

# **THE FOUNDATION AND FUTURE SIGNIFICANCE OF THE INTERNATIONAL DOCUMENTATION CENTRE ON CONSTITUTIONAL MATTERS**

**by**

**Dr. Arne Mavcic\***

Universal participation of constitutional courts in the modern information system represents an important change. Until recently legal informatics in the domain of constitutional matters, with a few exceptions, did not keep up with general trends in other areas. In many cases the documents issued by constitutional courts (mainly decisions) used to be processed by other subjects, more advanced in informatics, such as the Supreme Court of Italy. Legal data bases including constitutional matters are relatively rare (e.g. JURIS, COSTIT, CITERE, RDB).

On these grounds the initiative by the European Community, by which constitutional courts belonging to a common information centre would allow potential users computer-aided access to the information on constitutional matters, is to be welcomed. In 1990 the European Commission for Democracy Through Law assembled the Presidents of the Constitutional Courts and other equivalent bodies in Italy. Another meeting, held in September 1991 in Italy, gathered together the working party on Constitutional Justice of the European Commission for Democracy Through Law. At this latter meeting the liaison officers initiated the setting up of a documentation centre on constitutional case law. Quite a lot may be expected from the information services provided by the future computer-aided International Information Centre or information system respectively. Legal information is on the increase, which entails more difficulties in its orientation within other legal systems. In this situation the solutions providing appropriate professional information on constitutional matters are to be welcomed.

Hitherto, we have been interested in every project of this kind, such as the project explained on the occasion of the Seventh Conference of European Constitutional Courts, held in Lisboa from 27 to 29 April 1987. This was a joint project of Italian and German constitutional courts which aimed at the foundation of an international documentation centre for constitutional courts, located at the University of Bologna. This documentation centre was to be linked to the automatic data processing and to publish an annual publication about the activity of constitutional courts all over the world. Unfortunately, this project has not been realised.

The future International Documentation Centre, including the database on constitutional matters, could make an important complement to the existing European legal databases (CELEX) covering several domains: legal

---

\* Head of the Legal Information Centre, Constitutional Court of the Republic of Slovenia, 61000 Ljubljana, Beethovnova 10, Slovenia.

practice of regular courts, legislation, bills, parliamentary questions, national legislation.

### **Basic Principle of Publicity in the Activity of Constitutional Courts**

In principle the information should be accessible to all users with reference to the principle of publicity in the activity of constitutional courts (public database or the principle of unlimited users' access to data and information).

### **Purpose of the Documentation Centre**

The information may be designed either for support in decision-making or for scientific purposes.

### **Subjects Involved in the Foundation of the Documentation Centre**

The subjects involved in the foundation of the Documentation Centre are: the competent bodies of the European Community, the constitutional courts and the users themselves.

### **Information Network**

For the initial activity of the common Documentation Centre it is useful to link all the existing information centres, active with constitutional courts of the participating countries, into an information network. Thereby the common Documentation Centre will be in charge of co-ordination. Information centres of the constitutional courts of participating countries will function as information stations forwarding the data, or information, into the common Documentation Centre. Individual responsible national data producers will enter into the corresponding agreements including the specification of time schedules.

### **Status of the Documentation Centre and Data Processing Mode**

The data processing will be centralised. The centralised mode requires a more extensive specialised service including legal and technical experts in the Documentation Centre itself. The advantages of such organisation are: the independence of individual producers and the possibility of objective and steady development of all parts of the system.

The activity of the Documentation Centre will always be in compliance with the corresponding technical standards, agreed and/or adopted within the scope of the competent national or international organisations (e.g. CCL, - Common Command Language).

### **Tasks of the Documentation Centre**

\* Planned collection of primary documents on constitutional matters;

- \* Processing of the received documents including their identification, equipment, records etc.;
- \* Technical approach to the contents, indexing (legal experts);
- \* Computer-aided processing of full-text documents, which secures to all interested users direct access to the necessary data;
- \* Direct browsing by the user;
- \* Browsing with the assistance of competent technical staff of the Documentation Centre;
- \* Dissemination of information from the database: periodic computer print-outs, consulting - analytical and synthetic information from the available information sources; publication of a periodical bulletin or survey of constitutional matters etc.

The producers shall benefit from their special status, other users shall pay the costs of computer browsing and/or print-outs, photocopies, copies of microfilm cards, important information and consultation (based on a special agreement with the user). Special discounts shall be available for permanent users (under agreements on permanent collaboration) and for institutions of scientific research. The relationships of the Documentation Centre towards the producers on the one hand and towards the users on the other hand shall be specified by the rules contained in the standard agreement or by respective regulations.

### **Specification of Requirements - Extent of Data Collection**

- \* The activity of the Documentation Centre shall be limited to the domain of constitutional law or respectively constitutional justice.
- \* It shall cover at least European and American constitutional practice and theory .
- \* The extent of the collected constitutional matters could be even larger and comparatively more interesting with reference to the variety of institutions engaged in legal supervision of constitutionality and legality in individual countries:

Europe: for example, Switzerland, Germany, Austria, Italy, France, Turkey, Greece, Portugal, Spain, Poland, Hungary, Slovenia, Cyprus, Denmark, Iceland, Belgium, Sweden, Norway;

Outside Europe: for instance, Algeria, Syria, Argentina, Japan, Egypt, Mexico, Canada, USA, Australia, New Zealand, South Africa, India, Burma, Uruguay, Brazil.

## **Nature of the Collected and Processed Documents**

The documents shall be collected as full texts, possibly without selection. The selection shall always be subject to the principle that the producer of the documents is the only person authorised to it.

### **Document types:**

- \* Decisions by constitutional courts;
- \* General opinions by constitutional courts;
- \* Theory on constitutional justice (materials);
- \* Literature (articles, books) on constitutional matters;
- \* Regulations on constitutional matters (provisions of the Constitution, laws on constitutional institutions or institutions with similar competence, rules of procedure and other internal regulations of constitutional courts, etc.);
- \* Period: current period, possibly the whole period of operation of constitutional courts by individual countries;
- \* Language: processing of primary documents will take place in the native language. For users from other languages it would be necessary to provide a translation into an agreed language (English and/or French), or to use the agreed multi-language descriptors on both languages.

## **The Activity of the Constitutional Court of the Republic of Slovenia in Ljubljana regarding the Foundation of the Future Documentation Centre on Constitutional Matters**

The Legal Information Centre, within the scope of the Constitutional Court of the Republic of Slovenia, includes the information system of the Constitutional Court, with a uniform legal database on constitutional matters covering the whole territory of the former Yugoslavia throughout seven years, and the territory of Slovenia throughout the existence of the Slovene Constitutional Court, which is 27 years. The database is based on STAIRS, ATLASS and TRIP programme full-text packages and is open to the public at three locations (central computers of the Republic's Administration as well as the Ljubljana and the Maribor universities). The database includes 17,000 full-text documents (covering constitutional practice and theory) and is subject to monthly updating. The database will, of course, also be available in the newly founded International Documentation Centre which is the topic of this discussion. From our side it is always possible to provide a copy of the whole database or of a part thereof, whereby the copy shall be converted to the technical requirements of the respective location. In addition, the stored documents (full text) are currently translated into English.

An exchange of primary constitutional documents has been practiced with the constitutional courts of Italy, Germany and Austria; plus we have on-line computer communications with foreign information systems, such as ECHO, Luxembourg, JURIS (including all CELEX bases), Germany, ALEXIS (including RDB Austria) and GENIOS, Germany (including LEXIS).