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CDL-JU-PV (95) 7

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**Report of the 7th Meeting of the Sub-Commission  
on Constitutional Justice  
with the Liaison Officers from Constitutional  
Courts and other equivalent bodies**

**(Lausanne, 3-4 July 1995)**

The Sub-Commission on Constitutional Justice held its 7th meeting with liaison officers from Constitutional Courts and other equivalent bodies in Lausanne on 3-4 July 1995 with Ms Hanna Suchocka in the Chair. A list of participants will be found in Appendix I.

**1. Information on the Swiss Federal Tribunal and the data base BRADOC**

The participants were informed about the structure, composition and activities of the Swiss Federal Tribunal. The database BRADOC which has been developed by the Federal Tribunal was presented.

**2. Adoption of the Agenda**

The participants adopted the agenda set out in Appendix II.

**3. Presentation of progress of the Database on Constitutional Case Law**

The Secretariat presented an intermediary version of the database on constitutional case law which is programmed using the full text software Folio Views. The Secretariat suggested

**CODICES  
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COConstitutional CasES**

as a possible name for the database.

The following functions of CODICES are available:

- full text search for all words, including Boolean combinations of them (and, or, not);
- full text search in any of the zones, including the sub-zones (a) - (h) of the identification-zone;
- hierarchical search via the branches of the systematic thesaurus;
- search via isolated keywords of the systematic thesaurus and alphabetical index;
- search by date of the decisions which are the subject of the summaries including ranges (from - to);
- search by synonyms (Folio Views provides a list of synonyms which can be modified by the user).

The results of the search can be formatted (font, size, etc.), explanatory notes can be added without modifying the original database itself and the result can be printed out or transferred to word processing. Dissemination of the database can be organised by diskette or CD-ROM. An optional extension of Folio Views permits its use on Internet.

The database should be available by the end of 1995 or at the beginning of 1996. It will then be distributed among the liaison officers for testing and comments. The Secretariat will provide the liaison officers with concise information on how to use the database via written instructions and a help function.

The participants welcomed the presentation of the database.

**The Sub-Commission instructed the Secretariat to finalise the database as soon as possible and to distribute it among the participating Courts and equivalent bodies.**

#### **4. Possible co-operation with a project setting up Internet databases for constitutional courts in Central and Eastern Europe**

Prof. Lessig of the University of Chicago Law School informed the Sub-Commission about a project to connect constitutional courts in Central and Eastern Europe to the Internet (CDL-JU (95) 3). The project is financed *inter alia* by the Soros Foundation.

Prof. Lessig emphasised the potential of the Internet for constitutional courts. It gives direct access to information which is otherwise only available in major libraries. It also allows an exchange of information about problems which are of interest for different countries. The creation of a network linking constitutional courts of Central and Eastern Europe (the "COCONET") is planned. It is envisaged to use Folio Views as a common standard format.

As an initial stage before the end of 1995, the Constitutional Courts of Slovakia, the Czech Republic, Hungary and Russia have been selected. They will be given the necessary equipment and training to be connected to E-mail and will be able to offer their decisions on the Internet (World-Wide-Web). Other courts of the region will be invited to follow.

Prof. Lessig stressed that it will be important to extend this dialogue to Western European courts which are so far not connected to the Internet. In this context, the Venice Commission might play an important role. He suggested that its database on constitutional case-law should be made available on the Internet and connected to the databases of the constitutional courts which have an Internet access. It would then be possible to link summaries of the *Bulletin* to the full text of these decisions (translated and/or in original language) and thus a very effective research tool would be created.

The participants welcomed this initiative. It was, however, stressed that distribution by Internet should not interfere with the distribution of the database on diskette/CD-ROM and with the publication of the *Bulletin*. As to the opening of databases of participating courts, it was mentioned that problems might arise with respect to data protection and copyright. Hence, it must be ensured by separating data that direct access to databases will not be abused to gain access to confidential information.

**The participants entrusted the Secretariat with the task of preparing a note on the implications of a connection of the Venice Commission's database to the Internet and to follow the initiative of the University of Chicago.**

#### **5. Publication of the *Bulletin on Constitutional Case Law***

The Secretariat informed about the publication of the most recent Bulletins. Publication of *Bulletin* No. 1/1995 is envisaged for September 1995. It will be the first payable *Bulletin*. The publishing unit of the Council of Europe ("SEDDOC") will be responsible for the administration of subscriptions.

The Secretariat can now receive contributions for the *Bulletin* and other messages by E-Mail. Correspondants should use the format ASCII when sending texts. Two addresses are available on the Internet:

- JORG.POLAKIEWICZ@DAJ.COE.FR
- REMORDS@DAJ.COE.FR (soon to be changed to MICHELLE.REMORDS@DAJ.COE.FR)

The Secretariat also distributed a questionnaire concerning the setting up of a documentation centre on constitutional case-law in Strasbourg. The questionnaire was prepared by a student in information management who is currently preparing a study on the documentation centre.

