



# **Introduction to International and Foreign Legal Research**

**by Kyle K. Courtney, Esq. for  
BHRH Lawyers' Network  
March 2010**

# Foreign and Int'l Law in U.S. Courts

**April 2009:** Justice Ruth Bader Ginsburg at Moritz College of Law at Ohio State University

- “I frankly don’t understand all the *brouhaha* lately from Congress and even from some of my colleagues about referring to foreign law”
- “Why shouldn’t we look to the wisdom of a judge from abroad with at least as much ease as we would read a law review article written by a professor?”

# Sotomayor's Confirmation Statements

- “American law does not permit the use of foreign law or international law to interpret the Constitution.”
- “Foreign law cannot be used as a holding or precedent or to bind *or to influence* the outcome of a legal conclusion interpreting the Constitution.”
- Now a standard question for nominees

# Foreign and Int'l Law in U.S. Courts

- Justice Stephen Breyer has declared that “comparative analysis emphatically is relevant to the task of interpreting constitutions.”
- Stated that United States Courts “face an increasing number of domestic legal questions that directly implicate foreign law.”
- Justice Breyer noted “neither I nor my law clerks can easily find relevant comparative material on our own. The **lawyers** must do the basic work: finding, analyzing, and referring us to that material.”

# Sample U.S. Decisions

- Grutter v. Bollinger, 539 US 306 (2003 - Michigan Law affirmative action case) Ginsburg and Breyer discussion of “the international understanding of the office of affirmative action,” including a look at CEDAW.
- Atkins v. Virginia, 492 U.S. 302 (2002). Court invoked a brief filed by the European Union which catalogued the overwhelming repudiation of the practice by the rest of the world.
- Lawrence v. Texas, 539 U.S. 558 (2003). Decision cited 1967 Act of the English Parliament and the leading 1981 European Court of Human Rights decision, Dudgeon v. United Kingdom, and subsequent European Human Rights Court decisions.

# More Recently: Graham v. Florida

- Justice Kennedy notes that juvenile LWOP has been “rejected the world over....The judgment of the world’s nations that a particular sentencing practice is inconsistent with basic principles of decency, demonstrates that the court’s rationale has respected reasoning to support it.”
- Again some scholars/politicians argue about the “unfortunate reference to foreign authorities to support the Court’s interpretation of the Eighth Amendment.”

# Plan for Today's Session

- Overview of Foreign/Int'l Legal Systems
- Secondary Sources
- Primary Documents and Finding Tools
- Translation Resources
- Commercial Databases
- Current Awareness
- Research Strategies and Examples

# Foreign Law

## The Law of Other Countries



# Foreign Law

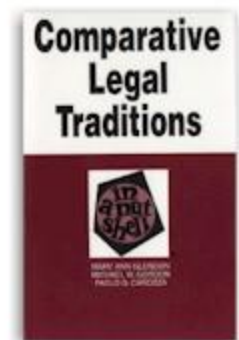
## Types of Legal Systems:

- Common Law
- Civil Law
- Combination of both
- Religious Law
- Customary Law

See <http://www.juriglobe.ca/>

# Other Source to Study Foreign and International Legal Systems

- *Germain's Transnational Law Research*
- *Modern Legal Systems Cyclopedia*
- *Szladits, A Bibliography on Foreign and Comparative Law: Books and Articles in English*
- *Civil Law Tradition: Europe, Latin America & East Asia*
- *Introduction to Foreign Legal Systems (AALL)*
- *Accidental Tourist on the New Frontier: An Introductory Guide to Global Legal Research*
- *Comparative Legal Traditions in a Nutshell*



# International Legal Systems Overview

- Public International Law
  - Governs the relationships between
    - National governments;
    - Intergovernmental organizations (IGO)
    - National govts and IGOs
    - Also regulates governments and IGOs across national boundaries
  - Topics: international trade, human rights, IP, international environmental law, and more

# International Legal Systems

- Private International Law
  - Governs the choice of which national law to apply when there are conflicts in the domestic law of different countries related to private transactions between private parties.
    - a.k.a. “conflict of laws” in US
  - Topics: conflicts in areas of contracts, marriage and divorce, jurisdiction, recognition of judgments, adoption, abduction.

# International Legal Systems

- Comparative Law
  - “The study of the similarities and differences between the law of two or more countries, or between two or more legal systems. Comparative law is not itself a system of law or a body of rules, but rather a method or approach to legal inquiry.” - Bob C. Berring, *How to Find the Law* (1989)
    - Largely the turf of scholars and academics
    - Presents the same challenges as foreign law

# International Legal Systems

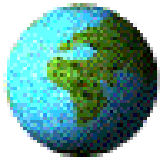
- Transnational Law
  - All law which regulates actions or events that transcend national frontiers. Both public and private international law are included, as are other rules which do not wholly fit into such standard categories.
  - Topics: legal relationships between a state and alien individuals or corporations, frequently in commercial, industrial, or investment.

# International Legal Systems

- Supranational Law
  - A supranational organization:
    - Has powers that its member states do not have because they surrendered those powers to it
    - May enact rules that preempt the laws and regulations of its member states
    - May grant rights and privileges to the nationals of its member states, which those nationals may directly invoke
  - Only one real supranational legal order:  
the **European Union**

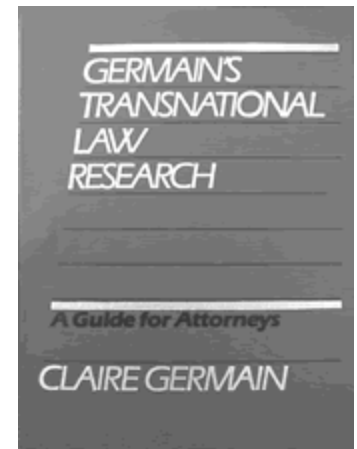
# International Legal Systems

- Soft Law
  - Non-binding documents or instruments (guidelines, declarations, principles) that may have use politically, but are not enforceable.
  - Akin to unenforceable international law, but soft law is not even as aspirational
  - Topics: international economic law, international environmental law, etc.



# Research Methods

- How do you begin learning about an area of law that is new to you?
- Start with Secondary Sources
  - Research Guides
  - Reference Works
  - Legal Dictionaries/Citation Guides
  - Foreign Law Portals
  - Subject and Regional Websites
  - Journals and Periodicals



# Secondary Sources

**Start with a Research Guide!**

Research Guides and Bibliographies Online

- [LLRX Guides](#)
- [GlobaLex: Foreign and Comparative Law Research \(NYU Law\)](#)
- [Guide to Electronic Resources for International Law \(ASIL\)](#)
- [Intute Foreign Law Guides](#) (UK Based)
- [Lillian Goldman Law Library: Foreign Law Research Guide](#) (Yale)



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International Law Research

Comparative Law Research

Foreign Law Research

- Afghanistan : [Islamic Republic of Afghanistan Legal System and Research](#)
- Albania : [Researching the Albanian Legal System](#)
- Algeria : [Algerian Law Guide](#)
- Argentina : [A Research Guide to the Argentine Legal System](#)
- Armenia : [A Legal Research Guide to Armenia](#)
- Austria : [The Austrian Legal System and Laws: a Brief Overview](#)
- Azerbaijan : [A Guide to the Republic of Azerbaijan Law Research](#)
- Belarus : [Guide to Legal Research in Belarus](#)
- Belgium : [Research Guide to Belgian Law](#)
- Bermuda : [Finding the Law in Bermuda](#)
- Bosnia and Herzegovina : [A Guide to Legal Research in Bosnia and Herzegovina](#)
- Botswana : [Botswana's Legal System and Legal Research](#)
- Brazil : [Doing Legal Research in Brazil](#)
- Bulgaria : [The Bulgarian Legal System and Legal Research](#)

## Guide to Legal Research in Nicaragua

*By Magda Violeta Blandino*

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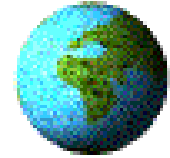
**Published March 2007**

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# Secondary Sources (cont'd)

## Major Reference Works



- *Reynold's and Flores Foreign Law Sources (now online Foreign Law Guide)*
- *Germain's Transnational Law Research*
- *Martindale Hubble International Law Digest (online LexisNexis)*
- *Modern Legal Systems Cyclopedia*

# Reynolds & Flores

## ALGERIA

A French province since the mid-19th century, Algeria was seized from the decaying Ottoman Empire and colonized and developed by the French along with a policy involving forced settlement. The French policy was to sequester and confiscate public lands, in theory held by the Bey of Algiers, but actually used and cultivated by local populations, and to redistribute the property to French citizens. The legal systems remained based on principles of Islamic law of the Malekite school, although now more structured around French-inspired codifications. Total independence was achieved in 1962 after a violent four-year war or revolution against the French. During the 25-year period following independence, a series of military juntas ruled and developed a legal system designed to further the principles of democratic socialism while emphasizing the secondary role to be played by Islam in such an order.

A new, democratic constitution was approved 28 February 1989 (the third since independence, not counting National Charters), which restored multiparty democracy and mandated the restructuring of the economy along more liberal and less doctrinaire lines. Following this, the general operations of government and the organization and functions of the state were reformed by a sequence of executive decrees, 31 May 1989 to 30 August 1989. In February of 1991, after Islamic fundamentalists with the announced intention of restoring Islamic law achieved pluralities in general elections, democratic government was suspended. The 1989 constitution was succeeded by the 1996 constitution (also adopted by referendum). This represents the fourth constitution since independence.

