



**The Digital Legal Landscape in South America:  
Government Transparency and Access to Information**

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**Meeting:**

**194 — Promoting global access to law: developing and open access index for official, authenticated legal information — Law Libraries Section with Government Libraries, Government Information and Official Publications and Knowledge Management**

**Abstract:**

*The governments of ten South American countries (Argentina, Brazil, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela) vary widely in the quantity and quality of free legal information each offers to its citizens. Each country has made a significant effort in providing basic legal texts, such as codes, laws and decrees, in a systematic, searchable, and reliable database. Jurisprudence of the courts, whose significance varies widely among these countries steeped in the civil law tradition, is often less accessible. Some countries have more means and better infrastructure than others which, naturally, is reflected in the quality of the databases, search engines, and archives.*

*Most of these countries have enacted transparency laws to which all government entities are subjected. These transparency laws do not only pertain to budget, fiscal responsibility, and political accountability, but also to free public access to legal information. They generally obligate each government office to publish on its website the legal norms that are relevant to its work.*

*The focus of this overall project is whether a country is indeed making available to its citizens free, current, reliable, official, and authentic legal information in a way that is easy to find, access, obtain, and read. Supplementary information is also provided about how non-profit legal databases and commercial providers of legal information fit into each country's digital legal landscape.*

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The governments of ten South American countries (Argentina, Brazil, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela) vary widely in the quantity and quality of free legal

information each offers to its citizens. Each country has made a significant effort in providing basic legal texts, such as codes, laws and decrees, in a systematic, searchable, and reliable database. Jurisprudence of the courts, whose significance varies widely among these countries steeped in the civil law tradition, is often less accessible. Some countries have more means and better infrastructure than others which, naturally, is reflected in the quality of the databases, search engines, and archives.

Most of these countries have enacted transparency laws to which all government entities are subjected. Countries with laws pertaining to transparency in order of strength of law<sup>1</sup> are: Chile (2008), Peru (2002), Ecuador (2004), Uruguay (2008), Colombia (1985), Argentina (2003 decree), and Bolivia (2005 decree). These transparency laws do not only pertain to budget, fiscal responsibility, and political accountability, but also to free public access to legal information. The transparency laws from both Peru and Ecuador, for example, are entitled, *Law of Transparency and Access to Information*, and obligate government entities to be proactive in making legal information freely accessible.

Not all countries, however, have enacted transparency laws. Brazil, for example, has not although one such law is in the final stages of the legislative process at this time. Nonetheless, the Brazilian government maintains portals of fiscal and legal transparency. Venezuela has not either; yet in 2010 they hosted an international seminar, *Access to Public Information: A Guarantee of Democracy*. Additionally, the Venezuelan constitution, which is the highest legal norm for civil law countries such as these ten, grants its citizens open access to information even though it stops short of obligating proactive measures.

The Organization of American States (OAS) is concerned about transparency and access to information in the Americas. In 2010, the OAS General Assembly approved by resolution the *Model Inter-American Law on Access to Information* (AG/RES. 2607 (XL-O/10)) and the corresponding *Commentary and Guide for Implementation* (CP/CAJP-2841/10) -

[http://www.oas.org/dil/access\\_to\\_information\\_model\\_law.htm](http://www.oas.org/dil/access_to_information_model_law.htm).

This is not the first effort the OAS has taken to promote access to information in the Americas. See, for example, the *Joint Document Recommendations on Access to Information* (CP/CAJP-2599/08) and the *Report on the Questionnaire "Legislation on and Best Practices of Access to Public Information of the Commission on Juridical and Political Affairs"* (CP/CAJP-2608/08). The *Model Inter-American Law* and the *Guide for its Implementation* incorporate the principles outlined by the Inter-American Court of Human Rights in *Claude Reyes v. Chile*, Case 12.108, Report No. 60/03, Inter-Am. C.H.R., OEA/Ser.L/V/II.118 Doc. 70 rev. 2 at 222 (2003) -

[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_151\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_151_ing.pdf) (English) and

[http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_151\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_151_esp.pdf) (Spanish) - as well as the *Principles on Access to Information* adopted by the Inter-American Juridical Committee (CJI/RES. 147 (LXXIII-O/08)).

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<sup>1</sup> <http://gregmichener.com/Dissertation.html>. Specifically, see <http://gregmichener.com/gregmichener.com--CHAPTER%204--Explaining%20the%20Surrender%20of%20Secrecy%20Across%20Latin%20America.pdf>.

National laws governing transparency and access to information generally obligate each government office to publish on its website the legal norms that are relevant to its work. This includes laws, decrees, regulations, and jurisprudence. Uruguay's *Right to Public Information* law, for example, specifically requires government offices to publish legal information on their respective websites. It is common for such an agency website to have a prominent tab labeled, *Transparencia*. See, for example, Ecuador's *Law of Transparency* tab on the website of the Office of the President (image below). Each Ecuadorian government website's transparency page is identically organized with specific folders containing the unique legal and other information required by law.

Figure 1.

**LEY ORGÁNICA DE TRANSPARENCIA Y ACCESO A LA INFORMACIÓN PÚBLICA  
(LOTAIP)**

La Presidencia de la República del Ecuador, acorde con la política de transparencia del Gobierno de la revolución ciudadana y en cumplimiento con lo dispuesto en la Ley Orgánica de Transparencia y Acceso a la Información Pública (LOTAIP), pone a disposición de la colectividad la información disponible.

**Carpetas**



1. Información Administrativa



2. Información Legal



3. Información Financiera



4. Información Operativa



5. Información Laboral



6. Información de Planificación Institucional



7. Información de Regulación y Control



8. Otros Documentos

Last accessed 30 May 2011,

[http://www.presidencia.gov.ec/index.php?option=com\\_remository&Itemid=97](http://www.presidencia.gov.ec/index.php?option=com_remository&Itemid=97).

In the following report, the transparency laws are briefly discussed at the beginning of each country report. The focus of this overall project, however, is not specifically on whether a country has laws governing transparency and access to information, but rather, whether a country is indeed making

available to its citizens free, current, reliable, official, and authentic legal information in a way that is easy to find, access, obtain, and read. Supplementary information is also provided about how non-profit legal databases and commercial providers of legal information fit into each country's digital legal landscape. Please note that unless otherwise indicated, all websites and documents are in the vernacular language, i.e. Spanish or Portuguese for Brazil.

I am grateful to the Foreign Law Guide<sup>2</sup> and GlobaLex<sup>3</sup> for providing legal research guides for each country. These guides supply background information crucial in understanding the legal regime of each country, and they often jumpstarted my research into the accessibility of legal information of a country. It readily became apparent, however, how quickly databases change their websites, modify their URLs, or simply become obsolete from one year to the next in our digital world.

I am also grateful to my friends and colleagues throughout South America who helped me confirm and discover aspects of their respective legal systems. They include: Diego Werneck Arguelhes (Brazil); Laura Saldivia (Argentina); Gloria Orrego-Hoyos (Argentina and Colombia); Claudia Cuevas (Chile); Carlos Barrezueta (Ecuador); Ximena Benavides (Peru); Leonor Porras Seguro (Uruguay).

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<sup>2</sup> <http://foreignlawguide.com/ip/flg/> (subscription database)

<sup>3</sup> <http://www.nyulawglobal.org/globalex/index.html#> (open-access)

## LA REPÚBLICA DE ARGENTINA/ THE REPUBLIC OF ARGENTINA

### Law of Transparency:

Despite efforts which resulted in presidential decree 1172/03, the Argentine legislature has never passed a comprehensive law of transparency guaranteeing and mandating access to information - [http://www.mindef.gov.ar/decreto\\_117203.html](http://www.mindef.gov.ar/decreto_117203.html). In accordance with the decree, the Argentine government maintains a portal for laws relating to transparency - <http://www.argentina.gov.ar/argentina/portal/paginas.dhtml?pagina=308>. Further, on January 1, 2011, access to Argentina's official gazette, discussed in more detail below, moved from a fee-based subscription access to free and open access. This was a very large step in the movement for open access to public and legal information in Argentina.

### Portals:

LegisLaw is an excellent portal to Argentine law - <http://www.legislaw.com.ar/index.htm>. From the homepage, one can navigate to various thematic pages, such as legislation, jurisprudence, doctrine, current events, legal books, and government websites. The Legislation page includes links to the full text of the Argentine Constitution and various laws and treaties to which Argentina is a party. The full-text is either an html page that legislaw.com provides, or a link that redirects to a government or other website containing the full-text document. The Jurisprudence page provides links to the national and provincial courts and tribunals. The Doctrine page has a list of themes, such as administrative, civil, commercial, constitutional, human rights, and legal philosophy. Each of these pages has a list of relevant books and web pages and often provides the full-text of a listed document.

Latin Laws: Biblioteca Legal Latinoamericana - <http://www.latinlaws.com/country/Argentina/> - redirects users to official Argentine government websites. This is a great place to start, but the material posted is now a few years old so follow-up research to confirm currency is required.

IberIUS: Red Iberoamericana de Información y Documentación Judicial - [http://www.iberius.net/web/guest/recursos\\_juridicos](http://www.iberius.net/web/guest/recursos_juridicos) - has unofficial, pdf, full-text documents in its collection including important codes and laws, and will also redirect users to government websites for legal documents such as legislation and jurisprudence. The site additionally provides information using graphs and text to explain a country's judicial organization, individual courts, and other government organs.

NATLEX is the database of the International Labour Organisation - [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en). The focus of NATLEX is on national labor, social security, and related human rights legislation. The records in NATLEX provide abstracts of legislation (with internally hyperlinked documents) and relevant citation information. Full-text pdfs of

scanned original document are made available when possible as are links to relevant online resources. One can browse by county or subject, or search by keywords and by subject classifications.

ECOLEX is a database of environmental law operated jointly by UN Food and Agricultural Organization (FAO), International Union for Conservation of Nature (IUCN), and the UN Environment Programme (UNEP) and incorporates environmental law holdings from each of these organizations. One can search any number of ways including by country - <http://www.ecolex.org/ecolex/ledge/view/Common;DIDPFDSIjsessionid=1B0D5F15DBD204B75CFA35CA122CB532>. ECOLEX includes information on treaties, international soft-law and other non-binding policy and technical guidance documents, national legislation, judicial decisions, and law and policy literature. The results are abstracts and citation and indexing information about each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

FAOLEX is the database of the Food and Agricultural Organization of the United Nations - <http://faolex.fao.org/faolex/index.htm>. After selecting one of 15 topics or "all", the user is directed to an advanced search screen where one can focus the search by country among other options. The results are abstracts with citation and indexing information for each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

The Doing Business Law Library hosted by the World Bank - <http://www.doingbusiness.org/law-library> - is the largest free online collection of business laws and regulations. One can search by economy or individual country; results will link to official government sources wherever possible. Translations are generally not official unless indicated otherwise, and although the database is updated regularly, currency is not guaranteed; therefore, further research would be prudent.