#### **6. Improvements in the presentation of the *Bulletin on Constitutional Case-Law***

The following points were discussed:

- use of country codes for the identification of decisions (CDL-JU (95) 4);
- inclusion of a new sub-zone "h) Non-official publications" in zone 1 "Identification";

- use of zone 7 "Cross-references";
- use of zone 8 "Languages";
- distinction between "headnotes" and "summaries" (zones 4 and 5).

As from *Bulletin* 1/95, all decisions will be given an identification number as proposed in Doc. CDL-JU (95) 4. As a rule, the three-letter country code used by the International Olympic Committee will be used to identify the country. The European Court of Human Rights will be identified as "ECH", the Court of Justice of the European Communities as "CJE" (see Appendix III).

It was deemed useful to use zone 7 for cross-references and to include a new sub-zone "h) Non-official publications" in zone 1 "Identification". References to non-official publications shall be made giving the full title of the publication (no abbreviations).

In *Bulletin* 3/94, decisions were presented in a new format, distinguishing between "headnotes" and "summaries" (zones 4 and 5). The participants agreed that this has very much improved the intelligibility of contributions. It was recalled that the "headnotes" should be limited to a concise summary of the main legal points of the decisions. The "summary", on the other hand, may contain a brief description of the factual background of the case, the procedure followed, the legal reasoning and specific information on the decision taken (abolition of a law, etc.).

So far, zone 8 "Languages" has only been used for courts using more than one official language (e.g. Switzerland, Belgium). However, a user of the database may be interested in searching for decisions on a certain subject existing in a particular language, whether translated by the court or private publishers. In order to allow such a restricted research, it will be necessary to give in zone 8 references to all known translations (official and non-official).

The Liaison Officers are invited to communicate to the Secretariat any information pertaining to decisions published in the *Bulletin*, even those of which they become aware after publication (e.g. references to official and non-official publications, translations, etc.). Such data will be entered into the database. Full texts and translations of full texts received on paper and/or diskette are used for the Documentation Centre and are also for later use in the database.

**The participants adopted the following decisions:**

- **to include a new sub-zone "h) Non-official publications" in zone 1 "Identification";**
- **to allow for the use of zone 7 for cross-references to decisions of the same court or other courts, whether published in the *Bulletin* or not;**
- **to mention systematically in zone 8 in which languages a decision is available.**
- **to communicate to the Secretariat new information on cases which have already been published for its entry into the database.**

**Revised guidelines for the preparation of contributions are contained in document CDL-JU (95) 2rev joined hereto. They will be followed as from *Bulletin 1/95*.**

## **7 Systematic Thesaurus and Alphabetical Index**

### **a. Study project of French documentation students**

Mr Cottin, Head of the Documentation Service of the French Constitutional Council, presented a study undertaken by students of documentation management at the Paris Institute of Political Sciences (CDL-JU (95) 6). This project uses standardised relations between different keywords (Nota, US use, UF used for, BT broader term, NT narrower term, RT related term). It consists of an alphabetical list, a systematic list and a "tool words" list.

This project is not intended to replace but to complement the systematic thesaurus and the alphabetical index as they exist. It could be integrated into the CODICES database project in such a way that users could also search in this new thesaurus. The result of such a search would lead to the existing systematic thesaurus from where the corresponding decisions would be accessible.

It was pointed out that the establishment of such a list thesaurus and its linkage to the existing systematic thesaurus would impose a significant workload upon the Secretariat.

**The participants charged the Secretariat to further study possibilities of using a list thesaurus as it had been presented.**

### **b. Report of the working group on the improvement of the Systematic Thesaurus (Brussels, 31 January 1995)**

The Secretariat presented the results of the working group that had worked out a proposal of changes to the Systematic Thesaurus (CDL-JU (95) 7).

Major changes concern the introduction of a chapter "3. General Principles". The chapter "Sources of constitutional law" was moved to position 2, leaving the chapters "4. Institutions" and "5. Fundamental rights" at the end of the Thesaurus. All "etc." and "general" were removed. In cases where the use of these keywords would be necessary, the keyword chain may be terminated one level before the point where no appropriate keyword exists.

The working group could not reach unanimity concerning points "1.2 Types of claim" to "1.7 Effects". Here, one version was proposed by Messrs. Ryckeboer and Vandernoot and another version focusing on an exhaustive list of types of litigation was proposed by Mr Hartwig.

After a thorough discussion, the participants decided to retain the Belgian proposal offering a more coherent approach whilst expressing their esteem for the well elaborated German

proposal. Some modifications made during the discussion were also included in the new Thesaurus.

A chapter 4.12 on the institutions of the European Union will be added later in co-operation with the Court of Justice of the European Communities.

**The participants adopted the new version of the systematic Thesaurus as it appears in document CDL-JU (95) 8. It will be applied as from *Bulletin 1/95*.**

## **8. Special *Bulletin***

The Secretariat presented the texts on Constitutional Courts and equivalent bodies received so far.

**The participants decided to publish in the form of a Special *Bulletin* legal texts on Constitutional Courts and equivalent bodies (extracts of constitutions and laws but no rules of procedure) which should be made available to the Secretariat in one of the working languages of the Council of Europe, if possible on diskette.**

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