The administration of justice and the judicial structure follows the French model. The basic court system is secular; there are 17 courts of first instance and above that Courts of Appeal in the major cities of Algiers, Oran and Constantine. The Council of State, when joined with the High Court of Appeal, functions as the Supreme Court. There are justices of the peace at the primary level. Part of their jurisdiction is exclusive and part may be appealed to the courts of first instance. There is a separate range of commercial courts.

By Loi 5 of 16 January 1991, French ceased to be an official lan-

## MAJOR PUBLICATIONS

Titles of materials containing translations, digests or outlines of legislation are given in abbreviated format. More complete information on those titles followed by an asterisk will be found at the end of this section on Algeria. Materials whose titles are followed by the symbol "■" are described with full bibliographic information in the "List of Materials Indexed" commencing after the Materials Indexed tab.

## MAJOR CODIFICATIONS

### 1. Civil Code

Code civil of 1975. Ordonnance 58 of 26 Sep 1975 (in force retroactive to 5 Jul 1975) in the edition of Laws 7 of 1980, 14 of 1988 and 1 of 1989. Translated in *Commercial laws of the Middle East: Algeria*. \* German translation in *Internationales Ehe und Kindschaftsrecht*. ■ Available in French text by Le portail du droit algérien at <<http://site.voila.fr/algerianlaw>>.

### 2. Code of Civil Procedure

Code de procédure civile of 1966. Ordonnance 154 of 6 Jun 1966. Amended by Ordonnance 71-80 and Lois 1 of 1986 and 23 of 1990. Modified and completed by Loi 23 of 18 Aug 1990 in *Journal officiel* 22 Aug 1990 and Décret législatif 9 of 25 Apr 1993.

### 3. Commercial Code

Code de commerce of 1975. Ordonnance 59 of 26 Sep 1975 in *Journal officiel* 26 Nov 1975. Substantially reformed in the edition of Loi 4 of 12 Jan 1988 in *Journal officiel* 13 Jan 1988. Translated in *Commercial laws of the Middle East: Algeria*. \* Amended by Décret législatif 8 of 25 Apr 1993 in *Journal officiel* 27 Apr 1993.

### 4. Criminal Code

Code pénal. Ordonnance 156 of 8 Jun 1966. Completed and amended by Ordonnances 74 of 16 Sep 1969 and 47 of 17 Jun 1975.

### CIVIL PROCEDURE

**Code of Civil Procedure.**

*See also* ADMINISTRATION OF JUSTICE  
EVIDENCE

### CIVIL RIGHTS

*See* CONSTITUTION AND POLITICAL LEGISLATION

### COMMERCIAL

**Commercial Code.**

Sales. **Civil Code**, sections 351–412. Translated in *Commercial laws of the Middle East: Algeria \**

Statute of the Centre national du registre de commerce. Décret exécutif 68 of 18 Feb 1992.

Loi 22 of 18 Aug 1990 (commercial register). Current version in Loi 14 of 14 Sep 1991 in *Journal officiel* 18 Sep 1991. Amended by Ordonnance 7 of 10 Jan 1996 in *Journal officiel* 14 Jan 1996.

Décret exécutif 1 of 15 Jan 1989 in *Journal officiel* 18 Jan 1989 containing norms and regulations for Loi of 19 Jul 1988 (state monopoly of foreign commerce).

Décret exécutif 93 of 3 Mar 1996 (established Chambers of Commerce and Industry). Décret exécutif 94 of 3 Mar 1996 (created the Algerian Chamber of Commerce and Industry).

In general, commercial legislation of interest to foreign persons contained in a range of laws and decrees of 1988/90.

*See also* INVESTMENTS, FOREIGN

### COMMERCIAL AGENTS

*See* BRANCHES AND SUBSIDIARIES

### COMMUNICATIONS (INCLUDING TELECOMMUNICATIONS AND SATELLITE TRANSMISSIONS)

Loi 3 of 5 Aug 2000 (framework law on post and telecommunications) in *Journal officiel* 19 Jul 1989.

*See also* INFORMATION AND DATA PROTECTION

# Foreign Law Guide (online)

## Foreign Law Guide

Current Sources of Codes and Basic  
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to provide accurate, authoritative and current information in the area of foreign law research. In doing so, the authors are not rendering legal or professional services. If legal advice or  
s required, the services of a competent professional should be retained.

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## SUBJECT HEADINGS

### MAJOR CODIFICATIONS

1. Civil Code
2. Code of Civil Procedure
3. Commercial Code
4. Criminal Code
5. Code of Criminal Procedure

### OFFICIAL GAZETTE

### COMPILATIONS OR OFFICIAL CODIFICATIONS

### SESSION LAWS

### COURT REPORTS

### SUBJECT ARRANGEMENT

### ABORTION AND FAMILY PLANNING

### ACCOUNTING AND AUDITING

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## BELIZE

### Subject Headings

#### Introduction

Belize, an independent nation within the British Commonwealth, has been known as British Honduras for most of its existence. It has been self-governing since 1964 and took the name Belize in 1973; however, final independence was delayed by the need for settlement of a centuries' old territorial dispute with Guatemala. Independence was granted without any settlement, the territorial integrity of the new nation being guaranteed by the United Kingdom.

That part of Belize situated on the Bay of Honduras was discovered by Columbus in 1502, but the Spanish explorers made only the slightest efforts at colonization and the first actual settlement was established by the British in 1638. Constant disputes with the neighboring Spanish colonies meant insecure British control of the area. The troublesome nature of the territory and its lack of obvious economic or strategic benefit ensured a degree of disinterest on the part of British colonial administration and an equal degree of independent self-government by the British buccaneers and settlers almost into the 19th century. In 1786, the colonial administration in London appointed the first of a series of "Superintendants" to direct government in the region, still little more than an extended settlement. In 1862 the Colony of British Honduras was established as a dependency of the colony of Jamaica. It became an independent colony in 1884, and since then remained separate from the other English colonies in the New World, never becoming an administrative unit of some larger island or group of islands in the Caribbean. The British did establish the traditional mixed form of government, calling for an elected local legislature to coexist and share power with an executive and judicial apparatus appointed from England. This situation was replaced at the end of the century by crown colony status, which continued until 1935 when limited self-government was restored.

While Belize is geographically part of the Central American land mass, British colonization and ethnic patterns of 19th century settlement determined that Belize would, in effect, always be within the British sphere of influence and a member and trading partner of the Anglophone Caribbean community. Belize's isolation from the other Central American republics has been exacerbated by its long-running (and very

# Foreign Law Guide

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## ADMIRALTY

See [MARITIME LAW](#)

## ADOPTION

Families and children act 17 of 1998, sections 133–147. This is a major act, reforming and consolidating all the legislation covering guardianship, care, protection, maintenance and adoption of children, including their rights, status and legal capacity. Abrogates and replaces a number of separate chapters and laws, including the Status of children act and the Adoption of children act.

## AGENTS AND AGENCY

See [BRANCHES AND SUBSIDIARIES](#)

## AIDS

See [HIV/AIDS](#)

## AIR AND SPACE LAW

Civil aviation act 23 of 1992. Chapter 239 [Laws of Belize, Revised edition 2000](#). Repealing U.K. acts of 1949 and 1971. Full text at <http://www.natlaw.com>.

Belize Airports Authority act. Chapter 238 [Laws of Belize, Revised edition 2000](#).

The U.K. has declared application of the following to Belize: Warsaw convention, effective 4 Jul 1936, along with the Hague protocol, effective 15 Aug 1985 and the Guadalajara convention, effective 15 Mar 1967.

## ALIENS

See [CITIZENSHIP AND NATIONALITY](#)

# MARTINDALE- HUBBELL® INTERNATIONAL LAW DIGEST

—•—  
ARGENTINA – VIETNAM  
INTERNATIONAL LAW DIGESTS

—•—  
SELECTED INTERNATIONAL  
CONVENTIONS

# GREECE LAW DIGEST

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## HEALTH

### FOOD AND DRUGS:

Foodstuffs safety is governed by multitude of legislative provisions, emanating from both national and European Union authorities. Market police, special division of National Police, are in charge of control (including veterinary control) of production, distribution and importation of alimentary products. Failure to comply with foodstuffs safety regulations may result in fines or revocation of licenses.

Pharmaceutical products sold in Greece must have stable composition. Generic names of active substances contained in product must appear on label, beside or under commercial name of product.

As for alimentary complements, their composition and production company must be mentioned on package.

Products approved by National Drugs Association (EOF) obtain licenses valid from two to five years and are renewable upon request of beneficiary six months before expiration of validity of license.

### MEDICAL PROFESSION:

Medical professions are subject to regulations of relevant professional associations. Doctors (and other professionals of medical sector) who have obtained their qualification in a Member State of EU may freely establish practice in Greece pursuant to presidential decree 84/86 which implemented EU directives 75/362, 75/363, 81/1057 and 82/76.

### SMOKING REGULATION:

Smoking is forbidden in public buildings, however this prohibition is not strictly applied. Advertisement of tobacco products, although allowed in press and special road signs, is prohibited on TV and radio. Where allowed, advertisement must contain information on harmfulness of smoking. (Ministerial Decision 2160/90 as modified and in force). Tobacco products may also be promoted through special campaigns and sponsorships, including distribution of free cigarettes for promotional reasons.

## INTELLECTUAL PROPERTY

### COPYRIGHT:

Authors, composers, painters, designers, sculptors, turners and engravers have the exclusive right of publishing and reproducing their works during their lifetime and of assigning their rights to third persons. They have also moral protection right of their personal link with their creation (moral right). (Law 2121/1993).

