Introduction to International and Foreign Legal Research

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Northeastern University
School of Law
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?”
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


- **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.

Plan for Today’s Session

• Overview of Foreign 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

World Legal Systems, University of Ottawa
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
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
- GlobalLex: 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)
**Comparative & Foreign Law Guides**

- [International Law Resource Center](#)
- [LLRX Articles](#) | [Links](#) | [Books](#) | [News](#)

**LLRX Articles**


**Update to Introduction to the Swiss Legal System: A Guide for Foreign Researchers** - by Fräulich M.R. Walther
Published September 29, 2003

Fridolin M.R. Walther’s guide includes key new sources and updates to primary ones.

**WTO/GATT Research** - by Jeanne Rehberg
Published September 29, 2003
August 31, 2003

Cost, Value and ROI for Knowledge Management in Law Firms
Knowledge Manager Stuart Kay has undertaken the challenging task of proposing a detailed hypothetical model from which a law firm could extrapolate to determine cost/value metrics for their KM program.

Blogs for Public Lawyers
Attorney, blogger and legal marketing expert Jerry Lawson examines some of the tools, applications, and authors of legal weblogs, how to leverage blogs in the context of KM applications, and how blogs serve as sources for legal research and current awareness monitoring.

Disaster Preparedness: Locking Out Former IT Personnel
Law firm IT Director Maria Valentine identifies the ways in which a vendor or employee can potentially harm a corporate computer network or telecommunications system, and suggests preventive measures to help avoid the potential serious consequences.

Choosing a Digital Camera
Brian Carlson provides a thorough consumer guide on how to decide which digital camera is the right one for you.
SEARCH RESULTS 1 - 10 of 30 total results for china

1. LLRX -- Judicial Information of the People's Republic of China: A Survey
   Navigation 9-11-2001 News & Legal Resources Advanced Search Court Rules, Forms & Dockets Law Pro Links LLRX Buz...
   ... People's Republic of China: A Survey By Zhai Jianxiang Zhai Jianxiang is an associate research librarian in law in the reference department, the...
   ... research librarian in law in the reference department, the National Library of China, where he is responsible for responding to the requests from the...
   ... introducing China's legal information to the world. In recent years, he has published several English language articles on the legal literature of China...

2. LLRX.com - A Complete Research Guide to the Laws of the People's Republic of China (PRC)
   Navigation 9-11-2001 News & Legal Resources Advanced Search Court Rules, Forms & Dockets Law Pro Links LLRX Buz...
   ... A Complete Research Guide to the Laws of the People's Republic of China (PRC) By Wei Luo and Joan Liu Wei Luo is the Director of Technical Services...
   ... and MLS. Wei's paper entitled How to Find the Laws of the People's Republic of China: a Research Guide with Annotated Bibliographies, won the New Member...
   ... since 1996. His recent publications include Competition Law in China, published by Hein in 2002. Wei has been a member of AALL since 1992. Joan Liu is...
   94% Mon, 22 Sep 2003 04:20:01 GMT http://www.llrx.com/features/prc.htm

3. Zimmerman's Research Guide at LLRX.com Search Subject for China
   [ New Search ] Subject China China
   Subject China China

4. LLRX -- Update to Beyond the Border: The Chinese Legal Information System in Cyberspace
   Navigation 9-11-2001 News & Legal Resources Advanced Search Court Rules, Forms & Dockets Law Pro Links LLRX Buz...
   ... of acquisitions and sales, and functions as the liaison on China law research. She maintains China Legal Sources which contains a research guide on...
   ... Chair of the Serials Committee with TS-SIS. Joan holds a MLS (U.S.) and a LLM (China). Editor's note: This article is an update to the Beyond the...
   ... of the People's Republic of China, the laws of the Hong Kong SAR, and the laws of the Macao SAR Legal information access in China Major Online Chinese...
   74% Mon, 22 Sep 2003 04:12:08 GMT http://www.llrx.com/features/china2.htm
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
- 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

Magda Violeta Blandino holds Law and Notary Public degrees from Universidad Nacional Autónoma de Nicaragua. She also obtained an LL.M. from The George Washington University, Washington, D.C. Currently she is a professor of Commercial Law at Universidad Nacional Autónoma Nicaragua and Attorney at Law at Consortium Centroamérica – Taboada & Asociados in Nicaragua.