### **Constitution:**

Article 31 of the Argentine Constitution, an original component of the 1853 Constitution, states that the Constitution, national laws, and international treaties are the supreme law of the land. This must be read together with Article 75 which was incorporated into the Constitution with the 1994 amendments. Article 75 establishes the following hierarchy: the Constitution and human rights treaties enumerated in the Constitution (Art. 75, Sec. 22) are equally the supreme law; followed by other international treaties; then laws; then decrees; and finally a series of other legal norms. Article 5 grants each Argentine province the power to create its own Constitution in accordance with the declarations and guarantees of the federal Constitution.

The text of the federal Constitution is available in many places. The website of the senate provides the Constitution in html in Spanish - <http://www.senado.gov.ar/web/interes/constitucion/cuerpo1.php> - and in English - <http://www.senado.gov.ar/web/interes/constitucion/english.php>. The Senate also provides links to provincial legislatures and their Constitutions - <http://www.senado.gov.ar/web/interes/constituciones/cuerpo1.php> as does the Argentine System of

Legal Information database (SAIJ – Sistema Argentino de Informática Jurídica) -

<http://www.saij.jus.gov.ar/download/leyesgratuitas.htm>.

The Political Databases of the Americas at Georgetown University also has the current and past Constitutions available for Argentina in unofficial html format -

<http://pdba.georgetown.edu/Constitutions/Argentina/argentina.html>. The current 1994 Constitution is available in both English and Spanish.

The University of Richmond's Constitution Finder - <http://confinder.richmond.edu/> - redirects patrons to Argentine government websites for official versions of the 1853 Constitution with amendments through 1994.

Although the website, Constituciones Hispanoamericanas -

<http://bib.cervantesvirtual.com/portal/constituciones/constituciones.shtml> - has not been updated since 2005, it is still a good source of constitutions going back to the days of independence, i.e. early 19<sup>th</sup> century. Many of the constitutional *proyectos* are available here. All documents are unofficial, full-text, html.

#### **Codes, Laws, Decrees, Resolutions, and other Legal Norms:**

Laws take effect in Argentina immediately upon publication in the official gazette, the *Boletín Oficial de la República Argentina*, unless a later date is specified in the legislation.

The front page of the website of the *Boletín Oficial* contains all the laws, decrees, resolutions, Supreme Court decisions, international treaties, and other legal norms for the day -

<http://www.boletinoficial.gov.ar/Inicio/Intro.castle>. On the search page one can conduct an advanced search of the gazette by day or date range, or with other data. In a grand step for the open access to public information movement in Argentina, this database became open-access on January 1, 2011 as a result of Resolution 70/2010 -

<http://www.boletinoficial.gov.ar/DisplayPdf.aspx?s=01&f=20101108&pd=10&pa=11> - of the Legal and Technical Secretary of the office of the President of the Nation. Prior to this resolution, a fee-based subscription was required to access the full-text.

In SAIJ - <http://www.saij.jus.gov.ar/> - one can find legal material such as federal codes which are available in html and rtf (official; from the *Boletín Oficial*), and federal and provincial constitutions in html and rtf (official; from the *Boletín Oficial*). The database provides for advanced searching for national and provincial laws and decrees, jurisprudence, doctrine, Mercosur and more. There is also a fabulous legal thesaurus. Patrons need to subscribe for full-text jurisprudence. Many of the basic codes and recent laws are free.

Chamber of Deputies, Secretary of Parliament has a database to find national laws from December 1983 to the present, as well as *proyectos* (proposed laws) - <http://www.diputados.gov.ar/>. All the material is unofficial and in html format.

The Ministry of Economy and Public Finance supports a legislative database, InfoLeg - <http://infoleg.mecon.gov.ar/>. One can find legislative acts of the national government, national and provincial constitutions, federal Codes with norms, and links to provincial codes. All documents are in full-text html; they are not official.

The Global Legal Information Network (GLIN) of the national Library of Congress of the United States of America - <http://www.glin.gov/search.action> - contains English summaries of over 45,000 Argentine laws over the course of the last half-century; there is very little full-text available but each summary provides bibliographic information for easy location in the *Boletín Oficial*.

The World Law Guide has a list of Argentine laws, organized topically, most of which redirect the user to official government websites - <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwearg.htm>. This is a terrific place to look for laws pertaining to a multitude of topics.

### **Legislation by Topic**

Several Argentine ministries and government agencies make available laws on their websites laws relevant to their respective missions.

The Argentine Ombudsman publishes Annual Reports - <http://www.dpn.gob.ar/main.php?cnt=31> - as well as resolutions and reports pertaining to: human rights generally; health, social action, education and culture; environment and sustainable development; public services; social security and employment; and relevant jurisprudence and other legal material.

On the website of the Secretary of Human Rights of Buenos Aires Province - <http://www.sdh.gba.gov.ar/comunicacion/normativa.php> - one can find official full-text pdfs of international, national and provincial human rights treaties and laws.

The Secretary of Environment and Sustainable Development website pulls together federal and provincial environmental legislation - <http://www.ambiente.gov.ar/?aplicacion=normativa&IdSeccion=0&agrupar=si>. The documents are unofficial html versions.

The Ministry of Defense website has several pages devoted to laws, decrees, and other legal documents - <http://www.mindef.gov.ar/index.asp>. All documents are full-text and each page unites documents relevant to the principal legal norm.

The OAS website on Mutual Assistance in Criminal Matters and Extradition has a page for Argentina - <http://www.oas.org/juridico/mla/en/arg/index.html> - wherein texts such as the Argentine Constitution, the codes of criminal law and criminal procedure, and other relevant codes and national legislation are provided. There are also bilateral extradition and other relevant treaties, as well as multilateral treaties going back to the early 20<sup>th</sup> century. Some of these documents are official pdfs, others are unofficial html, doc and pdf documents.



### **Jurisprudence:**

The Supreme Court of the Nation, Argentina's highest tribunal, acts as a court of cassation and hears cases arising under the federal Constitution and laws. Argentina, as a signatory to the American Convention on Human Rights, submits to the jurisdiction of the Inter-American Court of Human Rights as the court of last instance in relevant matters. Within the Argentine judiciary, the lower courts in practice have a tendency to follow the line of decisions of the higher courts, but there is no legal obligation on the part of the lower courts to do so.

The website of the Supreme Court of the Nation - <http://www.csjn.gov.ar/jurisprudencia.html> - has scanned pdfs of the *Fallos de la Corte Suprema de Justicia de la Nación* (the official print court reporter - <http://morris.law.yale.edu/record=b445840~S1>) or official born-digital pdfs. One can search for jurisprudence of the court by date for the recent decisions, by theme for summaries all decisions dating back to the court's inception in 1863, by keyword (and more in this advanced search) for full-text decisions from 1994, or by browsing a list of cases organized chronologically - <http://www.pjn.gov.ar/jurisprudencia2/consulta.php>. This database works best with Internet Explorer browser.

SAIJ - <http://www.saij.jus.gov.ar/> - also provides jurisprudence but a subscription is required for full-text content.

The Global Legal Information Network (GLIN) of the National Library of Congress of the United States of America - <http://www.glin.gov/search.action> - has English summaries of hundreds of judicial opinions, many available in official and authentic full-text pdf.

### **Doctrine:**

The website of the Supreme Court of the Nation - <http://www.csjn.gov.ar/jurisprudencia.html> - contains unique and valuable *Boletines de Jurisprudencia* created by the Secretary de Jurisprudencia with the object to disseminate information about important legal rulings pronounced by the Court via commentary in addition to simply publishing the Court's opinion. This doctrine focuses on certain themes such as workers' rights, freedom of expression, right to health, economic emergency, and human rights.

InfoLeg - <http://infoleg.mecon.gov.ar/> - has links to doctrine available free online.

SciELO has a collection for Argentina - <http://www.scielo.org.ar/scielo.php>. Thus far there is only one legal journal indexed and available full-text: *Revista de Historia de Derecho*, from the Research Institute of History of Law in Buenos Aires.

Dialnet - <http://dialnet.unirioja.es/> - is an open-access index of journals based at the Universidad de La Rioja, Spain. It contains a large number of Latin American legal journals and articles. One can search for

journals or articles using advanced search functions. Some articles and journals are available full-text online from the journal website; a few articles are available full-text from the index.

Redalyc is a database of Latin American and Caribbean journals with full-text, authentic pdfs - <http://redalyc.uaemex.mx/>. Although it does not yet contain any legal journals from Argentina, there are law review articles about Argentine law indexed and available in the database.

Latindex - <http://www.latindex.unam.mx/> - provides bibliographic information for Latin American journals, such as the *Anuario Argentino de Derecho Internacional* and *Revista de Derecho Ambiental*, but does not provide a database to search for articles within the journals nor does it provide full-text access to journal content.

The Global Legal Information Network (GLIN) of the National Library of Congress of the United States of America - <http://www.glin.gov/search.action> - has English summaries of some doctrine.

A collection of open access journals from Latin America, including Argentina, can be found on the website of the University of Fribourg, Switzerland - <http://www.unifr.ch/ddp1/derechopenal/?menu=revistas>, and another at the Library of the Uruguayan Association of *Escribanos* - <http://biblioteca.aeu.org.uy/iah/revistasonline.asp>.

### **Provincial Information:**

The website of the federal Senate provides links to all provincial senates; many have laws and decrees although the websites are understandably less sophisticated - <http://www.senado.gov.ar/web/interes/otros/legislatura/cuerpo1.php>. For example, Cordoba has some major legislation available in pdf (official) - <http://www.cba.gov.ar/vercanal.jsp?idCanal=58860>; Santa Cruz has various legislation online, organized by topic within the gov. department, and their official gazette - <http://www.santacruz.gov.ar/index.php?opcion=boletin>; and Mendoza has jurisprudence available for many local courts and their supreme court - <http://www.jus.mendoza.gov.ar/documental/jurisprudencia/consulta/index.php>.

### **Treaties:**

The Argentine Embassy in Spain has a list of all bilateral agreements between the two countries since Argentine independence - [http://www.embajadaargentina.es/index.php?option=com\\_content&task=view&id=65&Itemid=48](http://www.embajadaargentina.es/index.php?option=com_content&task=view&id=65&Itemid=48). The first bilateral treaty was signed May 16, 1811. Some full-text is available.

The Secretary of Human Rights of Buenos Aires Province - <http://www.sdh.gba.gov.ar/comunicacion/normativa.php> - provides full-text pdfs of international human rights treaties.

The Organization of American States (OAS) - [http://www.oas.org/DIL/treaties\\_and\\_agreements.htm](http://www.oas.org/DIL/treaties_and_agreements.htm) - has a list of bilateral and multilateral treaties between and among countries in the Americas focusing on extradition, drug trafficking, and international criminal law. One can browse alphabetically or search by keyword.

The United Nations Treaty Collection - <http://treaties.un.org/> - contains the full-text, official, scanned pdf of all multilateral treaties deposited with the United Nations. One can search by popular name, keyword, United Nations Treaty Series (UNTS) volume, or country.

### **Commercial websites:**

vLex - [www.vlex.com](http://www.vlex.com) - has quite good coverage of Argentine legal material in an organized, easy to locate, searching system. They have a number of codes and *Boletines* from the federal legislature and provinces, as well as the decisions of the courts that are available from the various individual federal and provincial court websites. vLex allows users to search across courts or focus on one or more. There are also a growing number of law reviews and social science journals available. There are no official pdfs; all are html or vLex generated pdfs. Instant Google translation is available.

