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## Improving access to information on European human rights : a review of traditional printed sources and new methods of electronic access.

### Thesis

**Original citation:**

Boeg, Nigel (1999) Improving access to information on European human rights : a review of traditional printed sources and new methods of electronic access. Masters thesis, Thames Valley University.

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**Improving access to information on European human rights : a review  
of traditional printed sources and new methods of electronic access.**

**Nigel Boeg**

**Submitted in fulfilment of the requirements for the degree of MA (or  
Msc) Information Management, Thames Valley University**

**August 1999**

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### **Abstract**

The dissertation seeks to investigate the provision of information in the field of European human rights, with special emphasis on the United Kingdom Human Rights Documentation Depository of case law arising under the European Convention on Human Rights which is located at the British Institute of International and Comparative Law.

The study will identify the user community and the problems that they encounter to obtain material that answer their enquiries. Sources are hard to identify, locate and access. They are scattered and have not been brought together in one directory. The study attempts to bring together the majority of the sources identified, whether in print or electronic, available to the user community. These are evaluated using European human rights enquiries collected during the four year period, 1993-1996, at the British Institute of International and Comparative Law.

The study provides a historical background to the European Convention on Human Rights and discusses the machinery and organs involved in applying the Convention.

The dissertation discusses the impact of the Human Rights Act on various professions after being incorporated into UK national legislation and the future of information access with the development of new sources and improvements in others.

## **Chapter 1**

### **Introduction**

Information provision and sources available for legal researchers, practitioners, students, academics and the general public in the field of European human rights are hard to identify and locate as they are scattered within a number of directories and have not been brought together in one directory.

The European Convention on Human Rights is well known, as is the organisation involved, the Council of Europe, but there are difficulties tracing, locating and retrieving relevant materials in this area of law.

As Europe is increasing in size with new independent States, for example the break up of the U.S.S.R, Czechoslovakia etc. These new States that are joining the Council of Europe have increased the membership to 41 as of 14 June 1999 (See Appendix 1), must sign and ratify the main convention, the European Convention on Human Rights. They are embarrassing the United Kingdom as their national legislation has incorporated the Convention and are using the case-laws that the European Court of Human Rights and the Commission have founded over the past forty years.

The time has come to identify the information sources available and the institutes/organisations that have substantial collections in this specialised field of law. It is increasingly important as the British Government, on October 1997, introduced the Human Rights Bill into Parliament. It incorporates into domestic law the rights and liberties enshrined in the European Convention of Human Rights, a treaty to which the United Kingdom is signatory but which has until this year had no application in domestic

law. On November 9th 1998 the Act received Royal Assent and is expected to be in force and incorporated in the UK's national legislation in early 2000.

As at July 1999, the United Kingdom has not incorporated the Convention into its national legislation. When it does lawyers, practitioners and the wider public will need to know where to locate, access and retrieve the materials mainly Judgments and Commission Decisions and Reports as they do for their normal workload of cases in the British Judiciary. Practitioners and academics know how to retrieve cases that have been heard and judged in the British courts and European Courts. Though they have heard of the Courts, they would probably find it difficult to access the information they require if they took on a case that was to be heard in the European Convention on Human Rights machinery.

When the Convention has been incorporated into national legislation then the British Institute of Human Rights (BIHR) and the British Institute of International and Comparative Law (BIICL) will have to devise policies and information strategies to cope with the influx of enquiries within this area of law.

At present both BIHR and BIICL share the costs of the online system which is a full-text database that contains basic texts relating to the European Convention on Human Rights and texts relating to Court judgments and Commission decisions and which is located at BIICL. This co-operative scheme has been in existence since the late 1980's and it was because of this agreement that the Directorate of Human Rights located in Strasbourg officially presented them with a free licence to use the online system, providing that access was given freely to everybody in the UK and that they (the Institutes) share the burden of telecommunications costs. This system was the only



current electronic retrieval system that was available specifically for European Human Rights until 1997.

Since 1997 the system has been rapidly overtaken by the introduction of the web site and the technologies incorporated in the rapid rise of the Internet. The system was sited at BIICL because the Directorate at the Council of Europe nominated them as the official Human Rights Depository collection for the UK. Even with this electronic source widely available both Institutes continue to collect all the materials in paper form. BIICL had to collect documents as they had been nominated to acquire the hard copies of the judgments of the Court and the reports and decisions of the Commission. The BIHR were also collating the material so that they could produce a case digest for the researchers, practitioners and students.

Even though the two Institutes (BIICL & BIHR) are gathering and collating the majority of the materials from the Directorate, they need to be in close collaboration with each other so that they can provide an in-depth collection of documents that would be unrivalled anywhere else. Then the Institutes could provide and create various publications between themselves as joint authors instead of competing against each other in a small marketplace. Together they could be the voice to promote and advertise the importance of the Human Rights Act and be able to show everyone how this would affect them in the future when it is implemented.

With this in mind there is no evidence that these two Institute's are doing this and they are both separate entities collecting and organising the materials to benefit them and not the wider public. The materials are being duplicated and valuable resources are being wasted e.g. money, time and space by this duplication

This dissertation seeks to investigate and identify the provision of information in the field of European human rights, with special emphasis on the United Kingdom Human Rights Documentation Depository of case law arising under the European Convention on Human Rights which is located at the British Institute of International and Comparative Law and will be discussed in more depth in chapter 3.

The study will attempt to answer whether communications can be improved between the Institutes profiled or whether they should integrate the resources available in one location for easier access. The documents retrieved should be presented in an appropriate form, whether it would be in an electronic or paper format. Document delivery should be thought about very carefully, as this is just as important as the retrieval of the documents itself.

The dissertation will attempt to show practitioners and academics the locations of the best resources in the field of European human rights, the main electronic and paper sources available with an analysis of how they can cope with various enquiries.

The dissertation attempts to address whether electronic information can be introduced into an organisations infrastructure so that it will be instrumental in meeting existing needs and opening up new opportunities to develop and meet anticipated needs in the future.

The main study will revolve around the British Institute of International and Comparative Law as it is a separate entity and has also been nominated to be the UK Depository for the material produced by the Human Rights Information Centre in Strasbourg, France. Whereas two other institutes and organisations were identified for the study as they have the largest collections of European human rights materials besides

the UK Depository and these will be compared, investigated and discussed further in the following chapters.

Each of the institutes and organisations identified will be investigated and the study will be able to show the resources within the collection that each one has and the accessibility of the collection to the public at large, whether they are a student, lawyer, practitioner, lecturer etc.

This chapter has briefly introduced the concept of European Human Rights and how important it will become in early 2000. It has also identified two key institutes that will play a vital role in maintaining a collection of European human rights. The chapter has also highlighted briefly the reasons why researchers have difficulties retrieving legislation as the UK has not incorporated the treaty into national legislation but will be doing so in the year 2000.

The following chapter will discuss the research problem, research questions, and method of obtaining the data and the work plan in more detail.

## **Chapter 2**

### **Methodology**

This chapter will show how the research was undertaken and conducted in collating qualitative data with a disciplined work plan time-tabling certain areas of study.

#### **2.1 The research problem in general**

The specific problem that this study will attempt to address is the access for practitioners and academics alike in this field of law. The speciality of this field means that accessibility to the information is limited, as there are a small number of resources to locate and retrieve the information. Information is highly concentrated in a small number of sources whether it is electronic or paper. Though there is a small amount of literature compared to other areas of law, the question of accessibility arises as only a minority of institutes/organisations has a substantial collection of documents that would be able to satisfy the users. When the institutes/organisations have been identified as having a substantial collection, it does not mean that the users have automatic access as will be shown in chapter 3 Profiles of Institutes. Thus problems arise as libraries and information services cannot locate the relevant material because they do not know which Institutes have the necessary material or how to obtain it.

Other research problem areas that this study will attempt to address are identification of sources available such as monographs, journals and electronic sources. These and other questions can be found later on in the chapter with references to where they are discussed further in the following chapters.

The four institutes/organisations identified and profiled for the study have various levels of accessibility to the collection of human rights materials. Two of the institutes

provide unlimited and free access regardless of the status of the user. A third institute provides limited access depending on status as they have very disciplined admissions policy. The fourth organisation limits access as they are located in Strasbourg, France. The access is free regardless of the status of user but they are only open 2-3 hours a day to the public as they are dealing with the national correspondents. Their policy is similar to the British Library, only to be used in the last resort after exhausting all other national collections first.

To attempt to address the problem of access and provision of information in this field, the study will investigate the various methods that have been identified since 1996 to the present and investigate and promote other alternatives, if any, that can improve retrieval of this information.

## **2.2 The research questions**

The study is to investigate and to attempt to answer the following questions: -

1. The value of electronic information.
  - a. Sources available.
  - b. Do they fulfil the users, managers, organisations' information needs.
  - c. Resource allocation.
2. The Status of Delivery methods
  - a. Electronically
  - b. Paper
3. Impact of the various sources on staff and future information strategies?
  - a. Personnel and training
  - b. Collection development
  - c. Provision of information services
  - d. Library finances

#### 4. The investment allocation: does it really matter how much or how little?

These research questions were chosen, as they are important in the context of providing an effective resource and information service to the practitioners and academics throughout the United Kingdom.

### 2.3 **Method**

To investigate the research questions that were identified, practitioners and academics that used the materials at the BIICL were asked for their opinions on the resources that were available and whether the material they were able to retrieve was relevant to them. They were questioned on the information provision and retrieval aspect of the material in this specified area of law, and to ascertain whether there was proper retrieval tools to locate these materials.

Once the above method was exhausted, to investigate further into the problems of document retrieval and provision of European human rights it was necessary to allocate the majority of the time to deskwork.

To carry out a worthwhile investigation into the research questions of document retrieval and information strategies for the provision of European human rights material, it was decided to approach the investigation as an action research project. The practicality of this method of research is that it identifies a problem and is continually reviewed and evaluated. This was identified as the best method as I was a part-time librarian and the researchers that were needed to fill in questionnaires were also part-time and worked for other institutes besides BIICL.

The method of study was as follows:

1. To identify the other various institutions/organisations in this speciality field of law using key reference materials. When this is achieved the next objective will be to produce profiles of each organisation.

2. To address the research question of the value of electronic information, I first need to identify whether there are any in this field and if so what are they. This will be done with a literature review of the subject area. The literature review was undertaken by checking catalogues and holdings of the identified institutes. The result of this can be found in chapter five and six. Majority of the literature identified in this area can be found in the bibliography.

When the sources have been identified they will be profiled and compared to each other by performing sample searches, which have been collated over a period of time. The data will then be able to tell me whether the source is of value. Also in this context there will be some links to paper sources if any and the sample searches can evaluate them as well.

3. Once the sources have been evaluated, I will turn to the next question of document delivery and whether electronic delivery would be possible or whether paper delivery is the best solution.

4. After the main questions have been addressed I can then turn my attention to the impact that new technology will have and the future information strategies that the mentioned organisations will have to put into place to provide a coherent information service to their users in this field.

## **2.4 Work plan**

Most of the study was done as field work and deskwork focussed around the research questions.

The timetable was as follows:

### **January/February 1999**

Identify four organisations for comparison and produce profiles for each one.

### **March/April 1999**

Collate data for a certain period of time to perform searches to evaluate the relevant sources identified. Perform a literature review to identify the sources to be evaluated.

### **May-July 1999**

Comparative analysis of data sources and drafting report.

### **August 1999**

Submission of dissertation.

This chapter identified the research questions and the research problem in greater detail and provided a method of collating the relevant data to provide an evaluative study on information provision in European human rights. The findings and analysis will be discussed in more depth in the following chapters of the study.

The following chapter will profile the identified institutes/organisations with substantial collections in European human rights and a comparative evaluation.



## **Chapter 3**

### **Profiles of Institutes**

This chapter will profile the four identified institutes/organisations with substantial collections in European Human Rights as indicated and promoted in information collection directories and key reference materials. They will be compared, evaluated and analysed with regards to the functions of the organisations, accessibility and the provision of information services to the user community for relevant materials.

The four institutes profiled are:

- British Institute of Human Rights
- British Institute of International and Comparative Law
- Human Rights Information Centre (Council of Europe)
- Institute of Advanced Legal Studies

These institutes have been identified for the study as they have extensive collections and expertise in providing material on European human rights as outlined in the European Convention on Human Rights. Though some of the organisations are diverse in scope and some larger than others, they are the organisations and institutes, which have the best collections, as defined and promoted in the collection directories (See Appendix 2 for addresses).

The Human Rights Information Centre in 1982 had concluded that there should be a systematic arrangement for individual member states to collect and archive the material that is being produced. Therefore, it was decided that member states should have at least one institute or individual responsible for acquiring and archiving of this material. The institutions, individuals that undertook this were to be known as “national correspondents”. BIHR in conjunction with BIICL were and still remain the national correspondents for the UK. Up until 1982 decisions of national courts referring to the European Convention on Human Rights were communicated to the Directorate of Human

Rights on an ad hoc basis by members of the Secretariat of the Council of Europe, academics, practising lawyers and others.

The national correspondents had agreed to follow developments in their own country relating to human rights and should provide the Human Rights Information Centre with information on:

1. Draft laws and laws recently adopted affecting human rights;
2. Parliamentary debates and questions on human rights, notably relating to the ECHR;
3. Judicial decisions referring to the ECHR;

They also provide at the request of the Human Rights Information Centre, copies of texts concerning legal rules in force. All the above activities are agreed to on an annual basis, with the national correspondents receiving a fixed budget by way of indemnity for expenses. This comes primarily in the form of postage and copying etc.

In the UK, the information gathered is made available to members and users of the BIHR to assist them in their work, including promoting greater public awareness of the influence and work of the European Convention on Human Rights.

### **3.1 British Institute of Human Rights**

This Institute was chosen as it was established solely to provide information and to serve as a focal point for all aspects of human rights in the United Kingdom.

This institute is independent and self-governing, and was founded in 1970 as the executive arm of the Human Rights Trust, a registered charity.

The objectives of the BIHR are the promotion and protection of respect for human rights, principally by means of education, research and the dissemination of information with a view to the furthering of public knowledge and understanding. Including in particular the international Conventions and other instruments designed for the protection and collective enforcement of human rights, with special emphasis placed on the

European Convention on Human Rights and on the application and implementation of the Convention within the United Kingdom.

BIHR is the United Kingdom National Correspondent of the Council of Europe and as such is responsible for collating and furnishing information to the Council of Europe concerning developments within the United Kingdom relating to human rights. The principal activities of BIHR are:

- Education in the field of human rights, by means of the sponsoring and conducting of conferences, seminars, workshops and lectures on human rights-related topics and through participation in the teaching of post-graduate courses and in the Education in Human Rights Network.
- Research on all aspects of human rights and, in particular, international human rights law and practice.
- Provision of information about developments in the field of human rights, in particular by the production of a monthly Case Digest and the establishment, in conjunction with the British Institute of International and Comparative Law, of a national human rights documentation depository. The Depository holds the full texts of Court judgments, Commission reports and decisions on admissibility and Resolutions of the Committee of Ministers and is sited at Charles Clore House, 17 Russell Square, London, WC1B 5DR.

Access is open to everybody interested in human rights.

### **3.2 British Institute of International and Comparative Law**

This Institute was profiled as it houses the Human Rights Documentation Depository for the United Kingdom and works in conjunction with the British Institute of Human Rights.

The depository is housed in BIICL as they have more space and better communication links with another Institute, which is called Institute of Advanced Legal Studies and profiled later in this chapter.

The depository is another area of research and study in law, which BIICL undertakes, the main area being International law and Comparative law.

The British Institute of International and Comparative Law is an independent self-governing institute which promotes its work through research, publication and a broad range of meetings in the fields of international, comparative and European law. The Institute is a self-funding non-profit charity and a company limited by guarantee, incorporated in the United Kingdom and registered with the Charity Commission. Its income derives from membership fees, sales of its publications, charges for conferences as well as fees for research projects and support from grant-giving bodies.

The British Institute of International and Comparative Law was incorporated on November 17, 1958. It brought into one joint Institute the Society of Comparative Legislation and International Law and the Grotius Society. It is formed of three divisions, and will deal with the three subjects:

1. Public International Law;
2. Comparative Law (including Foreign Law);
3. Private International Law.

The initial objectives of the Institute when it was founded were:

- To promote by means of study groups, meetings and conferences the study and development of international law and comparative law (including foreign law).
- To promote or commission research into international law and comparative law (including foreign law and to publish or arrange for the publication of the results of that research).

In 1960 the Institute established an integrated programme of meetings in the form of discussion groups, practitioners' workshops, symposia and conferences as well as related publications. This remains one of its principal areas of activity and is complemented by the publication of the International and Comparative Law Quarterly

(ICLQ) which was created out of the former Journal of Comparative Legislation and the International Law Quarterly which joined forces in 1952.

Since being founded the Institute's activities have grown and are distinguished by three characteristics:

- specialisation in international, comparative and European law;
- emphasis on the practical application of law to contemporary problems;
- independent status.

The Institute serves a dual role; to familiarise lawyers with legal systems other than their own; and to provide opportunities to contribute, by widened experience, comparison and analysis of these systems, to the much needed development of international and regional law. It seeks to promote the constructive co-operation and fruitful exchange of views between academic and practising lawyers, and between lawyers in government, industry and international organisations and agencies.

It occupies modern central premises in Russell Square, London W.C.1, where it maintains a specialist staff and has access to a fine set of conference rooms.

The Institute has its own library and has established, jointly with the British Institute of Human Rights, the United Kingdom Human Rights Documentation Depository of case law arising under the European Convention on Human Rights.

The library serves the objectives of the Institute by maintaining a reference collection of materials which reflect the key areas of specialisation at the Institute; public international law, private international law, European Community law and comparative law with an extensive range of materials which include monographs, the main titles of journals and press releases in each of these fields. These materials are then made available to researchers and members alike of the Institute by in-house publications and publications by the Institute. The main objectives of the Library are to provide and maintain materials/information on the key areas of specialisation at the Institute in a cost

effective and efficient service so that staff has current information for the publications of the Institute.

