

SYSTEMATIC THESAURUS

Amendments to version 10 proposed by the Working Group on the Systematic Thesaurus

1 CONSTITUTIONAL JUSTICE

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 - 8.2.10.1 Scope
 - 8.2.10.1.1 Non-litigious administrative procedure
 - 8.2.10.2 Access to courts [\[62\]](#)
 - 8.2.10.2.1 Habeas corpus
 - 8.2.10.3 Right to a hearing**
 - 8.2.10.4 Public hearings
 - 8.2.10.5 Public judgments

- 8.2.10.6 Right to be informed ~~about~~ of the decision
- 8.2.10.7 Right of access to the file
- 8.2.10.8 Trial within reasonable time
- 8.2.10.9 Independence
- 8.2.10.10 Impartiality
- 8.2.10.11 Double degree of jurisdiction^[63]
- 8.2.10.12 Prohibition of *reformatio in peius*
- 8.2.10.13 Rules of evidence
- 8.2.10.14 Reasoning
- 8.2.10.15 Rights of the defence
- 8.2.10.16 Equality of arms
- 8.2.10.17 Adversarial hearings^[64]
- 8.2.10.18 Languages
- 8.2.10.19 Presumption of innocence
- 8.2.10.20 Right not to incriminate one-self
- 8.2.10.21 Right to be informed about the reasons of detention
- 8.2.10.22 Right to be informed about the charges
- 8.2.10.23 Right to have adequate time and facilities for the preparation of the case
- 8.2.10.24 Right to counsel
- 8.2.10.25 Right to examine witnesses
- 8.2.11 Right to compensation for damage caused by the State**
- 8.2.12 Rights of domicile and establishment
- 8.2.13 Freedom of conscience^[65]
- 8.2.14 Freedom of opinion
- 8.2.15 Freedom of worship
- 8.2.16 Freedom of expression^[66]
- 8.2.17 Freedom of the written press
- 8.2.18 Rights in respect of the audiovisual media and other means of mass communication
- 8.2.19 Right to information
- 8.2.20 Right to administrative transparency
- 8.2.21 Right of access to administrative documents
- 8.2.22 Right to a nationality
- 8.2.23 National service^[67]
- 8.2.24 Freedom of association
- 8.2.25 Freedom of assembly
- 8.2.26 Right to participate in political activity
- 8.2.27 Right to respect for one's honour and reputation
- 8.2.28 Right to private life
 - 8.2.28.1 Protection of personal data
- 8.2.29 Right to family life^[68]
 - 8.2.29.1 Descent
 - 8.2.29.2 Succession
- 8.2.30 Inviolability of the home
- 8.2.31 Inviolability of communications
 - 8.2.31.1 Correspondence
 - 8.2.31.2 Telephonic communications
 - 8.2.31.3 Electronic communications
- 8.2.32 Right of petition
- 8.2.33 Non-retrospective effect of law
 - 8.2.33.1 Criminal law
 - 8.2.33.2 Civil law
 - 8.2.33.3 Taxation law
- 8.2.34 Right to property
 - 8.2.34.1 Expropriation
 - 8.2.34.2 Nationalisation
 - 8.2.34.3 Other limitations
 - 8.2.34.4 Privatisation
- 8.2.35 Linguistic freedom
- 8.2.36 Electoral rights
 - 8.2.36.1 Right to vote
 - 8.2.36.2 Right to be elected **stand for election**
- 8.2.37 Rights in respect of taxation
- ~~5.2.38 Right of asylum~~
- 8.2.38 Right to self fulfilment
- ~~8.2.39 Rights of the child~~
- ~~8.2.40 Protection of minorities and persons belonging to minorities~~

8.3 Economic, social and cultural rights

- 8.3.1 Freedom to teach
- 8.3.2 Right to be taught
- 8.3.3 Right to work
- 8.3.4 Freedom to choose one's profession^[69]
- 8.3.5 Freedom to work for remuneration
- 8.3.6 Commercial and industrial freedom
- 8.3.7 Right of access to the public service
- 8.3.8 Right to strike
- 8.3.9 Freedom of trade unions
- 8.3.10 Right to intellectual property
- 8.3.11 Right to housing
- 8.3.12 Right to social security
- 8.3.13 Right to a pension**
- 8.3.14 Right to just and decent working conditions
- 8.3.15 Right to a sufficient standard of living
- 8.3.16 Right to health
- 8.3.17 Right to culture
- 8.3.18 Scientific freedom
- 8.3.19 Artistic freedom

8.4 Specific rights^[70]

- 8.4.1 Rights of the child**
- 8.4.2 Protection of minorities or persons belonging to minorities**
- 8.4.3 Rights of persons with disabilities**
- 8.4.4 Rights of minors or incapacitated persons**
- 8.4.5 Rights of the imprisoned**
- 8.4.6 Rights of foreigners**
 - 8.4.6.1 Expulsion**
 - 8.4.6.2 Extradition**
 - 8.4.6.3 Right of asylum**
 - 8.4.6.4 Naturalisation**

8.5 Collective rights

- 8.5.1 Right to the environment
- 8.5.2 Right to development
- 8.5.3 Right to peace
- 8.5.4 Right to self-determination
- 8.5.5