Published March 2007

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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*
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

2. Code of Civil Procedure

3. Commercial Code

4. Criminal Code

(12/2001 Release)
COMMUNICATIONS

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.*
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)
See also INFORMATION AND DATA PROTECTION
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
Belize

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 “Superintendents” 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
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  


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
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TRADEMARKS:

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

Acquisition of right on trademark presupposes application to administrative committee of trademark, accompanied by two impressee of trademark (and two 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 trademark 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 alia) that beneficiary fails to market products or services within five years from its registration, or has ceased for five years to use trademark in commerce or to have 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.
# 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.¹ 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; EIU ltd). 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.


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

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


§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.


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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<td>中华全国台湾同胞联谊会</td>
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<td>Ai Wei</td>
<td>All-China Patriotic Hygiene Campaign Committee</td>
<td>爱卫 全国爱国卫生运动委员会</td>
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### Chinese Section

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<td>Impossibility of expectation</td>
<td>不可能</td>
<td>qīdài bù kěnéng</td>
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<td><strong>Bu Pei</strong></td>
<td>Additional claim</td>
<td>补赔</td>
<td>bǔpéi</td>
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<td>Civil Aviation Administration of China</td>
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World Dictionary of Legal Abbreviations - India

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, Madhva 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

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

Where are their decisions reported?

Does the Library have this set?

Check the Catalog!
Source: Find a Source > 8 Results
Terms: New Zealand Law Reports (Edit Find)

Find a Source Results
Legal > Area of Law - By Topic > International Law > Global Legal > New Zealand > Case Law >
- New Zealand Family Law Reports (NZFLR)
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- New Zealand Family Law Reports (NZFLR)
- New Zealand Law Reports (NZLR)

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- Click the link next to these icons to see that folder's contents.
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- Click the link next to these icons to access that TOC.
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

GUIDE TO FOREIGN AND INTERNATIONAL LEGAL CITATIONS
# Country Citation Guides

## Argentina

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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 deSenadores) 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
4.0 Relationship of International and Domestic Law

The Paquete Habana Case, 175 U.S. 677 (1900).
Barbui't Case (1736) 3 Burr. 1481.
Inland Revenue Commissioners v. Colico Dealings, Ltd. [1962]
A.C. 1.
Pan-American World Airways Inc. v. Department of Trade [1976]
Amerada Hess v. Argentine Republic, 830 F. 2d 421 (2d Cir. 1987).

5.0 Interstate Relations

Timoco Arbitration (Great Britain v. Costa Rica) (1923) 1 RIAA 375.
Hesperides Hotels v. Aegean Turkish Holidays Ltd. [1978] 1 Q.B. 205 (C.A.)

6.0 Peaceful Settlement of Disputes and Issues of Dispute Resolution

The Dogger Bank Case (Great Britain v. Russia), Report of
Corfu Channel (United Kingdom v. Albania), Preliminary
The Red Crusader Enquiry (Denmark v. United Kingdom) (1962),
55 L.R. 485.
The Certain Phosphate Lands in Nauru (Nauru v. Australia),
Preliminary Objections Judgment, I.C.J. Rep. 1992 (June 26),
p 240.
Fisheries Jurisdiction (Spain v. Canada), Order, I.C.J. Rep. 1996
(May 8), p. 58.
Localisation of the Territorial Sea and the Continental Shelf, I.C.J.
Cardiff Index to Legal Abbreviations

Search:

- by Title
  Enter the title of a Law publication to find the abbreviation
- by Abbreviation
  Enter an abbreviation to find matching Law publication titles

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Winner of the British and Irish Association of Law Librarians Wallace Breem Memorial Award 2004
FOREIGN LAW PORTALS

• Constitution Finder (University of Richmond) (http://confinder.richmond.edu/)


• 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/
WELCOME

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.

