

Strasbourg, 5 February 1997
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CDL-JU (97) 7
Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

Inclusion of constitutions into CODICES

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1. Objectives

Together with the précis as they have been published in the *Bulletin on Constitutional Case-Law* and the full texts provided by the liaison officers, the CODICES CD-ROM also contains the European Convention on Human Rights (ECHR). Links have been established from the references to articles of the ECHR in the précis to the text of the corresponding article of the ECHR. If such a reference appears in the text of a précis in CODICES a simple double-click on this reference shows the user the text of the corresponding article.

Were the constitutions of participating countries available in CODICES, similar links could be established between references to articles of the constitution of each country and the corresponding text of the article. Within CODICES, this instant availability of the constitutional text would certainly very much improve usefulness of the précis because the user of CODICES could immediately consult the constitution if he so wishes.

Apart from using these links, the availability of many constitutions in CODICES would be most useful for doing comparative research on these texts. Full text searches for any word would be possible in these texts. At a later stage it could be envisaged to index the articles of the constitutions according to the Systematic Thesaurus of the *Bulletin*. Such an indexation would create an even more powerful research tool because the articles from many countries would be immediately available and comparable in respect of a given keyword.

The constitutional texts to be included would be the basic constitutional texts together with the bill of rights in case it is separate from the main text of the constitution. Minor constitutional laws and constitutional provisions in normal laws would remain out of scope of the project.

2. Approach

Given the substantial workload which the inclusion of the constitutions into CODICES and the establishment of the links between the précis and the articles would entail, a gradual approach in several stages will have to be envisaged:

- a. In the beginning, only those texts in the original language, English or French which are available electronically (diskette, e-mail, official Web-site) would be included.
- b. Links from the précis to these texts would be established by the Secretariat.
- c. Later, other texts available only on paper in English or French could be scanned and be integrated by the Secretariat.
- d. The English and French texts could be indexed according to the Systematic Thesaurus of the *Bulletin* to make them searchable by topic.

- e. Liaison officers would be asked to inform the Secretariat about changes in those texts which have already been incorporated into CODICES. If amendments were to exist only in the original language, the Secretariat could have them provisionally translated into English and French until an official version is available. These amendments would be integrated as well. Older versions would, however, be maintained in the form of footnotes in order to keep links from older précis which refer to the original text.

This approach means that at the beginning only some constitutions would be available and during some time maybe only in one language. The body of constitutions available in CODICES would however grow with time and would always be kept up to date.

3. Sources already available

The *Special Bulletins on Basic Texts* contain those articles of the constitutions which refer to the Constitutional Courts or equivalent bodies. Volumes 1 and 2 of the *Basic Texts* have already been incorporated in version 1.5 12/96 of the infobase CODICES without yet establishing links to these articles. They can form a nucleus for the inclusion of the constitutions as such.

Within the framework of the Documentation Centre on Constitutional Justice of the Venice Commission, the Secretariat has for some time been collecting constitutions of the countries which are represented in the *Bulletin on Constitutional Case-Law*. These texts, however, stem from various sources and contain both official and often unofficial translations of constitutions as well as texts in the original language.

In order to improve this situation, the Secretariat has informed the Permanent Representations in Strasbourg about the texts which were already available at the Documentation Centre and asked them to provide other texts which might be at their disposal.

So far, some Representations have sent official texts of their constitution but only a few have provided these texts on diskette or by E-mail. Some representations have indicated references to the world Wide Web where the official text can be found.

4. Support required from liaison officers

The liaison officers would be invited to provide the constitutions of their respective countries in the original language as well as French and English translations in electronic form (diskette, e-mail, reference to Web-site) where they are available. The liaison officer would provide only those texts which form the core of the constitution of his country. It would be most important to mention whether a translation is an official one or to indicate the source a translation is taken from. For all texts it would be very important to know the date of the last amendment which has been incorporated.

In case such a constitution is amended later on, the liaison officer would provide the text of the amendment in the original language and if possible a translation.