In addition, the Secretariat proposes to rearrange the chapters of the Systematic Thesaurus in the following order:

- 1 *Fundamental Rights*
- 2 *General Principles*
- 3 *Institutions*
- 4 *Sources of constitutional law*
- 5 *Constitutional Justice*

[1] Constitutional Court or equivalent body (constitutional tribunal or council, supreme court etc)

[2] Including the conditions and manner of such appointment (election, nomination, etc)

[3] Including the conditions and manner of such appointment (election, nomination, etc)

[4] Vice-presidents, presidents of chambers or of sections, etc

[5] Eg State Counsel, prosecutors etc

[6] Registrars, assistants, auditors, general secretaries, researchers, other personnel, etc

[7] Eg assessors

[8] Registrars, assistants, auditors, general secretaries, researchers, other personnel, etc

[9] ~~Preliminary references~~ **Referrals of preliminary questions** in particular

[10] Horizontal distribution of powers

[11] Vertical distribution of powers, particularly in respect of states of a federal or regionalised nature

[12] Decentralised authorities (municipalities, provinces, etc)

[13] This keyword concerns decisions on the procedure and results of ~~referendums~~ **referenda** and other consultations

[14] This keyword concerns decisions preceding the referendum including its admissibility

[15] Examination of procedural and formal aspects of laws and regulations, particularly in respect of the composition of parliaments, the validity of

Examination of procedural and formal aspects of laws and regulations, particularly in respect of the composition of parliaments, the validity of votes, the competence of law-making authorities, etc (questions relating to the distribution of powers as between the State and federal or regional entities are the subject of another keyword (No 133))

[16] Local authorities, municipalities, provinces, departments, etc

[17] Or: functional decentralisation (public bodies exercising delegated powers)

[18] Political questions

[19] Unconstitutionality by omission

[20] Pleadings, final submissions, notes, etc

[21] This keyword allows for the inclusion of enactments and principles arising from a separate constitutional chapter elaborated with reference to the original Constitution (Declarations of rights, Basic Charters, etc)

[22] Including its Protocols

[23] Presumption of constitutionality, double construction rule

[24] Separation of Church and State, State subsidisation and recognition of churches, secular nature, etc

[25] Including maintaining confidence and legitimate expectations

[26] Prohibition of punishment without proper legal base

[27] Including compelling public interest

[28] Only where not applied as a fundamental right

Also refers to the principle of non-discrimination on the basis of nationality as it is applied in Community law

[29] For the principle of primacy of Community law, see 2.2.1.6

[30] For example nomination of members of the government, chairing of Cabinet sessions, countersigning of laws

[31] For example presidential messages, requests for further debating of a law, right of legislative veto, dissolution

[32] For example the granting of pardons

[33] Bicameral, monocameral, special competence of each assembly, etc

[34] Including specialised powers of each legislative body

[35] For example age, nationality, residence

[36] "Mandat représentatif/impératif" – representative mandate/system under which the a member of parliament's right to represent electors depends on compliance with their instructions

[37] Presidency, bureau, sections, committees, etc

[38] Including the convening, duration, publicity and agenda of sessions

[39] Including their creation, composition and terms of reference

[40] State budgetary contribution, other sources, etc

[41] For example incompatibilities **occurring in the exercise of the office**, parliamentary immunity, exemption from ~~jurisdiction~~ **prosecution** and others

[42] All these keywords apply equally to bodies of local self-government

[43] Derived directly from the constitution

[44] Local authorities

[45] The vesting of administrative competence in public law bodies independent of public authorities, but controlled by them

[46] Civil servants, administrators, etc

[47] Practice aiming at removing from civil service persons entangled with a totalitarian regime

[48] Other than the body delivering the decision summarised here

[49] Positive and negative conflicts

[50] Comprises the Court of auditors in so far as it exercises jurisdictional power

[51] ~~Eg Court of Auditors~~ **Auditor-General**

[52] Parliamentary Commissioner, Human Rights Commission, etc

[53] Eg Court of Auditors

[54] Institutional aspects only: questions of procedure, jurisdiction, composition etc are dealt with under the keywords of Chapter 1

[55] Open-ended or finite

[56] If applied in combination with another fundamental right

[57] The question of "Drittwirkung"

[58] Used independently from other rights

[59] Here, the term "national" is used to designate ethnic origin

[60] Discrimination in particular between married and single persons

[61] This keyword also covers "Personal liberty" It includes for example identity checking, personal search and administrative arrest Detention pending trial is treated under "Procedural safeguards - Detention pending trial"

[62] Including the right of access to a tribunal established by law

[63] This keyword covers the right to a jurisdictional appeal

[64] Audiatur et altera pars - adversarial principle

[65] Covers freedom of religion as an individual right Its collective aspects are included under the keyword "Freedom of worship" below

[66] This keyword also includes the right to freely communicate information

[67] Militia, conscientious objection, etc

[68] Aspects of the use of names are included either here or under "Right to private life"

[69] This keyword also covers "Freedom of work"

[70] Rights applicable to specific groups of persons