Search by Country

Afghanistan  Go
Poland

Constitution of 1997
Adopted by National Assembly on 2 April 1997

Constitution of 1992
Adopted on 17 Oct 1992

Constitution of 1952 (Extracts)
Articles which are to remain in force pursuant to Article 77

Constitution of 1947
From Professor Zbigniew J. Pasek of the University of Michigan, Department of Engineering

Constitution of 1921
From Professor Zbigniew J. Pasek of the University of Michigan, Department of Engineering

Constitution of 1791
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
constitutions 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,
Therefore declare that...

[Editor's Note continued]
Welcome to GLIN
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.
You searched for: human rights  View Full Query
 "human rights" AND (instype:"Law" OR instype:"Judicial Decision") AND lang:en AND (juris:"Argentina")

We returned: 172 results

Results are sorted by: Jurisdiction, Category, Publication Date | Relevancy | Publication Date
You can: Modify Your Search | Start New Search
Add to your query: [ ]
Show only results with: Category [Select..] [Go]

Results 1 - 10 of 172

Title Conventions (GLIN ID 189125)
Jurisdiction Argentina
Category Law
Publication Boletin Oficial de la Republica 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...
**Search Results - Summary Record**

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**Related Legal Resources**

No related legal resources available

**Summary (English)**


There are summaries in other languages. [View all available translations](http://www.glin.gov/view.action?searchDetails.queryType=EXACT&searchDetails.subjectTerms=&searchDetails.searchTerm=).

**Full Texts**

No full texts available

**Subject Terms**

Aliens; Discrimination; Human rights; Labor; Treaties and agreements; Immigration; United Nations; Treaties and agreements, Inter-American.
SUBJECT AND REGIONAL SOURCES

• EUR-Lex: The Portal to European Union Law

• 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 (The Legal Research System for International Law in U.S. Courts, ASIL)
  http://ilex.asil.org
EUR-Lex provides direct free access to European Union law. The system makes it possible to consult the Official Journal of the European Union and it includes inter alia the treaties, legislation, case-law and legislative proposals. It offers extensive search facilities.

Welcome

ToGEtHeR®

SINCE 1957

50th Anniversary of the Treaty of Rome

News

- Selection of new documents


- 24/03/2007: Commission interpretative communication on procedures for the registration of motor vehicles originating in another Member State

- 16/03/2007: Final adoption of the general budget of the European Union for the financial year 2007
Welcome

Access to European Union law. Here you can consult the treaties, legislation, case-law and use the extensive search facilities available on EUR-Lex.

News

- **Newsletter 31/3/2009**
  - [Selection of new documents](#)
      - 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
      - pdf

- [Thematic files](#)
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
Terrorism

Refine your query by picking one of the following subtopics

• State of emergency

Search international norms and standards

• United Nations
• Council of Europe
• OSCE
• Others

Search EU/EC legal and other documents

Search by Country: Terrorism

- Albania
- Armenia
- Austria
- Azerbaijan
- France
- Georgia
- Germany
- Greece
- Poland
- Portugal
- Romania
- Russian Federation
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 n° 86-1020 à la lutte contre le terrorisme (in French) (1986)
• Penal Code (provisions inserted in 1996, lastly amended in November 2001)
• Code Penal (dispositions inserées en 1996, amendées en novembre 2001)
• Code de Procedure Penale (articles 706-16 a 706-25-1)

Secondary legislation

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

Case-law

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 434-5, 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 19th June 1871 which repealed the Decree of 4th September 1870 on the production of military grade weapons;
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.
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 & Kalin
- Only the National Sites indexed by National Coordinators

Decided In:  All Asylum Countries
Court:  All Courts
Dates:  Jan 1950 and Apr 2007
Claimant's Country of Origin:  All Countries of Origin
Select Hathaway Numbers:  All Hathaway Numbers
Concept:  All Concepts
Case Name:  Select Concepts
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.