### **3.2.1 Human Rights Documentation Depository**

The BIICL has established jointly with the BIHR a documentation depository of case law under the European Convention on Human Rights. The Depository is housed in the Barnett Shine Reading Room at the British Institute of International and Comparative Law together with the other holdings of the Grotius Library. In addition to the published decisions of the European Commission and Court of Human Rights, the recent case law including recent decisions on admissibility which are received from the Council of Europe on a priority basis.

The holdings include:

- Judgments of the European Court of Human Rights;
- Resolutions of the Committee of Ministers of the Council of Europe in Human Rights matters;
- Reports under Article 31 of the Convention in cases before the Court;
- Decisions of the Commission on admissibility as published to mid-1988, and unpublished transcripts from January 1986 to date which were computer printouts from the Directorate.

In December 1991 the Depository established a direct online link to the Council of Europe's Human Rights Database in Strasbourg. The Institute is now able to offer full text searches of:

- European Commission's admissibility decisions (1986 to date);
- All European Court judgments and related Committee of Ministers resolutions.

These files are also searchable by application/case number, name of party, date of

decision/judgment and Convention article. In addition the Depository maintains its own in-house automated indexes covering cases currently pending before the Commission and Court.

### **3.2.2 Institute Publications**

#### **International and Comparative Law Quarterly (ICLQ)**

The Institute's own journal, the ICLQ now in its 45th year of publication, is published four times a year with each issue containing some 250 pages. It contains articles, shorter notes on current legal developments and book reviews on public and private international law, comparative law and European Community law. The ICLQ is unique in the English language in its range of subject matter and breadth of contributions.

#### **Bulletin of Legal Developments (BLD)**

In 1966 the "current legal developments" feature in the ICLQ provided the stimulus for the Institute to begin publishing separately a fortnightly Bulletin of Legal Developments which contains a wider range of current comments than can be included in the ICLQ. It provides an up-to-the-minute information service on developments in law all over the world, including legislation, case law, law reform proposals and international agreements. Each issue consists of 12 pages and is compiled by the research staff of the Institute, with contributions from national and regional correspondents.

The contributors regularly monitor official gazettes, government publications, scientific and professional periodicals, international organisation journals, working papers and the lay press in order to maintain the consistently high level of this service to subscribers.

### **3.3 Human Rights Information Centre (Council of Europe)**

This is not an institute or organisation in its own right but a department within the Directorate of Human Rights. It provides an important link between the organs involved producing the material and provides an interface for the depositories and lawyers to retrieve relevant information.

The Information Centre was created in 1982 to provide a strategic point for obtaining swift, accurate and current information on all the Council's human rights activities. The Centre provides an interface between the Commission, Court and Directorate.

Since its establishment it gathers and collates information from appointed national correspondents within the member states as to the developments of national legislation of those states and to the extent of human rights laws being incorporated. The HRIC aims to collect and disseminate information and knowledge about human rights both within the Council of Europe and for the general public. Internally, it services the documentation needs of the Directorate of Human Rights, The European Commission of Human Rights, the European Court of Human Rights and the Committee of Ministers, as well as providing human rights information for the other directorates. Externally, it aims to keep members of the public, academics, students, lawyers and other professionals, as well as national parliaments, governments and a multitude of governmental and non-governmental organisations informed about the human rights work of the Council of Europe.

This is a separate entity from the main organs and mechanisms of the Council of Europe and is divided into two distinct areas: -

### **3.3.1 Documentation and Information**

This unit deals with policies and information strategies for the provision of the Information Service. Collection development and maintenance of the Human Rights Library and the provision of the Database service that is available online internally and to the National Depositories of each of the member states i.e. BIICL has an online link for the UK.



### **3.3.1.1 Human Rights Library**

The library was initially a branch of the main library of the Council of Europe but became independent in 1980. The collection are classified in three broad areas:

- international law,
- human rights,
- Domestic law of member states.

At present the library opens to the general public at 2.00pm and they receive a number of visitors and numerous enquiries from all parts of Europe.

The library has a collection of over 15,000 monographs within the key areas of specialisation.

The library mainly serves the purpose of an in-house reference centre for the judges of the Court and members of the Commission. However, they do receive individual readers to the library on a daily basis.

The library continues to build up its collection and maintain reference material on the national legislation of each member state, so that the judges and members of the Commission can research the various cases that are presented before them. The library is growing at a considerable rate and the space available for the national legislation of each member state is slowly diminishing and is rather limited.

The collection is arranged and classified by Dewey and is automated. The automated catalogue is only available internally and for staff use only. The readers can use the card catalogue, which is not updated, and ask staff to do the searches for them for recent material.

### **3.3.1.2. Database Service**

This is an experimental online service that has been made available to the National Depositories of each member state.

This online service is a full-text database containing over 200,000 pages of documents. It includes the basic texts relating to the European Convention on Human Rights, case law of the Court which has 530 judgments and 7,300 Commission decisions and 450 Resolutions adopted by the Committee of Ministers under Articles 32 and 54 of the Convention.

This database is produced internally and is the internal database for the Directorate. The database contains confidential material which are also the working documents of the organisation and it should be observed that these databases are used by the Secretariat and cannot always be made available to persons outside the organisation.

The databases that the National Depositories have access to are the Judgments, Commission Decisions and Reports in English and French and the basic texts.

### **3.3.2 Human Rights Information Service**

This service provides information mainly on the case law of the Commission and Court of Human Rights as well as all the other publications that are published by the Directorate.

Requests for information received by the service originate from government officials, non-government organisations, Human Rights Institutes, students, academics, lawyers and the general public.

They attempted to maintain human rights mailing lists of over 3,000 organisations and individuals that receive regularly updated information on the activities of the Council of Europe. This mailing list was found to be too large, cumbersome and expensive and from 1997 they began scaling down the mailing list so that only the main organisations received them.

Apart from the paper sources, they began establishing and developing a computerised database containing the full texts of the jurisprudence of the Court and Commission of Human Rights and the Committee of Ministers.

In 1996 the service provided documentation to over 10,000 requests and had received 2,800 visitors. Some requests were handled in person from visiting judges, government officials and students. By 1995 the mailing list for the transcripts and other general documents, which were in the public domain, had grown to 5,000 individuals or institutions in over 100 different countries. As this list continues to grow rapidly each month, the Directorate has decided to limit the number of individuals allowed on the list by the importance they have and whether they can be best served by their National Depository. This exercise commenced as the Council of Europe could not afford to keep sending these documents out free of charge.

At present the material that the National Depositories obtains from the service are:

- Press releases from the Court and Commission;
- Court Judgments;
- Commission Decisions and Reports;
- Committee of Ministers Resolutions;
- Annual reports and surveys;
- Miscellaneous publications by the Council of Europe.

In 1995 they moved the Directorate of Human Rights and the relevant organs to a new purpose built location to cope with the greater demand of information and also the quantity of material that is held.

### **3.4 Institute of Advanced Legal Studies**

The Institute of Advanced Legal Studies was identified and chosen for the study as it is one of the largest legal libraries in western Europe and the largest legal library in the UK. The collection of legal materials that is available is unprecedented and its main purpose is to provide a research base for users studying for higher degrees in law. It is also the main reference point for many practising lawyers and law firms to locate and retrieve case law for many of the jurisdictions.

Besides BIICL and BIHR, it houses the largest collection of human rights materials. This collection is used by students studying for master degrees and PhD's. In foresight these students will likely be the lawyers to take cases to the European Court and these materials should help them with procedures and to provide case law for them.

The Institute of Advanced Legal Studies is a unique research institution in the United Kingdom. Since its foundation in 1947, it has had both a national and international role in promoting legal research and scholarship.

The library is at the heart of IALS and is probably the largest and most extensive law library in Europe and also one of the busiest in the world. It is staffed by the largest team of law librarians in the United Kingdom to provide reference services to readers and take a leading role in the training of law librarians through its Graduate Trainee Scheme.

### **3.5 Comparison of the Institutes**

Although these institutes/organisations have been identified as having substantial European human rights documents, they all have various levels of access and varying degrees of material provision.

Besides being identified in the directories as the best locations for European human rights, there were other reasons why these four institutes/organisations were specifically chosen. As previously employed by BIICL and IALS, I was able to identify the research questions and obtain the enquiries to address the problems in this area. These two institutes also provided other avenues of research and I was able to evaluate their holdings with greater ease. While employed by BIICL, a professional visit was undertaken to the HRIC located in Strasbourg, France. Whilst there it aided this study, as the collection could be evaluated and further sources were identified. The visit enabled me to discuss with the staff, their future in regards to the information explosion that will occur with the web site. The increase in sources to be archived and the resources they would eventually need to incorporate all the changes to supply the information that would

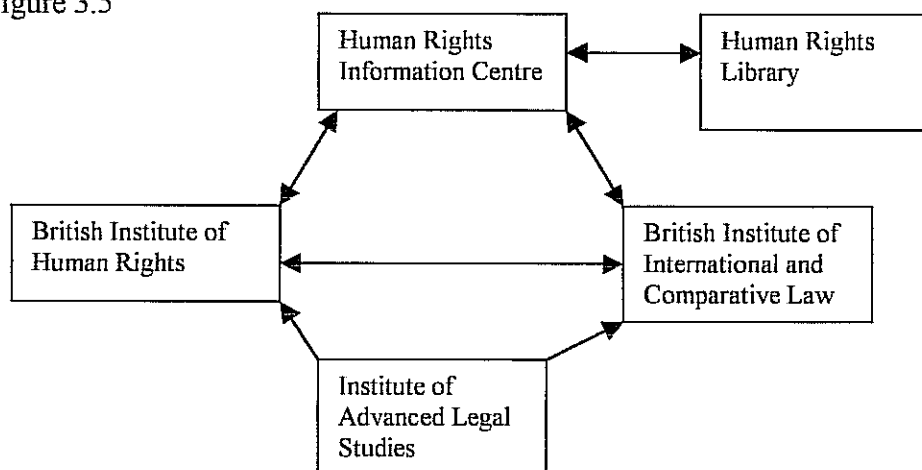
be demanded from the user community within the Council of Europe as well as outside of the organisation.

Being employed by BIICL has helped me to identify sources and organisations far more easily. Has given me access to other professionals involved in supplying information on European human rights and was able to aid the research and highlight the problems that have already been indicated in chapter 2.

It has been necessary to include so much descriptive information on three of the four institutes, as they are not well known. Besides IALS, which is well known throughout the legal community as the finest law library within London, if not the UK. BIICL and BIHR also provide a similar service not on the same scale as IALS but they serve their members by providing specialised legal information. HRIC had to be profiled, even though it is located in Strasbourg, as the organisation supplies all the material to BIHR, BIICL and IALS. Many users of the material would never be able to visit this information source and may not be aware of its existence or importance. Without HRIC to disseminate the material it would be a harder task for human rights lawyers to obtain the information.

The relationship between these four institutes is shown in the diagram below: -

Figure 3.5



The diagram clearly displays the relationships between the four institutes. BIHR and BIICL are closely associated with HRIC as they are the UK National Correspondent and UK National Depository for European Human Rights respectively. The links between BIICL and IALS is they both share the same premises and during the period of 1993-1996 whilst conducting research for the dissertation I was employed by both institutes simultaneously. The relationship between BIHR and IALS is they are both part of University of London and in both cases of the links between BIHR and BIICL with IALS, is that students are being directed to use these institutes for further information. The two-way association between BIICL and BIHR is they both share the costs of the UK National Depository for European Human Rights located at BIICL.

The Human Rights Information Centre has complete holdings of European human rights materials, as it is the official archive for the material published by the official organs responsible for maintaining the Convention, namely the Commission, the Court and the Committee of Ministers. The Centre also maintains all the raw data and information that is used to compile and publish the official publications of the Council of Europe. Its' role can be compared to that of the British Library as it does not answer requests for information from users until they have exhausted all other known collections as it is the library of last resort.

In contrast the other three institutes obtain the material from the Human Rights Information Centre but only the finished product, whereas the HRIC handles the sensitive raw data.

Only BIICL and BIHR can rival the collection at Strasbourg within the UK but this is due to the fact that they have been nominated as European Human Rights Depository and UK national correspondent respectively. These two institutes work in conjunction with each other as they both contribute financially to have the electronic online database called HUDOC, which is located at Strasbourg and updated by the HRIC. These two institutes acquire the materials for different purposes and are related to the

needs of the members of the institutes. BIHR obtain the material as they are the UK national correspondent and report to the Directorate of the Council of Europe regarding the stance and state of UK's national legislation in relation to the European Convention on Human Rights.

In contrast, BIICL obtains the material as they have been designated as the official Human Rights Depository for the UK as they have better resources to house them. They are more accessible and better positioned to promote the collection than BIHR, as desired by the Council of Europe. The collection at BIICL is far more accessible than the other three organisations involved in the profile, however, access there is also limited.

The organisation in the past has had to put restrictions, (1993-1997), on access times as they only had a part-time librarian. However, since early 1998 they have employed a research assistant solely to answer questions in this area as well as to develop, maintain and promote the collection.

IALS directs academics and students studying human rights to BIICL when they are unable to retrieve documents and/or answer enquiries, as the library staff has general legal reference skills and most are not specialised in any field of law. Whereas BIICL, has the specialised staff to answer most enquiries in relation to European human rights.

IALS acquires these materials, as they are the main legal research establishment in the UK, which has an excellent collection of laws throughout the different jurisdictions of the world. Whereas the other profiled institutes use the documents for other publications and to further research, IALS in contrast, archive the materials to attempt to satisfy the information needs of students studying European human rights law on higher degree courses within University of London and at other universities throughout the UK. The acquired documents also attempts to satisfy the information needs of lawyers, practitioners and academics that frequent the IALS Library and these users are just as important as the students within this user community.

The accessibility at IALS is also limited as most of the users can enter free if they are studying LLM degrees or PhD's. Undergraduates who are not part of the University of London are not admitted. The general public, visiting lecturers, practising lawyers all have to pay to gain entry.

In short the HRIC is disseminating the information so that it can inform and promote their work and make others aware of the Convention. The three other institutes are the vehicles for HRIC to promote themselves to a wide audience. IALS archives the material and provides it for their user groups, whilst the other two institutes BIHR and BIICL use the material to satisfy their members and staff information needs as well as to further facilitate and promote the issues by further publications and research studies.

This chapter has been able to identify the main organisations involved in collecting and archiving European Human Rights materials and has profiled and outlined the functions of each organisation, compared accessibility to the materials within the different admission policies that these institutes have installed.

The following chapter will discuss in more detail the background of the European Convention on Human Rights and the machinery involved and the United Kingdom's perspective. It will provide an insight as to the network of treaties signed in this area of law and how it all correlates with various international organisations.



## **Chapter 4**

### **European Convention on Human Rights and Organs Involved**

This chapter provides a historical background to the European Convention on Human Rights and the niche it fills in the network of international human rights treaties. It will also discuss the machinery and organs involved in applying the Convention and a brief discussion of the ECHR affecting the UK before and after incorporation in national legislation.

#### **4.1 Background to the European Convention on Human Rights**

The Council of Europe was founded in 1949 in order to promote greater co-operation and understanding between European states.

The Council of Europe has now become a vast international organisation with 41 members and is based in the French city of Strasbourg. It was originally established after the Second World War with only ten countries in its membership and until 1989 it was mainly a West European institution.

“Its main role is to strengthen democracy, human rights and the rule of law throughout its member States. The defence and promotion of these fundamental values is no longer simply an internal matter for governments but has become a shared and collective responsibility of all the countries concerned. It acts as forum for examining a whole range of social problems, such as social exclusion, intolerance, the integration of migrants, the threat to private life posed by new technology, bio-ethical issues, terrorism, drug trafficking and criminal activities.”

The European Convention on Human Rights was drafted within the Council of Europe and entered into force in 1953. The aim of the Convention was to bring large-scale violations of human rights to the attention of other Western European states. The Convention has been used in a considerable amount instead to raise questions of isolated violations of human rights in national legal systems.

The Convention is part of a network of international human rights treaties. The counterparts that complement each other are:

1. The International Covenant on Civil and Political Rights, 1966.
2. American Convention on Human Rights, 1969.
3. African Charter on Human and Peoples Rights, 1981.

The above treaties protect rights which were first drawn up in the Universal Declaration of Human Rights, 1948.

The Convention is the treaty mainly associated with the Council of Europe and the European Court of Human Rights is the most noteworthy example of a range of authorities and institutional machinery arising from its treaties. The Convention provides for both state and individual applications of so called violations of human rights either large-scale or isolated violations in national legal systems of the member states (See Appendix). Before the applications can be brought before the mechanisms of the Convention at Strasbourg, the case should have exhausted all possible domestic judicial remedies, only then can an individual petition the institutions in Strasbourg to seek redress/compensation for an alleged breach of the Convention by a contracting state. The system in Strasbourg is designed to be a last resort not a substitute for national courts.

All applications have to go through the European Commission of Human Rights, which is a body of independent experts. This body then decides whether the application should be admitted for consideration on the merits. If the application is admitted, "the Commission examines the facts and the legal arguments and, if a friendly settlement is not possible, adopts a report indicating its findings of fact and its opinion as to whether the defendant state has infringed the Convention. Following the adoption of the report, which is not legally binding, the Commission or a party, may refer the case with a recognised interest in it to the European Court of Human Rights. If it is not so referred, the case will be decided by the Committee of Ministers of the Council of Europe."

#### **4.2 European Commission of Human Rights**

The Commission is one of the two institutions set up to enforce the European Convention on Human Rights, the other being the European Court of Human Rights. The Commission acts as a filter to stop cases getting through if there is no chance for the applicant.

This process is carried out by the following tasks:

1. Ruling on the admissibility of applications in which violations of the Convention are alleged;
2. Establishing all the facts of admissible applications and, at the same time, placing itself at the disposal of the parties with a view to securing a friendly settlement;
3. Drawing up a report when a friendly settlement has been reached;
4. Drawing up a report for the Committee of Ministers if attempts of a friendly settlement fail with their opinions on whether there was a violation;
5. Refer the case to the European Court of Human Rights where appropriate;
6. Assists where appropriate with the European Court of Human Rights and the Committee of Ministers.

