 3.2 (see the appendix). Bars present 95% confidence interval for the predicted probability.

Requesters and State Agencies. The remaining results, presented in Figures 6 and 7, are exploratory in nature, due to limitations in the data. Figure 6 compares the effect of hearings depending on the nature of the requesters (i.e., whether hearings were decided by the IACtHR *motu proprio*, or upon the request of parties in the case, including the IACHR). Figure 7 compares the effect of hearings depending on the presence state representatives (one or several agencies). Both analyses confront two data limitations. First, the limited number of public hearings makes it difficult to estimate the effect of public hearings separately for each of those categories. Therefore, we separate the effects only for private hearings, and compare them to public hearings in general. Second, information for the breakdown variable is incomplete. For example, we were unable to establish whether the hearing was summoned upon the parties' request in 70 cases, and we were unable to determine how many state agents were present in 81 hearings. Therefore, in both analyses we compare the effect of documented conditions (hearings decided by the IACtHR *motu proprio* and hearings with presence of multiple state agencies) against the effect of a residual category of hearings that includes ambiguous cases.

Figure 6. Hearings Initiated by the IACtHR May Be More Effective

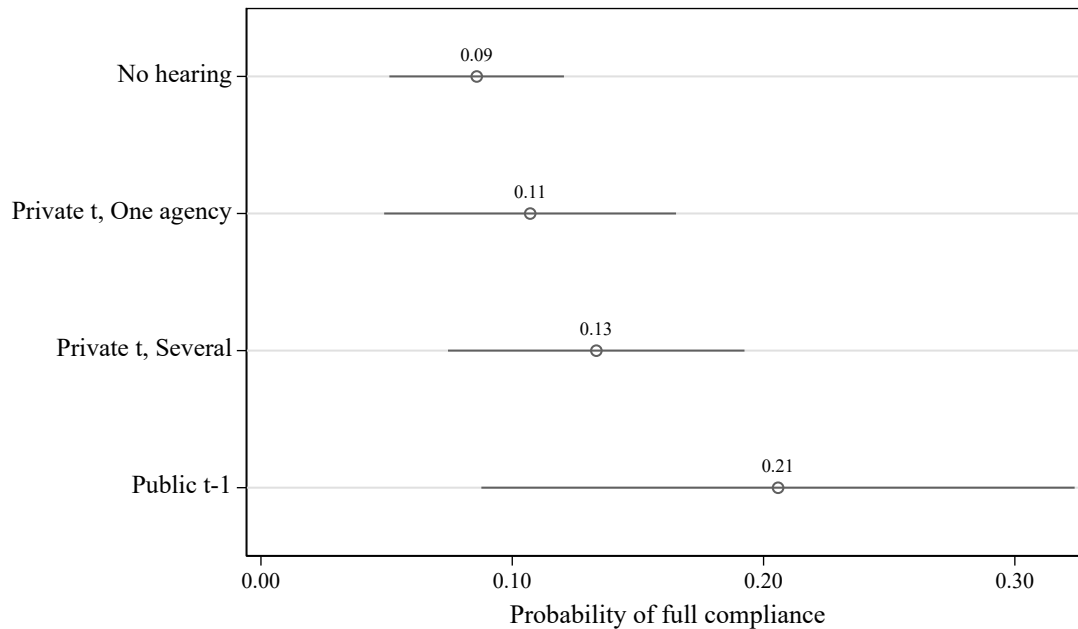


Note: Based on Model 3.3 (see the appendix). Bars present 95% confidence interval for the predicted probability. The reference category (Requested by Parties) includes 70 hearings for which we do not have information. The limited number of public hearings makes it difficult to estimate the effect requesters for this group.

Figure 6 suggests that hearings initiated by the Inter-American Court may be more effective than other hearings. In this case, the reference category includes hearings requested by parties in the case (the state, the victims, or the IACHR) plus 70 hearings for which we do not have information. The probability of compliance after private hearings initiated by the Court is about 14%—in line with previous estimates—but the probability of compliance after private hearings in the reference category is indistinguishable from the 9% expected in the absence of any hearings.

Figure 7 suggests that hearings with participation of multiple state agencies may be more effective than other hearings. In this analysis, the reference category includes all cases in which a single agency represented the state, plus 81 hearings for which we could not find information. The probability of compliance after a private hearing in the reference category is about 11%, not large enough to become statistically different than the 9% expected in the absence of a hearing (see Table 3, model 3.4 in the appendix). In contrast, the expected probability of compliance after a private hearing involving several institutions is about 13%, and this effect is statistically significant ($p < .01$).