Such protection extends till end of their life and expires 70 years after their death, counting from end of year of death.

The above protection applies to works in writing or artistic works produced in this country and may be extended to similar works produced abroad under a special decree in a condition of reciprocity. Such protection has been extended to works in writing and artistic works produced in the United States by a decree which came into force on Mar.

ratified by Law 1607/1986 Convention on the Granting of European Patents signed in Munich on Oct. 5, 1973.

Transfer of technology, including patents for same under European Convention of 5 Oct. 1973 is now governed by Law 1733 of 18/22 Sept. 1987.

### TRADEMARKS:

Trademarks are governed by Law 2239 of 16 Sept. 1994.

Acquisition of right on trademark presupposes application to administrative committee of trademarks, accompanied by ten impresses of trademark (and ten coloured impresses, if trademark is coloured), treasury voucher for government fees, notarial power of attorney and appointment of attorney in fact. Application must also determine categories of products (from total of 34) or of services (from total of eight), by which trademark is categorized.

Right on trademark is acquired from moment that decision of administrative committee of trademarks which accepts it is registered to special registrar, provided that trademark in question disposes distinctive character and does not constitute counterfeit or imitation of duly preregistered and not deleted trademark, which is used for same or similar product.

Beneficiary is entitled to use exclusively trademark in order to distinguish his products or services, and to exclude third parties from its use. Protection of trademark lasts for period of ten years and can be renewed indefinitely by filing, during last year of protection, petition for renewal and upon payment of government fees.

Unlawful use of trademark is punished by at least three months of imprisonment and/or fine.

Courts may grant injunction measures prohibiting unlawful use of trademark.

Right on trademark is transferable by succession, by contract or in case of forced execution, even without transfer of business itself. Beneficiary can also give to third party his written consent, so that another trademark which is identical or similar to preregistered trademark can be registered. Use of trademark can be assigned to third party by written agreement which is registered to special registrar after decision of administrative committee, unless that creates confusion or is opposed to morality and public order.

Right on trademark expires if beneficiary resigns from it or after deletion which is decided by administrative authority in case (inter alios) that beneficiary fails to market products or services within five years from its registration, or has ceased for five years to do so, or if beneficiary's business has ceased to operate for five years.

Right expires automatically if it is not renewed within prescribed time.

Beneficiary of right on trademark can be also cooperative or professional association (collective trademark). This trademark is used by members of association, but its protection can be invoked only by association or cooperative.

**Foreign Trademarks.**—For registration of a foreign trademark in addition to requirements prescribed for registration of a local one, it is necessary to produce a proper power of attorney and a certificate showing that the foreign trademark has been duly registered in the country of origin accompanied by a Greek translation. Such certificate is not required if country of origin relieves applicants for registration of a Greek trademark from such certificate. A foreign trademark duly registered in Greece becomes independent from the trademark of the country of origin.

Change of seat or address must be duly registered.

See note at head of Digest as to 2002 legislation covered.

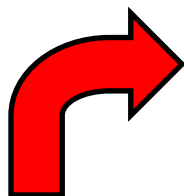
See Topical Index in front part of this volume.

# Germain's *Transnational Law Research*

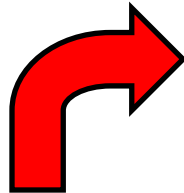
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# INTERNATIONAL COURT OF JUSTICE

*See also UNITED NATIONS, and Ch. III.*

## **§1.01 Background**

The International Court of Justice (I.C.J.), located at The Hague, The Netherlands, is the main judicial organ of the United Nations. It decides disputes between nations which have agreed to accept its jurisdiction, and gives advisory opinions.<sup>1</sup> The I.C.J web site provides useful information on the Court, the history, composition, and jurisdiction of the Court, as well as biographies.

## **§2.01 Current Issues**

The Court has recently strengthened its stature as the place to settle interstate disputes. The current President of the Court is Gilbert Guillaume (France) and the Vice-President is Shi Jiuyong (China). The current President of the Court is Shi Jiuyong (China) and the Vice-President is Raymond Ranjeva (Madagascar). Mr.Philippe Couvreur (Belgium) is the Registrar. The fifteen judges are elected to nine-year terms and may be re-elected. The Court itself issues *press releases* intended to keep the general public abreast of current developments. These are now available on the ICJ's web site (*see* §9.01).

## **§3.01 Where to Start**

The ICJ web site and Cornell mirror ICJ web site are a great place to start (*see* §9.01).

Amr, Mohamed Sameh M. *The Role of the International Court of Justice as the Principal Judicial Organ of the United Nations*. The Hague; New

## ITALY

### §1.01 Introductory Surveys and Practitioners' Guides

For multicountry introductory surveys including Italy, see Ch. III, §3.03. In the same chapter, §3.04.1 on introductory works in foreign, comparative, and international law and §3.05.1, casebooks on comparative law, will also be useful. For business information, including marketing reports, economic trends, information on foreign corporations and foreign chambers of commerce, see Ch. III, §3.10. For general political, social, and economic information, see Ch. III, §3.11, which also includes directory information, such as foreign embassies and consulates in the U.S. For statistical information, see Ch. III, § 3.12. For general information on the economic climate and investments, LEXIS/NEXIS is very useful, particularly the EUROPE library which contains newswire services, major newspapers and magazines, and business publications such as *Investing, Licensing and Trading Conditions Abroad* (EUROPE;EIUILT). The country reports include Italy (REPORT;ITALY). WESTLAW also has several useful business databases. For general information on the economic climate and investments see LEXIS/NEXIS, WESTLAW, and Internet sources in §7.01 of this chapter.

Alegi, Peter. *Business Operations in Italy*. Washington, D.C: BNA, 2000. (Tax Management Portfolios: Foreign Income 968-2d). (Also on LEXIS: FEDTAX;TMFOR and WESTLAW: TM-FOR).

Cappelletti, Mauro, John Merryman & Joseph Perillo. *The Italian Legal System: An Introduction*. Stanford: Stanford Univ. Press, 1967.

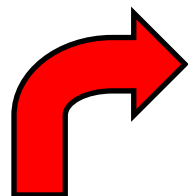
Certoma, Giuseppe. *The Italian Legal System*. London: Butterworths, 1985.

Useful introduction. Discusses sources of law and the basic elements of the principal branches of law including conflict of laws and foreign affairs law.

*World Litigation Law & Practice. Italy.* Ronald Myrick, ed. Dobbs Ferry, N.Y.: Transnational Juris, 1989- . (New York: M. Bender, 1986-89). Looseleaf.

Provides a good introduction to the law of Italy, and deals with all procedural aspects.

Watkin, Thomas Glyn. *The Italian Legal Tradition.* Aldershot, Hants, Eng.; Brookfield, VT: Dartmouth, 1997.



## **§2.01 English Language Translations and Digests of Primary Sources**

For multicountry English language translations and digests of foreign laws, including Italy, see Ch. IV, under your subject of interest (e.g., **INTELLECTUAL PROPERTY**). For information on translations in general, see Ch. III, § 3.01.

Beltramo, Mario. *The Italian Civil Code and Complementary Legislation: Release 93-1, Issued July 1993.* Roma: Oceana Publications; New York: Dobbs Ferry, 1993.

Blaustein, Albert & Gisbert Flanz. *Constitutions of the Countries of the World.* Dobbs Ferry, N.Y.: Oceana, 1971- . Looseleaf.

# Secondary Sources (cont'd)

## Dictionaries/Citation Guides (Print)

- Bieber's Dictionary of Legal Abbreviations
- World Dictionary of Legal Abbreviations
- Various Other Foreign Law Dictionaries and Deskbooks

# Foreign Dictionaries

- Essential for learning the legal “terms of art” for other jurisdictions
- Codes (Fr. *code*; Ger. *Gesetzbuch*; Sp. *código*; It. *codice*)
- Laws (*loi*, *Gesetz*, *ley*, *legge*)
- Decrees (*décret*, *Verordnung*, *decreto*)

# World Dictionary of Legal Abbreviations - Chinese

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<i>Abbreviation (English or Pinyin)</i>	<i>Full Title (English)</i>	<i>Abbreviation (Chinese)</i>	<i>Full Title (Chinese)</i>
<b><u>A</u></b>			
<b>ACTA</b>	All China Taiwanese Association		中华全国台湾同胞 联谊会
<b>Ai Wei</b>	All-China Patriotic Hygiene Campaign Committee	爱卫	全国爱国卫生运动 委员会
<b>An</b>	Ministry of State Security	安	国家安全部
<b>An Ben</b>	Anben Steel Group	鞍本	鞍本钢铁(集团)公 司
<b>An Gang Ji Tuan</b>	Anshang Steel Group Corporation	鞍钢集团	鞍山钢铁集团公司
<b>An Jian</b>	Security inspection	安检	安全检查
<b>An Jian</b>	State Production Safety Supervision Administration	安监	国家安全生产监督 管理总局
<b>An Jian Zong Ju</b>	State Production Safety Supervision Administration	安监总局	国家安全生产监督 管理总局
<b>An Li Hui</b>	Security Council	安理会	安全理事会

# World Dictionary of Legal Abbreviations - Chinese

## *Chinese Section*

<b>Bu Ke Neng</b>	Impossibility of expectation	不可能	期待不可能
<b>Bu Pei</b>	Additional claim	补偿	补充赔偿

## C

<b>CAAC</b>	Civil Aviation Administration of China		中国民用航空总局
<b>CAECC</b>	Chinese Association for Enterprise Culture Construction		中国职工思想政治工作研究会