The Commission is composed of a number of members equal to the number of Contracting States and cannot include more than one national of any given State. The Committee of Ministers elects the members for a period of six years from a list of names drawn up by the Bureau of the Parliamentary Assembly. The elected members of the Commission always act in an individual capacity as they are not a representative of any State but completely independent.

To assist the Commission in its tasks they have a permanent Secretariat, which comprises more than 100 persons, approximately half are lawyers of different nationalities.

The number of individual applications the Commission has received since its creation in July 1954 to 31st December 1996 was 34,297. During this period, they have declared the majority of the cases inadmissible as they concern matters which the Convention did not cover or have been brought by states which are not party to the Convention. The Commission declared only 3,458 individual applications admissible and 324 friendly settlements were reached.

In 1995 the Commission opened 10,201 provisional files and registered 3,481 individual cases. Within the same year 2,916 applications were filtered and discarded. At the end of 1995 there were 4,065 applications pending. In 1996, 12,243 individual communications were sent to the Commission, which registered 4,758 applications in the same year. By 31st December 1996, 784 cases had been referred to the European Court of Human Rights.

In accordance with the figures the Commission is one of the important mechanisms that filters cases and to make certain that the admissible cases go to the Court.

#### **4.3 European Court of Human Rights**

The Court was created in 1959 under the Convention for the Protection of Human Rights and Fundamental Freedoms, which was signed in Rome in 1950.

Jurisdiction of the Court extends to all cases concerning the interpretation and application of the Convention. Jurisdiction can only be exercised in relation to States that have ratified the Convention or that have given their consent to a particular case being referred to the Court.

The Court only examines cases that have been referred by the Commission after it has been declared admissible and that the Commission has acknowledged the failure to reach a friendly settlement. The Court does not examine the case until the report of the Commission has been transmitted to the Committee of Ministers. At this point the Commission and/or any Contracting State concerned in the case may bring it before the

Court within three months. If this does not happen, the Committee of Ministers will judge whether there has been a violation of the Convention.

In adopting a judgment, the Court votes by simple majority after it has heard all the legal arguments and has interpreted the Convention. Also at this point they will also have decided monetary compensation. Commonly the judges' award legal costs, however, claims for damages are usually rejected.

The Court is composed of a number of judges equal to that of the member States of the Council of Europe. No two judges may be nationals of the same State. The Parliamentary Assembly elects the judges for a period of nine years from a list of persons nominated by member States of the Council of Europe. Once they have completed their term they may be re-elected. Once elected they must discharge their duties impartially as they are not a representative of any State.

The Court will sit as a Chamber of nine judges including the judge who is the national of any State Party concerned with the case. If the national judge is unable to sit, the State in question is entitled to appoint an elected judge of a different nationality to sit as an ad hoc judge. Lot draws the names of the other eight judges by the President before the opening of the case. If it is a complicated case then they will sit in a larger chamber and will consist of 21 judges. This has only happened 118 times from 1959 when it was first created to 31st December 1996.

#### **4.4 Committee of Ministers**

The Committee works with the two main institutions the Commission and the Court.

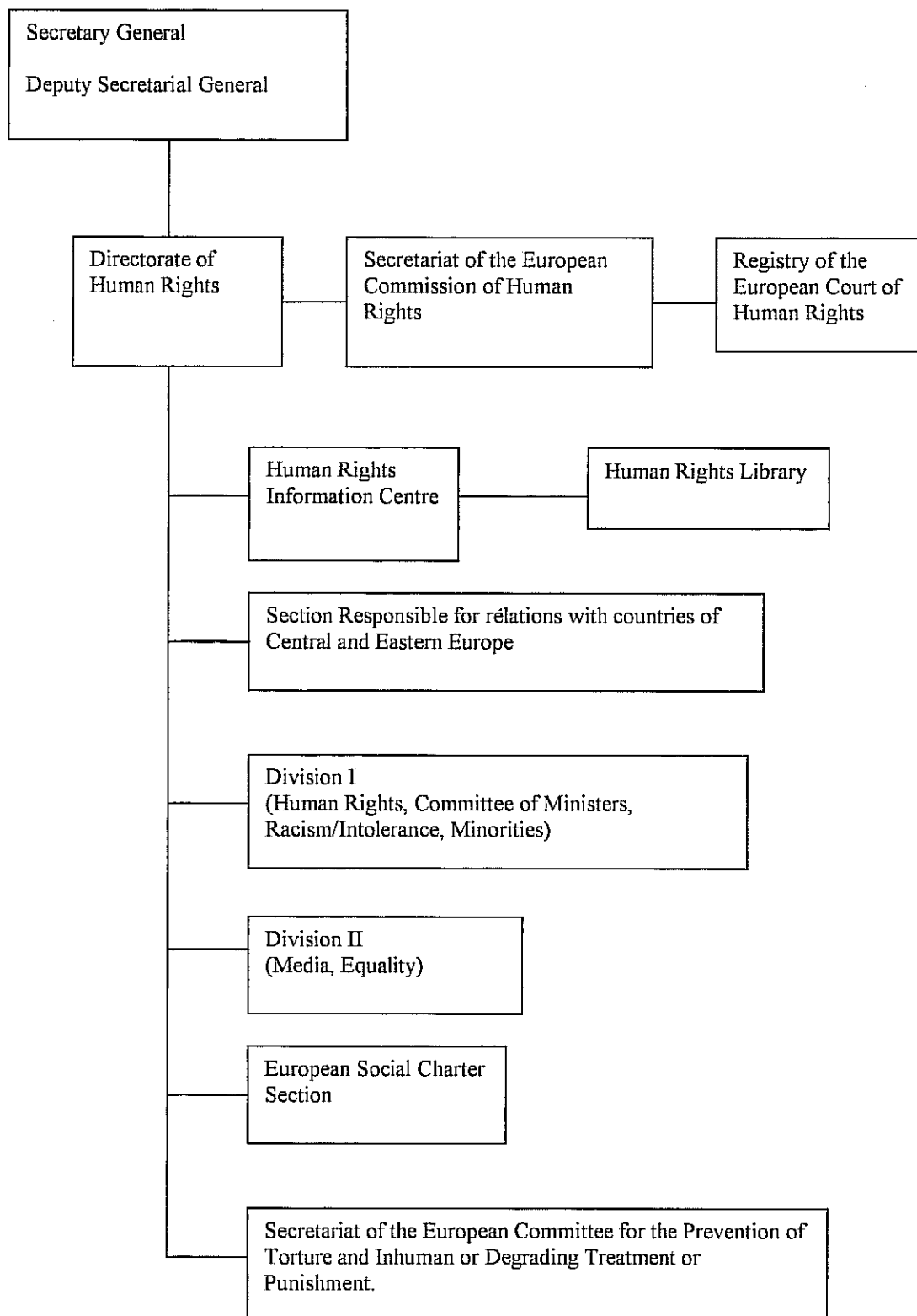
It has two main functions:

1. It deals with the cases, which have not been referred to the Court;
2. It supervises the execution of the Court's judgments to ensure that the state takes the appropriate action to stop human rights violations. This is usually done by the offending state introducing new administrative procedures or legislation.

The composition of this body is the Foreign Ministers of each of the member states and each of them holds the presidency for six months. The Committee of Ministers meets only twice a year. It is the Deputies to the Foreign Ministers that meet 12 times a year to approve recommendations and resolutions and proposals they get from other committees working within the framework of the Council of Europe.

In the past few years the machinery of Strasbourg have found it increasing harder to consider petitions, applications and judgments as the number has increased considerably. Due to the increased workload on the institutions there have been serious delays that have occurred before the final judgment. To reduce the delays the member states have decided to reform the present structure by having a single permanent court. Therefore, the European Commission of Human Rights has ceased to exist after the 1<sup>st</sup> November 1998. Diagrams in Appendix 3 will show the control mechanism of the European Convention on Human Rights before and after the 1<sup>st</sup> November 1998.

The organisation chart on the following page, is a highlighted section from the Council of Europe organisation chart, which can be seen in Appendix 4. The full chart will display a better perspective as to how the Directorate of Human Rights links with other sections of the organisation.



Although the United Kingdom were signatory to The European Convention on Human Rights it was not incorporated into national legislation and even though they have passed the Human Rights Act it still will not be incorporated until early 2000.

Incorporation of the European Convention on Human Rights will be a lengthy process as it is one legal code being taken into another and making it a fully functional part. It takes place where a code has a jurisdiction that does not include the jurisdiction of the system into which it is going to be incorporated, and cannot therefore be used by litigants or courts unless formally incorporated. At present the Convention cannot be cited in a British or Irish court until it has been incorporated. Though the Irish and British governments are ultimately bound to abide by the Convention, this can only be enforced as a last resort by taking the governments to the European Court of Human Rights. Therefore the citizens of these two countries lack day-to-day legal recourse against human-rights violations in ordinary first level courts, while other citizens of countries that have incorporated the Convention can seek protection from all tiers of their own court system.

Before the incorporation of the Convention, individuals in the United Kingdom could only complain of unlawful interference with their Convention rights by lodging a petition with the European Commission of Human Rights in Strasbourg, who itself only refers the case to the European Court for a full hearing. If it considers that the complainant has exhausted all his or her local remedies and that a range of other admissibility criteria have been satisfied. This is a lengthy process and takes on average five years, from the lodging of a petition to the publication of the Court's judgment. This process has been shortened as the Court and the Commission merged in November 1998 when Protocol no. 11 came into force.

Once the Human Rights Act is passed and the Convention becomes part of national law the rights and liberties it guarantees will provide litigants with a range of positive entitlements to assert in the course of a dispute with any public body. The



British and Irish citizens will then have the same protection as their European counterparts.

This chapter has discussed and given an overview of the European Convention on Human Rights, the historical facts and the background of how the Convention was adopted. The chapter has also been able to describe the various organs involved within the Convention.

The following two chapters will identify, evaluate and discuss the information sources that will help lawyers, practitioners, academics, students and the general public to understand the Convention, the procedures to undertake when petitioning and locating relevant case-law and legislation.

Comparative analysis of electronic sources if any and the traditional sources that are available.

## **Chapter 5**

### **Electronic Sources**

This chapter will address the issues involved with the use of electronic sources. A historical account will be given for background information to indicate the growth from the beginning until the latest developments.

The chapter will discuss the identified electronic sources available to the small user community of European human rights and their benefits. A discussion of general legal research, a comparative analysis and evaluation of the sources to indicate advantages and disadvantages of each source and how they relate to legal research on European human rights.

The use of electronic databases has been developing since the mid 1960's by large governmental and commercial organisations. The development of these databases grew tremendously in the 1970's and 1980's because of the improvements in communications and advance in technology.

The early databases, and still the majority, are known as bibliographic databases, because they contain descriptions of documents but not the text itself. However, since technology has advanced at a rapid pace as well as communications improving all the while, bibliographic databases are becoming the minority as more and more users prefer to have the whole document instead of the description, these are the beginnings of full-text databases.

One of the earliest full-text services was LEXIS, which although publicly available in the United Kingdom since 1980, was first developed by the Ohio Bar Association in the late 1960's and early 1970's.

With the explosion of growth in electronic databases in the 1970's and early 1980's, other commercial organisations were able to take the developments to a further stage in the late 1980's. This development was the CD-ROM. The organisations involved in this technological development were responsible for providing remote on-line databases and they developed these portable databases to make their information more publicly available and to keep up with the advancing technology of this decade. The CD-ROM has been one of the major growth areas of information search and retrieval.

The main advantage that CD-ROM has over remote on-line searching is that libraries or their users are not charged by the length or number of searches of the database made, so researching can be done without concern for time. However, the disadvantage is that the CD-ROM database is only updated three or four times a year as the process of production is expensive. In contrast many remote on-line databases are updated weekly or even daily so reducing delay in the latest material appearing on the database.

The two different technologies do not threaten each other but complement one another. CD-ROM can be used initially to explore a database historically, to discover the best search strategies to retrieve relevant material, and then search the remote on-line database using the same search strategy to retrieve material published since that included on the CD-ROM. This minimizes the search time on remote on-line databases as these are charged by the length of use.

CD-ROM databases frequently offer a choice of search mode. A menu driven search is often referred to as novice mode, whereas one where a search request using logical operators is required may be called expert mode.

Overall CD-ROM systems tend to be more user friendly and in academic libraries are available for library users to search unsupervised, after a minimal amount of instruction.

Since the development of the CD-ROM in the late 1980's there has been an enormous number of them being created and produced for law or law related databases and have become a useful research tool for lawyers and users searching for cases and legislation. Lawyers and users not only possess research skills in the use of printed sources but also their electronic equivalents.

Since the development of CD-ROM and remote online databases, which have begun to slow to slow down, there is another electronic development which will have a far greater impact than the others. That is the development of the Internet.

After extensive research and literature searching there were found to be only three electronic sources to profile and compare in this speciality field of law.

There is the experimental remote on-line service called Human Rights Information System (HUDOC) which was created by the Council of Europe and is recognised as the official source for human rights.

There is LEXIS a remote on-line database, which is recognised as the legal research database for law and carries over 200 million, documents. This source has only the one database which is a duplication of the hardcopy form of the European Human Rights Reports.

There is the Internet which has web sites that have been designed and created by the Council of Europe to complement their service.

## **5.1 REMOTE ON-LINE DATABASES**

### **5.1.1 Human Rights Information System**

This is an internal full text database designed and created for the personnel of the Council of Europe and in particular for the Directorate of Human Rights. The system is made up of several databases, which are duplicated to correspond with the two official working languages, English and French.

The databases that are accessible from outside the organisation are: -

- Court judgments in English (HEJUD)
- Court judgments in French (HFJUD)

All judgments are translated and since 1979 are authentic in both language versions. Therefore the databases are identical in content.

- Commission decisions in English (HEDEC)
- Commission decisions in French (HFDEC)

Since only admissible decisions are systematically translated, and only the original language of the decision is authentic, it is the latter which is contained in the databases. A decision will therefore be found in one or other of the databases, according to the authentic language. At present only decisions from 1985 onwards are entered in the databases.

- Commission reports in English (HEREP)
- Commission reports in French (HFREP)
- Resolutions by the Committee of Ministers in English (HERES)
- Resolutions by the Committee of Ministers in French (HFRES)

There are other databases on the system but these are not accessible as they contain confidential material and the majority of them are working documents for the judges to give their decisions on the cases presented before them.

### **5.1.2 LEXIS**

This is an online computer-assisted legal research service, which allows access to a comprehensive collection of legal materials.

The value of LEXIS to the researcher is not the volume of materials but the full-text retrieval system. There is no need to remember different keywords and the researcher is not at the mercy of an indexer. This means that the researcher can locate any document with a word or phrase. Unlike traditional materials that are accessible only through indexes, LEXIS materials are accessible through any word or phrase in their text. The disadvantage of this system is that a researcher who does not know quite what they are looking for does not have the benefit of the clues in an index.

The limitations of this system are:

- a. It is expensive,
- b. No index,
- c. Need very good search strategies,
- d. It does not contain all sources,
- e. There is a lot of equipment needed to run the system.

The advantages outweigh the limitations: -

- a. Access to a great deal of sources,
- b. Has huge amount of searching capabilities,
- c. Currentness unmatched by print,

- d. Access at anytime,
- e. It can save library space and maintenance,
- f. Can save time and money (as in research),
- g. Never missing from the shelf as print materials can do.

As LEXIS has a tremendous amount of documents and data stored, the structure of LEXIS is quite unique. Most law libraries and online services generally organise the law by source, however, with LEXIS it organises the materials into broad categories called libraries. In LEXIS the researcher must choose a library category that they wish to search. This in turn will provide a list of files to a narrower collection of information based on source or jurisdiction of the chosen library category.

This electronic source only has one database linked to European human rights and that is the European Human Rights Reports. These were located in the European Communities Library file.

The accessibility to these materials is the same as the Human Rights Information System. The database can be searched by free-text, article number, title etc., all searches that can be done on one system can be done on the other.

The drawback with using EHRR on Lexis is that the researcher can only retrieve the reports that have been reported in that database which is the duplication of the paper version. Whereas the HUDOC system (Human Rights Information System) will allow access to Commission Decisions and Committee of Ministers Resolutions.

Another drawback to Lexis is the high cost of having it just for human rights materials. It would be monetary more beneficial to subscribe to the hardcopy version even though the searches would take a longer length of time.

## **5.2 INTERNET**

This electronic source is the fastest growing source within this field. In recent studies it is suggested that that over 30% of companies in Britain have a web site and that each day more companies, large and small, join those already established on the World Wide Web to advertise, sell and distribute their products and services.

There are two ways that the Internet can be of beneficial assistance to law libraries and information centres:

1. Establish an address on the Internet to promote services and enable other users to benefit from your expertise.
2. It acts as a communication tool for remote librarians and enhances information access to various sources, which in the past have not been available.

The Internet provides a lot of advantages to improve accessibility to information. With the growth of this source it provides a communication tool for remote librarians. It provides access to various library catalogues whether it be law or otherwise and helps resource sharing. The increased number of law library catalogues on the internet helps the researchers identify the particular libraries which have collections in certain countries of jurisdiction or have collections on certain topics of law. With the aid of the Internet, the librarian of a particular firm will also be able to catalogue their collections so they are standardised, making the collection more accessible to their colleagues and staff.

With the emergence of the Internet it has transformed the legal community like the other two technological developments, on-line databases and CD-ROM had before. This transformation will have even more of an impact than the two developments before as it will change how lawyers will work, research and retrieve information.



The Internet will offer lawyers dramatic cost savings in legal research and new ways to market services and communicate with colleagues, government agencies and clients. Practitioners who are not on-line will find it extremely difficult to entice new clients and keep their regular clients. They will be regarded as out of touch and will lose business to other competitive practitioners who are on-line, and who can keep their fees low as legal research will be less costly.

The Internet is not a threat to lawyers or other electronic sources but complements their services. The Internet and CD-ROM can be used for cheap research to locate all the relevant search terms that can be used on the more expensive remote on-line system to retrieve the relevant documents. This is a way of designing a search strategy without incurring high costs.