Figure 7. Hearings with Participation of Several State Agencies May Be More Effective



Note: Based on Model 3.4 (see the appendix). Bars present 95% confidence interval for the predicted probability. The reference category (One agency) includes 81 hearings for which we have no information. The limited number of public hearings makes it difficult to estimate the effect of state agencies for this group.

Concluding Remarks

The analysis presented in this document indicates that supervision hearings help promote compliance with the IACtHR's rulings. The evidence also suggests that public hearings, although less frequent, may have more visible effects on compliance. At the same time, our findings demonstrate that private and public hearings are more effective when they take place under certain sets of conditions. Our research provides two remarkable findings:

1. The most effective supervision hearings are public hearings taking place in the state's territory. Onsite public hearings increase the expected rate of compliance from 9% per year (in the absence of any hearing) to 41%.
2. Private hearings are more effective when conducted at the Court's headquarters. In addition, the probability of compliance increases when private hearings are decided by the Court, and when they involve participation by several institutions. Under such favorable conditions, the expected rate of compliance increases from 9% per year to about 14%.

Those findings may help design supervision strategies based on the optimal conditions to induce compliance. The monitoring system is flexible, and the IACtHR decides the hearings' modalities on a case-by-case basis. Although key decisions regarding the hearings' timing, location, and participants reflect specific needs and the context of each case, the Court can also take into account the patterns documented in this report to define the modality of supervision.

Further analysis of oversight instruments can yield useful lessons to guide the Court's supervision strategies. The IACtHR has emphasized the importance of states complying with its orders, not only as a matter of justice in specific cases but also as the *raison d'être* for the Court.¹ Systematic studies of the effectiveness of particular oversight strategies may help establish best practices and models of supervision, not just within the Inter-American system, but for other courts as well.

¹ Case of *Baena Ricardo et al. v. Panama*. Competence. Judgment of November 28, 2003. Series C No. 104, para. 72.

Appendix: Statistical Models

We estimated the probability of compliance using discrete-time survival models with a complementary log-log link. Our sample includes all reparation measures since 2007 (i.e., pending compliance in 2007, or ordered after 2006). Units of analysis are reparations observed in any given year until the time of compliance; the dependent variable is coded 1 on the year of compliance, 0 otherwise. All models include frailties by country (state) and by legal case.

The main independent variables are dichotomous items indicating if a supervision hearing covered a particular reparation measure in any given year. Our models also control for the type of reparation measure (seven categories, with *restitution* as the baseline) and the time elapsed since the ruling (we account for non-linear duration dependence using a sixth-order polynomial).

Table 1. Effect of Supervision Hearings on Partial and Full Compliance (Hazard Ratios)

	(1.1) Partial		(1.2) Full	
<i>Supervision</i>				
Supervision hearing, t	0.62	(0.24)	1.60*	(0.30)
<i>Type of measure</i>				
Rehabilitation	1.00	(0.45)	0.18*	(0.08)
Satisfaction	3.20*	(1.20)	2.66*	(0.59)
Non-Repetition	1.12	(0.44)	0.50*	(0.12)
Prosecutions	0.35*	(0.17)	0.07*	(0.03)
Indemnifications	6.20*	(2.39)	2.01*	(0.47)
Legal costs ^a	2.54*	(1.03)	3.31*	(0.75)
<i>Duration dependence</i>				
t	28.98*	(13.42)	18.26*	(4.99)
t ²	0.13*	(0.05)	0.23*	(0.04)
t ³	1.67*	(0.21)	1.35*	(0.07)
t ⁴	0.94*	(0.02)	0.97*	(0.01)
t ⁵	1.00*	(0.00)	1.00*	(0.00)
t ⁶	1.00*	(0.00)	1.00*	(0.00)
<i>Frailties</i>				
var(State)	4.54*	(3.44)	6.01*	(4.44)
var(Case)	4.34*	(1.70)	3.42*	(0.80)
Observations	8585		10436	

Exponentiated coefficients; Standard errors in parentheses - * p<0.05

a. For statistical purposes, required contributions to the Victims' Fund were treated as legal costs.

In models with full compliance as the dependent variable, presented in Tables 2 and 3, we also control for partial compliance, taken as an indicator of political will. Because Table 1 shows no effect of hearings on partial compliance, it is unlikely that this variable will introduce post-treatment bias.