# World Dictionary of Legal Abbreviations - India

*India - By Abbreviation*

*A.I.R.All.*

## **A**

**A.**

All India Reporter, Allahabad Series

**A**

Indian Reports, Allahabad Series

**Acad. L. Rev.**

Academy Law Review, Kerala, India

**A.C.C.**

Allahabad Criminal Cases

**A.C.J. (Mad.Pr.)**

Accident Compensation Journal, Madhya Pradesh, India

**A.Cr.C.**

Allahabad Criminal Cases

**A.Cr.R.**

Allahabad Criminal Reports

**Adam Sl.**

Adam on the Law of Slavery in British India

**Adv.Chron.**

Advocates' Chronicle, India

**Afr.Q.**

Africa Quarterly, New Delhi

**Agra**

Agra High Court Reports, India

**Agra F.B.**

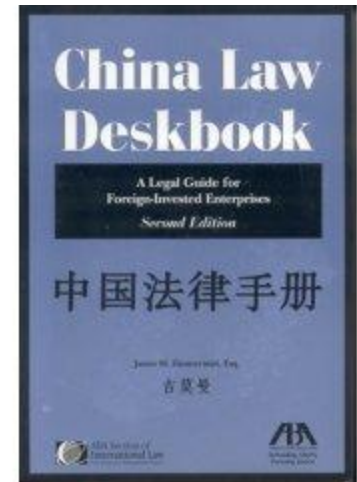
Agra Full Bench Rulings

**Agra H.C.**

Agra High Court Reports, India

# Deskbooks

- Country Specific Deskbooks
  - Ex. *China Law Deskbook*
- *International Lawyer's Deskbook*
  - International chapters on topics such as Family Law, Labor Law, Trusts, etc.
- *West's Legal Desk Reference*
  - Research by Subject section includes country specific guides, treatises, and law reviews



# Secondary Sources

## Citation Guides

- Print Source
- *The Bluebook*:
  - Rule 20: Foreign sources (p. 151)
  - T.2 Foreign Jurisdictions
  - T.4 Treaty Sources
  - T.5 Arbitral Reports

Ars Aequi	1951–date	AA
Weekblad voor Privaatrecht, Notariaat en Registratie	1870–date	WPNR
Rechtsgeleerd Magazijn Themis	1839–date	RM THEMIS
Informatierecht/AMI	–date	AMI

### New Zealand (Common Law)

#### Cases

Citation format: <party> v. <party> [<year>] <volume> <reporter>  
<page>.

Anderson v. Gardner [1979] 1 N.Z.L.R. 415.

**Judicial Committee of the Privy Council (P.C.):** Cite to N.Z.L.R. or N.Z.P.C.C. if therein; otherwise cite to reporters listed under **United Kingdom**.

New Zealand Law Reports	1883–date	N.Z.L.R.
New Zealand Privy Council Cases	1840–1932	N.Z.P.C.C.

**Court of Appeal (C.A.) and High Court (H.C.)** (formerly the Supreme Court): Cite to N.Z.L.R. if therein; otherwise cite to G.L.R.

Gazette Law Reports 1898–1953 G.L.R.

**Arbitration Court (Arb. Ct.):** Cite to N.Z.L.R. if therein; otherwise cite to B.A.

Book of Awards 1894–date B.A.

**District Court (D.C.)** (formerly the Magistrates' Court): Cite to D.C.R., M.C.D., or M.C.R.

District Court Reports	1980–date	D.C.R.
Magistrates' Court Decisions	1939–1980	M.C.D.
Magistrates' Court Reports	1906–1952	M.C.R.

#### Statutes, session laws, and regulations

Cite statutes, session laws, and regulations using the English statutory form, noting the jurisdiction parenthetically at the end of the citation if not otherwise clear from the context.

Misuse of Drugs Act, 1975 (N.Z.)

#### Treaty Series

New Zealand Treaty Series 1950–date 19xx N.Z.T.S. No. x

I'm looking for a criminal case decided by the Judicial Committee of the Privy Council in New Zealand

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[Case Law](#) >

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# CITATION AND ABBREVIATION GUIDES

- NYU School of Law Guide to Foreign and International Legal Citations (GFLIC)  
<https://its.law.nyu.edu/jilpgfilc/>
- Cardiff's Guide to Legal Abbreviations  
<http://www.legalabbrevs.cardiff.ac.uk/>
- The Oxford Standard for Citation of Legal Authorities (OSCOLA)  
<http://www.law.ox.ac.uk/>

NEW YORK UNIVERSITY SCHOOL OF LAW

JOURNAL OF INTERNATIONAL LAW AND POLITICS

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# GUIDE TO FOREIGN AND INTERNATIONAL LEGAL CITATIONS

## COUNTRY CITATION GUIDES

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## ARGENTINA

*Republica Argentina* (Argentine Republic)

### I. COUNTRY PROFILE (Civil Law)

Argentina is a federal, democratic republic comprised of twenty-three provinces. It is a civil law system primarily influenced by Italy, Spain, France, and Germany. The official language is Spanish.

The Constitution, adopted in 1853 and most recently amended in 1994, provides for a tripartite government with executive, legislative, and judicial branches. The provinces and the City of Buenos Aires enjoy autonomy and choose their own authorities. Each province and the City of Buenos Aires enacts its own constitution; each provincial constitution provides for municipal autonomy and the scope of its own institutional, political, administrative, economic and financial powers.

The President is the head of state and exercises the executive power. The Constitution requires that the President be elected directly by the people every four years and not serve more than two consecutive terms. Except for the Supreme Court Justices, the President has to select each federal judge from a list of three candidates that is prepared by the Judiciary Council (*Consejo de la Magistratura*). The President appoints the Supreme Court Justices and the other federal court judges with the consent of the Senate.

The legislative power is vested in the Congress (*Honorable Congreso de la Nación*), which is comprised of the Senate (*Cámara de Senadores*) and the Chamber of Deputies (*Cámara de Diputados*). By direct vote, the people of the provinces and those of the City of Buenos Aires elect representatives to the Chamber of Deputies. Deputies are elected for four years and may be reelected. The Senate consists of three senators from each province, and three from the City of

Courts of Ordinary Jurisdiction for the District of Buenos Aires (and their abbreviations) include:

Court of Appeals for Civil Matters: *Cámara Nacional de Apelaciones en lo Civil* (CNCiv.)

Court of Appeals for Commercial Matters: *Cámara Nacional de Apelaciones en lo Comercial* (CNCom.)

Court of Appeals for Civil and Commercial Matters: *Cámara Nacional de Apelaciones Especial Civil y Comercial* (CNEspecial Civ. y Com.)

Court of Appeals for criminal-economic matters: *Cámara Nacional de Apelaciones en lo Penal Económico* (CNPenal Económico)

Court of Appeals for Labor Matters: *Cámara Nacional de Apelaciones del Trabajo* (CNTrab.)

Lower Courts of Ordinary Jurisdiction: *Juzgado Nacional de Primera Instancia* (1a Inst.)

Provincial Courts (and their abbreviations) include:

*Corte de Justicia* (CJ)

*Suprema Corte* (SC)

*Tribunal Superior* (TS)

*Tribunal Superior de Justicia* (Trib. Sup.)

*Superior Tribunal* (ST)

State Court of Appeals for Civil and Commercial Matters: *Cámara de Apelaciones en lo Civil y Comercial* (CApel.CC)

State Court of Appeals for Criminal Matters: *Cámara de Apelaciones en lo Penal* (CApel. Penal)

State Court of Appeals for Labor Matters: *Cámara del Trabajo* (CTrab.)

State lower Courts of Ordinary Jurisdiction: *Juzgado de Primera Instancia* (1a Inst.)

## 4.0 Books

Cite books by name of the author(s) [last name (capitalized), first name, middle initial], title (in quotation marks), publisher, place of publication, year, volume number (if appropriate), and page





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L.M.L.N.  
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Int.J.Comp.L.L.I.R.  
E.F.S.L.  
Rett.  
TCC  
A.R.  
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A.& E.  
Int.M.L.

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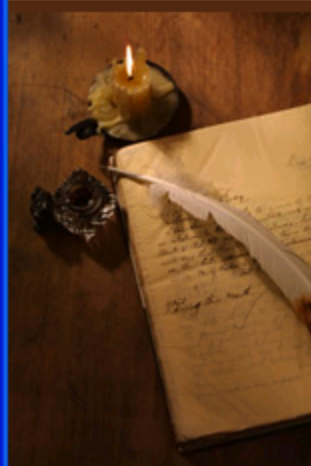
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# FOREIGN LAW PORTALS

- Constitution Finder (University of Richmond)  
<http://confinder.richmond.edu/>
- Nations of the World, Law Library of Congress (LLOC)  
<http://www.loc.gov/law/guide/nations.html>
- The World Law Institute (WorldLII)  
<http://www.worldlii.org/catalog/215.html>
- GLIN - Global Information Network (Library of Congress)  
<http://www.glin.gov/>
- vLex  
<http://vlex.com/>

## CONSTITUTION FINDER | UNIVERSITY OF RICHMOND

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This database offers constitutions, charters, amendments, and other related documents. Nations of the world are linked to their constitutional text posted somewhere on the Internet.

We invite comments or suggestions for improving this index. We would appreciate both your direction to internet sites where other constitutions may be found and your contribution of the texts of constitutions not yet accessible on the Internet. Send them electronically or by post and we will add them to this database. We seek not only constitutions in effect, and their amendments, but also constitutions which have been superseded as well as drafts not yet acted upon or else abandoned.