Microjuris provides access to Argentine legislation, jurisprudence, and doctrine - <http://ar.microjuris.com/>. The collection of jurisprudence includes decisions from both federal and provincial courts. Searching across material (legislation, jurisprudence, and doctrine) can be done by keyword search and narrowed by type and date range. Related documents of all types are noted and hyperlinked.

The InterAm Database carries some legislation including the full-text of many codes, laws, decrees, and a few court decisions - <http://natlaw.com/interam/ar/>. The documents are pdfs, some official, but most are unofficial pdfs prepared by the National Law Center for Inter-American Free Trade.

The Index to Foreign Legal Periodicals (IFLP) is a subscription database that indexes foreign journals from all over the world including about 25 from Latin America - <http://www.law.berkeley.edu/library/iflp/>. IFLP indexes several journals from Argentina including *Anuario Argentino de Derecho Internacional* and *Revista Jurídica Argentina: La Ley*.

Kluwer Arbitration - <http://www.kluwarbitration.com/BITs-countries.aspx> - has a database of all bilateral investment treaties including those from Latin American countries. Most of the BITs are available in full-text html. The database also contains national implementation legislation. Although one can search in English, the results are in the vernacular.

Constitutions of the Countries of the World, recently purchased by Oxford University Press from Oceana, contains unofficial English translations of many past and current constitutions including those from Latin America - <http://www.oceanalaw.com/default.asp>. However, for Argentina only the 1994 Constitution is provided.

Thomson Reuters (Westlaw) recently acquired two Argentine publishers of legal information, La Ley - [http://thomsonreuters.com/products\\_services/legal/legal\\_products/a-z/202746/](http://thomsonreuters.com/products_services/legal/legal_products/a-z/202746/) - and Abeledo Perrot Online - <http://onl.abeledoperrot.com/Portada/Portada.asp> - which had been bought by LexisNexis several years ago.

## ESTADO PLURINACIONAL DE BOLIVIA / PLURINATIONAL STATE OF BOLIVIA

### Law of Transparency:

Access to information, generally speaking, is a civil right provided for in Article 21 of the Bolivian Constitution. A presidential decree was issued in 2005 (*Decreto Supremo 28444*) establishing processes and mechanisms for public access to information and transparency in government. In 2006, the Ministry of Justice and Human Rights proposed, *Law of Transparency and Access to Public Information* - <http://www.redipd.org/documentacion/legislacion/common/legislacion/Bolivia/LeyAccesoInformacion09Abr.pdf>. It never passed.

President Evo Morales created a Ministry of Transparency - <http://www.transparencia.gob.bo/> - shortly after taking office. The focus of the ministry is anti-corruption. However, one objective of the ministry is to fortify free access to public information - <http://www.transparencia.gob.bo/index.php?Modulo=Eje2>. There is also the Bolivian Agency of Information - <http://www3.abi.bo/> - that provides basic access to the country's laws and decrees.

### Portals:

Latin Laws: Biblioteca Legal Latinoamericana - <http://www.latinlaws.com/country/Bolivia/> - redirects users to official Bolivian government websites and other unofficial databases. This is a great place to start, but the material posted is now a few years old so follow-up research to confirm currency is required.

IberIUS: Red Iberoamericana de Información y Documentación Judicial - [http://www.iberius.net/web/guest/recursos\\_juridicos](http://www.iberius.net/web/guest/recursos_juridicos) - has unofficial, pdf, full-text documents, in its collection including important codes and laws, and will also redirect users to government websites for legal documents such as legislation and jurisprudence. The site additionally provides information using graphs and text to explain a country's judicial organization, individual courts, and other government organs.

NATLEX is the database of the International Labour Organisation - [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en). The focus of NATLEX is on national labor, social security, and related human rights legislation. The records in NATLEX provide abstracts of legislation (with internally hyperlinked documents) and relevant citation information. Full-text pdfs of scanned original document are made available when possible as are links to relevant online resources. One can browse by county or subject, or search by keywords and by subject classifications.

ECOLEX is a database of environmental law operated jointly by UN Food and Agricultural Organization (FAO), International Union for Conservation of Nature (IUCN), and the UN Environment Programme (UNEP) and incorporates environmental law holdings from each of these organizations. One can search

any number of ways including by country -

<http://www.ecolex.org/ecolex/ledge/view/Common;DIDPFDSIjsessionid=1B0D5F15DBD204B75CFA35CA122CB532>. ECOLEX includes information on treaties, international soft-law and other non-binding policy and technical guidance documents, national legislation, judicial decisions, and law and policy literature. The results are abstracts and citation and indexing information about each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

FAOLEX is the database of the Food and Agricultural Organization of the United Nations - <http://faolex.fao.org/faolex/index.htm>. After selecting one of 15 topics or "all", the user is directed to an advanced search screen where one can focus the search by country among other options. The results are abstracts with citation and indexing information for each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

The Doing Business Law Library hosted by the World Bank - <http://www.doingbusiness.org/law-library> - is the largest free online collection of business laws and regulations. One can search by economy or individual country; results will link to official government sources wherever possible. Translations are generally not official unless indicated otherwise, and although the database is updated regularly, currency is not guaranteed; therefore, further research would be prudent.

### **Constitution:**

The Constitution of Bolivia is the supreme law of the land. This new Constitution granting more right and power to Bolivia's indigenous people was approved by referendum on January 25, 2009, and signed into law on by President Evo Morales on February 9, 2009.

The website of the Bolivian Information Agency - <http://www3.abi.bo/#> - supplies the current Bolivian Constitution in html under the *Documentos* tab.

The Ministry of Economy and Public Finance - [http://www.economiayfinanzas.gob.bo/index.php?opcion=com\\_contenido&ver=categoria&id=153&id\\_item=265&id\\_item=431](http://www.economiayfinanzas.gob.bo/index.php?opcion=com_contenido&ver=categoria&id=153&id_item=265&id_item=431) - has the Constitution as do the websites of most, if not all, government ministries.

The Political Databases of the Americas at Georgetown University also has the current and several older Constitutions available in unofficial html format - <http://pdba.georgetown.edu/Constitutions/Bolivia/bolivia.html>.

The University of Richmond Constitution Finder - <http://confinder.richmond.edu/> - redirects patrons to websites providing Bolivia's 2009 and 1967 Constitutions.

Although the website, *Constituciones Hispanoamericanas* - <http://bib.cervantesvirtual.com/portal/constituciones/constituciones.shtml> - has not been updated

since 2005, it is still a good source of constitutions going back to the days of independence, i.e. early 19<sup>th</sup> century. Bolivia's 2009 Constitution is notably absent. All documents are unofficial, full-text, html.

### **Codes, Laws, Decrees, Resolutions, Regulations, and other Legal Norms:**

After completing the legislative process -

<http://www.vicepresidencia.gob.bo/Gesti%C3%B3nLegislativa/ProcedimientoLegislativo/tabid/132/Default.aspx> - laws take effect in Bolivia immediately upon publication in the official gazette, *Gaceta Oficial del Estado Plurinacional de Bolivia*, unless a later date is specified in the legislation.

The *Gaceta Oficial* has its own dedicated website -

<http://www.gacetaoficialdebolivia.gob.bo/contenidos/spalnicio>. The *Gaceta Oficial* website can be navigated and searched in four languages: Spanish, Quechua, Aymara, and Guarani. Results are only in Spanish and are available in html and official, authentic pdf. The database goes back to Issue One in 1960 and even includes 19<sup>th</sup> c. codes.

The website of the Vice Presidency contains a database with laws from 1960 to the present -

<http://www.vicepresidencia.gob.bo/Inicio/tabid/36/ctl/biblioteca/mid/435/Default.aspx?db=ColeccionOficialdeLeyes>. One can search within the Official Collection of Laws, the Library of Congress, Decrees, or other official publications. Searches can also be narrowed by who promulgated the law, theme, law number, and which legislature. Results seem to be organized by relevance rather than chronologically, and all are available in full-text, html though there are no marks of authentication.

The website of the Bolivian Information Agency - <http://www3.abi.bo/#> - , under the *Documentos* tab, has a chronological list of laws and decrees, summarized from 1997 to the present (over 2,000 laws and 4,500 decrees). Laws and decrees from February 2010 are available full-text, linked to the *Gaceta Oficial*.

The Chamber of Deputies has the *Proyectos*, or bills and related documents, that have been passed by the Chamber of Deputies starting in October 2010 -

[http://www.diputados.bo/index.php?option=com\\_content&view=article&id=110&Itemid=71](http://www.diputados.bo/index.php?option=com_content&view=article&id=110&Itemid=71).

The website of the Senate is under construction - <http://www.senado.bo/>.

The subscription database, SILEG en Línea, provides the Bolivian codes and some major laws free of charge - <http://bolivialegal.com/bolivia-legal/enciclopedias/codigo-tributario/>.

English summaries of over 2,000 laws are available on the Global Legal Information Network (GLIN) of the national Library of Congress of the United States of America - <http://www.glin.gov/search.action>.

No full-text is available but there are citations to the *Gaceta Oficial*.

The World Law Guide has a list of Bolivian laws, organized topically, most of which redirect the user to official government websites - <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwebol.htm>. This is a terrific place to look for laws pertaining to a multitude of topics.

### **Legislation by Topic:**

Several government ministries make relevant laws available on their website:

Laws and decrees relevant to the National Agrarian Tribunal, created by law 1715 in 1996 and modified by law 3545 in 2006, can be searched and located on its website -

<http://tan.poderjudicial.gob.bo/index.asp?TPagina=0&TContenido=1&TPaginaweb=legislacionagraria>.

The Ministry of Economy and Public Finance -

[http://www.economiayfinanzas.gob.bo/index.php?opcion=com\\_contenido&ver=categoria&id=153&id\\_item=265#&id\\_item=431](http://www.economiayfinanzas.gob.bo/index.php?opcion=com_contenido&ver=categoria&id=153&id_item=265#&id_item=431) - has the Constitution and many relevant laws online, organized chronologically. They are scanned pdfs of the *Gaceta Oficial* and go back to 1990; included is the Social Security Code of 1956. Supreme Decrees go back to 1985. There are also a handful of norms, regulations, and resolutions (administrative, supreme, ministerial and biministerial); all are pdfs of original official documents and appear authentic.

The Ministry of Productive Development and Plural Economy has several relevant laws listed in a column on the right panel of the homepage - <http://www.produccion.gob.bo/>. They are official pdfs.

The website of the Ministry of Health and Education has a *Documentation Center* -

<http://www.sns.gob.bo/index.php?ID=CentroDocumentacion> – that contains the full-text, official version of pertinent international treaties as well as citations to (but not the full-text of) ministerial resolutions from 2010 and 2011.

The Public Ministry website contains official pdfs of relevant codes, laws, regulations, and international treaties - <http://www.fiscalia.gob.bo/index2.php?modulo=3>.

The OAS website on Mutual Assistance in Criminal Matters and Extradition has a page for Bolivia -

<http://www.oas.org/juridico/mla/en/bol/index.html> - wherein texts such as the Bolivian Constitution, the codes of criminal law and criminal procedure, and other relevant codes and national legislation are provided. There are also bilateral extradition and other relevant treaties, as well as multilateral treaties going back to the early 20<sup>th</sup> century. Some of these documents are official pdfs, others are unofficial html, doc, and pdf documents.

