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NEW TECHNOLOGIES, E-DEMOCRACY AND CONSTITUTIONAL COURTS

Prof. G. Harutyunyan, Doctor of Law,
President of the Constitutional Court
of the Republic of Armenia
<http://www.concourt.am>

The information and cognitive legal information technologies are the main building block of all building under the name «Electronic democracy». The basic motive power of promotion in a direction of e-democracy is the aspiration to make democracy, the government, a legislature, the constitutional courts and political processes more open for each member of a society and by that to give to everyone chances and opportunities of active participation in government, in an establishment of justice. If this or that institution does not give the information of that it does, it is difficult to expect from a society, citizens of an openness, activity and a plenty of references to this institution.

Therefore the best way to guarantee on-line involving of citizens in decision-making processes consists in introducing dialogue tools in official democratic processes and thus to provide regular and full access to the legal, legal public information, especially about constitutional rights of citizens. Besides theoretical value the information has the high practical importance as it is a base component of e-democracy. «e-democracy» is defined as use the Internet-technologies to give the information, to provide communications. As a whole the analysis of the constitutional information space lead by us shows, that actually in a problem of electronic democracy is involved four following categories of problems: the on-line (dialogue) information and a problem of the conceptual device, uniform and accessible to specialists and citizens, service of electronic constitutional court, on-line participation of citizens and problems of an infrastructure. Below the generalized description of each of these categories of problems is given.

Modern lines of democratization, development of universal values are characterized by improvement of quality of management of legal construction, creation of the International Constitutional Case-law, formation of a supra-state constitutional control. Adoption of the European Constitution predetermines new problems of information law-making and law-enforcement activity. The industry of coordination by the European community of process of increase of efficiency of law and its enforcement in new conditions becomes the major purpose of e-democratization.

The European models and standards demand creation of adequate toolkit and operating strategy of designing of uniform legal information space that will allow many countries to not lag behind rates of development. Standardization in the field of legal technologies is the major solution which guarantees high quality not only of lawmaking, norm-making, but also the constitutional justice and the constitutional control. It will enable essentially to reduce the price of management of democratization of the states, to promote the all-European monitoring behind judiciary practice. Introduction of standardization of legal technologies will give essential advantage, both to the manufacturer (courts), and to the consumer (a society, citizens).

Recently on 13-th Congress of the European constitutional courts the important and actual problem of restriction of human rights has been allocated. There is no general, uniform approach to such key concepts as "criteria", "principles", "conditions", "preconditions", "means", "opportunities", "restriction of human rights". **Without standardization of the conceptual device and unification of decisions of the constitutional courts it is impossible** to establish active operative online dialogue not only between the constitutional courts, but also between national courts and national institutes of justice, between citizens and the government, and also between courts of the general jurisdiction.

Services of electronic constitutional court. This category of problems covers use the Internet, e-mail and other tools for granting services with greater efficiency, speed, with the improved access and the raised quality. The example of on-line access to decisions shows the Constitutional Court of Armenia where the parties participating in proceedings have an opportunity of free dialogue access to decisions in similar or close cases. The information on a web site <http://www.concourt.am> (operates with 1997) is presented in three languages: Armenian, Russian and English and displays the structure of the Court and the sphere of its activity. On the first page it is possible to see all sitemap on the main sections: "Constitution of the RA", the Law "On the Constitutional Court", "Members", "Decisions", "online of the version of publications, books (e-library)", "the International communications", and also the projects created and sold in CC of the RA.

Such structure enables citizens all over again to familiarize with a legal basis of functioning of the Court, its functions and results of activity, then to familiarize with the personnel and members of the Court, and also to contact them by e-mail. For each member of the Court its biographic data and an e-mail address are cited. Decisions of the Court which are broken into groups on years (1996-2005) full texts of all decisions (only 563 on 10.05.05) on Armenian and the most significant in Russian and English languages further follow.