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## Constitution of 1997

Adopted by National Assembly on 2 April 1997

**Last updated:**

Fri Jul 07, 2006

From ICL

English

## Constitution of 1992

Adopted on 17 Oct 1992

**Last updated:**

Fri Jul 07, 2006

From ICL

English

## Constitution of 1952 (Extracts)

Articles which are to remain in force pursuant to Article 77

**Last updated:**

Fri Jul 07, 2006

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English

## Constitution of 1947

From Professor Zbigniew J. Pasek of the University of Michigan, Department of Engineering

**Last updated:**

Fri Jul 07, 2006

English

## Constitution of 1921

From Professor Zbigniew J. Pasek of the University of Michigan, Department of Engineering

**Last updated:**

Fri Jul 07, 2006

English

## Constitution of 1791

**Last updated:**



## Poland - Constitution



{ Adopted by National Assembly on: 2 April 1997 }

{ Confirmed by Referendum in: Oct 1997 }

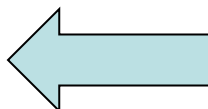
{ ICL Document Status: Oct 1997 }

### { Editor's Note

The ICL edition is based on the [official Government translation](#) provided to the public domain on the [House of Representatives \(Sejm\) server](#). We added section numbering and article titles in square brackets, placed the paragraph and subparagraph numbers in round brackets, changed dates to the ICL format, added ICL-Keys and cross-references. The term 'Sejm' was extended by 'House of Representatives' for more accurate comparisons of constitutional texts. Finally, the HTML-Makeup was replaced by our own style including targets for every chapter, section, and article. }

### [Preamble]

Having regard for the existence and future of our Homeland, Which recovered, in 1989, the possibility of a sovereign and democratic determination of its fate,  
We, the Polish Nation - all citizens of the Republic,  
Both those who believe in God as the source of truth, justice, good and beauty, As well as those not sharing such faith but respecting those universal values as arising from other sources,  
Equal in rights and obligations towards the common good - Poland,  
Beholden to our ancestors for their labours, their struggle for independence achieved at great sacrifice, for our culture rooted in the Christian heritage of the Nation and in universal human values,  
Recalling the best traditions of the First and the Second Republic,



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The Global Legal Information Network (GLIN) is a public database of laws, regulations, judicial decisions, and other complementary legal sources contributed by governmental agencies and international organizations. These GLIN members contribute the official full texts of published documents to the database in their original language. Each document is accompanied by a summary in English and subject terms selected from the multilingual index to GLIN. All summaries are available to the public, and public access to full texts is also available in participating jurisdictions. To begin searching GLIN, use the search fields below.

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Jurisdiction Argentina

Category Law

Publication Boletín Oficial de la República Argentina

Published 17/01/2007; Spanish

Instrument Class Law

Subject Terms Treaties and agreements; Human rights; Aliens; Immigration; Labor; Discrimination; United Nations; Treaties and agreements, Inter-American

Summary Law 26202 enacted on 13 December 2006 and promulgated on 10 January 2007. Approves the International Convention on the Protection of...  
(English)Title [Import \(GLIN ID 189054\)](#)

Jurisdiction Argentina

Category Law

Publication Boletín Oficial de la República Argentina

Published 16/01/2007; Spanish

Instrument Class Law

## Search Results - Summary Record

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Jurisdiction	<a href="#">Argentina</a>		
Title	Conventions		
Instrument Number	26202	GLIN ID	189125
Instrument Class	<a href="#">Law</a>	Issuance Date	13/12/2006
Publication	<a href="#">Boletin Oficial de la Republica Argentina</a>		
Publication Issue Number	<a href="#">31075</a>	Publication Date	17/01/2007
Publication Specifics			
Related Legal Resources	No related legal resources available		
Summary (English)	  Law 26202 enacted on 13 December 2006 and promulgated on 10 January 2007. Approves the International Convention on the Protection of all Migrant Workers and Members of their Families, adopted by the United Nations Organization on 18 December 1990. Includes text of the Convention. (2 arts., p. 6-12). There are summaries in other languages. <a href="#">View all available translations.</a>		
Full Texts	No full texts available		
Subject Terms	<a href="#">Aliens</a> ; <a href="#">Discrimination</a> ; <a href="#">Human rights</a> ; <a href="#">Labor</a> ; <a href="#">Treaties and agreements</a> ; <a href="#">Immigration</a> ; <a href="#">United Nations</a> ; <a href="#">Treaties and agreements</a> ; <a href="#">Inter-American</a>		

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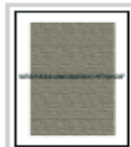
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## New this Month




### [England and Wales Lands Tribunal](#)

 From November 01, 1999  
Last updated: March 16, 2009  
Case Law (United Kingdom)



### [Verfassungsgerichtshof](#)

 Cases since January 30, 1980  
Last case: February 16, 2009  
Case Law (Austria)

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**STF. Supremo Tribunal Federal**

Cases since July 31, 1934

Last case: April 03, 2009

**STJ. Superior Tribunal de Justiça**

Cases since August 28, 1987

Last case: February 10, 2009

## Justiça Federal

**TRF. Tribunais Regionais Federais**

Cases since September 14, 1943

Last case: March 31, 2009

## Justiça Laboral

**Dates and Coverage**

# SUBJECT AND REGIONAL SOURCES

- EUR-Lex: The Portal to European Union Law  
<http://eur-lex.europa.eu/en/index.htm>
- [Raising the Global Floor \(McGill University\)](http://raisingtheglobalfloor.org)  
<http://raisingtheglobalfloor.org>
- OAS' Secretariat for Legal Affairs  
<http://www.oas.org/dil/>
- Organization for Security and Co-operation in Europe (OSCE): Legislation  
<http://www.legislationline.org/>
- Refugee Caselaw (University of Michigan Law School)  
<http://www.refugeecaselaw.org/>
- i.lex (International Law in U.S. Courts, ASIL)  
<http://ilex.asil.org>



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**24/03/2007:** Commission interpretative communication on procedures for the registration of motor vehicles originating in another Member State ► [pdf](#)

**16/03/2007:** Final adoption of the general budget of the European Union for the financial year 2007 ► [pdf](#)

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- **31/03/2009:** Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (Codified version) ► **pdf**
- **31/03/2009:** Commission Regulation (EC) No 262/2009 of 30 March 2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the single European sky (Text with EEA relevance) ► **pdf**
- **31/03/2009:** (2009/C 75/01): Multi-annual European e-Justice action plan 2009-2013 ► **pdf**

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## Search by Topic

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Beings

Freedom of Assembly

**Legislationline.org** provides direct access to international norms and standards relating to specific human dimension issues (see list of topics on left-hand column) as well as to domestic legislation and other documents of relevance to these issues. These data and other information available from the site are intended for lawmakers across the OSCE region.

## Current ODIHR Legislative Assistance Activities

The ODIHR is pleased to announce the **launch of its newly remodelled and improved legal database, Legislationline.org**. The database now contains an entire section devoted to lawmaking issues. This section, which is still under construction, aims at providing quick comparative information on issues relating to the legislative systems of OSCE participating States.

On 5 November, a day before the opening of the Supplementary Human Dimension Meeting on Democratic Law-making in Vienna, the ODIHR Legislative Support Unit is holding an **Experts' Meeting on "Better Legislation in the OSCE region: Improving Lawmaking Processes, Instruments and Techniques"**. This meeting aims at consolidating the ODIHR methodology for responding to requests for assistance by OSCE participating States in improving the efficiency and transparency of their legislative systems.

**OSCE meeting to discuss ways to ensure democratic lawmaking.** The process of lawmaking is the focus of an OSCE meeting that starts on Thursday in Vienna. Democratic lawmaking is not just about ensuring that laws are enacted by democratically elected representatives. It is also about ensuring that the public in general is given reasonable opportunities to contribute. The process whereby laws are

## ODIHR documentation center

## Legal Opinions

Comments on the Law on Amendments and Additions to some Legislative Acts of the Republic of Kazakhstan on Issues of Religious Freedom and Religious Organizations

Date : 31 January 2009

English [0.23 MB]

Joint Opinion on Freedom of Conscience and Religious Organisations in the Republic of Kyrgyzstan

Date : 28 October 2008

English [0.28 MB]

Joint Opinion on the Election Code of Moldova as of 10 April 2008

Date : 23 October 2008

English [0.19 MB]

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Home > Terrorism

## Terrorism

**Refine your query by picking one of the following subtopics**

- [State of emergency](#)

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## Search by Country: Terrorism



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# Primary Laws Legislation Cases



## PENAL CODE

(*excerpts*)

[Full-text version of the Code](#)

(...)