The official bodies that the researchers and lawyers' retrieve information from on European Human Rights law all have web sites of some description. The addresses are:

**5.2.1 Council of Europe – <http://www.coe.fr/index.asp>**

This site provides historical and background information on the Council of Europe. It provides information on the membership of the organisation and the texts of each European treaty signed and ratified by each of the member States. The site provides a chronological list of general press releases, which are not searchable, that are used to promote the Council of Europe in the public domain and can be perused on screen in full-text or can be printed out.

The site provides a hyperlink to the Council of Europe Human Rights Web, which in turn provides links to: -

- European Court of Human Rights

- European Commission of Human Rights
- Committee of Ministers
- Strasbourg Case-Law Database (HUDOC)
- European Convention on Human Rights
- European Convention on the Prevention of Torture

### **5.2.2 European Court of Human Rights - <http://www.dhcour.coe.fr>**

This site came on-line after months of planning in July 1997. Until the end of 1998 it was in an experimental stage. It was semi-interactive with an experimental keyword search set-up but this was created at the same time as the web page without any thought.

Cases from 22.10.96 can be downloaded in full text and are browsed through tables according to date. It was essential that researchers knew the approximate date of judgment otherwise they would have to browse through numerous lists of cases until they located the case.

The web site offers the texts of the Rules of Court and texts of the European Convention on Human Rights with its Protocols. The site provides an introductory background to the Court with various links to composition, statistics and the organisation and the workings of the Court.

The Statistics link is a table showing referrals to and judgments and decisions of the Court and the results are listed in alphabetical order of country.

The Composition of the Court link shows photographs of the judges elected with brief Curriculum Vitae details. Pending cases before the court are also listed.

This web site was introduced to help lawyers and academics to retrieve information on cases that have been brought to the Court over the years since its formation. In theory this website is an excellent idea as it makes use of the latest technology and provides a service to a wider audience than it did before. In practice they need to create better search facilities and help screens to help users to retrieve the required information. Even though this site is interactive it is only through the use of hyperlinks that they have created, without these this site would be ineffective. During 1997 and 1998 the site was not user friendly as it lead the user into a belief that they could retrieve full text cases.

After analysing this website it was found that trying to search on this site using the search enquiries which were gathered for four years was quite an impossible task, as it did not have any facilities to do it. The site has cases that are in the official languages of the Court (English & French), but sometimes the cases are only in one or the other.

With the keyword search facility that they tried to incorporate into the website to make it more user friendly, they are creating an excellent electronic retrieval tool. However, the facility is not retrieving the cases as well as it should. When using one of the search enquiries illustrated in an earlier chapter, the results were unsatisfactory as the same number of cases were being retrieved time and again even though different article numbers were being requested. Closer inspection of the results showed that the cases were being retrieved.

The website is suppose to have full text searching capabilities but after observation this facility was not apparent. When searching under a keyword or phrase, the results did not retrieve anything and the users were left to guess as to the keywords or

phrases that the organisation might have used if they have not used natural language for their retrieval tools on the site.

When using the retrieval tools that were present on the site, there did not seem to be any logic to the documents that were retrieved. This site was disconcerting and poor use of the technology by an international organisation that prides itself in the area of human rights and communications.

Now in 1999, they have rectified the situation and the site is fully interactive with proper Boolean searching which can be found on their online product HUDOC. This product can be found on the web site with its own hyperlink and is fully interactive. It is easier to use on the web site than as a remote online database as they have been able to repackage the database using the latest technology to make it user friendly.

The site includes a greater amount of information than it did between 1997 and 1998 and has produced more links to information through the main web site of the Council of Europe. To evaluate the redesigned web site, the same search enquiries were used and it was found that the site can now answer the majority of the enquiries that it could not do before.

It has been recognised as the main access point for researchers requesting judgments and case law.

### **5.2.3 European Commission of Human Rights - <http://www.dhcommhr.coe.fr>**

The web site for this organ of the organisation came on-line in September 1997. It is not interactive and can only retrieve the reports that they themselves place which are listed in date of adoption order.

This site has the same information structure as the European Court of Human Rights web site and provides an introductory text to the Commission. It explains the organisation, the procedure and activities of the Commission in general terms so that it is easy to understand as some of the relationships within the Council of Europe between the official organs are complicated and quite intricate depending on their responsibilities.

The Commission has also produced a List of Members page that is comparable to the Court list of members' page which shows the composition of the Commission with links to their photographs and curriculum vitae.

The Commission web site is mainly created from hyperlinks to various sections of information that has been digitised from paper format. The users can retrieve lists of sessions which have been held or will be held in the future, can retrieve the digitised statistical analysis of applications made by different nationalities etc. Users will also be able to locate and peruse the press releases that have been distributed in paper form via the Internet connection.

The site also has the full text of the European Convention on Human Rights and the Rules of Procedure both in English and French.

#### **5.2.4 Committee of Ministers**

This web site has the introductory text as to the committee's function and the composition. This is only interactive with regards as they have created various hyperlinks to the Court and Commission pages.

They have also created links to various sections of their materials that are paper based which have been digitised for use on this site.

These paper-based materials are distributed to all of the Human Rights Depositories around Europe. They include a calendar of activities which specifies the dates of the various meetings and specialised conferences, a list of Ministers for foreign affairs of the member States within Committee of Ministers and a list of Permanent representatives of the Council of Europe.

The Committee of Ministers have also made available on the web site the full texts of which are publicly available in paper format, the declarations, recommendations, resolutions etc.

### **5.3 How Internet differs from remote on-line databases**

LEXIS and Westlaw are probably the best known databases in the field of law the practitioners tend to forget that the Internet is a great source of legal information. As it does not conform to the models of LEXIS and Westlaw, the Internet system is sometimes ignored, as trying to retrieve relevant documents is sometimes extremely difficult.

Whereas the information on LEXIS and Westlaw is precise, centrally-owned and is a co-ordinated service on mainframe computers. Anyone who wishes to make information available via the Internet can do so. As there is a lack of control of material being placed on the Internet there is concern that some sources are inaccurate. However, there are also other sources placed on the Internet, which are very accurate. The researcher must be sure of the authenticity of the document

involved. One of the best ways is to determine accuracy is whether it is an official site or a well-known author on the subject has been using it.

LEXIS and Westlaw are the main databases that practitioners use for computer assisted legal research. The two combined are the most comprehensive virtual law libraries available to the legal researcher.

However, these remote on-line services do have a few disadvantages:

1. They are very expensive.
2. They charge hefty fees for access to materials.
3. They do not provide the ability to communicate in email with other legal researchers.
4. Smaller regional databases and other niche databases e.g. European Human Rights, are not of interest to the major on-line services' global clientele.

LEXIS/Westlaw and other remote on-line services are charging for access to the law, and the convenience of 24 hours access with support staff able to direct the user to the relevant documents. They are not charging for the law itself, as it cannot be owned by anyone. The high costs that are involved in using these services are for the speed of retrieving the materials.

The Internet eliminates the cost problem to a certain extent, as there are many access providers to choose from, all with varying ranges of fees per month for accessibility. Once access has been gained, the vast majority of materials available via the Internet are completely free.

Beyond cost considerations, the difference between the Internet and LEXIS is the materials available. As LEXIS is a virtual law library on-line it makes available most of the primary and secondary materials found in a traditional law library. The Internet's

resources are not as comprehensive as it has only been recognised as a source of legal documents since 1993, whereas LEXIS has been available since the beginning of the 1970's. However, there is still a great deal of information and material available on the Internet. While the Internet is not yet a substitute for the remote on-line services it is an excellent supplemental source. For limited purposes the Internet is a cheap alternative to LEXIS particularly for current material. For comprehensive access to traditional research materials, especially historical material the remote on-line services are still ahead of the Internet.

Remote on-line services have more sophisticated search engines than the Internet as they are centrally owned and are responsible for co-ordinating a proper search engine for their product. Therefore the search strategies for these on-line services will be the same format regardless of the type of materials that the practitioner needs to retrieve. In contrast the Internet has many different search mechanisms and these mechanisms search the Internet in different ways. They can search through a broad range of material in many different computers and/or in many individual databases. This is due to the decentralised nature of the Internet and the fact that virtually anyone can provide data and that no central organisation is responsible for co-ordinating a search engine that is as consistent as the on-line services. Therefore research on the Internet is not consistent, as search strategies have to be changed each time a different search engine is employed. Also data on the Internet occasionally gets relocated.

The Internet can also become difficult to access due to heavy user traffic or technical problems, whereas the remote on-line services rarely have this problem.



One of the main advantages of using the Internet instead of LEXIS is that it allows the researcher or practitioner to converse with other researcher and/or clients via email. This is a great development to have, as researchers will be able to converse with their peers and discuss professional problems and where to locate the relevant materials to help them.

The Internet can be described as a huge efficient publishing mechanism. Electronic publishing enables rapid updating of material and accessibility is far quicker for everyone at anytime. Even though the two types of electronic sources are different in terms of cost, searching and material availability, the Internet will continue to be an important research tool for the legal researcher.

#### **5.4 Relation to European Human Rights**

With these electronic sources available globally, there are still shortcomings in the provision of this material. LEXIS is far too expensive, has broad subject areas of law and has limited information on European Human Rights even though they are trying to remedy the situation. In contrast Strasbourg only had a remote on-line service until a few years ago when they had begun to take advantage of the technology and provide web sites for the material.

The remote system (HUDOC) is specifically designed and created for the human rights researcher and has only European human rights documents. It is still as expensive as LEXIS but the users are guaranteed to retrieve information. Other limitations of this system are the same as LEXIS.

BIICL is the only institute to have HUDOC as it is the UK Depository for the material and therefore not publicly available. Though the system is good at retrieving cases, it's extremely hard to navigate and is very costly.

The Council of Europe has now decided they want to reach a wider audience and make the information they have more publicly available and easier to access. The result being in the creation of an interactive web site with the majority of the material accessible. They have made the remote on-line service redundant and have decided that the Internet is the best medium to bring this area to the attention of the public. The site is menu driven like a CD-ROM database and because of the inexpensiveness of this medium the researcher or just a general user does not need to worry about facing costly charges for retrieving material and structuring their search strategies online.

#### **5.4.1 Access to electronic sources**

1. IALS has access to LEXIS as it enhances their library collection and they are unable to afford the purchase of all materials in paper form for all jurisdictions. This is due to budgetary constraints and space. Subscribing to LEXIS creates problems, as the institute has to monitor usage, identify users that cannot use the system due to institute policy, and they must train students during the term before they are allowed on to the system. Even though the institute has LEXIS it still does not enhance their collection in European Human Rights as the coverage on LEXIS is minimal and is located in a minor library file making access difficult. Coverage on LEXIS is what Sweet & Maxwell have published in the European Human Rights Reports.

They do not have access to HUDOC, as this system is only available to national correspondents and Depositories of each Council of Europe member.

2. BIHR and BIICL have access to one remote on-line service called HUDOC which is a specialist European human rights database located in Strasbourg they do not have access to LEXIS unless the staff and members of BIHR and BIICL qualify for admittance and usage under IALS policies. Even then LEXIS would not be the best source to consult as HUDOC has more coverage and content.

3. The Human Rights Information Centre has access to both online sources, as they need to provide all materials of all the member states national legislation so that the Judges can retrieve material relevant to the cases presented before them.

The centre has these two services as they are the main databases in the field of law and both of them combined have most of the primary and secondary legislation for the students studying LLM's.

4. All the profiled institutes have access to the Internet to some degree depending on how many workstations they have and the necessary telecommunications to support them.

As to CD-ROMs, BIICL is the only institute that does not use them. This is due to subject coverage and that BIICL is located in the same building as IALS and the Institute has approximately 30 different CD-ROM based databases.

The CD-ROM databases available in law, even though many, do not fall in to the category of research subjects for BIICL and when they have, due to budget constraints and inferior computer equipment, they have decided not to purchase.

In contrast all the other institutes use them quite freely especially IALS but they are the major legal research institute that has to provide legal information to many user

groups and in different formats to satisfy the needs. The CD-ROM databases also enhance the collection of legal materials and allow greater accessibility.

As of April 1999, a CD-ROM based database of European human rights materials is still not available and the Council of Europe seems to be concentrating their efforts to providing a good interactive web site.

All the institutes have access to the Internet and this has emerged as a good research tool for law in general as well as European human rights.

This chapter attempted to identify the main electronic sources within the legal sector as well as in European human rights and has tried to link both together. It has also discussed the differences between remote on-line databases, CD-ROM and the Internet and how all the electronic sources complement each other for the legal researcher.

However, it has also discussed the limited options of electronic sources in the field of European human rights and the sources that are available, the limited information they hold between them and has identified the electronic sources available within the four profiled institutes.

Chapter 6 will identify and discuss the traditional sources that can be found in this area and provide a comparative evaluative analysis of each source. It will identify the holdings of each organisation that was profiled, discuss the differences between manual legal research compared to electronic research and contemplate the advantages and disadvantages of different research methods.

## **Chapter 6**

### **Paper Sources**

This chapter will identify the paper sources available. When identified, the paper sources will be compared and evaluated with the enquiries, which were collated over the time period of 1993-1996. Each of the profiled institutes will have their collections examined to identify the paper sources that they have and whether any of the sources identified have been omitted from the collection.

There are a large volume of journals and other literature available for the law profession and all contain similar information. This is also the case for the provision of information in the area of European human rights. Even though there are a large selection of periodical titles to choose from in the legal profession they tend to promote human rights issues infrequently and then only if it concerns their particular area of law.

For example, in the Times Law Reports section of the Times Newspaper, it only publishes human rights judgments when the case involves the United Kingdom or it is a test case which might affect the United Kingdom in the future.

As the subject area is specialised, the study has concentrated on journals and information press releases targeted at lawyers practising human rights law. These deal with the whole issues and the different applications to the Court and Commission instead of the haphazard reporting of information in the others.

#### **6.1 Human Rights Case Digest, 1990-**

This publication is published by Sweet & Maxwell and is compiled by the British Institute of Human Rights.

The contents of this publication is a duplication of the press releases sent out by the Human Rights Information Centre (Council of Europe) to all depositories and important personnel to keep them posted of what is happening in the various organs.

The layout of this journal is split into four different areas for ease of use. They are: -

1. Summaries of judgments from the European Court of Human Rights
2. European Commission of Human Rights
  - a. Applications declared admissible & inadmissible
  - b. Session report
  - c. Summaries of decisions on admissibility
  - d. Summaries of reports on cases referred to the Court
  - e. Applications communicated to Governments
  - f. Examination of admitted applications
3. Full texts of Resolutions of the Committee of Ministers
4. Index

## **6.2 European Human Rights Law Review, 1995-**

This title aims to promote better understanding of European human rights law, and to provide a forum for serious debate on the European Convention on Human Rights. It has tried to tailor itself to the needs of the practitioner and academic lawyers. It contains articles on all aspects of human rights law as well as providing authoritative commentaries on current developments in this field.

### **6.3 European Human Rights Reports, 1979/1980-**

This title proclaims to be the unique and comprehensive source of full-case transcripts decided before the European Court of Human Rights and the European Commission of Human Rights. Each transcript is duplicated from the official transcript and then a detailed headnote is added with the points of law raised by the judgment.

### **6.4 Official transcripts and Press Releases (Council of Europe), 19--**

These are the source from which the previous mentioned publications have been profiled obtains their information from or duplicates.

The Depositories of each member state receive these in French and English, as they are the official working languages of the Council of Europe.

The press releases received are summaries of the judgment, the hearing, summary of application, summary of decision of admissibility and inadmissibility and the sessions of the Commission.

A brief description of each press release is listed below: -

- **Press Communiqués** – They are irregularly published and include information on upcoming sessions of the European Commission of Human Rights. They also include the first public documentation on individual cases after oral hearings.
- **Information Note** – The Secretary to the European Commission on Human Rights issues this after each session. It provides summaries of facts in cases for which the Commission has adopted a report. Provides details on cases that

have been referred to the European Court of Human Rights by the Commission.

- **Minutes of the Plenary Session of the European Commission of Human Rights** – This publication provide the day’s agenda, and then proceeds to outline the hearings and resulting decisions, case by case. It includes a section called: “Examination of Admissibility of Individual Applications” that outlines the cases examined. This section will indicate to the user, which cases were inadmissible after consultation with the Member State involved how many were declared admissible, how many were dismissed and how many were adjourned. Each of the cases will have their application numbers allotted to them in the footnotes.
- **Stock-taking on the European Convention on Human Rights – A periodic note on the concrete results achieved under the Convention: the First thirty years: 1954 until 1984** – This publication is used for checking on the status of a particular case. It is prepared by the Secretary to the European Commission of Human Rights. Unfortunately, although it is published regularly as an annual supplement to the main work, it is not timely for current information.

The depositories also receive the full transcripts of the judgment, the report of the Commission on each case, a friendly settlement report if either party settles and resolutions of the Committee of Ministers. These materials are received within two weeks of when decisions are rendered. Most of the commercial publishers have to wait for a longer period of time as they are not classed priority information outlets.



The official transcripts are eventually bound into three different series depending on the type of material and which organ produced it originally.

#### **6.4.1 European Court of Human Rights. Series A. Judgments & Decisions, 1961-**

These reports are the final official version of the court's judgments. They have been reproduced from the official transcripts that would have been already distributed earlier to subscribers. The reports are arranged in specific volume numbers that appear on the transcript that help the users retrieve them in the future. Each volume contains approximately three cases except in unusual circumstances.

To use this publication the user must know the volume number of the case. The volume numbers are derived in sequence. As there are more than one case per volume they are given a further notation which is alphabetical e.g. Vol. 306A, 306B etc.

The judgments are published in both of the official languages of the Court (English and French).

#### **6.4.2 European Court of Human Rights. Series B. Pleadings, Oral Arguments, Documents, etc.**

This publication has now ceased but had the same structure and arrangement as the Series A publication. The difference between this series and the series A was that the Series B had compiled all the information that was relevant to each particular judgment. Each judgment would have all materials linked to it, which was considered helpful to the users. This included all the letters of application for the case, the oral arguments etc. It also contained the background documents to each judgment.