The website of the Andean Commission of Jurists, a highly-respected human rights organization based in Lima, Peru - <http://www.cajpe.org.pe/> - has a tab for legislation and jurisprudence but the material therein is now outdated. A note on that page tells readers that the Network of Juridical Information (RIJ) is being updated with the last update July 2008. Thus, the information found, such as legislation from the individual Andean nations (Bolivia, Chile, Colombia, Ecuador, Peru, and Venezuela) is not up-to-date but is still accessible, as is jurisprudence from constitutional courts, and many webpages explaining



various aspects of national and international law. Hopefully the updating of this valuable tool that brings together multinational and international legal information will be completed soon.

### **Jurisprudence:**

The Constitutional Court and the Supreme Court of Justice are the highest courts in Bolivia. The Supreme Court of Justice functions as a court of cassation. Recent legislation (*Ley del Deslinde Jurisdiccional*, Law No. 073, 29 December 2010) establishes two parallel jurisdictions within the court system in Bolivia: ordinary and indigenous. Court decisions are of little, if any, precedential value in Bolivia. The exception might be solely within the Constitutional Court's own, limited jurisdiction. Bolivia, as a signatory to the American Convention on Human Rights, submits to the jurisdiction of the Inter-American Court of Human Rights as the court of last instance in relevant matters.

Jurisprudence of the Constitutional Court from 1999 to the present is available in full-text html on a slow and somewhat clunky website - [http://www.tribunalconstitucional.gob.bo/search\\_jur.html](http://www.tribunalconstitucional.gob.bo/search_jur.html). Nonetheless, one can: search for decisions by date, party, or number; browse the decisions chronologically and by case name; and drill down the *Tree of Jurisprudence* organized topically which can be very helpful for focused searching for precedent of the Constitutional Court, as noted in the Globalex article - <http://www.nyulawglobal.org/globalex/Bolivia.htm>.

The Supreme Court of Justice also has a primitive website (by current western standards) where one can search by keyword only in an attempt to locate court decisions - <http://suprema.poderjudicial.gob.bo/>. One can pull up docket sheets to see the various stages of a case, and one can search for district court decisions as well. It is unclear how far back this database goes, exactly what courts are covered, and whether it is comprehensive. Nonetheless, it is not an impossible database to use.

Resolutions of the National Agrarian Tribunal from 2000 to the present can be searched or browsed and retrieved on its website - <http://tan.poderjudicial.gob.bo/cuerpo.asp?TPagina=1&TContenido=1&TPaginaweb=consultares>. Results are full-text html and do not bear any authenticating symbol.

### **Doctrine (Journals, Treatises, Commentary):**

Dialnet - <http://dialnet.unirioja.es/> - is an open-access index of journals based at the Universidad de La Rioja, Spain. It contains a large number of Latin American legal journals and articles. One can search for journals or articles using advanced search functions. Some articles and journals are available full-text online from the journal website; a few articles are available full-text from the index.

Redalyc is a database of Latin American and Caribbean journals with full-text, authentic pdfs - <http://redalyc.uaemex.mx/>. Although it does not yet contain any legal journals from Bolivia, there are law review articles about Bolivia indexed and available in the database.

Latindex - <http://www.latindex.unam.mx/> - provides bibliographic information for Latin American journals, such as the *Revista Boliviana de Derecho*, but does not provide a database to search for articles within the journals nor does it provide full-text access to journal content.

#### **Treaties:**

The Organization of American States (OAS) - [http://www.oas.org/DIL/treaties\\_and\\_agreements.htm](http://www.oas.org/DIL/treaties_and_agreements.htm) - has a list of bilateral and multilateral treaties between and among countries in the Americas focusing on extradition, drug trafficking, and international criminal law. One can browse alphabetically or search by keyword.

The United Nations Treaty Collection - <http://treaties.un.org/> - contains the full-text, official, scanned pdf of all multilateral treaties deposited with the United Nations. One can search by popular name, keyword, United Nations Treaty Series (UNTS) volume, or country.

#### **Commercial Databases:**

SILEG en Línea - <http://www.bolivialegal.com/> - contains Bolivian Constitutions, laws, decrees, resolutions, regulations, international treaties, and doctrine from 1825 to the present. All are hyperlinked to related materials. The codes are available free - <http://bolivialegal.com/bolivia-legal/enciclopedias/codigo-tributario/> - and some links redirect the user to free government websites. Material is unofficial html.

Derechoteca provides access to legislation - <http://www.derechoteca.com/gacetabolivia>.

The InterAm Database carries some legislation including the full-text of many codes, laws, decrees, and quite a few Supreme Court decisions - <http://natlaw.com/interam/bo/> as published in the *Gaceta Oficial*. The documents are pdfs, some official, but most are unofficial and prepared by the National Law Center for Inter-American Free Trade.

Kluwer Arbitration - <http://www.kluwarbitration.com/BITs-countries.aspx> - has a database of all bilateral investment treaties including those from Latin American countries. Most of the BITs are available in full-text html. The database also contains national implementation legislation. Although one can search in English, the results are in the vernacular.

Constitutions of the Countries of the World, recently purchased by Oxford University Press from Oceana, contains unofficial English translations of many past and current constitutions including those from Latin America - <http://www.oceanalaw.com/default.asp>. An unofficial English version of Bolivia's 2008 Constitution was recently added to the collection.

vLex does not cover Bolivia.

The Index to Foreign Legal Periodicals (IFLP) does not index any Bolivian legal journals.

## REPÚBLICA FEDERATIVA DO BRASIL / FEDERATED REPUBLIC OF BRAZIL

### Law of Transparency:

There is a law pending in Brazil (Projeto de Lei 41) on access to information that has the support of President Dilma Rouseff, but faces resistance by one member of congress. Several years ago, a presidential decree was issued - [https://www.planalto.gov.br/ccivil\\_03/\\_Ato2004-2006/2005/Decreto/D5482.htm](https://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2005/Decreto/D5482.htm) - requiring the creation of a *Portal da Transparencia* (Executive Decree 5.482 (2005)). This portal of transparency - <http://www.portaltransparencia.gov.br/> - provides access specifically to fiscal information. The Federal Senate also has a transparency portal - <http://www.senado.gov.br/transparencia/> - with the purpose of providing administrative, lawmaking, and financial information to the public. The Federal Senate website is a gateway to legal information, specifically the Constitution and legislation.

### Portals:

LexML: This government website seeks to “unify, organize and facilitate the access to legislative and legal information made available in digital form by several bodies of the Executive, Legislative and Judiciary, the Office of the Federal Solicitor General (AGU), and the Office of the General Prosecutor, at the federal, state, municipal, and Federal District levels” - <http://www.lexml.gov.br/>.

Buscalaw.com - <http://www.buscalaw.com/> - is available for free in five languages. It connects users with free legal information, libraries, courts, government agencies, attorneys, and more. Its focus is on Brazil but contains connections to worldwide information.

Latin Laws: Biblioteca Legal Latinoamericana - <http://www.latinlaws.com/country/Brazil/> - redirects users to official Brazilian government websites. This is a great place to start, but the material posted is now a few years old so follow-up research to confirm currency is required.

IberIUS: Red Iberoamericana de Información y Documentación Judicial - [http://www.iberius.net/web/guest/recursos\\_juridicos](http://www.iberius.net/web/guest/recursos_juridicos) - has unofficial, pdf, full-text documents in its collection including important codes and laws, and will also redirect users to government websites for legal documents such as legislation and jurisprudence. The site additionally provides information using graphs and text to explain a country’s judicial organization, individual courts, and other government organs.

NATLEX is the database of the International Labour Organisation - [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en). The focus of NATLEX is on national labor, social security, and related human rights legislation. The records in NATLEX provide abstracts of legislation (with internally hyperlinked documents) and relevant citation information. Full-text pdfs of

scanned original documents are made available when possible as are links to relevant online resources. One can browse by county or subject, or search by keywords and by subject classifications.

ECOLEX is a database of environmental law operated jointly by UN Food and Agricultural Organization (FAO), International Union for Conservation of Nature (IUCN), and the UN Environment Programme (UNEP), and incorporates environmental law holdings from each of these organizations. One can search any number of ways including by country -

<http://www.ecolex.org/ecolex/ledge/view/Common;DIDPFDSIjsessionid=1B0D5F15DBD204B75CFA35CA122CB532>. ECOLEX includes information on treaties, international soft-law and other non-binding policy and technical guidance documents, national legislation, judicial decisions, and law and policy literature. The results are abstracts and citation and indexing information about each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

FAOLEX is the database of the Food and Agricultural Organization of the United Nations - <http://faolex.fao.org/faolex/index.htm>. After selecting one of 15 topics or "all", the user is directed to an advanced search screen where one can focus the search by country among other options. The results are abstracts with citation and indexing information for each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

The Doing Business Law Library hosted by the World Bank - <http://www.doingbusiness.org/law-library> - is the largest free online collection of business laws and regulations. One can search by economy or individual country; results will link to official government sources wherever possible. Translations are generally not official unless indicated otherwise, and although the database is updated regularly, currency is not guaranteed; therefore, further research would be prudent.

### **Constitution:**

The Constituição da República Federativa do Brasil is the supreme law of the land in Brazil. States may create their own constitutions but they are limited by principles set forth in the federal Constitution.

The official Constitution of Brazil is available on the website of the President of the Federal Republic of Brazil - [http://www.planalto.gov.br/ccivil\\_03/Constituicao/Constituicao.htm](http://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm). This Constitution is annotated with references to laws, decrees, and amendments, and even has annotated ~~line-out~~ editing to show recent changes. The annotations are hyperlinked and lead to the law or amendment. There is also a page listing all the Constitutional amendments, hyperlinked to the full-text of the amendment.

The Constitution is also available in official, pdf format on the federal Senate website, in the legislation pages - [http://www.senado.gov.br/legislacao/const/con1988/CON1988\\_05.10.1988/index.shtm](http://www.senado.gov.br/legislacao/const/con1988/CON1988_05.10.1988/index.shtm).

The Chamber of Deputies has the current and all previous Constitutions of Brazil available in html and pdf - [http://www2.camara.gov.br/atividade-legislativa/legislacao/Constituicoes\\_Brasileiras/constituicao1988.html](http://www2.camara.gov.br/atividade-legislativa/legislacao/Constituicoes_Brasileiras/constituicao1988.html). All Constitutional amendments

affecting the current Constitution of 1988 are available as well. The previous Constitutions, including the first Constitution of the Empire of Brazil from 1824, are particularly impressive.

The Political Databases of the Americas at Georgetown University also has the current and past Constitutions available for Brazil in Portuguese, unofficial, html format - <http://pdba.georgetown.edu/Constitutions/Brazil/brazil.html>. The current 1988 Constitution has 2010 reforms incorporated. There is an English version of the 1988 Constitution with 1996 reforms available as well.

The University of Richmond's Constitution Finder - <http://confinder.richmond.edu/> - redirects patrons to Brazilian government and other websites for various iterations of the Constitution from 1967 to 1995.