Concept Selection Tool:

- 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
Search Results

Displaying Results 1 through 131

1. Mwangi v Attorney General

Date Decided: December 16, 2005
Jurisdiction: United States
Hathaway Number(s): 4.5

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
Country of Origin: Afghanistan

Description: [Details not provided]
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.
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
Research Guides in law reviews

Frequently, specialists will publish research guides in their field.

Ex. Suffolk Law’s Prof. Ortwein wrote Swedish legal guide for English speaking practitioners.
GENERAL ARTICLE: How to Find the Law of the People's Republic of China: A Research Guide and Selective Annotated Bibliography *

* (c) Wei Luo, 1996. This is a revised version of the winning entry in the new member division of the 1996 AALL Call for Papers competition.

Wei Luo **

** Assistant Technical Services Librarian and Assistant Professor, Southern Illinois University School of Law Library, Carbondale, Illinois; Instructor, Xiamen University School of Law and Politics, Xiamen, China (1984–1987). I would like to express my gratitude for the law librarianship program offered at the Marian Gould
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• International Journal of Constitutional Law (ICJL)
  http://icon.oxfordjournals.org/

• Max Planck Institute for Comparative Public and International Law
European Integration Current Contents provides access to the tables of contents of journals relevant in European Integration research - law, human rights, economics, history and political sciences. Currently it covers 108 journals published in nine languages and 14 countries. Where available, abstracts are also included.

On a biweekly and monthly basis we publish the tables of contents of journals newly arrived at the European University Institute (EUI) and NYU School of Law libraries. For most journals we also provide a cumulative set of tables of content covering issues since the beginning of '98 for those interested in developments over the last years.

This service started in spring '99 as the Jean Monnet Table of Contents Service, mainly covering European integration journals in the areas of law and human rights. Cooperation with the EUI Library now allows us to extend coverage to economics, history and political sciences.

110 Journals - 3713 Issues - 46260 articles
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International Journal of Constitutional Law

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*A constitutional court for the EU?*
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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\(^1\) 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
State Compliance with the Recommendations of the African Commission on Human and Peoples’ Rights, 1993–2004

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

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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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.
Home > International Human Rights

The concepts of humanitarian intervention, self-determination, and providing relief to the wounded and other victims of armed conflicts can be viewed as the roots of human rights law. Modern international human rights law dates from World War II and its aftermath. The United Nations Charter, signed June 26, 1945, sought to acknowledge the importance of human rights and established it as a matter of international concern.

This section of EISIL highlights important instruments and web resources for researching various topics within human rights as well as the different regional systems, as well as the International Criminal Law and the Individuals & Groups sections of EISIL.

In-depth assistance on researching international human rights law is available in the ASIL Guide to Electronic Resources for International Law and its continuously update chapter on this subject.
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
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 Legifrance4 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)
  http://www.utexas.edu/law/academics/centers/transnational/work_new/
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.
• Both a **Primary** and **Secondary Source** in one:
  – complementing the documents are introductory and comparative notes examining recent amendments, and highlighting pertinent historical, political, and economic factors.
Search Screen
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<td>The Law on the Constitutional Court of the Republic of Lithuania, 1997 (as Amended to 2003)</td>
<td>02/03/1997</td>
<td>11/19/2003</td>
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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 (i)][24] of Article 102 for the enforcement of the rights conferred by this Part of [sic] guaranteed.
Welcome to Oxford Reports on International Law

International law decisions

Oxford Reports on International Law is intended to be a single point of reference for all international law jurisprudence, providing serious researchers access to the widest possible range of international law jurisprudence. All reported decisions have a headline, the full text of the decision, and are linked to the Oxford Law Citator.