## TITLE II - OF TERRORISM

### CHAPTER I. - OF ACTS OF TERRORISM

#### Article 421-1

*Act no. 96-647 of 22<sup>nd</sup> July 1996 Article 1 Official Journal 23 July 1996; Act no. 98-348 of 11<sup>th</sup> May 1998 Article 37 Official Journal 12 May 1998; Act no. 2001-1062 of 15 November 2001 Article 33 Official Journal 16 November 2001*

The following offences constitute acts of terrorism where they are committed intentionally in connection with an individual or collective undertaking the purpose of which is seriously to disturb the public order through intimidation or terror:

1° willful attacks on life, willful attacks on the physical integrity of persons, abduction and unlawful detention and also as the hijacking of planes, vessels or any other means of transport, defined by Book II of the present Code;

2° theft, extortion, destruction, defacement and damage, and also computer offences, as defined under Book III of the present Code;

3° offences committed by combat organisations and disbanded movements as defined under articles 431-13 to 431-17, and the offences set out under articles 434-6, 441-2 to 441-5;

4° the production or keeping of machines, dangerous or explosive devices, set out under article 3 of the Act of 19<sup>th</sup> June 1871 which repealed the Decree of 4<sup>th</sup> September 1870 on the production of military grade weapons;

Home > Terrorism > France



France  
Terrorism

Refine your query by picking one of the following subtopics

• State of emergency

## Primary legislation

- Loi n° 2006-64 du 23 janvier 2006 relative à la lutte contre le terrorisme et portant dispositions diverses relatives à la sécurité et aux contrôles frontaliers (in French)
- Loi no 86-1020 à la lutte contre le terrorisme (in French) (1986)
- Penal Code (provisions inserted in 1996, lastly amended in November 2001)
- Code Penal (in French) (dispositions insérées en 1996, amendées en novembre 2001)
- Code de Procedure Penale (in French) (articles 706-16 a 706-25-1)
- Loi no 2001-1062 du 15 novembre 2001 relative à la sécurité quotidienne (in French) (2001)

## Secondary legislation

- Décret n° 91-1052 relatif au fichier informatisé du terrorisme mis en oeuvre par les services des renseignements généraux du ministère de l'intérieur (in French) (1991)

## Case-law

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## The University of Michigan Law School Refugee Caselaw Site

### Discussion Area

This part of the site is for discussion, questions and answers, and the exchange of ideas about refugee law.

[Enter Discussion](#) | [Read More](#)

Nearly 150 countries have agreed to apply the same legal definition of a "refugee" to decide who is entitled to their protection. This site is designed to assist judges, advocates, and policymakers around the world to access leading court decisions that interpret the refugee definition set by the 1951 Refugee Convention and its 1967 Protocol.

### Our Current Collection

Our core collection contains cases from the highest national courts of Australia, Canada, Germany, New Zealand, Switzerland, the United Kingdom, and the United States. These cases have been selected and summarized by the Director of the Refugee Caselaw Site, [Professor James Hathaway](#) of the University of Michigan Law School, and by [Professor Walter Kälin](#) of the Institute of Public Law of the Faculty of Law, University of Bern.

Since 2004, the collection has been incrementally expanded to include decisions from other asylum countries, as well as the most important decisions of lower courts and tribunals in the core collection states. These cases are selected and indexed by teams of leading experts and members of the [International Association of Refugee Law Judges](#) from around the world.

 [Read more ...](#)

Cases are included in this database only because of their topical relevance

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## Guided Search

The Guided Search is our preferred method! It's easy to use our extensive list of variables to customize your search. Find only the cases that fit all of your requirements by selecting any combination of one or more variables from the menus below. You can use as many or as few search variables as you wish. For additional help, read the [Guided Search Tutorial](#).

### I would like to search:

- ☒ Both the Core Collection and the National Sites
- ☐ Only the Core Collection indexed by Professors Hathaway & Kälén
- ☐ Only the National Sites indexed by National Coordinators

**Decided In:**

(Find Cases that were decided in)

All Asylum Countries

**Court:**

(Find Cases that were decided by)

All Courts

**Dates:**

(Find cases that were decided between)

Jan 1950 and Apr 2007

**Claimant's Country of Origin:**

(Find cases involving claimants from)

All Countries of Origin

**Select Hathaway Numbers**

(Find cases that use these Hathaway Numbers)

All Hathaway Numbers

**Concept:**

(Find cases about)

All Concepts  
Select Concepts**Case Name:**

(Find cases from name)

### How to Select Concepts:

Selecting key concepts can increase the efficiency of your search. Use this Concept Selection Tool to select as many concepts as needed.

To select a concept:

- ✱ Click on the ⊕ next to the letter you wish to browse.
- ✱ The available concepts will now be displayed.
- ✱ Check all the concepts that apply.
- ✱ You must click the SELECT button to save your selections.

SELECT

### Concept Selection Tool:

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⊕ B  
⊕ C  
⊕ D  
⊕ E  
⊕ F  
⊕ G  
⊕ H

- ☐ Harassment
- ☐ Hardship, economic
- ☐ Health care, right to, risk of denial of
- ☐ Hearing refugee claims
- ☐ HIV/AIDS
- ☐ Homosexuality
- ☐ Housing, right to, risk of denial of
- ☒ Human rights
- ☒ Human rights violations

⊕ I  
⊕ J  
⊕ K  
⊕ L  
⊕ M  
⊕ N  
⊕ O  
⊕ P  
⊕ Q  
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## Search Results

**Briefcase:** [\[Access\]](#)

Your Briefcase is empty.

Displaying Results 1 through 131

[Save all cases to the Briefcase](#)

### 1. Mwangi v Attorney General

**Date Decided :** December 16, 2005**Jurisdiction :** United States**Hathaway Number(s) :** 4.5**Court :** Court of Appeals 3rd Circuit**Country of Origin :** Kenya**Site Name :** CORE COLLECTION

**Description :** Women's rights activist was assaulted by members of the Mungiki sect, a group opposed to westernization and women's equality, but found that Kenya was taking "real steps to curb the actions" of the Mungiki.

[View Case File](#)[Save to the Briefcase](#)

### 2. Zazai v Minister of Citizenship and Immigration

**Date Decided :** September 20, 2005**Jurisdiction :** Canada**Court :** Federal Court of Appeal**Country of Origin :** Afghanistan

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RECENT HEADLINES:

**Welcome to i.lex: The Legal Research System for International Law in U.S. Courts.**

This online database of select U.S. court cases and related materials is designed to serve as a practical resource for members of the judiciary and other legal professionals to identify and understand how international law is interpreted and applied by U.S. courts at both the federal and state level.

Users may search i.lex content in the follow ways: **1)** by using one of the drop down menus, **2)** by keyword search and **3)** by clicking on the search terms provided in the i.lex tag cloud.

Please note that this site is currently in development, [contact us](#) if you have questions or concerns.

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Forum Non-Conveniens  
Arbitration and Enforcement of Judgements  
Civil Procedure  
Conflict of Laws  
Constitutional Rights  
Criminal Procedure

**JURISDICTION** (ctrl + click to deselect an item)

US Supreme Court  
All State Courts  
All US District Courts  
US Court of Appeals for the Federal Circuit  
US Court of International Trade  
US Tax Court

**TREATY** (ctrl + click to deselect an item)

The Hague Convention on International Child Abduction

# UN Based Research

- UN Research can be difficult (UN publication symbols, overwhelming information, poor search interface, etc.)
- **Universal Periodic Review Working Group**
- GA resolution 60/251 in 2006 - forms Human Rights Council and mandated UPR of each state's fulfillment of its human rights obligations and commitments.
- The Working Group holds three sessions per year - At each session, 16 countries are reviewed
- Classic example of UN research

# Universal Periodic Review Research

- Working documents are issued under the series symbol:  
**A/HRC/WG.6/[session]/[country abbreviation]/-**
- **Hard:** Searching symbols in the [ODS](#)
- **Easy:** The OHCHR has developed a special [database](#) for the documentation related to the universal periodic review.
- The Working Group issues a report for each country which summarizes the meetings held and includes conclusions or recommendations.

# UPR Research

- [South Africa example](#)
- One note: Use the official symbol to find UPR *drafts* in the ODS
- Ex. **A/HRC/WG.6/2/L.14**
- The Working Group has not issued a sessional report that covers all the activities of the Working Group during the course of one session (yet?)

# Research Methods

## Journals and Periodicals

- Law Review Articles
  - What does it search? Full text or Citation?
  - Scope and Years of coverage
    - Lexis** (INTLR, full text, < 20 years)
    - Westlaw** (INT-TP, full text, < 20 years)
    - Legal Trac** (International Law and Comparative Law, full text, < 20 years)
    - Hein Online** (full text and coverage from inception)
    - Wilson's Index to Legal Periodicals** (International Law, citations only, < 20 years)
    - Paper Indexes** (citations only but extensive coverage)

# Journals and Law Reviews

- Legal Trac (1980 - )  
800+ journals from U.S., Canada, Great Britain, Australia, and New Zealand
  - Westlaw: Legal Resource Index (LRI)
  - Lexis: Legal Resource Index (LGLIND)
- Index to Foreign Legal Periodicals (IFLP) (1985 - )  
500 legal journals published worldwide
  - Advanced Search
    - “Subject words”
      - Legal Research AND country name
      - Legal System? AND country name
    - Keywords
      - Legal AND country name

# Primary Documents and Finding Tools

## Caselaw and Jurisprudence

- International Law Reports
- ILM (Int'l Legal Materials)
- American Journal of International Law
  - International Decisions
  - Contemporary Practice of the U.S. Relating to International Law



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## PAKISTAN

**Sovereign immunity—Foreign State—Restrictive theory of immunity—Contract for building embassy premises—Arbitration clause—Whether arbitration clause defeated by sovereign immunity—Pakistan Civil Procedure Code, Section 86—Whether applicable to actions against foreign States or merely foreign rulers—International law in general—Relationship of international law and municipal law—The law of Pakistan**

SECRETARY OF STATE OF THE UNITED STATES OF AMERICA  
v. GAMMON-LAYTON

*Pakistan, High Court of West Pakistan. 2 November 1970*

(Dorab Patel and Muhammad Haleem JJ.)