### **Codes, Laws, Decrees, Resolutions, and other Legal Norms:**

Legislation becomes law forty-five days after it is published in the official gazette, the *Diário Oficial da União*, unless a shorter or longer period is indicated in the legislation. In practice, most legislation has language that makes it effective immediately upon publication in the *Diário Oficial*.

The *Diário Oficial* - <http://portal.in.gov.br/> - is a free resources with an easy to use advanced search option, or easy to navigate pages where one can drill down by type of law and date. It is an official pdf published by the federal government printing office.

The Federal Senate and National Congress gazettes are also available on the Federal Senate website - <http://www6.senado.gov.br/diarios/Diario> - when one can search the full-text pdf by date and/or keyword.

Legislação, the database created and maintained by the website of the President of the Federal Republic of Brazil - <http://www4.planalto.gov.br/legislacao> - provides free access to the Constitution, ordinary laws, complementary laws, codes, statutes, provisional laws, decrees, and more. This database is quite complete. For example, the full-text of ordinary laws is available as far back as 1892; complementary laws from 1962; decrees from 1889; provisional measures from 1988 (the year of the current Constitution); 17 codes dating back to 1850; and more. In addition to having the ability to drill down to find laws by topic or date, there is an advanced search option where one can search by keyword (Boolean-style), type of law, number, date, and/or year. A quick search of *esportes* in 2010 return the full-text of 24 laws, decrees, provisional measures, etc., many pertaining to the upcoming FIFA World Cup 2014. There is a section on historical laws from the colonial and imperial periods. This page will also link one to the official state government legislative websites of Brazil's 26 states and Federal District, as well as the website of the Minister of Foreign Relations for access to international treaties and the federal courts. Most documents are html with no indication of authenticity.

The Federal Senate also has an excellent website dedicated to providing legislation free to the public - <http://www6.senado.gov.br/sicon/>. Here, one can conduct a simple keyword search for a certain type of legislation, or a more advanced search focusing in on one or several types in the complex legislative

scheme, date, and more. One can view the results in full-text html or summary, see the details of the legislation, and find related and previous laws. One can even save select results into a cart and view the search history.

The Chamber of Deputies has Brazilian legislation available and searchable from 1808 to the present - <http://www2.camara.gov.br/atividade-legislativa/legislacao/pesquisa/avancada> . One can search by keyword, number, year, type of law, date, at where the law originated. The imperial laws are scanned pdfs of the print volumes (1808 – 1889); unfortunately the pdfs are not fully searchable due to the poor quality of the print. As the print improves over the years, the documents are more easily searchable. The same is true of the Collection of the Laws of the Republic (1889 – 2000), though these appear fully searchable.

The Global Legal Information Network (GLIN) of the National Library of Congress of the United States of America - <http://www.glin.gov/search.action> - contains English summaries of over 20,000 Brazilian laws from 1934 to about one ago. Most summaries contain full-text, official, and authentic pdf copy of the law as printed in the *Diário Oficial*.

The World Law Guide has a list of Brazilian laws, organized topically, most of which redirect the user to official government websites - <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwebra.htm>. This is a terrific place to look for laws pertaining to a multitude of topics.

### **Legislation by Topic:**

Legislação - <http://www4.planalto.gov.br/legislacao> - is the database maintained by the website of the President of the Federal Republic of Brazil. The database organizes laws by topic, such as access to justice, consumers, crimes, family, sport, etc. There are over 40 topical collections.

Additionally, the website for each ministry provides legislation relevant to its work. There are over two dozen such ministries such as:

- Ministry of Justice - <http://portal.mj.gov.br/data/Pages/MJ5C2A38D7PTBRIE.htm>
- Ministry of the Environment , Ministry of Sport - <http://www.esporte.gov.br/institucional/legislacao/legislacao.jsp>
- Ministry of Mines and Energy - <http://www.mme.gov.br/mme/menu/legislacao.html>
- Special Secretariat for Human Rights - <http://www.direitoshumanos.gov.br/leg>
- Social legislation – SISLEX - <http://www3.dataprev.gov.br/SISLEX/indexpub1280.asp>

The OAS website on Mutual Assistance in Criminal Matters and Extradition has a page for Brazil - <http://www.oas.org/juridico/mla/en/bra/index.html> - wherein texts such as the Brazilian Constitution, the codes of criminal law and criminal procedure, and other relevant national legislation are provided. There are also bilateral extradition and other relevant treaties, as well as multilateral treaties going back to the early 20<sup>th</sup> century. Some of these documents are official pdfs, others are unofficial html, doc, and pdf documents.

## **Jurisprudence:**

*Súmulas vinculantes* are precedential opinions of the Federal Supreme Court, the highest court in Brazil, which have been decided by 2/3 of the justices and formally pronounced as such. All courts must abide by these rulings. Prior to the provision for *súmulas vinculantes* in the 2004 Constitutional amendments (Art. 103-A, Emenda Constitucional 45/2004), there existed a less formal manner of creating non-binding precedent with *súmulas*. *Súmulas* are short, official restatements of the Court's recurrent position on a particular issue of the law which carry great persuasive force and tend to determine the outcome of similar cases.

The Federal Supreme Court acts as a constitutional court specializing in judicial review and acting as the guardian of the Constitution. The Federal Supreme Court engages in both abstract review, for which it has original and exclusive jurisdiction, and concrete review, or appellate jurisdiction. The Superior Tribunal of Justice is the court of cassation. Brazil, as a signatory to the American Convention on Human Rights, submits to the jurisdiction of the Inter-American Court of Human Rights as the court of last instance in relevant matters.

Prior to 1 January 2011, jurisprudence of Brazilian courts was published in the official judicial gazette, *Diário da Justiça*. This gazette has been discontinued and decisions are now published in the *Diário Oficial*.

The Federal Supreme Court website maintains a database where one can search for jurisprudence of the court - <http://www.stf.jus.br/portal/jurisprudencia/pesquisarJurisprudencia.asp> . One can conduct Boolean keyword searches and/or search by case number, judge, date, and/or related legislation (with very specific limits such as type of legislation, article, and paragraph). There is a page dedicated to searching accords issued by the Court which utilizes Boolean searching by keyword only. There is a subject index direct actions of unconstitutionality (ADIs), which can be proposed only by the President and other named individuals defined by statute. One can also search the constitutional jurisprudence of the CPLP (Community of Portuguese Language Countries: Angola, Brazil, Cape Verde, Guinea Bissau, Mozambique, Portugal, São Tomé e Príncipe, and Timor-Leste). There are even several dozen case abstracts available in English, French, and Spanish. There are also pages dedicated to *súmulas* - <http://www.stf.jus.br/portal/cms/verTexto.asp?servico=jurisprudenciaSumula> – and *súmulas vinculantes* - <http://www.stf.jus.br/portal/cms/verTexto.asp?servico=jurisprudenciaSumulaVinculante>. Note the Court has also provided translations for several cases in various languages - <http://www.stf.jus.br/portal/jurisprudenciaTraduzida/jurisprudenciaTraduzida.asp>.

Jurisprudence of the Superior Tribunal of Justice can be accessed with the same searching methodology as the Federal Supreme Court search screen - <http://www.stj.jus.br/SCON/>. There is a separate page for searching annotated summaries of the court.

The Council on Federal Justice administers a portal to national tribunal of uniformity, specialized federal courts - <http://columbo2.cjf.jus.br/juris/tnu/>. There is an advanced search option where one can narrow by number, judge, date, type of decision, and more.

The Superior Court of Labor has their current and resolved cases available online as well as their daily journal - <http://www.tst.gov.br/>. Jurisprudence can be searched by simple keyword and is available in full-text, officially stamped, rich-text format.

The Superior Electoral Court has a broad search option for jurisprudence across the federal and all (or selected) state electoral tribunals - <http://www.tse.gov.br/internet/jurisprudencia/index.htm>. There is a separate search screen for finding the judgments of just the Superior Electoral Court, searchable by date or cause number. The daily gazette from this court is also available in pdf here.

The Superior Military Court has their jurisprudence online and searchable with the same methodology of the other courts – Boolean keyword searching with limits such as case number, judge, date, subject, and/or related legislation - <http://www.stm.jus.br/jurisprudencia>.

The Global Legal Information Network (GLIN) of the national Library of Congress of the United States of America - <http://www.glin.gov/search.action> - contains English summaries of almost 200 records of court decisions from 1996 to about one year ago with the full-text, official, and authentic pdf copy as printed in the *Diário da Justiça*.

#### **Doctrine (Journals, Treatises, Commentary):**

SciELO - <http://www.scielo.br/> - has several Brazilian law journals available online, full-text, including *Revista Direito GV* and *Sur* - [http://www.scielo.br/scielo.php?script=sci\\_subject&lng=en&nrm=iso#subj2](http://www.scielo.br/scielo.php?script=sci_subject&lng=en&nrm=iso#subj2).

Dialnet - <http://dialnet.unirioja.es/> - is an open-access index of journals based at the Universidad de La Rioja, Spain. It contains a large number of Latin American legal journals and articles. One can search for journals or articles using advanced search functions. Some articles and journals are available full-text online from the journal website; a few articles are available full-text from the index.

Redalyc is a database of Latin American and Caribbean journals with full-text, authentic pdfs - <http://redalyc.uaemex.mx/>. Although it does not yet contain any legal journals from Brazil, there are law review articles about Brazil indexed and available in the database.

Latindex - <http://www.latindex.unam.mx/> - provides bibliographic information for Latin American journals, such as the *Revista Brasileira de Ciências Jurídicas*, but does not provide a database to search for articles within the journals nor does it provide full-text access to journal content.

A collection of open access journals from Latin America, including Brazil, can be found on the website of the University of Fribourg, Switzerland - <http://www.unifr.ch/ddp1/derechopenal/?menu=revistas>, and another at the Library of the Uruguayan Association of *Escribanos* - <http://biblioteca.aeu.org.uy/iah/revistasonline.asp>.



## Treaties:

This open access website of the Minister of Foreign Relations has a page dedicated to bilateral accords currently in force organized by country - <http://www2.mre.gov.br/dai/bilaterais.htm>. Most treaties promulgated in the last ten to twenty years are available in full-text; older full-text availability is spotty. One can also search for both bilateral and multilateral treaties in force by topic - <http://www2.mre.gov.br/dai/quadros.htm>.

The Organization of American States (OAS) - [http://www.oas.org/DIL/treaties\\_and\\_agreements.htm](http://www.oas.org/DIL/treaties_and_agreements.htm) - has a list of bilateral and multilateral treaties between and among countries in the Americas focusing on extradition, drug trafficking, and international criminal law. One can browse alphabetically or search by keyword.

The United Nations Treaty Collection - <http://treaties.un.org/> - contains the full-text, official, scanned pdf of all multilateral treaties deposited with the United Nations. One can search by popular name, keyword, United Nations Treaty Series (UNTS) volume, or country.

## Commercial Databases:

Editora Saraiva - <http://www.saraivadata.com.br/> - contains legislation, jurisprudence, and doctrine.