To use this publication the user had to know the volume number of the judgment but unlike the Series A publication this had an extensive index so that the user could identify which particular document they wanted to retrieve within that judgment.

#### **6.4.3 European Commission of Human Rights. Decisions & Reports.**

In the past this publication has had two different titles. Volumes 1-30 were known as “**Collection of Decisions: Summary of Decisions**” and later known as “**Collection of Decisions of the European Commission of Human Rights**” which were 46 volumes of selected decisions published in their original languages between 1960 and 1974.

They are published monthly in both official languages and they only compile Decisions and Reports of the Commission when they are publicly available. The arrangement of the publication is in application number order.

The Reports of the Commission can only be one of three types:

1. The case was found inadmissible.
2. A friendly settlement was negotiated between the parties.
3. The case was found admissible and there was no friendly settlement therefore a report was drawn up so that it can be sent to the European Court of Human Rights. This procedure is normally known as an Article 31 Report.

When a case has been printed they provide headnotes about the case before the main text. These headnotes contain the main reasons why the case was brought to the Commission.

## **6.5 Yearbook of the European Convention on Human Rights**

This is a commercial publication published with the help of the Council of Europe and compiles the activities of the Council within the scope of the European Convention on Human Rights for that particular year.

In the introduction of this publication it says “the Yearbook, which has been prepared by the Directorate of Human Rights of the Council of Europe, does not involve the responsibility of either the European Commission of Human Rights of the European Court of

Human Rights, nor of the Committee of Ministers. In particular, the summaries of decisions of the Court cannot be quoted against the actual texts of those decisions.”

Each Yearbook always follows the same format and they all include general information on the European Commission of Human Rights, European Court of Human Rights and the Committee of Ministers.

The Yearbook contains full text or extracts of selected decisions by the machinery of the European Convention on Human Rights. It provides information on status of protocols, declarations and signatories, as well as biographical data on members of the European Commission of Human Rights and the European Court of Human Rights.

Included in the publication are statistical charts on case activity and a list of cases that have been taken off the list due to friendly settlement.

The last volume to be published of this work as of present date is the 1996 Yearbook volume 39. At present there is a two and a half-year delay in publication of

this series. The Yearbook is compiled wholly by the Directorate of Human Rights of the Council of Europe.

#### **6.6 Comparison of the paper sources**

Now that the paper sources have been identified with a general evaluation of the contents of each title, the following paragraphs compare the particular titles and indicates which titles the user community should use to retrieve relevant information.

The Human Rights Case Digest is published every month and duplicates the official transcripts and press releases of the Council of Europe. The redeeming feature of this publication is that it has three indexes to locate various cases either by title, by article number, or by subject.

In contrast the European Human Rights Law Review attempts to be a current awareness journal focusing on the European Convention on Human Rights by providing a mixture of news, case summaries and analytical articles written by prominent figures in the field. This journal is published six times a year and provides more in-depth information on decisions than the Human Rights Case Digest, which is published every month. Whereas the European Human Rights Law Review is willing to analyse the decisions of the Court and Commission and say how these judgments could affect UK law, the Human Rights Case Digest is attempting to provide a quality index to cases for easier access which are not available when using the Official Transcripts and Press Releases of the Council of Europe.

The European Human Rights Law Review has two indexes one for cases and the other for subject. These indexes, though, are created to provide the user access to information

published within the journal not to be confused with the indexes that are compiled by the Human Rights Case Digest.

Even though the European Human Rights Law Review provides more analysis and summaries of cases, the reader is only receiving a selective few, the majority being from the UK or Ireland. In the first three issues of this new title they commented on 46 cases from the start of June 1995. The number of UK and Ireland cases out of the total number of cases commented on was 29. The number of cases that have been judged since June 1995 were 105, so the practitioner when subscribing to this particular journal is only being made aware of half the cases. Compared to the Human Rights Case Digest, which provides coverage of every case that has been reported.

The European Human Rights Law Review provides headnotes of the cases and a summary of the case, which is the same format as the European Human Rights Reports. The European Human Rights Reports provides access to full-case transcripts decided before the European Court of Human Rights and the European Commission of Human Rights. It does not attempt to provide analysis or a forum of discussion from analytical articles as the European Human Rights Law Review nor does it attempt to provide a uniform index to retrieve cases as the European Human Rights Case Digest, their only concern is to provide full-case transcripts. The European Human Rights Reports is approximately five months behind in publication of cases. For example, in the April 1997 issue it has just printed the Saunders case against the UK, which was in the public domain in December 1996.

Except for the delay in publishing cases, it is a very good source of information for judgments. It has to produce a separate supplement for Commission decisions on

admissibility. The indexes provide access to cases via title, subject, and article number and even chronological from the first ever case in 1960.

Besides the European Human Rights Reports, which are a commercially published journal, there are two other sources to retrieve judgments. The Council of Europe officially publishes them in different formats. One format is a singular transcript of the case usually reported in both of the official languages English and French, with the official volume number of the case. The other format is the European Court of Human Rights, Series A, Judgments and Decisions which are the transcripts of the cases reproduced in volume number order with an abstract of the case. To use these materials effectively the reader has to use one of two sources, the Human Rights Case Digest or the Yearbook of the European Convention on Human Rights to locate the relevant citation to retrieve the original source for fuller details of a case.

The European Commission of Human Rights Decisions and Reports only reflect and provide information that has been heard before the Commission. The Application number of the case or the Article number, of which the case is referring, is needed before this material can be used. There is an index provided at the end of each monthly publication but the publication has only been indexed by Article number with the case application number listed below. The content page at the front of each volume has arranged the cases in application number order, with the date of decision beside it with abbreviated parties' names in brackets. Indexes to the series can be found after every twentieth published volume and is based on the monthly index as noted above e.g. the first index contains volumes 1-20, the second index contains volumes 21-40 and so on. Therefore, there is no need to check any other source to locate the official document.

Even then the researcher can check the Human Rights Case Digest and the Yearbook of European Convention on Human Rights as they too provide limited access to this material.

As there are a number of different sources available to retrieve relevant information it is difficult to say which source is better. They all have advantages and disadvantages to practitioners and academics alike.

The four institutes profiled have some of the titles identified above. Two institutes IALS and HRIC have all of the identified published sources. IALS has some of these publications donated to them under the deposit account scheme through Sweet & Maxwell and the official press releases are free from the Council of Europe. The rest of the publications they have to purchase even the official publications from the Council of Europe.

The use within BIICL is that at present the two sources, Human Rights Case Digest and the Official Transcripts and Press Releases of the Council of Europe are enough to answer any enquiry that the researchers of the institute are likely to ask and can satisfy 90% of public enquiries. The institute does receive the European Human Rights Law Review but it is used infrequently and only received by the institute as an archival source for the depository. The European Human Rights Reports are not taken, as they are just a duplication of material already in the depository. The institute excepts the Human Rights Case Digest for the fact that it is compiled by BIHR and has good indexes for access to the official transcripts.

BIHR and BIICL acquire all the official publications from the Council of Europe, as they are the UK National Correspondent and European Human Rights Depository

respectively, and obtain everything published under the auspices of European human rights. Commercial publications are not purchased, with the exception of the Human Rights Case Digest, which even though is commercial, is compiled by BIHR, as the information provided in those publications have been taken from the official press releases and other official publications and repackaged for the commercial sector. The only advantage that they (BIHR & BIICL) get from purchasing these publications are good subject and case indexes as these are rarely available in this area of law compared to general law.

This chapter has been able to identify the various different paper sources available to the researcher in this small legal area.

Some of the sources were published officially and others published commercially using the official sources for their publication. The commercial companies have found a niche in the market to exploit as and when the Human Rights Act is incorporated in the year 2000.

Each title identified was discussed and evaluated as to the information that it can provide to the researcher and the strengths and weaknesses of each title.

The study was also able to identify the titles of which the profiled institutes had in their collections for the provision of European human rights information to their user groups.

The following chapter will discuss in general the legal community, their information needs and how established law libraries are satisfying them. This will help to identify the user community of European human rights, their information needs, and whether they are different or the same as the legal community's needs.



An analysis of the enquiries collated over a four year period, 1993-1996, will be included which originated from the user community of European Human Rights. The study will attempt to show the procedures of answering these enquiries from paper sources and two electronic sources.

## **Chapter 7**

### **User Community and analysis of enquiries**

This chapter will begin with a brief introduction into the legal community as a whole, differentiating between Barristers and Solicitors. It will identify their needs and how the various established law libraries provide law collections to satisfy these needs.

After providing background information on the legal community, the small European human rights user community will be identified, as European human rights law is a small field of law, which is contained as part of a larger subject that the majority of the legal community is not as familiar.

The chapter will analyse a sample of enquiries made by the user community which was collated over the time period of 1993-1996 whilst being employed by BIICL. Comparing manual searching of the sources with electronic searching to evaluate which sources were better to consult for particular enquiries.

#### **7.1 The Legal Community**

The legal profession can be divided into two main groups: Barristers and Solicitors.

Barristers are collectively known as the Bar and are traditionally the senior of the two groups. Their main function is drafting legal documents, writing opinions, advising clients and the preparation and pleading of cases heard in courts of law.

All barristers are members of one of the four Inns of Court – Lincoln's Inn, Inner Temple, Middle Temple and Gray's Inn. These Inns are independent entities and were originally founded to provide legal instruction and education for prospective lawyers.

In contrast, solicitors are members of the Law Society who regulates the profession by conducting qualifying examinations, granting annual certificates of practice and maintaining a code of professional ethics.

Generally the majority of law library users are lawyers, judges, legislators, academics and law students.

The user community in the legal sector is varied. While the judge has an expert knowledge of the legal system and the research tools available, the general public does not. The law librarian must be able to change focus rapidly to accommodate the users and to balance the various needs of the user group when providing information and answering enquiries.

When dealing with the general public one of the major difficulties facing law librarians is drawing a line between legal research and legal advice. When helping a member of the public locate the necessary laws and regulations often involves a rudimentary explanation of this process and can easily cross the line to legal advice.

All the users in the legal community expect librarians to meet their information needs regardless of their enquiries. These users expect on a regular basis that the librarians will encompass all these factors while answering and/or retrieving the information.

#### **7.1.1 Factors**

- **Timeliness**

Usually in law libraries the information is required immediately especially for lawyers, as they have to read, analyse, and form an argument for court cases occurring the same day.

- **Currency**

Lobbyists need current information, as do lawyers as cases are based on precedents and usually law is case law. Lawyers do not want to base legal argument on an outdated case, laws or statute as it is not only embarrassing but could also damage their professional credibility as well as the firm they are employed by. Therefore, it is critical that lawyers keep abreast of daily legal developments.

- **Accuracy**

Every library user should be given the correct information. Law libraries should be very cautious in providing correct information to lawyers, since it is conceivable that an incorrect answer could result in a client's financial or personal ruin.

- **Thoroughness**

The information or materials provided should be the culmination of a complete and thorough search. The librarian should not make decisions about what the user really needs but should give them all requested materials, and that every effort should be made to address all avenues.

- **Detail**

Lawyers are in the business of presenting the facts of legislation or a case to prove their point. So the actual wording of a statute or case is extremely important especially when they have specifically requested for the material in this way.

- **Format**

Every effort should be made to give the information to the enquirer in the format they prefer. There are always exceptions, for example, court procedures state that only the original document or a standard photocopy of the original is accepted as part of the evidence or legal argument to cite from. Electronic format of the document is not accepted, as the electronic sources do not adhere to the standards of the official printed source. In general the librarian should inform the user the alternatives available and let them decide upon the format they prefer.

- **Absolute need**

The user community sometimes asks the impossible question and insists that it must exist, as they need it. In this instance the librarian must exhaust all possible sources of consultation before giving up and offering alternatives. Usually offering the user another for example additional institutes/organisations to contact.

- **The next best thing**

If it has been determined that a specific answer, document or source does not exist, then the librarian should try to offer alternatives by broadening or narrowing the research criteria of the enquirer to include other related topics. Usually starting the reference interview procedure might be enough to extract more relevant and useful information to commence another search of the sources.

- **Confidentiality**

All legal enquiries in regards to case being taken to court should be treated in strict confidence as it could be embarrassing to the clients of the lawyers or it may have an adverse affect on the outcome of the judgment.

- **Limitations**

As many librarians have not been trained in the legal field, they must be aware of the fine line between doing legal research and doing factual research. The responsibility of the librarian is to provide information and materials; they should never try to interpret the information.

#### **7.1.2 Established law libraries**

There are a number of various law libraries that cater to the legal community that attempt to answer and provide the documents to their requests: -

- Professional libraries that are attached to the governing bodies of the legal profession;
- Inns of Court libraries that principally serve practising barristers and students studying the Bar examinations;
- The Law Society that regulates the solicitors' profession and provides services to students studying professional examinations;
- Court libraries that provide services for the Judges of that particular court;
- Law firm libraries that exist to serve the information needs of their firm;
- Government libraries that provide information to the various organs of State;

- Parliamentary libraries that serves the needs of the House of Commons and House of Lords;
- Academic libraries that provide services and attempt to fulfil the needs of students and teaching staff;
- Public libraries attempt to provide legal information to the wider audience that is denied access to other libraries with better collections.

These establishments have been mentioned in the study, as their primary functions are to serve their user community's information needs. Each of these libraries provide a comprehensive collection of English law but due to the information needs of their user community the similarity stops and the collection of materials found in these libraries reflect this.

## **7.2 European Human Rights user community**

The human rights user community is a small number of users within the legal community. They were identified from the enquiries, as the enquirer was asked their status so that the research chart used to record the data was true. From the chart it was identified that the user community consisted of staff researchers of BIICL, students studying advanced law degrees and a small number of lawyers, barristers, solicitors and government officials with an interest in this area.

The profile of the user community of European human rights fit into the following categories: -

### **7.2.1 Staff**

The staff of BIICL that used the human rights materials was researchers. From 1993-96 there were approximately 5 researchers that were using the material on a daily basis. They were using the material in preparing publications of the Institute. During this time two monographs were published on the subject of human rights and the Institute's own membership journal the Bulletin of Legal Developments (BLD) were highlighting all the latest judgments, opinions and resolutions that were coming from the European Court and Commission of Human Rights.

Besides institute research, they used the collection for their own studies to advance their education and knowledge. Their studies were in the form of PhD's, LLM's or for just writing an article in some of the learned journals and for television commentary.

During these times they wanted the information quickly which was very hard to comply with as most of the information they required was in paper format which took a considerable time to acquire from Strasbourg. They wanted information on relevant subjects and cases linked to them which was also just as difficult as all the paper references had to be used just to locate a small number of relevant materials for the researchers to manipulate the material and put it into a more coherent shape. The researchers, during this time, complained that retrieving the information that they required was taking far too long and that an electronic resource should be designed to facilitate and retrieve the information quicker with less paper to read. They wanted the



information in electronic format so that they could manipulate the contents and delete unwanted details so that it fits into their work.

The researchers did not have primary functions but worked on projects that were assigned to them by the Director of BIICL. The functions that the researchers regularly performed were: -

- Close monitoring of the progress of cases at the European Court of Human Rights and European Commission of Human Rights;
- Contributing articles to the publications of the Institute on European Human Rights and other legal issues in a wider international context and the
- Involvement in preparation of seminars and workshops that are given by BIICL.

#### **7.2.2 Students**

These users were using the collection for academic purposes to study for the Master of Law exams. They needed very basic information, which the paper collection provided and wanted the information in paper format so that they could read at leisure.

These users did not want to search through the various paper sources but wanted to retrieve the information electronically, as it was quicker and easier. As there was not a properly designed database for this area, students would often ask the Librarian to do the searches for them. If the personnel were not available to help the student would usually not do it; they instead waited for a librarian to retrieve the information for them.

#### **7.2.3 Others (Law firms, Government Offices, Public)**

These users made heavy use of the collection and still do, and with the advent of the Human Rights Act of gaining royal assent and becoming law in the next year or so will continue to grow rapidly.

They want the information as quickly as possible from whatever sources that you have and the majority of the time they usually pay someone to retrieve it and copy it for them. Their enquiries are usually the most complicated as they do not know what they want or their references and citations are so vague that the paper format cannot satisfy their information needs completely. The hardcopy of the material is not user friendly and is hard to retrieve the material and they get frustrated when it takes them some considerable time to locate the relevant information that they require.

Even though it is a small user community, they still expect the same standard of service as that of the rest of the legal community. They expect their enquiries on European Human Rights to be answered with the factors that were outlined earlier in the chapter. They expect their enquiries to be satisfied within a reasonable time frame that has been stipulated by them or by the information professional. Expect the information professional to be thorough in their investigation to retrieve relevant documents in a format that they have requested and that the information is current and accurate.

Overall there is no distinction between the user communities as they all expect their information needs to be answered professionally, thoroughly and as accurately as possible.

### **7.3 Enquiries**

These were collected over a four year period whilst being employed as Librarian for the Grotius Library and Human Rights Depository. They were stored with their answers in library files for further reference to annual reports for BIHR and BIICL to show the usage of the documentation centre and the typical questions asked by various enquirers.

The data was collected on the basis of participating observation, as this would be the only viable and accurate method to use in this situation. To be more accurate a coding scheme was introduced using a simple chart, which recorded the frequency of the questions asked and by whom (See Appendix 5). The chart recorded the data by using five bar gates, whenever an enquiry fulfilled the criteria.

The criteria was:

1. Human rights question - type?
2. Types of enquirer - firm, staff, student, other.
3. Time taken - this was basically worked out as an average by the total number of enquiries answered other than human rights.

Other data collected was for other subject areas; EC and General, which were compared to show the comparison of enquiries answered by BIICL in the four years time span of 1993-1996.

The total data collected from the above exercise was 621 enquiries over the four year period, 1993-1996. These were the years that I was employed by BIICL, which houses the European Human Rights Depository collection. The data collected has been properly recorded and that the data used is quality data and a true representation of the investigation into human rights usage. The proceeding years, 1997 onwards, I was not involved directly but my successor had some statistics of usage. The data recorded was not usable as they were recorded differently to those in 1993-1996 and may not be a true reflection of usage in this period according to the quality checks that were imposed at the beginning of the process of collection back in 1993. If there are any statistics for these years, 1997 onwards, they will be used but in a separate section as not to influence the

main work of analysis as the quality of recording them may have been inadequate to the main data.