**SUMMARY:** *The facts:*—The respondent, Messrs Gammon-Layton, acting under a written contract with the United States of America, had constructed a building for the United States Embassy. Following disputes over the contract, the respondent invoked the arbitration clause and secured an arbitration award in its favour, which it then sought to have made a rule of court. The U.S.A. claimed sovereign immunity. This claim was rejected and the U.S.A. appealed, contending that it was entitled to immunity either by virtue of the Pakistan Civil Procedure Code, Section 86<sup>1</sup> which provided that actions against the ruler or ambassador of a foreign State might be instituted only with the consent of the Government of Pakistan, or under general international law.

*Held:*—The appeal was dismissed.

- (1) The Civil Procedure Code, Section 86, applied only to actions against the ruler of a foreign State, not to actions against the State itself.
- (2) Section 86 did not apply to arbitration proceedings, which were distinct from proceedings in the courts.
- (3) International law as interpreted by the courts of Pakistan did not confer

# AMERICAN JOURNAL OF INTERNATIONAL LAW

VOL. 101

January 2007

NO. 1

CONTENTS

PAGE

## **State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights, 1993–2004**

*Frans Viljoen and Lorette Louw*

1

As part of its protective mandate, the African Commission on Human and Peoples' Rights decides individual complaints alleging violations of the African Charter on Human and Peoples' Rights by state parties. This article charts compliance with the Commission's recommendations concerning violations under the individual complaints procedure, highlighting the limited direct effect of the Charter and identifying the main factors that have affected state compliance. The future role of the Commission and the African Union in improving compliance is also considered.

## **Agora: Military Commissions Act of 2006**

Military Commissions: A Concise History

*Detlev F. Vagts*

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The Amendment of the War Crimes Act

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## Contemporary Practice of the United States Relating to International Law

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## International Instruments

- International Legal Materials (ILM)
- Electronic System for International Law (EISIL)
- WorldLII
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# INTERNATIONAL LEGAL MATERIALS

Volume 44 — January 2005

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# International Legal Materials

GERMAN FEDERAL CONSTITUTIONAL COURT: IN THE PROCEEDINGS ON THE CONSTITUTIONAL COMPLAINT OF MR. AL-M., AND HIS MOTION FOR A TEMPORARY INJUNCTION\*

[November 5, 2003]

+Cite as 43 ILM 774 (2004)+

**Order of the Second Senate of 5 November 2003**

- 2 BvR 1506/03 -

in the proceedings on the constitutional complaint of Mr. Al-M., a Yemeni citizen,  
... and his motion for a temporary injunction

## **RULING:**

The constitutional complaint is rejected as unfounded.

This disposes of the motion for a temporary injunction.

## **GROUND:**

### **A.**

By way of his constitutional complaint, the complainant challenges orders of the Frankfurt am Main Higher Regional Court (*Oberlandesgericht*) that declared the complainant's extradition to the United States of America for criminal prosecution admissible and rejected the remonstrances that the complainant made against the orders as unfounded.

### **I.**

# WorldLII

- **892 databases from 123 countries and territories via the Free Access to Law Movement**
  - Australasian Legal Information Institute ([AustLII](#)); British and Irish Legal Information Institute ([BAILII](#)); Canadian Legal Information Institute ([CanLII](#)); Hong Kong Legal Information Institute ([HKLII](#)); and more

# Foreign Law Research Difficulties

## “I Need This In English”

- Conceptual Difficulties
- Language Barrier
- English Translations
  - Official?
  - Authoritative? Current?
  - Free translation tools on the Web

# Translation Resources

- [Babel Fish](#)
- [Systran](#)
- [Google Language Tools](#)
- [FreeTranslation](#)
- [WorldLingo](#)

# BE CAUTIOUS WITH TRANSLATIONS



- Translations may not be authoritative.
- Translation may not be up-to-date.
- *Traduire c'est trahir* - "To Translate is to Betray."
- Beware using online translations sources such as BabelFish and freetranslation.com



# Babel Fish Samples

From French Intellectual Property Code by Babel Fish:

The existence or the concluding of a contract for services or of service by the author of a work of the spirit does not carry any exemption from the pleasure of the right recognized by the subparagraph 1st.

Here is the official translation from the Legifrance<sup>4</sup> Web site:

The existence or conclusion of a contract for hire or of service by the author of a work of the mind shall in no way derogate from the enjoyment of the right afforded by the first paragraph above.

# **“Official” Translation of Foreign Laws**

- Constitutions of Countries of the World (Oceana)  
<http://www.oceanalaw.com/>
- Oxford Reports on International Law (ORIL)  
<http://www.oxfordlawreports.com/>
- [Institute of Global Law Online \(now at Univ. of Texas at Austin\)](#)

# Translations of Constitutions

- Constitutions of the Countries of the World
- Authoritative English translations by scholars familiar with the legal systems and languages of the foreign jurisdictions they cover.
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  - complementing the documents are introductory and comparative notes examining recent amendments, and highlighting pertinent historical, political, and economic factors.

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2. Bangladesh	<a href="#">The Constitution of the People's Republic of Bangladesh, 1972 (as Amended to 1996)</a>	11/04/1972	03/28/1996
3. Cyprus	<a href="#">The Constitution of the Republic of Cyprus, 1960 (as Amended to 1996)</a>	08/16/1960	11/21/1996
4. Cyprus	<a href="#">The Constitution of the Republic of Cyprus, 1960</a>	08/16/1960	
5. East Timor	<a href="#">The Constitution of the Democratic Republic of East Timor, 2002</a>	03/22/2002	
6. Georgia	<a href="#">The Constitution of Georgia, 1995 (as Amended to 2004)</a>	10/17/1995	07/01/2004
7. Georgia	<a href="#">The Constitution of Georgia, 1995 (as Amended to 2001)</a>	10/17/1995	2001
8. Georgia	<a href="#">The Constitution of Georgia, 1995 (as Amended to 2003)</a>	08/24/1995	07/23/2003
9. Georgia	<a href="#">The Constitution of Georgia, 1995 (as Amended to 2002)</a>	10/17/1995	10/10/2002
10. Japan	<a href="#">The Constitution of Japan, 1947</a>	11/03/1946	
11. Japan	<a href="#">The Constitution of Japan, 1947 (Official Translation)</a>	11/03/1946	
12. Korea, Republic of	<a href="#">The Constitution of the Republic of Korea, 1948 (as Amended to 1987)</a>	07/12/1948	10/29/1987
13. Kyrgyz Republic	<a href="#">The Constitution of the Kyrgyz Republic, 1993 (as Amended to 2003)</a>	05/05/1993	02/18/2003
14. Kyrgyz Republic	<a href="#">The Constitution of the Kyrgyz Republic, 1993 (as Amended to 1998)</a>	05/05/1993	10/21/1998
15. Lithuania	<a href="#">The Law on the Constitutional Court of the Republic of Lithuania, 1997 (as Amended to 2003)</a>	02/03/1997	11/19/2003
16. Maldives	<a href="#">The Constitution of the Republic of Maldives, 2008</a>	08/07/2008	

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(v) Nothing in this article shall affect the operation of any law made before the commencement of the Proclamations (Emergency Order, 1977) (Proclamations Order No. 1 of 1977), in so far as it relates to the acquisition, nationalisation or acquisition of any property without compensation.]][\[21\]](#)

#### *43. Protection of home and correspondence*

Every citizen shall have the right, subject to any reasonable restrictions imposed by law in the interests of the security of the State, public order, public morality or public health—

1. to be secured in his home against entry, **search** and **seizure**; and
2. to the privacy of his correspondence and other means of communication.

#### *[44. Enforcement of fundamental rights][\[22\]](#)*

(1) The right to move the [High Court Division][\[23\]](#) in accordance with [Clause (1)][\[24\]](#) of Article 102 for the enforcement of the rights conferred by this Part of [sic] guaranteed.

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## Online Updates

- [Government Gazettes Online](#), University of Michigan
  - Listing of online government gazettes
  - Each listing includes a description of the contents and coverage
- [Global Legal Monitor](#), Law Library of Congress
  - Legal Developments Around the World
  - Each issue arranged by subject with country-by-country index

[Universal Human Rights Index](#)  
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# CURRENT AWARENESS RESOURCES

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- Opiniojuris

<http://opiniojuris.org/>

- International Law Prof Blog

[http://lawprofessors.typepad.com/international\\_law](http://lawprofessors.typepad.com/international_law)

- International Law in Brief (ILIB)

<http://www.asil.org/ilib/ilibarch.htm>

# Opinio Juris

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### Time to Shut Down the Cambodia Special Tribunal?

by Peggy McGuinness

I have not been following the work of the Cambodia special chambers, which is probably why I found these views by [James Bair](#) (blogger, loyal OJ reader and soon-to-be JD from Northeastern Law School) all the more informative and interesting. Bair is a former legal intern at the Extraordinary Chambers in the Courts of Cambodia (ECCC) and has followed the tribunal's work closely since its inception. He writes, "In light of the continuing allegations of corruption, and after the ECCC has continuously failed to provide the fundamentals of a fair trial at the Khmer Rouge Tribunal, I am reluctantly calling for the Court to be closed." Bair raises important questions and critiques of the hybrid model of international criminal justice. Here's an excerpt from his blog post, which can be found in full [here](#):



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# INT'L LAW IN BRIEF

Developments in international law, prepared by the Attorney Editor of International Legal Materials  
American Society of International Law

**April 3, 2009**

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## **Resolutions, Declarations, and Other Documents**

- **US-Russia Statement on Nuclear Arms (April 1, 2009)**
- **Healthcare Across EU Borders: A Safe Framework (U.K. House of Lords, Feb. 24, 2009)**
- **International Tribunal for the Law of the Sea Amends Articles 113 and 114 of the Rules of the Tribunal (March 17, 2009)**

## **Judicial and Similar Proceedings**

- **Basardah v. Bush (D.D.C. March 31, 2009)**
- **El-Shifa Pharmaceutical Industries Co. v. U.S. (D.C. Cir. March 27, 2009)**
- **King v. Cessna Aircraft (11th Cir. March 27, 2009)**
- **Commission v. Greece (E.C.J. March 26, 2009)**

# RESEARCH APPROACHES AND STRATEGY

- 2ndary source useful at the beginning of the research process
- Depends on the background of the individual researcher and skill level in using the resources
- Consult variety of resources for comprehensive research
- Become familiar with particular resources
- Consult both print and electronic for a comprehensive research product
- Use the TOC, Index, or subject headings - a researcher can tell whether a source will be useful or not within 5 minutes.