The print journal, *Editora Revista dos Tribunais*, has been in circulation since 1912 - <http://www.rt.com.br/> - and is now available online. It recently combined with Thomson Reuters to create *Revista dos Tribunais Online* - <http://www2.revistasrtonline.com.br/revistasrtonline/>. It launched April 7, 2011, incorporating all issues of the *Revista* since 1912.

vLex - <http://vlex.com/jurisdictions/BR> - has quite good coverage of Brazilian legal material in an organized, easy to locate, searching system. They have a number of codes and laws, decrees, regulations, etc., as well as the decisions of the courts that are available from the various individual tribunal websites. vLex allows users to search across courts or focus on one or more. There are also a growing number of law reviews and social science journals available. There are no official pdfs; all results are unofficial html or vLex-generated pdfs. Instant Google translation is available.

The InterAm database has a collection of important Brazilian legislation and case law - <http://natlaw.com/interam/br/> - including the early civil codes from 1850 and 1916. The site is not comprehensive but the material is easy to find and retrieve. The documents are pdfs, some official, but most are unofficial pdfs prepared by the National Law Center for Inter-American Free Trade.

The Index to Foreign Legal Periodicals (IFLP) is a subscription database that indexes foreign journals from all over the world including about 25 from Latin America - <http://www.law.berkeley.edu/library/iflp/>. IFLP indexes several journals from Brazil including *Revista Forense: Mensário Nacional de Doutrina, Jurisprudência e Legislação* and *Revista Brasileira de Direito Comparado*.

Kluwer Arbitration - <http://www.kluwarbitration.com/BITs-countries.aspx> - has a database of all bilateral investment treaties including those from Latin American countries. Most of the BITs are available in full-text html. The database also contains national implementation legislation. Although one can search in English, the results are in the vernacular.

## LA REPÚBLICA DE CHILE / THE REPUBLIC OF CHILE

### Law of Transparency:

In 2008, Chile adopted a law on transparency, *Access to Public Information* - <http://www.diariooficial.cl/actualidad/2008/11/20285.html> - wherein Article 7 specifically requires all public organizations to publish certain information including legal norms, resources, employment, and other information pertaining to its work on its website. The law was implemented in 2009.

### Portals:

The Chilean government has a portal with links to all its government ministries, commissions, foundations, institutes, and other agencies - <http://www.gobiernodechile.cl/sitios-del-gobierno/>.

Latin Laws: Biblioteca Legal Latinoamericana - <http://www.latinlaws.com/country/Chile/> - redirects users to official Chilean government websites and other unofficial databases. This is a great place to start, but the material posted is now a few years old so follow-up research to confirm currency is required.

IberIUS: Red Iberoamericana de Información y Documentación Judicial - [http://www.iberius.net/web/guest/recursos\\_juridicos](http://www.iberius.net/web/guest/recursos_juridicos) - has unofficial, pdf, full-text documents in its collection including important codes and laws, and will also redirect users to government websites for legal documents such as legislation and jurisprudence. The site additionally provides information using graphs and text to explain a country's judicial organization, individual courts, and other government organs.

NATLEX is the database of the International Labour Organisation - [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en). The focus of NATLEX is on national labor, social security, and related human rights legislation. The records in NATLEX provide abstracts of legislation (with internally hyperlinked documents) and relevant citation information. Full-text pdfs of scanned original document are made available when possible as are links to relevant online resources. One can browse by country or subject, or search by keywords and by subject classifications.

ECOLEX is a database of environmental law operated jointly by UN Food and Agricultural Organization (FAO), International Union for Conservation of Nature (IUCN), and the UN Environment Programme (UNEP), and incorporates environmental law holdings from each of these organizations. One can search any number of ways including by country - <http://www.ecolex.org/ecolex/ledge/view/Common;DIDPFDSIjsessionid=1B0D5F15DBD204B75CFA35CA122CB532>. ECOLEX includes information on treaties, international soft-law and other non-binding policy and technical guidance documents, national legislation, judicial decisions, and law and policy literature. The results are abstracts and citation and indexing information about each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

FAOLEX is the database of the Food and Agricultural Organization of the United Nations - <http://faolex.fao.org/faolex/index.htm>. After selecting one of 15 topics or “all”, the user is directed to an advanced search screen where one can focus the search by country among other options. The results are abstracts with citation and indexing information for each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

The Doing Business Law Library hosted by the World Bank - <http://www.doingbusiness.org/law-library> - is the largest free online collection of business laws and regulations. One can search by economy or individual country; results will link to official government sources wherever possible. Translations are generally not official unless indicated otherwise, and although the database is updated regularly, currency is not guaranteed; therefore, further research would be prudent.

### **Constitutions:**

The Chilean Constitution of 1980 with reforms and amendments through 2005 is the supreme law of Chile.

Chile’s National Library of Congress (BCN) - <http://www.bcn.cl/> - is a fantastic resource for Chilean law including the Constitution - <http://www.leychile.cl/Navegar?idNorma=30289>. The National Library makes appropriate changes to its digital collection, including the Constitution, on the very day that new laws and amendments appear in the *Diario Oficial de la República de Chile*, Chile’s daily official gazette.

Chile’s constitution can also be found on the websites of the Senate - [http://www.senado.cl/prontus\\_senado/site/edic/base/port/constitucion.html](http://www.senado.cl/prontus_senado/site/edic/base/port/constitucion.html) , the Chamber of Deputies - [http://www.camara.cl/camara/camara\\_LOC.aspx](http://www.camara.cl/camara/camara_LOC.aspx), and the *Diario Oficial* - <http://www.diarioficial.cl/actualidad/relacion/alegisla/cpe/indcpr.htm> ,

Open access databases that hold the Chilean Constitution include the University of Richmond - <http://confinder.richmond.edu/admin/docs/Chile.pdf> - and the Political Databases of the Americas - <http://pdba.georgetown.edu/constitutions/chile/chile.html>.

Although the website, *Constituciones Hispanoamericanas* - <http://bib.cervantesvirtual.com/portal/constituciones/constituciones.shtml> - has not been updated since 2005, it is still a good source of constitutions going back to the days of independence, i.e. early 19<sup>th</sup> century. The most recent constitution for Chile is the 1980 Constitution with the reforms of 2001. All documents are unofficial, full-text, html.

### **Codes, Laws, *Proyectos*, Decrees, Resolutions, Regulations, and other Legal Norms:**

Proposed legislation interpreting or amending the Constitution must be reviewed by the Constitutional Court. After completing the legislative process - <http://www.bcn.cl/ecivica/formacion> - it is published in the *Diario Oficial* at which time it immediately becomes law unless otherwise indicated in the legislation.

The *Diario Oficial de la República de Chile*, was founded in 1877 and is now published online - <http://www.diariooficial.cl/>. Full-text requires a subscription but the summaries and index are free.

BCN Ley Chile is a complex and comprehensive database of legal information that is updated daily as reforms, amendments, and new laws are printed in the *Diario Oficial*. It has a page of all laws in currently in force in Chile organized by institution - <http://www.leychile.cl/Consulta/agrupadores?tipCat=1&lx=t>. Each institution's laws are organized by type of law (legislation, decree, norm, treaty, etc.), and then organized alphabetically, and again by number. One can also toggle the chart headings to organize chronologically. Each law has internal hyperlinks so one can see and access modifications, compiled texts, concordances, and regulations. Documents are available in BCN-certified, searchable pdf.

On another BCN Ley Chile page is a highlighted selection of laws - <http://www.leychile.cl/Consulta/agrupadores?tipCat=0> - organized by laws most requested, laws by theme, most recent laws, selected treaties, and laws for various commissions (e.g. Commission on the Economy, Commission on the Family, etc.). It is within these pages that one can easily drill down to the Chilean codes, Constitution, and common regulations and laws. Results are further organized by type of law or by number. BCN Ley Chile also has both simple and advanced search screens where one can search by keyword, type of law, organization, and date. They are organized by topic and again by number. Each law has a separate page for amendments, concordance, and related jurisprudence.

The BCN main website has several pages designed to help citizens navigated and familiarize themselves with the law, including a page called "The Law Easy" - <http://www.bcn.cl/guias/index.html> - which has a hyperlinked list of alphabetical topics which leads to a page that explains the topic and its applicable laws in layman's term.

The national Congress website has a page dedicated to the legislative process in order to facilitate transparency and involve Chile's citizens in the process - <http://sil.congreso.cl/pags/index.html>. This database includes the legislative history of laws introduced in Congress since 1990 as well as documents pertaining to pending legislation, including transcripts of discussions, reports, and other relevant documents. This database combines legislation introduced by senators as well as deputies.

The Senate website contains a chronological list of laws - <http://www.senado.cl/appsenado/index.php?mo=proyectos&ac=leyes> - as well as documents related to the daily goings-on in the Senate sessions and commissions. One can search the attendance and voting records of the senators, and read the transcripts of individual senators or entire debates. Results are organized chronologically or one can search for debate transcripts by senator or proposed law.

A similar database is available on the website of the Chamber of Deputies - [http://www.camara.cl/pley/pley\\_buscador.aspx](http://www.camara.cl/pley/pley_buscador.aspx). Like the Senate website, one can search the proposed legislation for details, voting records, and related documents.

The World Law Guide has a list of Chilean laws, organized topically, most of which redirect the user to BCN Ley Chile or other official government websites -

<http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwepar.htm>. This is a terrific place to look for laws pertaining to a multitude of topics.

The Global Legal Information Network (GLIN) of the national Library of Congress of the United States of America - <http://www.glin.gov/search.action> - contains English summaries of over 8,000 Chilean laws from 1949 to about 6 months ago; there is no full-text available but each summary provides hyperlinked related laws and bibliographic information for easy location in the *Diario Oficial*.

### **Legislation by Topic:**

Chilean ministries, agencies, and commissions generally make available relevant laws in full-text, pdf, on their respective websites in compliance with the federal transparency and access to information law. A few examples are:

The Chilean Internal Revenue Service has a webpage dedicated to the laws, regulations, and jurisprudence, and international treaties related to tax - <http://www.sii.cl/pagina/jurisprudencia/legis.htm>. The tax regulations are organized together with circulars, resolutions, with instructions, reports, and administrative interpretations. The jurisprudence is arranged by code article and topic.

The Court of Audit has all relevant legislation, decrees, etc. on their website - [http://www.contraloria.cl/NewPortal2/portal2/appmanager/portalCGR/v3ESP?\\_nfpb=true&\\_pageLabel=P18200239681286226265111](http://www.contraloria.cl/NewPortal2/portal2/appmanager/portalCGR/v3ESP?_nfpb=true&_pageLabel=P18200239681286226265111).

A database dedicated to elections in Chile has all the electoral laws available in BCN-certified pdfs - <http://www.electoral.cl/frontend/index.php>.

The Minister of Mining has webpages dedicated to domestic laws - <http://www.minmineria.gob.cl/574/w3-propertyvalue-1946.html>, including the full-text of the mining code, decrees, and regulations. A different section makes available domestic and international laws pertaining to mining and the environment - <http://www.minmineria.gob.cl/574/w3-propertyvalue-1990.html>. The documents are searchable pdfs but there is no certification or stamp of authenticity.

The website of the Superintendent of Banks and Financial Institutions in Chile has a website with official, certified pdfs in Spanish and some English of the banking and financial laws, circulars, and other norms - <http://www.sbif.cl/sbifweb/servlet/LeyNorma?indice=3.0>.