To make this data manageable a random ten percent of the data covering the period 1993-1996 was taken as a sample, as the data was collected on a long time scale. The sample data of ten percent has some limitations as they were collected from enquiries that were answered by BIICL holdings only. Data could not be collected from other sources as there was a time restriction on the dissertation and that the other Institutes being profiled in this dissertation do not keep records of enquiries on the same level as that of BIICL. This is due to the fact that they are larger and busier information centres.

Therefore, the sample has been restricted to enquiries to BIICL. As a result of taking a sample percentage, the following enquiries that were commonly identified were:

1. Locate cases by title
2. Locate cases by article
3. Locate cases by subject
4. Statistical information

Even though there were a number of different searches that could be done to retrieve information, in most cases the enquirers knew exactly what they needed but could not retrieve the information for themselves as: -

1. Their information service does not stock it,
2. They could not locate sufficient information sources to locate it,
3. BIICL is the only location that has the complete holdings with qualified staff to retrieve it.

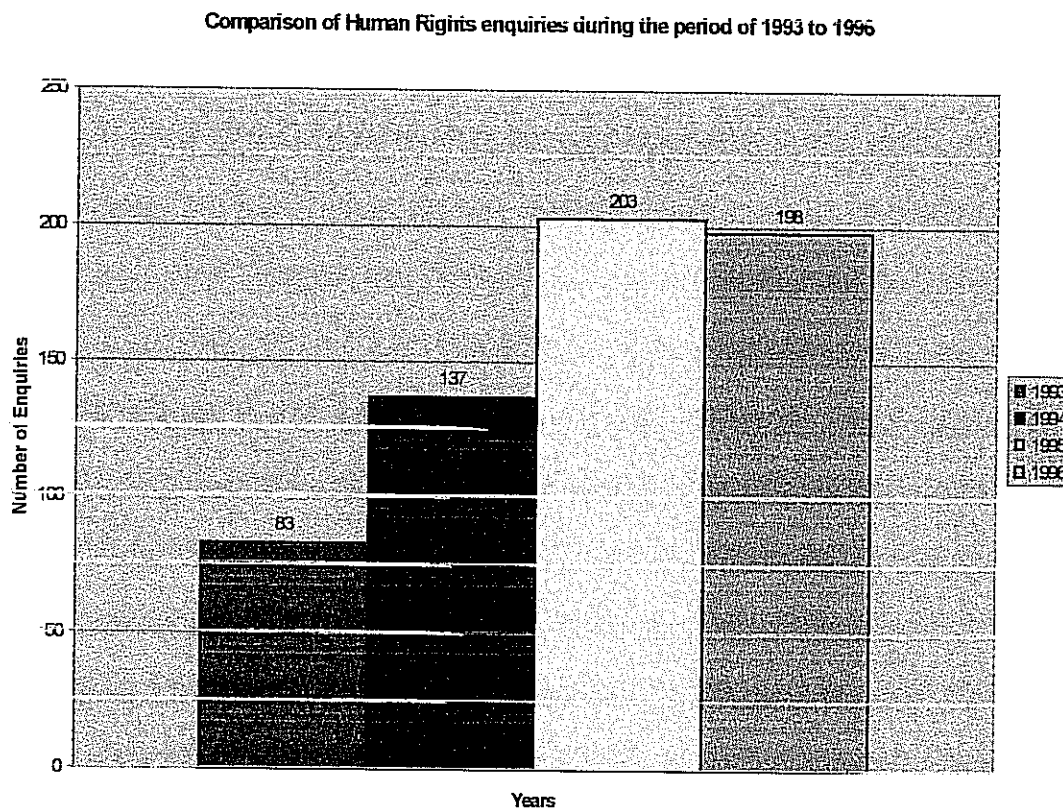
When analysing the data collected, it was found that 51 per cent of the enquiries were from the Institutes' own staff. The majority of other enquiries were from practising lawyers, local government and councils that accounted for 32 percent. Enquiries from students involved in studying for their law degree or students from secondary schools studying A-levels accounted for 10 per cent. Other enquiries came from the public and other Institutions/organisations interested in this particular area and accounted for 7 percent.

There are numerous reasons why the results have shown that staff is the prime user of this collection: -

- Staff did not have time to locate the case themselves as they were pressured to finish more pressing work;
- They did not understand the citations that were given to them;
- They were not shown how to use the various reference tools to locate them and reference tools were too hard to understand and were not user friendly for a non-information professional to use;
- Cost of using the database was so great that only the Librarian had the authority of retrieving the relevant information for them.

The reason why there is so little interest from the other various user groups mentioned above is that the service has not been marketed, advertised or targeted to any particular group. Until now only a few professionals and organisations knew of the existence of the Human Rights Depository. Most of the users have heard about it via being a member of the Institute, being advised by another organisation of its existence, mainly by the Law Society, IALS and by word of mouth from other colleagues.

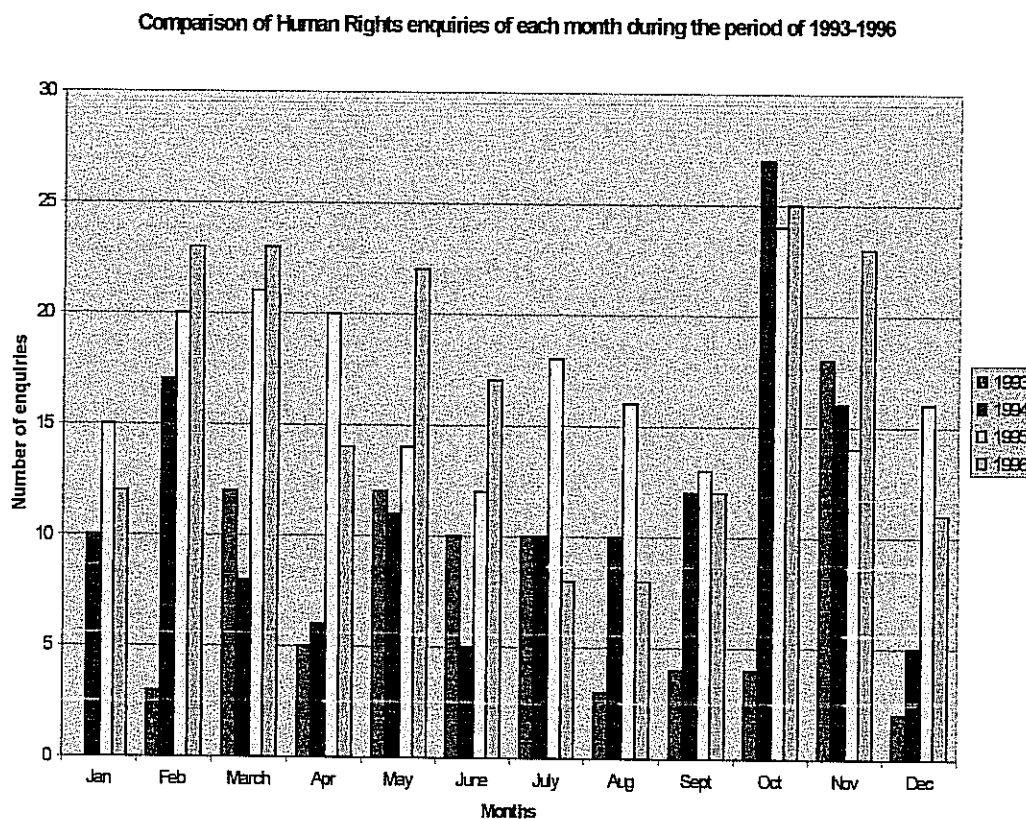
The data collected was compared with other statistics, which were collected simultaneously and in the same way as the human rights data. The result of the comparison showed the growth of European human rights enquiries compared to other subject enquiries. The growth of enquiries for European human rights was tremendous during 1993 to 1996. The table clearly displays the trend of enquires that were received by BICCL.



In 1994 they had increased by 61% and in 1995 by 245% when compared to the total received in 1993. By 1996 the enquiries were stable and lower than the 1995 total. Even so it was still 239% increase on the 1993 total. The reason for the enquiries being a similar total in 1995 and 1996 is that there is only so much work a solo librarian can cope

with in a limited time span. In contrast, there was a slight growth of enquiries in other subject areas but not on the same scale.

After analysing the enquiries, it was found that at certain periods of the year there were more enquiries compared to other times of the year. The table below displays the frequency of enquiries received.



With these results it has identified the areas that BIICL should concentrate on to provide an efficient service to its users and indicate to the library committee of BIICL where to increase resources.

Other enquiries wanted statistical information on: -

1. How many cases were pending?

2. How many cases were taken against a particular country?
3. How many cases were brought using certain articles?

Other enquiries were: -

1. Which countries have ratified the Convention;
2. A list of protocols and treaties within the Council of Europe;
3. A list of English lawyers taking cases to the Court.

About 80% or 500 of the enquiries over the 4 year period asked for material by the applicant, respondent or by the whole title.

#### **7.4 Evaluation of identified sources**

The samples of 63 questions, which can be seen in Appendix 6, were used to compare and evaluate the printed and electronic sources. It was then possible to list the advantages and disadvantages between manual and electronic searching.

##### **7.4.1 Paper Sources**

Using the sample questions it was found that to retrieve cases by title, application number or article number the Human Rights Case Digest had to be consulted first to retrieve a citation as to where the case can be located. This was done only when the enquirer did not have a full citation. In some cases the enquirer knew the volume number of the case to locate it in the official reports or had a date that could be checked through the official transcript press releases.

When the above methods were exhausted and did not locate the material for the enquirer then the online link (HUDOC) was consulted at last resort. Though it was not as current as it could be, it helped to retrieve the information that was hard to locate without contacting HRIC. This manual searching was for case law information. On the other



sample enquiries the printed sources were able to answer them adequately even though it was a slow and laborious task of searching the various printed sources. For enquiries on the European Convention on Human Rights, there were several printed sources to consult, as each source had different levels of currency of the treaty and some sources were separated from the updates. Subject searching in the manual sources was extremely difficult as it meant consulting several sources simultaneously to achieve the results that the enquirer wanted. Keyword searching was difficult as the keywords are assigned to the article number of the European Convention on Human Rights and to the case. Therefore, results of the search are not as accurate as it should be as there might be numerous cases on right to privacy but the cases might not reflect the subject matter requested by the enquirer.

#### **7.4.2 Electronic Sources**

This is confined to the Internet version of HUDOC, which has been recently established as of January 1999. The site is located on the main Council of Europe page and on the European Court of Human Rights page.

This system is only to be used for retrieving case law; the database cannot be used to retrieve any other document.

There are two types of searching that can be done on this source: -

- Simple search
- Advanced search

The simple search is a straightforward full-text retrieval. A text box is used to interrogate the database and the system will retrieve documents as to what has been typed

in the text box. This technique is rarely used unless the enquirer needs documents on various subjects.

The advanced search is more interactive and allows the enquirer to consult the database more intelligently with better search results. The system can be consulted in the following fields: -

- Text: - This is the full-text retrieval field and this can be broken down into separate fields. Introduction, Procedure, The facts, Commission Procedure, The Law, Reasons, Separate Opinions, Opinion, Recapitulation, Appendix.
- Title
- Respondent
- Application number
- Article number
- Keyword
- Conclusion
- Date

The same sample questions were used to evaluate the Internet version of searching.

To retrieve particular case titles, it was found that consulting the title field with the name of the case was enough to retrieve all documents relating to that case name. When an enquirer only had an application number, the application number field was consulted and all the documents relating to that application was retrieved. These two fields are especially useful when retrieving exact cases.

Other sample questions were to retrieve cases against a particular country. The field to consult in this instance is the Respondent field. When typing a particular country the database will list all documents concerning that country only. To locate documents by subject, the user would use Boolean logic in the text box and using it as a full-text retrieval system, as the system has not allowed a subject field to interrogate the database. Consulting the Keyword field is searching by keywords that are assigned by article number of the European Convention on Human Rights. To retrieve documents on certain article numbers the article number field is used to consult the database. The enquirer can limit the searches by date, by language of the document and by type of document, as there is a toolbar at the head of the system for the user to indicate what they would like to retrieve.

The indicated fields of Title, Application number, Article number, Respondent, Keyword and Conclusion all have word wheels linked to them. This displays the correct way of interrogating the database properly with the field selected. In the case of Title, it will show that the user can type in partial name of the title and then display the word wheel to check that name is in the database and whether it has been spelled correctly. If the name is within the database it will display the number of occurrences and the number of documents linked to that name. All the word wheels are structured the same and display exactly the same information for that particular field.

The results are arranged, beginning as four fields across the screen, showing type of document, size of document, title and the official publication citation. Further information can be obtained and will lead to a full-text document with a headnote above the text which will list the HUDOC reference number, Document type, Title, Application

number, Date of decision, Respondent, Article number and the official source of publication. The text can then be read via the screen, downloaded onto disk for future reference or printed out.

To answer enquiries that were not based on case law, other web sites of the Council of Europe had to be consulted. A specific page that has the full-text of the treaty with all the updates of the protocol listed within it was found for enquiries on the European Convention on Human Rights. To retrieve other treaties of the Council of Europe a specific site was found of these within the Council of Europe's web site separate from the European Commission of Human Rights, the European Court of Human Rights and the Committee of Ministers. There were documents that could not be retrieved from the electronic source, as they may not have been converted from paper to electronic form.

The printed sources were quicker and easier to retrieve cases when there is a proper citation than it was to access the Internet version of HUDOC. As for locating cases when there are no citations, it was quicker and more effective to use the Internet to consult the database by typing in the case title or the application number. In contrast, using the printed sources would mean consulting two or more sources to retrieve a citation before locating the case. When consulting the Internet it will locate all documents relating to that case whereas the printed sources can only do that when consulting several simultaneously. The Internet can provide current texts of all European Treaties whereas the printed sources can only provide the texts as of that date of the source. Therefore, consultation of more than one printed source are required to retrieve the current text.

There were disadvantages of using the Internet version of the case-law database compared to the online link. Access to the Internet version depended on how busy the Internet was, sometimes the access was instant and other times it took a number of minutes to access and retrieve the information. In contrast, the online link is usually faster as only the member States Depositories have links. Therefore only a small number of users had access at any one time, whereas accessing the Internet version there could be thousands of users around the world. It was found that using the database via telecommunications, the enquirer could interrogate the database to find out when the database was last updated whereas the Internet version the enquirer cannot do that and must assume it is current. The Internet version is far more user friendly than the online version as the Internet has help screens, a word wheel on each of the fields as to show the user how to search in that particular field and how many documents each term will retrieve. This was not done with the online version as this was an experimental system to be used only by information professionals and human rights researchers of the institutes', it was not to be used by a wider audience whereas the Internet version is.

Keyword searching of the Internet case-law database is misleading, as it is not subject searching. Keywords that have been assigned to the documents do not reflect the subject matter of the case but the actual article number that has been violated. To find documents on a particular subject it was found that the interrogation had to involve the text box for Boolean logic and use full-text searching.

This chapter has provided an overview of the legal community and identified their information needs, which were satisfied by various different libraries concerned in providing collections in law to meet these needs. It has discussed the small user groups

within the legal community which need European Human Rights information and have used the four profiled institutes to satisfy their needs and have identified the various user groups that use the institutes for that purpose.

The chapter has been able to identify the various enquiries made by each user group and the procedure to answer the enquiries efficiently and effectively with the sources that are available at the time of enquiry. It also shows how long the enquiry took to answer using different sources and was able to point out the sources to consult for a particular enquiry, as it was more efficient.

Chapter 8 will discuss the different information formats that can deliver information to the legal community in general. These formats will be discussed in more detail for the user community of European Human Rights and which formats they will find in the profiled institutes.

## **Chapter 8**

### **Information Formats**

This chapter will discuss the information formats available to the legal community with advantages and disadvantages of each. This will then be compared to European human rights materials and to the formats available to researchers of this area of law.

Libraries had used a relatively simple formula to decide what resources to purchase. If obtaining information from alternative sources approached the cost of an item, the library purchased it. Other considerations were space constraints and the additional costs to keep items current.

Legal information is available in many forms and formats, some more practical than others. Users and practice areas vary widely as to the types and content of materials most useful to them. Space-saving electronic formats have limitations, and require user training. Any technology-based resources must have staff support as well as ongoing investment to stay current.

#### **8.1 Printed Sources**

Books, journals, law reports and digests still have tremendous amount of information within them. The paper format still provides the core materials and information in law generally.

The electronic library in varying parts is convenient and helpful, though many library users are more comfortable using paper sources for their research. They may use e-mail, the Internet and work well with online services, but still prefer to find answers by looking through volumes than sitting in front of a computer screen.

When using printed materials, researchers can quantify the research they accomplish with printed sources because they can establish where it began, see bookmarks along the way and look at the last item they examined.

Using printed sources is easy and accessible and can be shared among several users, which may not be the case with online and CD-ROM sources. While volumes missing from the shelf do not limit the use of an entire set, only one user at a time can access online and CD-ROM sources from a single PC unless networked. Other accessibility advantages of printed sources is that they never give the user an error message and there is no fear of the network going down while one is reading.

The disadvantages of the printed source are that they consume more space as law in general proliferates. They also require space for processing and the need to be shifted and rearranged on a continuous basis.

## **8.2 Electronic Sources**

CD-ROMS were once touted as the answer to space constraints but are being viewed as an interim technology that is likely to be replaced. They do solve some problems but create others as they can be used as stand-alone or they can be networked.

The advantages of having CD-ROMs are that users can access the information right from their desks. This can be a tremendous time saver for the user, as they do not have to try and locate the printed source and retrieve the information manually. CD-ROMs allow for full-text searching that is not dependent upon indexing, unlike printed sources. Supplementation is also integrated into the CD-ROMs so it is not necessary to search in a number of different places as it often is in printed materials.