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To find out more about Oxford Reports on International Law’s structure, policies, and contributors click here.
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• International Legal Materials (INTLAW;ILM)

• Business analyses and country information (WORLD;BUSANL)

• Country reports (NEWS & BUSINESS tab, listed under COUNTRY & REGION)
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** Contents of the individual databases vary widely. **
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  • 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
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• International Law Prof Blog
  http://lawprofessors.typepad.com/international_law

• International Law in Brief (ILIB)
  http://www.asil.org/ilib/ilibarch.htm
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:
Resolutions, Declarations, and Other Documents

- US-Russia Statement on Nuclear Arms (April 1, 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

- 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?
English Statute – Use Martindale Hubbell International Digest
Martindale Hubbell International Digest

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- Click the link next to these icons to access that source.
- Click the link next to these icons to search with that form.
- Click the link next to these icons to access that TOC.
- Click to see information about this source.

* Category Id: 3001652
“England” and “abortion”
Select for FOCUS™ or Delivery

Martindale-Hubbell, England Law Digest, LAWFULNESS OF TREATMENT

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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.
• 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.

Part II: Translated German Decision, 1970’s

- Start with Secondary Sources
- Due to the date (1970’s) might start with Hein Online
- Major case cited to in comparison with Roe v. Wade – better chance of translation
- Search Terms
CIAO (Columbia International Affairs Online)

CIAO includes working papers from university research institutes, papers series from NGOs, foundation-funded research projects, books, journals and policy briefs dealing with international relations. By license agreement, this resource is available to all Northeastern University students, faculty and staff.

Constitutions of the Countries of the World

Contains full-text for the constitutions of 192 countries. By license agreement, this resource is only available to Northeastern University School of Law students, faculty, and staff.

Current Index to Legal Periodicals (CILP)

By license agreement, this resource is only available to Northeastern University School of Law students, faculty, and staff.

Environmental Law Reporter

By license agreement, this resource is only available to Northeastern University School of Law students, faculty, and staff.

Foreign Law Guide

This database designed to locate primary sources of legislation for over 190 foreign jurisdictions. It provides a brief introduction to the legal systems of each country, a list of codifications, gazettes and other sources of law. Also, it identifies any available English translation, searchable by country, subject, or keyword. By license agreement, this resource is only available to Northeastern University students, faculty, and staff.

HeinOnline

Hein Online provides full access to complete runs of more than 500 law journals. It also includes the Federal Register, treaties and related publications, U.S. Supreme Court materials, and U.S. Attorney General Opinions. Other libraries include the Foreign and International Law Database, European Center for Minority Issues, English Reports, Legal Classics Library, and the Philip C. Jessup International Law Moot Court Competition Compendium. The following databases are now available to all Northeastern University Law School students, faculty, and staff. Please click on a database below to access the Hein Online databases available to NUSL.

- Law Journal Library (provides access to hundreds of law journals from their inception in full pdf)
- Foreign & International Law Resources Database (Human Rights and International Law Yearbooks, International Tribunals/Judicial Decisions, U.S. Law Digests, and more)
- English Reports (100,000 cases, 265 series of reports, arranged by various English courts from 1220 to 1867)
- European Center for Minority Issues (contains reports and working papers prepared by ECMI)
- Federal Register Library (access to the Federal Register, including indexes, from 1936-forward, and more)
- Code of Federal Regulations (full text of the CFR from 1938-1983, including supplement volumes)
- Legal Classics (large collection of legal treatises and texts from the 19th and early 20th centuries)
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Welcome Northeastern University.

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1. Enter your search words here:

German abortion decision

2. Match: ○ any words, ○ all words, ○ phrase.

3. Limit results to date range:
Year since: ______ Year through: ______

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- Note: Full text word and phrase searching uses uncorrected OCR text which was generated from the page images for each volume. Due to OCR errors, not all matches may be found.
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<td>35 American Journal of Comparative Law</td>
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<td>7 Canadian Journal of Family Law</td>
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<td>43 Columbia Journal of Transnational Law</td>
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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 leftist 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).


WEST GERMAN ABORTION DECISION:  
A CONTRAST TO ROE v. WADE†

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 —\n
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\n 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.

† [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 Gorbey.—Editors.
* B.A., St. Louis University (1965); J.D., Notre Dame (1970). Member of the Illinois Bar.
** Associate Professor of Law, John Marshall Law School: B.A.
Thank You

Kyle K. Courtney, Esq.
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