Insurance laws can be found on the website of the Superintendent of Insurance - [http://www.svs.cl/sitio/legislacion\\_normativa/legislacion\\_normativa.php](http://www.svs.cl/sitio/legislacion_normativa/legislacion_normativa.php).

The OAS website on Mutual Assistance in Criminal Matters and Extradition has a page for Chile - <http://www.oas.org/juridico/mla/sp/chl/index.html> - wherein texts such as the Chilean Constitution, the codes of criminal law and criminal procedure, and other relevant national legislation are provided.

There are also bilateral extradition and other relevant treaties, as well as multilateral treaties going back to the early 20<sup>th</sup> century. Some of these documents are official pdfs, others are unofficial html, doc, and pdf documents.

The website of the Andean Commission of Jurists, a highly-respected human rights organization based in Lima, Peru - <http://www.cajpe.org.pe/> - has a tab for legislation and jurisprudence but the material therein is now outdated. A note on that page tells readers that the Network of Juridical Information (RIJ) is being updated with the last update July 2008. Thus, the information found, such as legislation from the individual Andean nations (Bolivia, Chile, Colombia, Ecuador, Peru, and Venezuela) is not up-to-date but is still accessible, as is jurisprudence from constitutional courts, and many webpages explaining various aspects of national and international law. Hopefully the updating of this valuable tool that brings together multinational and international legal information will be completed soon.

### **Jurisprudence:**

The Supreme Court and the Constitutional Court are the highest courts in Chile. The Supreme Court acts as a court of cassation. The Constitutional Court reviews treaties and certain laws for constitutionality before becoming law, and resolves contentious matters in the court system involving constitutional issues. Despite the civil law tradition in Chile, jurisprudence of these highest courts has evolved over many years and is now given significant weight when an established pattern of related rulings can be discerned. Chile, as a signatory to the American Convention on Human Rights, submits to the jurisdiction of the Inter-American Court of Human Rights as the court of last instance in relevant matters.

The Constitutional Court of Chile has a webpage with the Constitution (redirects user to Ley Chile) and norms and regulations. There is a separate page for searching the Court's resolved cases, or sentences - [http://www.tribunalconstitucional.cl/index.php/sentencias/busca\\_basico](http://www.tribunalconstitucional.cl/index.php/sentencias/busca_basico) . One can do a simple keyword search, an advanced search, or browse by year or the most recent sentences. The posting of sentences is completely up to date. One can also search the orders pertaining to matters currently before the court.

The federal judicial branch (Poder Judicial) website - [http://www.poderjudicial.cl/modulos/TribunalesPais/TRI\\_Contexto.php?opc\\_menu=2&opc\\_item=0](http://www.poderjudicial.cl/modulos/TribunalesPais/TRI_Contexto.php?opc_menu=2&opc_item=0) - contains the resolutions of matters heard before the Supreme Court as well as the appellate courts, courts of first instance, and the military tribunals. There are advanced search options to guide one through this free but somewhat complex database. One can also search for information on matters currently in the federal court system, excluding juvenile, victim, and witness information - [http://www.poderjudicial.cl/modulos/InformacionCausas/INF\\_Contexto.php?opc\\_menu=7&opc\\_item=0](http://www.poderjudicial.cl/modulos/InformacionCausas/INF_Contexto.php?opc_menu=7&opc_item=0) . Causes are organized by type or court (e.g. family, penal, labor, civil), and it is helpful to know a party's name or the case number.

The Chilean Internal Revenue Service has a webpage dedicated to the laws, regulations, jurisprudence, and international treaties related to tax - <http://www.sii.cl/pagina/jurisprudencia/legis.htm>. The tax regulations are organized together with circulars and resolutions, and with instructions, reports, and administrative interpretations. The jurisprudence is arranged by code article and topic.

### **Doctrine (Journals, Treatises, Commentary):**

SciELO - <http://www.scielo.cl/> - has several Chilean law journals available online, full-text, including *Ius et Praxis*, *Estudios Constitucionales*, *Revista Chilena de Derecho Privado*, and more - [http://www.scielo.cl/scielo.php?script=sci\\_subject&lng=es&nrm=iso#subj5](http://www.scielo.cl/scielo.php?script=sci_subject&lng=es&nrm=iso#subj5). Several journals available on SciELO are also available in Redalyc - <http://redalyc.uaemex.mx/>.

Dialnet - <http://dialnet.unirioja.es/> - is an open-access index of journals based at the Universidad de La Rioja, Spain. It contains a large number of Latin American legal journals and articles. One can search for journals or articles using advanced search functions. Some articles and journals are available full-text online from the journal website; a few articles are available full-text from these indices.

Latindex - <http://www.latindex.unam.mx/> - provides bibliographic information for Latin American journals, such as the Chilean journals, *Anuario de Derecho Administrativo* and *Justicia y Derecho*, but does not provide a database to search for articles within the journals nor does it provide full-text access to journal content.

A collection of open access journals from Latin America, including Chile, can be found on the website of the University of Fribourg, Switzerland - <http://www.unifr.ch/ddp1/derechopenal/?menu=revistas>.

### **Treaties:**

BCN Ley Chile has all Chile's bilateral treaties online, full-text, from 1810 to today - [http://www.leychile.cl/Consulta/buscador\\_tratados](http://www.leychile.cl/Consulta/buscador_tratados). One can search by time period, country, type, and/or international organization. Results are full-text html and BCN-certified searchable pdf.

The *Diario Oficial* has about a half-dozen treaties that they have co-edited and are available free, full-text, in ebook format - <http://www.diariooficial.cl/> (go to Biblioteca Jurídica).

The Organization of American States (OAS) - [http://www.oas.org/DIL/treaties\\_and\\_agreements.htm](http://www.oas.org/DIL/treaties_and_agreements.htm) - has a list of bilateral and multilateral treaties between and among countries in the Americas focusing on extradition, drug trafficking, and international criminal law. One can browse alphabetically or search by keyword.

The United Nations Treaty Collection - <http://treaties.un.org/> - contains the full-text, official, scanned pdf of all multilateral treaties deposited with the United Nations. One can search by popular name, keyword, United Nations Treaty Series (UNTS) volume, or country.



### Commercial Databases:

The InterAm database - <http://natlaw.com/interam/ch/> - contains many laws, a few English translations, and a collection of jurisprudence that cites Chilean law. The documents are pdfs, some official, but most are unofficial pdfs prepared by the National Law Center for Inter-American Free Trade.

vLex - <http://vlex.com/jurisdictions/CL> - contains Chilean legislation organized by date, type, ministry, and organization; court decisions of the Constitutional Court, Supreme Court, and other appellate, administrative, and specialty courts; a handful of law journals including the important *Revista de Derecho y Jurisprudencia y Gaceta de los Tribunales*. All material is unofficial html and vLex-generated pdfs; there are no official pdfs. Instant Google translation is available.

Microjuris - <http://www.microjuris.cl/> - provides full-text, unofficial legislation, jurisprudence, and doctrine. The collection of jurisprudence includes decisions from the Constitutional Court, the Supreme Court, and other federal and regional courts. Legislation also includes both federal and regional laws. Searching across material (legislation, jurisprudence, doctrine) can be done by keyword search and narrowed by type and date range. Related documents of all types are noted and hyperlinked.

Westlaw Chile - <http://www.westlaw.cl/> - also known as Puntalex (Westlaw Chile) - <http://www.puntalex.cl> - contains legislation, jurisprudence, doctrine.

The Index to Foreign Legal Periodicals (IFLP) is a subscription databases that indexes foreign journals from all over the world including about 25 from Latin America - <http://www.law.berkeley.edu/library/iflp/>. IFLP indexes several journals from Chile including *Revista Chilena de Derecho* and *Revista de Derecho y Jurisprudencia y Gaceta de los Tribunales*.

Kluwer Arbitration - <http://www.kluwerarbitration.com/BITs-countries.aspx> - has a database of all bilateral investment treaties including those from Latin American countries. Most of the BITs are available in full-text html. The database also contains national implementation legislation. Although one can search in English, the results are in the vernacular.

Constitutions of the Countries of the World, recently purchased by Oxford University Press from Oceana, contains unofficial English translations of many past and current constitutions including those from Latin America - <http://www.oceanalaw.com/default.asp>. Although Chile's 1980 Constitution with 2005 amendments is available, the 2010 reforms are not yet posted.

LegalPublishing - <http://www.legalpublishing.cl/> - is one of the oldest commercial databases and recently merged with Thomson Reuters. This databases has laws, jurisprudence, and other legal material.

## REPÚBLICA DE COLOMBIA / REPUBLIC OF COLOMBIA

### Law of Transparency:

Colombia was two decades ahead of its South American neighbors when it enacted Law 57 of 1985, obligating government entities to publish legal acts and official documents - [http://www.unal.edu.co/secretaria/normas/ex/L0057\\_85.pdf](http://www.unal.edu.co/secretaria/normas/ex/L0057_85.pdf). Article 112 of Colombia's Constitution also guarantees access to public information although it stops short of obligating governmental entities to proactively publish such information.

### Portals:

Latin Laws: Biblioteca Legal Latinoamericana - <http://www.latinlaws.com/country/Colombia/> - redirects users to official Colombian government websites and other unofficial databases. This is a great place to start, but the material posted is now a few years old so follow-up research to confirm currency is required.

IberIUS: Red Iberoamericana de Información y Documentación Judicial - [http://www.iberius.net/web/guest/recursos\\_juridicos](http://www.iberius.net/web/guest/recursos_juridicos) - has unofficial, pdf, full-text documents, in its collection including important codes and laws, and will also redirect users to government websites for legal documents such as legislation and jurisprudence. The site additionally provides information using graphs and text to explain a country's judicial organization, individual courts, and other government organs.

NATLEX is the database of the International Labour Organisation - [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en). The focus of NATLEX is on national labor, social security, and related human rights legislation. The records in NATLEX provide abstracts of legislation (with internally hyperlinked documents) and relevant citation information. Full-text pdfs of scanned original document are made available when possible as are links to relevant online resources. One can browse by county or subject, or search by keywords and by subject classifications.

ECOLEX is a database of environmental law operated jointly by UN Food and Agricultural Organization (FAO), International Union for Conservation of Nature (IUCN), and the UN Environment Programme (UNEP), and incorporates environmental law holdings from each of these organizations. One can search any number of ways including by country - <http://www.ecolex.org/ecolex/ledge/view/Common;DIDPFDSIjsessionid=1B0D5F15DBD204B75CFA35CA122CB532>. ECOLEX includes information on treaties, international soft-law and other non-binding policy and technical guidance documents, national legislation, judicial decisions, and law and policy literature. The results are abstracts and citation and indexing information about each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

FAOLEX is the database of the Food and Agricultural Organization of the United Nations - <http://faolex.fao.org/faolex/index.htm>. After selecting one of 15 topics or "all", the user is directed to

an advanced search screen where one can focus the search by country among other options. The results are abstracts with citation and indexing information for each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

The Doing Business Law Library hosted by the World Bank - <http://www.doingbusiness.org/law-library> - is the largest free online collection of business laws and regulations. One can search by economy or individual country; results will link to official government sources wherever possible. Translations are generally not official unless indicated otherwise, and although the database is updated regularly, currency is not guaranteed; therefore, further research would be prudent.