During the activity of the Constitutional Court of the RA a number of books, monographs, scientific magazines, articles, bulletins of Conference of bodies of the constitutional control of the countries of young democracy "the Constitutional Justice", the International Almanac "Constitutional justice in the new millennium" have been published, etc. Their electronic versions are presented in section "electronic library". This section gives representation about activity of the Court outside of direct duties, and also is the virtual manual for scientists, students, lawyers and the judge, simple citizens in the field of law, the constitutional control. Besides CC has huge electronic library on compact disks. Since 1996 our Court organizes various conferences. Annual international Yerevan seminars, which have become already a tradition, international seminar Unidem, etc., are presented in section of "Conference". Interested persons can not only pronounce reports, but also to copy them. Here materials of already becoming tradition annual republican Olympiad for schoolboys and students "Constitution and the right" are presented.

We consider, that in a transitive society, the constitutional courts as the phenomenon of a new epoch should become the center of new legal thinking, formation of new mentality, first of all at youth. Therefore the Constitutional Court of Armenia has incurred a problem through non-governmental organization - the Center of Constitutional Law to carry out preparation and carrying out of republican Olympiads for youth. Olympiads serve as a bright example and the practical tool for youth on use new information, a web of technologies. Pupils of schools and high schools from various regions and the cities of Armenia connected to a network the Internet, come on a web a site of Olympiad, get acquainted with educational resources, rules and conditions of carrying out of Olympiad, download the virtual laws, test questions and, having answered them, become participants of Olympiad, send answers by e-mail. As a result the increasing quantity of schools and schoolboys, teachers with greater enthusiasm and activity are involved in carrying out of Olympiad.

The majority of courts now give the information through the Internet for mass access. Thus the important condition for full realization of granting of the on-line information is strengthening cooperation between electronic courts and created socially-private partnership by joint (divided) use of the general information. It gives the basis to specialists to approve, **that the first tendency in the field of development of electronic democracy consists in strengthening mutual cooperation and joint using of information general for all cooperating parties.** In last three sections of the site of the Constitutional Court of Armenia unique information bases are presented to "the Constitutions of the countries of the world", "the International documents on human rights", other legal resources, and also the electronic catalogue of references to legal resources the Internet which enjoy the big popularity among users of a network as in the Republic, and abroad. The catalogue of legal resources is the powerful modern tool for fast search of the necessary legal information, acquaintance with various international and particularly inherent in the given country experience, with legal problems and their solutions. The given tool allows users literally for minutes to establish and support communications with other legal institutes. Applying universal search technologies, only within the limits of the given catalogue, many complex problems of the Constitutional court with the greatest efficiency, speed and accuracy are solved.

In section of the international communications a web of a site results of meetings of members CC of Armenia with the constitutional courts of other countries, the Venice commission, the various international organizations on human rights are described, etc.

The important tendency in development of electronic democracy consists in **growing use of web portals.** At citizens the dissatisfaction with growing quantity of web sites, and also complexities and inconveniences of reception from them the information accrues. Therefore portals start to extend quickly. Most an impressive example is the portal of the Constitutional Court of Armenia, possessing powerful means of search of the multilingual information with use of opportunities of known systems on the Internet as Google, Yandex, Nigma which can provide access to tens thousand pages in a second.

Critical factors of success and a problem of an infrastructure. While the above-listed problems dealt with use by citizens of on-line tools, there are serious problems in the field of an infrastructure which also is one of the bases of e-democracy. For successful development of tools of support of electronic democracy it is necessary to lead serious work on reduction of existing digital stratification in its all displays, on improvement of a e-management, on development of a technological infrastructure in the countries of young

democracy, on maintenance of the population with dialogue access, at the choice of rational models of granting of services from e-courts and a number of other problems.

Technologies of processing and analysis of multilingual information resources in the solution of legal and educational problems. In the Constitutional Court Armenia in 1998-2001 the unique **computer system for the constitutional comparative analysis "Voronum"** has been created. In its resource base 146 constitutions of the various countries of the world, and also the English-Russian-Armenian dictionary of the basic constitutional concepts (474 words and expressions), the international documents under human rights and the English-Russian-Armenian dictionary of keywords under human rights (179 words and word-combinations) contain.