The disadvantages of using CD-ROMs are that there is no standard search engine. Users must learn different ways of searching CD-ROMs to use them effectively. Different vendors have various ways of solving search problems, so one search strategy will generate very different results according to the search engine used.

With printed materials there are no training issues but with CD-ROMs there is to a certain extent and many users do not have the time to schedule or attend training sessions. Reading certain materials is especially difficult as vendors have tended to make footnotes different colours or they are on pop-up menus. Most users print out the



information if it is longer than 2-3 screens as it is easier to read and to make notes if necessary.

Other points to take into consideration are that unlike books, which are bought and then become the property of the user, CD-ROMs are licensed. This means if the subscription is not kept up there will be no further access to it. Also most have limitations on user access on the number of simultaneous users, the more users higher the cost.

### **8.3 Comparison of Manual and Electronic Searching**

Manual research is probably easier than electronic research. Even though electronic research is far quicker and easier when retrieving case law and legislation, but for general research it is extremely difficult and less efficient when researching general points of law or issues as it is not precise.

With the amount of computerisation there is and how technology is advancing developments rapidly, it's still practical to have the paper format. It is easy to forget that monographs and journals also hold valuable information and they have been around a lot longer than computers. The advantages of using manual methods are that it requires no access skills beyond the ability to read.

The paper formats are preferable over electronic sources when the researcher has not clearly defined the issue. Printed indexes and digests are usually the best way to focus an issue. Over time academics, scholars, researchers have created vast outlines of the majority of legal topics and issues for every jurisdiction. They are perpetually updated and published in the form of digests, treatises and even textbooks.

The power of digital technology is clear and it certainly will play a prominent part in any law office or law academic library. There is always a danger that this medium will

be given greater importance than the traditional methods. Although the virtual law libraries have a role to play, they are but one of many valuable tools to the legal researcher.

Generally most courts have procedures that disallow electronic forms of a document, as it is not from the official source. These sources are usually printed sources e.g. the law reports or the statutes from the royal printer. So in most instances the electronic format of the document is used for research purposes or for locating the official version from the printed source.

As to human rights, the users want information in any format as long as they have the required information in their hands. In some instances information can only be retrieved electronically as the printed sources sometimes omit cases or they only publish it in one language.

Even though most of the users have found the information in electronic sources, most of the users preferred to have the documents in printed form, as it was easier to read. Most of the users preferred to search electronically than manually as they could retrieve information quicker and access far more material. Also the main printed sources for European human rights do not have indexes, therefore making material harder to locate on specific topics.

In contrast, with HUDOC even though it is just as difficult to use and navigate around the system, they could obtain information only up to a certain date, as the source is not current.

Though there is a large number of sources for the law community, the user community in European human rights has only the major printed sources to peruse as they form the backbone of the subject area. It is these resources that are slowly being repackaged into electronic format. Electronic formats are becoming increasingly popular

in providing information but most of the earlier documents and legislation can still only be found in the official printed sources.

The Human rights Information Centre only provides documents in paper format to answer user requests. If the researcher requests it in another format they would be advised by the staff of the HRIC to retrieve the information from the Internet if it is there or from HUDOC.

IALS mainly provides the information from the major printed sources of European Human Rights, as the Council of Europe does not promote the electronic sources very much.

BIICL and BIHR can provide the information in both formats if necessary but as electronic formats cost so much more they tend usually to provide it in paper format, as this is recognised as the official form according to court procedures.

At present the delivery methods of information to enquirers are paper copies as the online link technology is not compatible to any software. It can still be saved to disk but it needs to be "cleaned" extensively, as word processing software does not recognise some of the characters.

On the other hand, if information was retrieved from the Internet then this is the first sign of electronic delivery which researchers want more of as this is quick and easy. The material can be linked to email as attachments, the possibilities are endless. If electronic delivery is going to be the main method, as it is increasingly likely with the new technology available, then there must be some kind of strategy to deal with this document delivery.

There are a number of platforms and a range of hardware to choose. Therefore an important criteria of choosing a system is that it can be updated easily and that the platforms and hardware is compatible with other software so that electronic documents can be read with ease in a variety of machines. The system and software should be able

to retain the digitised documents in its original layout so that it is identical with the paper format.

## **Chapter 9**

### **Collection balancing and impact of the sources**

This chapter will discuss generally the impact of the various information sources within the legal community and a comparison made to the field of European Human Rights.

When discussing impact, it will not only mean as information provision but the impact to library budgets, staff and library professionals in general.

#### **9.1 Impact of sources**

As identified, described and evaluated in chapter 6 and 7, the sources have different aims and information content. They can be found in two different formats, printed and electronic.

Electronic sources will have a far greater impact than printed sources and will affect the small user community in the field of European Human Rights as well as the information professionals on the following points: -

##### **9.1.1 Personnel and training**

Technology is changing the way in which information professionals' work as more information is being stored electronically. There will always be printed sources but the skills, abilities required by the information professional will be different. It will lead to them being trained to upgrade their skills in retrieval of information from electronic sources and be able to train their colleagues and other users of their library or information centre.

Acquiring these skills have to be undertaken as these databases are charging enormous amounts of money just to retrieve relevant information. The skills learned

from using online databases can also be transferred to the latest multimedia databases on CD-ROM. They still have to have some type of search strategy to maximise the potential of the source they are using.

The relationship between the information professional and the users is going to be the key to the success of the electronic library. This will involve training the user and acting as a facilitator as well as being aware of their changing needs.

### **9.1.2 Library finances**

The electronic development of sources is greatly affecting the library budgets. The major problems for information services are that when they purchase an electronic database other costs are likely to be involved. Unlike purchasing a book, the only upkeep for it is space and staff time to shelve. However, keeping electronic material is time and money consuming. The information centre needs: -

- maintenance staff to keep the system working properly,
- send staff on training courses so that they can train other members of staff,
- Purchasing information technology equipment if it is not available in the first instance and then continually purchasing software upgrades to keep the material current.

Librarians have to be very careful about exploiting the electronic sources, as it can be very costly. Although the electronic library could save money in terms of space and staff time, mistakes made will be more expensive. They have to take into consideration the cost of the information whether they need to obtain it immediately or not.

Besides the cost of the electronic material, there are other costs to consider. To retain the printed sources, which are expanding every year as more issues of serials are being published, they all need shelf space to be stored. There is the need for pamphlet

boxes to file ephemera material and loose serial issues and these are available from many stationery stores.

## **9.2 Collection balancing**

The first step is to be clear about the purpose that the collection is intended to serve. When establishing a collection it is, perhaps, useful at this point to distinguish between a documentation centre and a library as this will affect the collection development.

A library usually implies a collection of books and serial publications over a broad range of topics, serving the needs of research and education. A documentation centre implies that it is a bank of information rather than knowledge. It is less formal than a library, more user needs oriented, more specialised, and with material of greater currency or immediacy. Material collected by a documentation centre often goes beyond books and serials; the collection can include unpublished papers, ephemera and newspaper clippings.

As discussed in chapter 7, evaluation of the identified sources indicated that not one source was better than the other. A balanced collection of the sources will complement each other and provide a foundation for the profiled institutes to produce strategies for information provision in this area. The consensus will be to purchase the printed sources, as they are an essential part of the collection to satisfy the information needs. Electronic sources are also required, to complement the printed sources and provide easier, faster access to material that are not available from the printed sources, as the electronic source will be current.

Printed sources are still widely available in this area, as all the major documents are in the original paper sources. However, they are slowly being converted into

electronic format with the advent of the Council of Europe's web site but most users still prefer to consult the printed source. There are few journals catering for the needs of the user community and these will either become very specialised or they will become part of the growing culture of electronic journals.

Even though the electronic sources have made such a huge impact on the way that researchers retrieve information, all the sources complement each other, as there is not one major format that can actually stand out. All the available sources have to be used to retrieve the information.

### **9.3 Investment**

New technology has played an important part in this area of fulfilling information needs. The Council of Europe has recognised that technology plays an important part of facilitating information to the required people. They have introduced an experimental website on the Internet to judge how often it will be used. The impact of this technology is that everybody could, in theory, have access, as the costs are the same for everybody to acquire the equipment.

Included in this section are the investments in new periodical titles that may be created in the future and new monographs that are continually being published in the area of European human rights.



## **Chapter 10**

### **Are Information needs fulfilled**

This chapter will discuss if the information needs of this small user community were fulfilled by: -

- The identified sources
- Were the needs fulfilled from manual sources or electronic sources and which were the best to use.
- Do the profiled institutes have to invest more into the collection to fulfil these needs?

Except for some limitations, all the identified sources and institutes fulfil the needs of the researchers.

Not any one source in the small subject area of European human rights law could answer all the enquiries. It had to be a mixture of them as some of the sources contained better information than others.

The manual sources were extremely useful to retrieve historical and background information as well as retrieving the earlier documents. Using these sources is very labour intensive and related information can easily be missed. Whereas electronic sources could retrieve most of the related relevant information if a search strategy was properly applied. It was also quicker to use these sources to retrieve current information and cases. The electronic source was only used if the manual sources did not contain the material that was requested.

Using electronic sources could encompass some of the factors to fulfil the needs of the user community as discussed in chapter 7. The criteria that could be fulfilled were timeliness, currency and absolute need. In contrast, using manual sources it was usually found to be more accurate, thorough and have more detail as these are the publications from the official organisations and the organs concerned with producing information for the legal community. This is not to say that the electronic sources are inaccurate and less

thorough but the courts procedure states that paper formats from the official publication has to be used in court.

It was found that using all the sources complemented each other. The profiled institutes will need to have all the major sources in paper and electronic before they can provide an adequate information provision in this area of law.

If looking in more depth to answer the enquiries that were analysed in Chapter 7, the paper sources could provide or give information to most of them. Also the enquiries would have taken longer to answer. To fulfil the needs, the researchers or enquirers would have to visit or contact various organisations to exhaust the possibilities to retrieve all the necessary information. There are only two organisations that could answer every enquiry to its fullest: -

1. British Institute of International and Comparative Law
2. Human Rights Information Centre

BIICL could answer every enquiry as they have the online link to Strasbourg, which, in theory, has all Judgments and Decisions of the Commission and the Court. In reality though this is not the case, as some cases will be restricted and it takes time to put the entire text of a case on a database. This online link is fulltext so any type of search or interrogation is possible whereas with the paper sources the researcher has to rely on indexes that have been created in-house by the publication.

HRIC could answer every question as they have created the online link that BIICL uses. The problem with asking them for information is that there is only 3-4 staff and they do take time to answer questions and the material can take up 2 weeks to be received by the enquirer.

Another problem that is encountered is that this particular area is only open at certain hours of the day.

IALS only has the major manual sources and the Internet so the provision of information is below par. The researcher information needs will be fulfilled eventually, it takes them longer to locate and retrieve the information required.

The Court and Commission have tried to speed up their work by producing a web site of selected Judgments. This is a start, as these sites will only answer enquiries as to the latest cases to be heard in the Court. They have not decided whether to make the site interactive or whether they will put text of Decisions from the Commission on the site as well.

## **Chapter 11**

### **Conclusion**

Technology has improved access to the documents and materials of European human rights.

Until 1997, accessibility was limited to the select few as a small number of organisations had collections in this area of law. During this time researchers had three major locations to retrieve information from that allowed access. No one is denied access from BIICL, BIHR and HRIC, though they may be limited by opening hours or by location of the organisation but not by status, whereas IALS discriminates by the status of the enquirer.

As of April 1999, it was found that BIICL provided the best service and research tools for European human rights materials in the UK, as they are the National Depository. They have access to the web site of the Council of Europe, the remote online service and the printed sources obtainable from the Council of Europe. The Online link to Strasbourg has initially been a large success since its installation at BIICL with the usage steadily growing. However, because of the lack of currency of the material available to be retrieved, the usage has started to decline. Other factors that have contributed to the recent decline in the usage of this service has been the emergence of new technology, which is cheaper and faster e.g. Internet. Even though the Internet has been found to be cheaper and faster, structuring of the material on the Internet will need to be improved to enable faster searching. There are drawbacks of using the Internet, it takes time to access the information depending on the speed of the computer and the amount of users that are on the Internet at a given time which slows the process down. There is a possibility of

computer breakdown and the provider of the information using a software language that is not compatible to the computer.

Besides the development of the Internet, which has increased accessibility to the information tremendously, the next development should be in the form of CD-ROM. Then the user community for European human rights will have various mediums to consult and the subject area would be on the same level with all the other law research tools available to the legal community.

The HRIC provides a more comprehensive service than that of BIICL, as they produce, compile the information and supply all the publications to the Depositories of the member states. They are responsible for future growth, as they are primarily responsible for most of the material and electronic innovations. The drawback of using HRIC is that they are located in Strasbourg and they only open to the public for two hours a day. Enquiries can be answered via the web site of the Council of Europe if the information has been posted there. If not they can be contacted by email, telephone or fax to answer enquiries and fulfill requests, but it means the researchers would have to wait for the requested information for an undisclosed time and it will be in printed format.

As of 1997, the HRIC has made information more accessible with the introduction and establishment of a web site. Since the creation of this web site two years ago, they have been steadily developing the site to make it more interactive, user friendly and using the latest technology to implement and access the remote online service. In doing so, they have made information publicly available and raising current awareness for less cost than advertising leaflets. They have made researching cheaper by

using this medium and allowing the researchers, to browse as they do with manual sources, without them incurring costly charges for accessing the materials.

The Council of Europe has recognised that they could either invest in the Online system to improve currency, prepare readable literature so that searches are done more effectively etc. or invest in new technology which will reach a greater audience and is more user friendly.

IALS has a collection of all the identified paper sources and access to the Internet, but access to the collection is limited to the status of the enquirer and also limitations to how much time is afforded to the enquirer by the staff. This will also be the case in the future unless their policy changes.

As of April 1999, the enquiries are growing and will continue to grow rapidly at the beginning of the year 2000 when the Human Rights Act is incorporated into UK national legislation. Though the Human Rights Act is supposedly being incorporated in the year 2000, the Act is facing serious delays as neither Whitehall or the courts are ready to cope with the change. It has emerged that there is a possibility that it may not come into force before 2001. The reasons for the delay are that the Home Office has to train 35,000 judges, magistrates and court legal advisers on the changes. There are worries that if the training is not done properly, the British judiciary system would become gridlocked by cases brought by people claiming their rights have been infringed.

The Act will affect the whole legal community not just the small user community it affects. New students entering the legal profession will now have to learn European human rights law as this can be used in legal argument whereas before the Convention could not be cited in a British or Irish court. A new curriculum will have to be devised

for the basic law degree, the professional examinations of the Law Society and the Bar. This will mean a large amount of money being spent on lecturers to teach the skills, having proper texts to teach from and having enough material to give to the students studying law.

The established law libraries will be affected by the new legislation, as they will have to try and provide an information service to the legal community as a whole. They will have two options: -

- Collect all the materials for European human rights or
- Maintain a co-operative scheme with BIHR, BIICL and IALS. This scheme can include complete access to the materials regardless of status of the enquirer, provide income to the three institutes so that they can provide and supply materials to their users.

BIHR and BIICL are the institutes that will be affected the most within the UK. These institutes will have to adapt and have a clear policy defined in the areas of collection development, copying, access etc. as these institutes have small resources regarding space and staff speciality. BIICL has already foreseen the latter problem of staff and has employed a research assistant whose primary function is to manage the European human rights depository and answer enquiries from staff, the members of the institute and the general public. The research assistant also provides a copying service for cases from the European Court of Human Rights.

As this field of information provision is so specialised there are few journals and even fewer databases and online systems.

The conclusion is that this area is underdeveloped in terms of access to information but access is improving.

While there can be no doubt that its work for human rights is the most important achievement of the Council of Europe, the task was not finished by the conclusion of the European Convention; indeed, it will never be a closed subject. It is simply not possible to devise any system, which will be perfect and complete. Gaps and loopholes will be found in any arrangements that have been established; new needs will arise as new developments occur in the organisation of society, particularly in an era of technical and political change; new measures will therefore be necessary from time to time in order to complete and perfect any system that has been instituted.

This has already happened as new measures have already been taken to merge the Court and Commission of Human Rights. This was brought into force as of November 1998 and now there is a permanent court with the Commission ceasing to exist. The merger will have affect on the sources available but until the Commission finally does cease to exist it will be difficult to project which sources will cease.



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82. Implementing the European Convention on Human Rights in Sweden the Boll discussion / by Jacob W. F. Sundberg. - Stockholm : [s.n.], 1983. - 14, 9 leaves. - Includes bibliographical references. - ISBN x190848447.
83. Incorporating the European Convention on Human Rights a critical guide to the issues / Joseph Jaconelli. - Manchester : University of Manchester, Faculty of Law 1996. - 31p. - ( Working paper University of Manchester. Faculty of Law no. 22). - Includes bibliographical references.
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85. Judgments of the European Court of Human Rights 1959-95 reference charts / by Donna Gomien ; Human Rights Information Centre. - Strasbourg : Council of Europe Publishing, c1996. - vii, 337 p. of tables ; 30cm. - ISBN 9287130574.
86. Law and practice of the European Convention on Human Rights and the European Social Charter / Donna Gomien et al. - Strasbourg : Council of Europe Publishing, 1996. - 479p ; 25cm. - ISBN 9287129568.
87. Law of the European Convention on Human Rights / D.J. Harris et al. -London : Butterworths, 1995. - [lxi], 753p ; 24cm. - Includes index. - ISBN 0406259305.
88. Outline of the position of the individual applicant before the European Court of Human Rights / Council of Europe Directorate of Human Rights. - Strasbourg : Council of Europe, 1978. - 8p. - (Human rights files no. 3). - ISBN x190825765.
89. A practitioner's guide to the European Convention on Human Rights / by Karen Reid. - London : Sweet & Maxwell, 1998. - li, 503p ; 26cm. - Includes index. - ISBN 0421547308.