Table 2. Effect of Public and Private Hearings on Full Compliance (Hazard Ratios)

	(2.1) Time Lags		(2.2) Trimmed	
Type of hearing, timing				
Private, t	1.69*	(0.34)	1.73*	(0.34)
Private, t-1	1.02	(0.33)		
Private, t-2	0.44	(0.23)		
Public, t	1.06	(0.59)		
Public, t-1	4.59*	(2.32)	4.17*	(2.06)
Public, t-2	1.25	(1.31)		
Partial compliance	2.43*	(0.32)	2.43*	(0.32)
Type of measure				
Rehabilitation	0.17*	(0.07)	0.17*	(0.07)
Satisfaction	2.35*	(0.52)	2.37*	(0.53)
Non-Repetition	0.50*	(0.12)	0.50*	(0.12)
Prosecutions	0.08*	(0.04)	0.08*	(0.04)
Indemnifications	1.66*	(0.39)	1.67*	(0.39)
Legal costs	3.03*	(0.68)	3.04*	(0.69)
t	17.44*	(4.79)	17.41*	(4.77)
t^2	0.20*	(0.04)	0.21*	(0.04)
t^3	1.40*	(0.07)	1.40*	(0.07)
t^4	0.97*	(0.01)	0.97*	(0.01)
t^5	1.00*	(0.00)	1.00*	(0.00)
t^6	1.00*	(0.00)	1.00*	(0.00)
Frailties				
var(State)	4.34*	(2.71)	4.33*	(2.69)
var(Case)	3.24*	(0.73)	3.24*	(0.73)
Observations	10436		10436	

Exponentiated coefficients; Standard errors in parentheses

* p<0.05

In Table 3, several dichotomous variables help identify variation in the two effects detected in Table 2 (i.e., the effect of private hearings in the current year, or the effect of public hearings held last year). The main coefficient captures the effect of hearings when the attribute is not present, and the sum of the main coefficient and the coefficient for the subset captures the marginal effect of hearings when the attribute is present. For example, in model 3.1, the coefficient for *Private, t* reflects the effect of a private hearing held in the Court's headquarters, while the sum of *Private, t* + *Onsite hearing* captures the effect of a private hearing held in the state's territory. (Note that this procedure refers to the original linear coefficients. For exponentiated values displayed in the tables, the product of the two coefficients yields the joint effect.)

Table 3. Effect of Different Types of Public and Private Hearings (Hazard Ratios)

	(3.1) Location		(3.2) N of Cases		(3.3) Requester		(3.4) State agencies	
Full compliance								
Private, t	1.98*	(0.41)	2.24*	(0.47)	0.80	(0.42)	1.40	(0.45)
+ Onsite hearing	0.28	(0.21)						
+ Joint hearing			0.17*	(0.13)				
+ Requested by Court					2.59	(1.45)		
+ Several agencies							1.42	(0.56)
Public, t-1	2.15	(1.42)	9.63*	(5.13)	4.30*	(2.12)	4.27*	(2.11)
+ Onsite hearing	9.73*	(10.10)						
+ Joint hearing			0.09*	(0.11)				
+ Requested by Court					n/a			
+ Several agencies							n/a	
Partial compliance	2.43*	(0.32)	2.41*	(0.32)	2.43*	(0.32)	2.42*	(0.32)
Rehabilitation	0.15*	(0.06)	0.17*	(0.07)	0.17*	(0.07)	0.17*	(0.07)
Satisfaction	2.32*	(0.51)	2.41*	(0.54)	2.34*	(0.52)	2.38*	(0.53)
Non-Repetition	0.49*	(0.12)	0.51*	(0.13)	0.50*	(0.12)	0.50*	(0.13)
Prosecutions	0.08*	(0.04)	0.08*	(0.04)	0.08*	(0.04)	0.08*	(0.04)
Indemnifications	1.63*	(0.38)	1.68*	(0.39)	1.65*	(0.39)	1.68*	(0.39)
Legal costs	2.98*	(0.67)	3.07*	(0.69)	3.01*	(0.68)	3.05*	(0.69)
t	18.00*	(4.94)	17.89*	(4.90)	17.79*	(4.88)	17.62*	(4.83)
t ^2	0.20*	(0.04)	0.20*	(0.04)	0.20*	(0.04)	0.20*	(0.04)
t ^3	1.41*	(0.07)	1.40*	(0.07)	1.41*	(0.07)	1.40*	(0.07)
t ^4	0.97*	(0.01)	0.97*	(0.01)	0.97*	(0.01)	0.97*	(0.01)
t ^5	1.00*	(0.00)	1.00*	(0.00)	1.00*	(0.00)	1.00*	(0.00)
t ^6	1.00*	(0.00)	1.00*	(0.00)	1.00*	(0.00)	1.00*	(0.00)
Frailties								
var(State)	4.27*	(2.63)	4.31*	(2.67)	4.32*	(2.68)	4.31*	(2.68)
var(Case)	3.13*	(0.69)	3.14*	(0.70)	3.17*	(0.71)	3.27*	(0.74)
Observations	10436		10436		10436		10436	

Exponentiated coefficients; Standard errors in parentheses. n/a: limited number of events prevents estimation

* p<0.05