At creation of the given system it was considered, that a great bulk of users of legal resources are not specialists in the field of computer technologies. As a result, the subsystems essentially simplifying work of users have been included in system "Voronum": search of documents by inquiries in Russian and English languages, ranging of documents on a degree of affinity to inquiry, illuminations of the found out phrases and expressions in the found documents. Now works on search of documents by inquiries in the Armenian language are conducted.

For simplification of the analysis of documents, in them words and phrases on which the decision on conformity of the document to inquiry made are allocated. This feature of system essentially simplifies work with the found documents and allows to look through, if necessary, only interesting fragments of greater documents. Advantage of the system is also the circumstance, that the set of base keywords is offered to the user, who is not a professional-lawyer. On the screen of a computer it is deduced the alphabetic list of the countries of the world, or a card of the world.

Complex use on the Internet of bases of basic laws, bases of the international documents on human rights and bases of local national legislations will allow to create universal scientific toolkit for development and optimization of uniform European legal information space, it is essential to simplify processes of reforming of local legislations, especially in the countries of young democracy and in developing countries. System "Voronum" - irreplaceable e-educational library for students, teachers of universities, is registered in National agency on copyrights from 15.04.1998.

Despite of a wide circulation the Internet in the world, as a whole the degree of its use is still insufficient to provide with the constitutional courts the accelerated development of electronic democracy. Not all resources are popular at citizens. In this connection we have lead the **comparative analysis of quality and a demand of some legal Internet resources**. Concept of quality of information resources (IR) capacious enough. It incorporates in itself set of such parameters as timeliness, presentation and availability, the importance, authoritativeness, an urgency, popularity, content level, reliability, informativity and another. For an example we shall consider such well-known parameter of IR as a rating of citing. That is how many time, in what IR are quoted, refer to the given Internet portal, site. In total in research of **web sites of 53 courts, 14 international and European organizations, associations and institutes have been considered**.

In first ten the most demanded IR (on rating Google) sites have entered: Collections of decisions of the Supreme Court of the USA (142000), the Constitutional Court of Italy (46200), Federal Constitutional Court of Germany (33800), the Constitutional Council of France (31300), European Court of human rights (30100), the Supreme Court of Brazil (15700), the Supreme Court of Canada (11200), the Constitutional Court of Portugal (9470). The site of the Constitutional Court of Armenia, having highest parameter (2600) of the countries of young democracy, borrows 25 place in a rating. In applied below the table parameters of ratings of web sites of the constitutional courts of the countries of young democracy on Google.com (on 15.12.04) are resulted.

N	Country	URL	Rating 15.12.04
1	Armenia: Constitutional Court	www.concourt.am	2600
2	Russian Federation: Constitutional Court	ks.rfnet.ru/	1880
3	Estonia: Supreme Court	www.nc.ee/	1620
4	Lithuania: Constitutional Court	www.lrkt.lt/	1190

5	Azerbaijan: Constitutional Court	www.constitutional-court-az.org/	801
6	Moldova: Constitutional Court	www.ccrm.rol.md	786
7	Latvia: Constitutional Court	www.satv.tiesa.gov.lv/	446
8	Ukrain: Constitutional Court	www.ccu.gov.ua	263
9	Belarus: Constitutional Court	ncpi.gov.by/ConstSud/eng	118
10	Georgia: Constitutional Court	constcourt.gov.ge	100
11	Kazakstan: Constitutional Council	www.constcouncil.kz/	24

For last years many international conferences on various problems of the constitutional justice are organized. Sometimes efficiency of these actions is not so high, that is connected with difficulty of the organization or moving, with loss of time (or irrational use of time). It seems to us, that opportunities the Internet today are those, that it is possible to give more than attention to the organization of scientific e-discussions and discussions on in advance worked problematic, and also electronic seminars on those or other concrete problems which became or can become a subject of consideration in the constitutional court. This new mechanism of electronic dialogue can be opened, accessible to specialists, other public organizations which not only can communicate with actual problems, but also there will be an interesting feedback with the person, with the citizen, whose interests and the rights should provide the constitutional courts.