90. The presentation of an application before the European Commission of Human Rights / Council of Europe Directorate of Human Rights. - Strasbourg : Council of Europe, 1978. - 19p. - (Human rights files no. 2). - ISBN x190825757.
91. Press communiqué Council of Europe. Directorate of Human Rights / Council of Europe. Directorate of Human Rights. - Strasbourg : Council of Europe, 1991-. - Irregular.
92. The protection of human rights in Europe Council of Europe / Council of Europe. - Strasbourg : Council of Europe, 1981. - 16p ; map. - ISBN x190826117.
93. The protection of human rights in Europe Council of Europe / Council of Europe. - Strasbourg : Council of Europe, 1983. - 16p ; map. - ISBN x190826125.
94. Research on the net / Kevin McGuinness and Tom Short. - London : Old Bailey Press, 1998. - xiii, 385p. - (Law in practice series). - ISBN 1858362695
95. Researching the legal web: A guide to legal resources on the internet / Nick Holmes ; Delia Venables. - London : Butterworths, 1997. - vii, 210p. - with index. - ISBN 0406897719
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97. The right to liberty and the rights of persons deprived of their liberty as guaranteed by Article 5 of the European Convention on Human Rights / Council of Europe. - Strasbourg : Council of Europe, 1981. - 22p ; 30cm. - (Human Rights files no. 4). - Prepared by the Council of Europe Directorate of Human Rights.
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101. Rules of court European Court of Human Rights : Reglement Cour europeenne des droits de l'homme / European Court of Human Rights. - Strasbourg : Registry of the Court, 1974. - ii, ii, 79p. - Includes index. - Parallel English and French texts. - ISBN x190816138.
102. Rules of procedure of the European Commission of Human Rights revised rules which came into force on 13 December 1974 : Reglement interieur de la Commission europeenne des droits de l'homme texte revise, entre en vigueur le 13 decembre 1974 / European Commission of Human Rights. - Strasbourg : Council of Europe 1974. - 15, 15p. - Opposite pages numbered in duplicate. - Parallel English and French texts.
103. Short guide to the European Convention on Human Rights / Donna Gomien. - Strasbourg : Council of Europe, 1991. - 156p ; 18cm. - (European issues). - Includes bibliographical references (p. 156). - ISBN 9287119813.
104. Short guide to the European Convention on Human Rights / Donna Gomien. - 2nd ed. - Strasbourg : Council of Europe, 1998. - vi, 158p. - Previous ed.: 1991. - Bibliography: p.157. - ISBN 9287137544.
105. States of injustice a guide to human rights and civil liberties in the European Union / Michael Spencer. - London : Pluto Press 1995. - viii, 234p. - Includes bibliographical references and index. - ISBN 0745309801.
106. Stock-taking on the European Convention on Human Rights a periodic note on the concrete results achieved under the Convention the first thirty years 1954 until 1984 / by the Secretary to the European Commission of Human Rights [H.C. Kruger]. - Strasbourg : Council of Europe, 1984. - x, 333p ; 29cm. - Updated by Supplements: 1985, 1986, 1987, 1988. - ISBN 0119837234.
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112. The UK before the European Court of Human Rights case law and commentary / Susan Farran. - London : Blackstone, 1996. - xxvi, 403p ; 23cm. - ISBN 1854314556.
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120. Digest of case law relating to the European Convention on Human Rights (1955-1967) : Repertoire de la jurisprudence relative a la Convention Europeene des Droits de l'Homme (1955-1967) / Directorate of Human Rights, Council of Europe. - Heule : Belgium Editions Administratives U.G.A., 1970. - xxix, 523p ; 25cm. - Superseded by: Digest of Strasbourg case-law relating to the European Convention on Human Rights. - Parallel text in English and French. - ISBN x190767072.
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**APPENDIX ONE**

**MEMBERS OF THE COUNCIL OF EUROPE**

**AS OF JUNE 14, 1999**

<b><u>Country</u></b>	<b><u>Date of Joining</u></b>
Albania	13 July 1995
Andorra	10 October 1994
Austria	16 April 1956
Belgium	5 May 1949
Bulgaria	7 May 1992
Croatia	6 November 1996
Cyprus	24 May 1961
Czech Republic	30 June 1993
Denmark	5 May 1949
Estonia	14 May 1993
Finland	5 May 1989
France	5 May 1949
Georgia	27 April 1999
Germany	13 July 1950
Greece	9 August 1949
Hungary	6 November 1990
Iceland	9 March 1950
Ireland	5 May 1949
Italy	5 May 1949
Latvia	10 February 1995
Liechtenstein	23 November 1978
Lithuania	14 May 1993
Luxembourg	5 May 1949
Malta	29 April 1965
Moldova	13 July 1995
Netherlands	5 May 1949
Norway	5 May 1949
Poland	29 November 1991
Portugal	22 September 1976
Romania	7 October 1993
Russian Federation	28 February 1996
San Marino	16 November 1988
Slovakia	30 June 1993
Slovenia	14 May 1993
Spain	24 November 1977
Sweden	5 May 1949
Switzerland	6 May 1963
The Former Yugoslav Republic Of Macedonia	9 November 1995
Turkey	13 April 1950
Ukraine	9 November 1995
United Kingdom	5 May 1949

## **APPENDIX TWO**

### **ADDRESSES OF THE PROFILED INSTITUTES**

- 1. British Institute of Human Rights  
Kings College London  
Strand  
London  
WC2R 2LS**
- 2. British Institute of International & Comparative Law  
Charles Clore House  
17 Russell Square  
London  
WC1B 5DR**
- 3. Human Rights Information Centre  
Council of Europe F-67075  
Strasbourg-Cedex**
- 4. Institute of Advanced Legal Studies  
Charles Clore House  
17 Russell Square  
London  
WC1B 5DR**

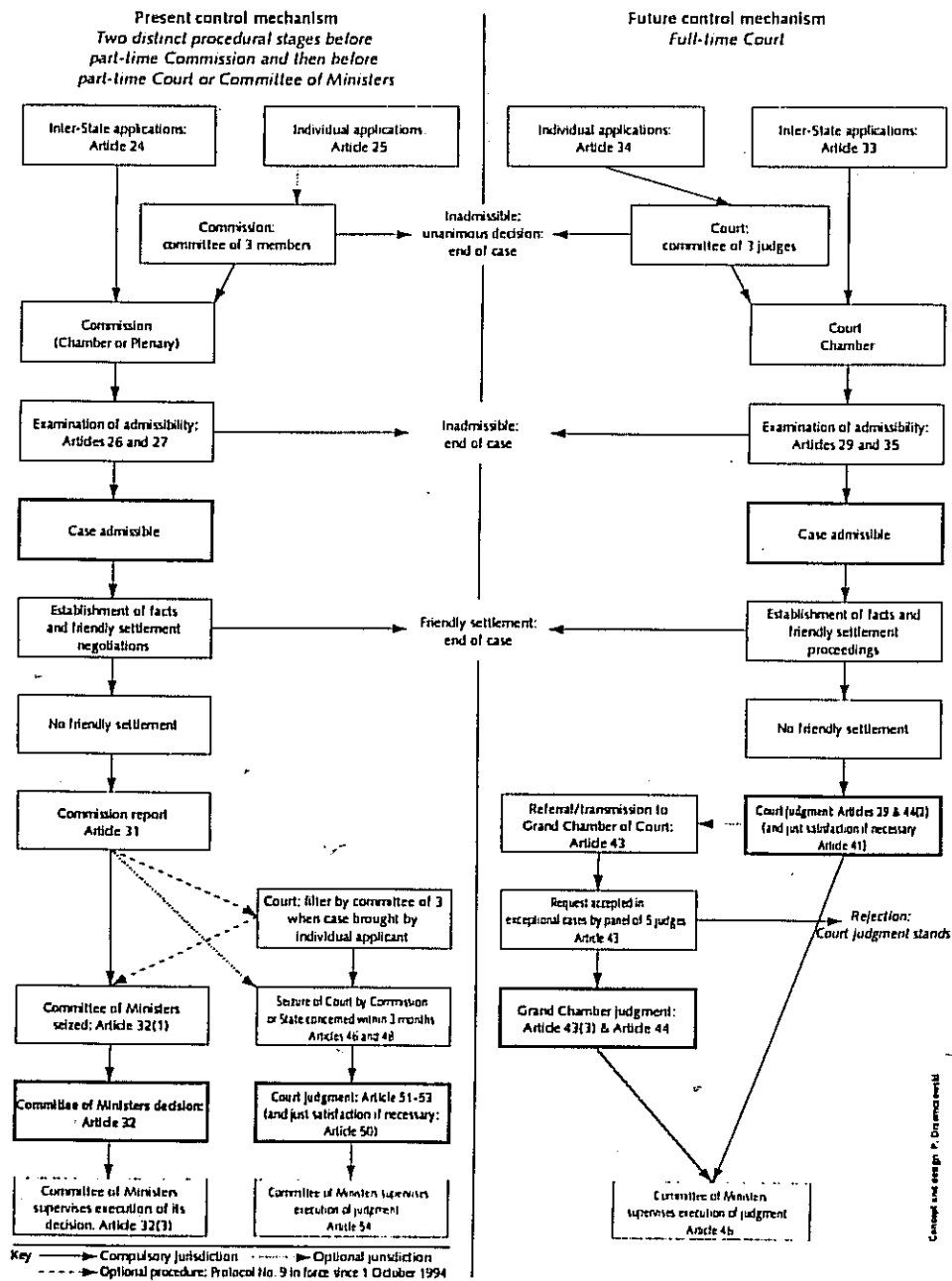
### **APPENDIX THREE**

**Diagrams that show the control mechanism of the  
European Convention on Human Rights.**

**Before and after November 1998.**

**Reproduced from: Law and Practice of the European Convention on  
Human Rights and the European Social Charter, P. Drzemczewski,  
pp.440-441**

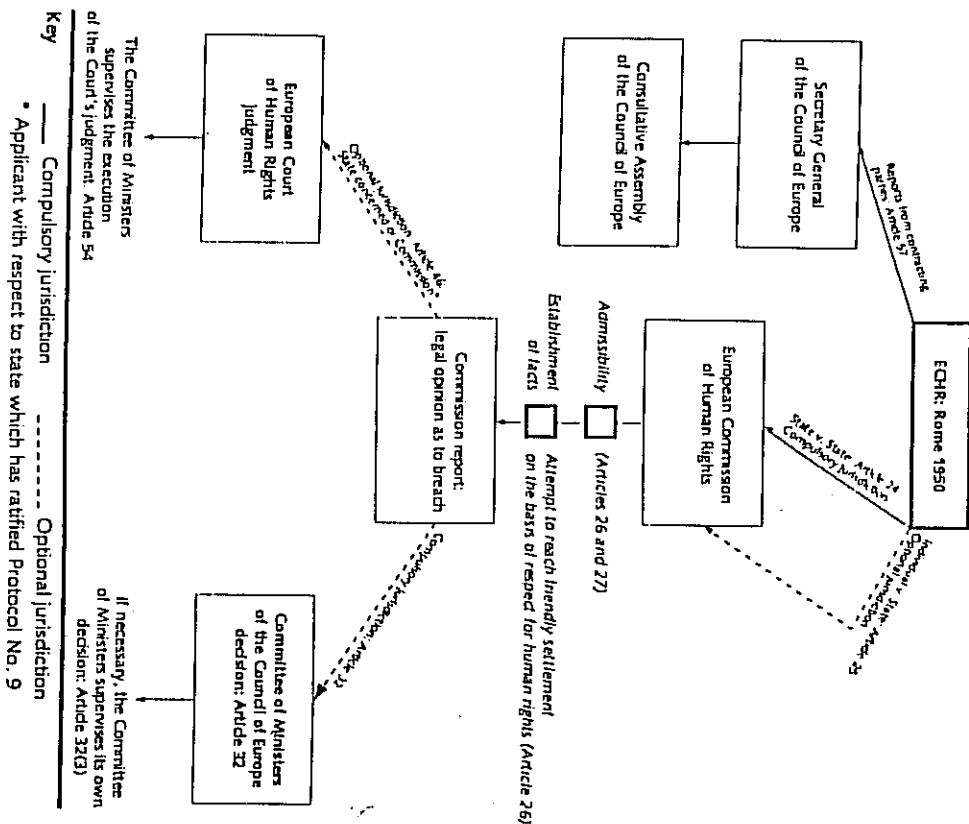
# The European Convention on Human Rights control mechanism flow chart



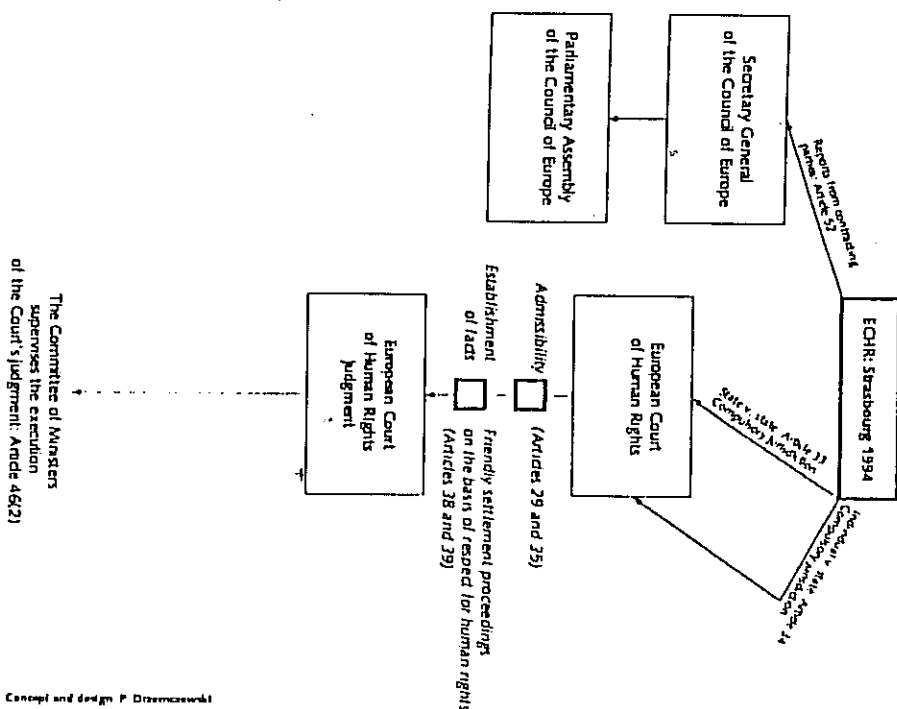


# Comparative schema of the implementation machinery of the European Convention on Human Rights (ECHR)

## Present control mechanism



## Future control mechanism



## **APPENDIX FOUR**

### **Organisation Chart of the Secretariat of the Council of Europe**



## **APPENDIX FIVE**

### **Frequency Chart to collect data on European Human Rights Enquiries**

Subject of enquiry	Form of Enquiry			Type of Enquirer				
	Telephone	Letter/Fax	Person	Student	Staff	Law Firms	Govt.	Other
Human Rights								

## **APPENDIX SIX**

### **LIST OF RANDOM ENQUIRIES SELECTED**

1. Information on courses and training on European human rights law.
2. Retrieve case Adegbie v. Austria application no. 26998/95
3. Retrieve case H.L.R. v. France application no. 24573/94
4. Retrieve case Hamer v. UK
5. Send copy of the European Convention on Human Rights
6. Send copy of statistics of cases against Hungary
7. Retrieve case The National & Provincial Building Society v. UK
8. Retrieve case Buckley v. UK
9. Retrieve case Pullar v. UK
10. Retrieve case Stubbings & Others v. UK
11. Retrieve case Greece v. UK
12. Retrieve case Osman v. UK
13. Give statistics of usage of Documentation Centre
14. Retrieve case Gudmundsson
15. Retrieve case Jespers v. Belgium
16. Retrieve Commission Opinion in Lutz case
17. Retrieve case Adolf
18. Retrieve case Deweer
19. Retrieve Council of Europe Recommendation 1117 of 29 Sept. 1989 on the condition of transsexuals.
20. Retrieve Application no. 23131/93
21. Retrieve case Sanchez-Reisse

22. Retrieve Council of Europe recommendation on co-habitation
23. Retrieve 1991 statistics of European Commission of Human Rights
24. Retrieve Decision by Commission application no. 20035/92
25. Retrieve case McCallum v. UK
26. Retrieve cases related to Prisoners correspondence
27. Retrieve case Bryan v. UK application no. 19178/91
28. Retrieve case Tolstoy v. UK application no. 18139/91
29. Retrieve case Valentijn v. France application no. 14033/88 (in English)
30. Retrieve cases under article 8.
31. Retrieve case Fayed v. UK
32. Retrieve case John Murray v. UK
33. Send information out on Documentation centre and database
34. Retrieve cases under article 8 and 13
35. Retrieve case Abdullah Yousef v. UK
36. Retrieve cases 15299/89 & 15300/89
37. Retrieve cases concerned with telephone tapping and interception of communications
38. Retrieve cases on issues of child custody, child's residence
39. Retrieve cases under articles 8,14,10,13
40. Retrieve case 6950/75
41. Work out how long it takes from lodging a case to being judged
42. How many cases against UK in last five years
43. Retrieve cases on detention
44. Retrieve case Saunders v. UK



45. Retrieve cases on surrogate mothers
46. Send details out of Documentation centre
47. Retrieve cases 8811/79 29 DR 104; 8160/78 22 DR 29; 7992/77, 14 DR 234; 1068/61 5 YB 278 (1962)
48. Retrieve case 24839/94
49. Retrieve case Benham v. UK
50. Provide address of the European Commission of Human Rights
51. Retrieve cases on marital rape
52. Retrieve cases that mention England, Wales and Article 5.
53. Retrieve case Gul v. Switzerland
54. Produce list of judgments to 1995
55. Retrieve cases 23389/94 & 21928/93
56. Council of Europe treaty on the exchange of therapeutic substances of human origin
57. Provide summary of articles of the European Convention on Human Rights
58. Retrieve cases under article 6(1) & 6(2)
59. Retrieve cases under article 3
60. Send copy of The European Convention for the Prevention of Torture and inhuman or degrading treatment.
61. Retrieve a list of UK lawyers that have taken a case to the European Court of Human Rights
62. Retrieve cases on political surveillance
63. Inhuman treatment and torture