# Research Example

- International Perspectives on Abortion
- Comparison of:
  - English Abortion Statute passed in late 1960's
  - 1970's abortion decision from Germany
    - Translated from German to English
- Immediate issues:
  - Older cases/law
  - Language
  - Online? Books?

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- Federal Legal - U.S.**
  - ☐ United States Code Service - Titles 1 through 50
  - ☐ USCS - Federal Rules Annotated
  - ☐ CFR - Code of Federal Regulations
  - ☐ FR - Federal Register
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☐*Martindale-Hubbell, England Law Digest , LAWFULNESS OF TREATMENT*Copyright 2006 by Reed Elsevier Inc.  
Martindale-Hubbell International Law Digest**ENGLAND LAW DIGEST****CATEGORY:** HEALTH**TOPIC:** LAWFULNESS OF TREATMENT**TEXT:** General Principles. -

Competent adults can only be treated with their consent, which is valid provided that they have been informed in broad terms of nature of procedure which is intended. (Chatterton v. Gerson [1981] 1 All ER 643). Competence is tested in relation to patient's ability to understand information relevant to decision, to retain that information, to use or weigh that information as part of process on making decision, and to communicate his decision (Mental Capacity Act [MCA] 2005, §3[1]). Competent patients are free to decline treatment for reasons which are

certain death but normal life for stronger twin, who would otherwise have suffered heart failure within a couple of months due to double strain of pumping blood through her own and her twin's body. (Re A [2000] 4 All ER 961).

**Abortion.** - **Abortions** can be provided under **Abortion** Act 1967, which allows for **abortions** to be performed during first 24 weeks of pregnancy on social grounds and - without time limit - in order to prevent grave permanent injury to physical or mental health or loss of life of pregnant woman, and on grounds of fetal abnormality. Procedurally, in any but emergency situation **abortion** has to be performed by registered medical practitioner after two such practitioners have, in good faith, formed opinion that one or more of grounds for lawful **abortion** are present. Conscientious objection to participation in such treatment is possible.

**Abortion** Act 1967 applies only in **England** and Wales, and in Scotland. In Northern Ireland, **abortions** can only be performed to save life or avert grave physical or mental injury to pregnant woman. (R v. Bourne [1938] 3 All ER 615).

**Mental Illness.** - Compulsory treatment for mental illness is governed by Mental Health Act 1983. Persons suffering from mental illness can also seek treatment voluntarily. Mentally ill patients in many cases retain their capacity to consent to treatment, especially if treatment in question relates to their physical condition rather than their mental health.

**REVISER:** Revised for 2006 edition by FACULTY OF LAW, CAMBRIDGE UNIVERSITY, Cambridge, CB3 9DZ. See category Courts and Legislature, topics Law Reports, Statutes. **England** is member of EU. See also European Union Law Digest.

**NOTE:** Note: This revision incorporates legislation through August 31, 2005.

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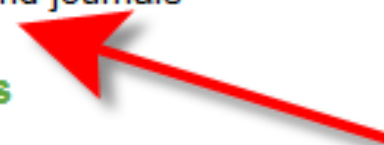
“abortion act” England

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# Other Fee Sources

- Now, use the UK Statutes Online to search for the official language of the 1967 Act.
- The UK Statute Law Database (SLD) is the official revised edition of the primary legislation of the United Kingdom made available online for free.
- <http://www.statutelaw.gov.uk/>

# Part II: Translated German Decision, 1970's

- Start with Secondary Sources
- Due to the date (1970's) might start with Hein Online
- But also a health issue – PubMed?
- Major case cited to in comparison with Roe v. Wade – better chance of translation
- Search Terms

in **AUTHOR** field

all titles

A.B.A. Antitrust Section

A.B.A. J.

A.B.A. Sec. Crim. L. Program &amp; C

A.F. L. Rev.

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5. 1984 Brigham Young University Law Review (1984)
6. 11 Brooklyn Journal of International Law (1985)
7. 7 Canadian Journal of Family Law (1988-1989)
8. 43 Columbia Journal of Transnational Law (2004-2005)

1. Mark Tushnet, a former coordinator and still a frequent speaker for the Critical Legal Studies movement, has called the right to reproductive choice "a leftish sort of right which, it is said, leftists must recognize as *not* relative lest they lose their political credentials." Tushnet, "An Essay on Rights," 62 *Tex. L. Rev.* 1363, 1365 (1984). Note, however, that Tushnet goes on to argue such a right would no longer make sense even to leftists in a society slightly different from our own. See also *infra* n. 21.

2. Quintano Ripollés, in his historical analysis of abortion legislation, is puzzled by the fact that at the political level European socialists have long tended to favor more elective abortion, despite the "individualism" he sees represented by such a position. He theorizes that past explicit use of anti-abortion laws to increase the armies and labor forces of capitalist nations may have caused socialists to oppose such laws. I would add that Left commitments to sexual equality could also point in this direction. But neither demographic decline nor women's equality seems necessarily to further the development of socialism. 1 *Tratado de Derecho Penal*, Parte Especial, 504-05 (1962).

3. Decision of 25 February 1975. [1975] 39 BVerfGE 1. Translated into English by Jonas & Gorbv. "West German Abortion Decision: A Contrast to *Roe v. Wade*—with Commentaries." 9 *John Marshall J. of Prac. and Proc.* 551 (1976).

4. Kommers, "Abortion and Constitution: United States and West Germany," 25 *Am. J. Comp. L.* 255, 280-284 (1977) and "Liberty and Community in Constitutional Law: The Abortion Cases in Constitutional Perspective," 1985 *Brigham Young U. L. Rev.* 371, 391-399. For a quite useful critique from an individualist perspective, see Gerstein & Lowry, "Abortion, Abstract Norms, and Social Control: The Decision of the West German Federal Constitutional Court," 25 *Emory L.J.* 849 (1976).

# WEST GERMAN ABORTION DECISION: A CONTRAST TO *ROE v. WADE*<sup>†</sup>

Translated by ROBERT E. JONAS\*  
AND JOHN D. GORBY\*\*

## Guiding Principles

applicable to the judgment of the First Senate of the 25th of February, 1975:

- 1 F.C.C. 1/74 —
- 1 F.C.C. 2/74 —
- 1 F.C.C. 3/74 —
- 1 F.C.C. 4/74 —
- 1 F.C.C. 5/74 —
- 1 F.C.C. 6/74 —<sup>Λ</sup>

1. The life which is developing itself in the womb of the mother is an independent legal value which enjoys the protection of the constitution (Article 2, Paragraph 2, Sentence 1; Article 1, Paragraph 1 of the Basic Law).

The State's duty to protect forbids not only direct state attacks against life developing itself, but also requires the state to protect and foster this life.

2. The obligation of the state to protect the life developing itself exists, even against the mother.

3. The protection of life of the child *en ventre sa mere*<sup>B</sup> takes precedence as a matter of principle for the entire duration of the pregnancy over the right of the pregnant woman to self-determination and may not be placed in question for any particular time.

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<sup>†</sup> [Hereinafter cited as Translation]. Due to certain differences of opinion between the two translators, it is suggested that the reader refer to both the Remarks by Robert Jonas, and the Introduction by John Gorby.—Editors.

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\*\* Associate Professor of Law. John Marshall Law School: B.A.



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Emory Law J. 1976 Fall;25(4):849-78.  
.....

## **Abortion, abstract norms, and social control: the decision of the West German Federal Constitutional Court.**

Gerstein H, Lowry D.  
.....

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Hum Life Rev. 1975 Summer;1(3):60-74.

## Abortion: rights or technicalities? A comparison of Roe v. Wade with the abortion decision of the German Federal Constitutional Court.

Brown HO.

### Abstract

PIP: A comparison of the difference in approach, philosophy, and perception of social implications of abortion in the United States and Germany is examined by contrasting the Roe v. Wade decision of the U.S. Supreme Court with the abortion decision of the German Federal Constitutional Court. Roe v. Wade effectively established abortion on demand prior to "viability" (approximately 6 months) and makes it difficult to prevent it for any reason at any time prior to live birth. When the West German Federal Diet passed the Fifth Law for the Reform of the Penal Code which allowed abortion on request up to 12 weeks of conception and for reasons of maternal health up to 22 weeks, the Constitutional Court declared it null and void 8 months later. The 2 courts reached their decisions for quite different reasons. In the U.S. "Jane Roe" was a real, though anonymous, woman. Other real persons had been trying to overturn abortion statutes in various states. The German court acted on a petition brought by 193 members of the Federal Diet and 4 of the states. It was thus, under the German system, obligated to

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[Fam Plann Perspect. 1992]
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