### **Constitution:**

The Constitution is the law of the land in Colombia; it supersedes all other laws. The current Constitution was promulgated in 1991 and was amended most recently in 2005.

The website of the President has an official pdf version of the current Colombian Constitution - [http://wsp.presidencia.gov.co/Normativa/Documents/ConstitucionPoliticaColombia\\_20100810.pdf](http://wsp.presidencia.gov.co/Normativa/Documents/ConstitucionPoliticaColombia_20100810.pdf).

The Political Databases of the Americas at Georgetown University also has the current and several older Constitutions available in unofficial html format - <http://pdba.georgetown.edu/Constitutions/Colombia/colombia.html>. Colombia's 1991 Constitution with 2005 reforms and 2009 reforms are available.

The University of Richmond Constitution Finder - <http://confinder.richmond.edu/> - redirects patrons to Colombia's 1991 Constitution with all amendments up to 2005, and hosts an unofficial English version of the 1991 Constitution.

Although the website, Constituciones Hispanoamericanas - <http://bib.cervantesvirtual.com/portal/constituciones/constituciones.shtml> - has not been updated since 2005, it is still a good source of constitutions going back to the days of independence, i.e. early 19<sup>th</sup> century. Colombia's 1991 Constitution with 2003 amendments is notably absent. All documents are unofficial, full-text, html.

### **Codes, Laws, *Proyectos*, Regulations, Resolutions, and other Legal Norms:**

After completing the legislative process - [http://ciruelo.uninorte.edu.co/pdf/derecho/20/15\\_La%20rama%20legislativa%20del%20poder%20publico%20en%20Colombia.pdf](http://ciruelo.uninorte.edu.co/pdf/derecho/20/15_La%20rama%20legislativa%20del%20poder%20publico%20en%20Colombia.pdf) - laws, decrees, resolutions, and regulations must be published in the *Diario Oficial* before they become binding. They take effect immediately upon publication unless a later date is specified in the legislation.

The *Diario Oficial* (founded 1864) is online in official pdf and provided free to the public by the government printing office -

[http://servoaspr.imprenta.gov.co/portal/page?\\_pageid=416,427758&\\_dad=portal&\\_schema=PORTAL](http://servoaspr.imprenta.gov.co/portal/page?_pageid=416,427758&_dad=portal&_schema=PORTAL).

The free archives go back to 2001.

The website of the President of Colombia has all the current decrees organized chronologically and in full-text, scanned, official, authentic pdf -

<http://wsp.presidencia.gov.co/Normativa/Decretos/2011/Paginas/Mayo.aspx> - and links users to previous websites for the older decrees, also pdf -

<http://web.presidencia.gov.co/decretoslinea/index.htm> (2007-2010) and

[http://www.presidencia.gov.co/prensa\\_new/decretoslinea/](http://www.presidencia.gov.co/prensa_new/decretoslinea/) (1990 – 2006). Laws are available in

chronological order for 2010-2011 in full-text, scanned, official, authentic pdf, as are presidential directives. A list of norms governing different offices within the executive branch are also referenced in these pages.

The website of the Senate provides a chronological list and the full-text of all current *proyectos* or laws proposed in the Senate - <http://www.senado.gov.co/az-legislativo/proyectos-de-ley> - in official, scanned pdf format. Also available is the official *Gaceta del Congreso* (congressional gazette) that publishes the

*proyectos* as well as the *Ponencias* (debates) over the *proyectos* - <http://www.senado.gov.co/az-legislativo/ponencias>.

Under the *Proceso Legislativo* tab of the House of Representatives - <http://www.camara.gov.co/> - one can find *proyectos* back to 2003 as well as many *ponencias*, all available in doc format with no signs of being official or authentic. Under this same tab, one can also access historical laws and find links to other legal websites and databases discussed herein. The website's search engine is currently not functioning, so browsing the above-mentioned material is necessary.

The Banco de la República (national bank of Colombia) offers a free database, Juriscol -

<http://juriscol.banrep.gov.co/> - where users can find laws of the republic from 1964 to present, and decrees from 1982 to present. The material is presented in unofficial, html format, with full citation to the *Diario Oficial* and hyperlinks to the laws modified by the current act. The site administrator reports (in a personal communication on 26 May 2011) that the Bank is working to upload the jurisprudence of the Constitutional Court from its inception in 1992, and jurisprudence from the Supreme Court and Council of State that are relevant to the Bank going back to the Bank's creation in 1923.

enColombia.com - <http://www.encolombia.com/derecho/Derecho-Leyes.htm> - provides free unofficial html versions of all the Colombian codes. Currency is unknown.

The World Law Guide has a list of Colombian laws, organized topically, most of which redirect the user to official government websites - <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwecol.htm>. This is a terrific place to look for laws pertaining to a multitude of topics.

English summaries with citations to the *Diario Oficial* of over 10,000 Colombian laws over the last 60 or so years are available on the Global Legal Information Network (GLIN) of the national Library of Congress

of the United States of America - <http://www.glin.gov/search.action>. No full-text is available. The summaries list related laws and legal resources where available.

### **Legislation by Topic:**

Several government offices and ministries make relevant decrees, laws, resolutions, and other legal material available on their website. A few examples are:

The website of the Office of the Prosecutor General - <http://fgn.fiscalia.gov.co:8080/> - contains relevant House and Senate *proyectos*, both approved and in process, with citations to the corresponding debates in the *Gaceta del Congreso*. One can also find the administrative acts promulgated by the Office of the Prosecutor.

Similarly, the National Unity of Prosecutors for Justice and Peace has a section devoted to laws, decrees, and jurisprudence relevant to civil life - <http://www.fiscalia.gov.co/justiciapaz/LeyesCivil.htm> - as well as relevant treaties, criminal law, and other court decisions. All material is available in full-text, unofficial html or pdf.

The Office of the Attorney General, which safeguards the rule of law, the Constitution, and democracy, and monitors ethical issues and violations among the country's leaders, has a database where one can locate circulars, directives, resolutions, disciplinary decisions, and other documents it produces - <http://relatoria.procuraduria.gov.co/html/consulta.htm>. The documents are available in doc format (but the URLs are defective; one has to eliminate manually from the URL the second "\\relatoria.procuraduria.gov.co\" to access the documents. The office also produces a monthly report that contains a summary of recent legislation, high court decisions, and other new legal material relevant to the work of the office - <http://relatoria.procuraduria.gov.co/flasjuridico.html>. An official version of the disciplinary code is also available in this database.

The Ministry of Housing and Public Credit has a virtual library - <http://www.minhacienda.gov.co/MinHacienda/elministerio/bibliotecavirtual> - that contains relevant decrees from 2006 and resolutions from 2005, organized chronologically and available in full-text html. Also available are scanned pdfs of the original CONFIS circulars back to 1991; CONFIS is an internal organ that directs and oversees Colombia's fiscal policy and budget.

On the website of the Ministry of Agriculture and Rural Development - <http://www.minagricultura.gov.co/inicio/default.aspx> - under the tab *Normativa* tab, one can find a handful of relevant laws (the oldest from 1913) and current *proyectos*, and many decrees and resolutions (from 2005 to current) as scanned pdfs of the original documents.

The Ministry of the Environment provides a chart of relevant 2011 laws, decrees and resolutions linking to the full-text, scanned pdfs of the original official documents - <http://www.minambiente.gov.co/contenido/contenido.aspx?catID=471&conID=3970>. The chart has columns that explain: the law's affected sections within the ministry; a summary of the law; and where

it is published. The website also has a search engine -

<http://www.minambiente.gov.co/descarga/descarga.aspx> - whereby one can search for current and historical laws, decrees, resolutions, and other relevant legal documents, most of which are scanned pdfs of the original legal documents.

The Ministry of Commerce, Industry, and Tourism has a well-developed and extensive legal collection going back many years of its own circulars and resolutions, and relevant decrees, laws, proposed laws, jurisprudence, norms, and free trade agreements -

<http://www.mincomercio.gov.co/eContent/NewsDetail.asp?ID=6018#>. There is an index (results are not full-text but rather citations to the *Diario Oficial*) that allows users to search across types of legal material, or focus on type of norm, number, and keyword. There is also a bibliographical index and searchable by subject, author, country or document type; a link to full-text is provided when available.

There are many more ministries that have laws, decrees, and resolutions pertinent to their work available on their respective websites, generally under the *Normativa* or similar tab.

The OAS website on Mutual Assistance in Criminal Matters and Extradition has a page for Colombia - <http://www.oas.org/juridico/mla/en/col/index.html> - wherein texts such as the Colombian Constitution, the codes of criminal law and criminal procedure, and other relevant national legislation are provided. There are also bilateral extradition and other relevant treaties, as well as multilateral treaties going back to the early 20<sup>th</sup> century. Some of these documents are official pdfs, others are unofficial html, doc, and pdf documents.

The website of the Andean Commission of Jurists, a highly-respected human rights organization based in Lima, Peru - <http://www.cajpe.org.pe/> - has a tab for legislation and jurisprudence but the material therein is a now outdated. A note on that page tells readers that the Network of Juridical Information (RIJ) is being updated with the last update July 2008. Thus, the information found, such as legislation from the individual Andean nations (Bolivia, Chile, Colombia, Ecuador, Peru, and Venezuela) is not up-to-date but is still accessible, as is jurisprudence from constitutional courts, and many webpages explaining various aspects of national and international law. Hopefully the updating of this valuable tool that brings together multinational and international legal information will be completed soon.

### **Jurisprudence:**

There are four roughly co-equal highest courts in Colombia each with unique jurisdiction: the Constitutional Court, the Supreme Court of Justice, the Council of State, and the Superior Council of the Judiciary. The decisions of the Constitutional Court are published in the official *Gaceta de la Corte Constitucional* (since 1992); those of the Supreme Court of Justice in the official *Gaceta Judicial* (since 1915); and those of the Council of State in the official *Anales del Consejo de Estado*.

Although the law of Colombia is not derived from judicial opinions, there has been considerable discussion lately over the existence and role of precedent in the Colombian judiciary especially in the

human rights jurisprudence from the Constitutional Court. One such contention is that a single decision from the Constitutional Court should be followed by lower courts and in subsequent decisions of the Constitutional Court. Another contention is that three consistent decisions made in similar cases by the Supreme Court of Justice and the Council of State should constitute precedent. Nonetheless, at this time there is no established or formal tradition of precedent in Colombia though the weight given to the decisions of the highest courts is increasing.

As a signatory to the American Convention on Human Rights, Colombia submits to the jurisdiction of the Inter-American Court of Human Rights as the court of last instance in relevant matters.

Jurisprudence of the four high courts can be searched simultaneously, individually, or in any combination on the website of the Judicial Branch - <http://200.74.129.85/Jurisprudencia/consulta/index.html>. The range and breadth of coverage is unclear although the Constitutional Court decisions appear to go back to the Court's creation in 1992. Results are available in html or doc, which displays the crest of the court on each page.

The Constitutional Court of Colombia also has its own website, recently upgraded, revised, and expanded with an improved search engine - <http://www.corteconstitucional.gov.co/relatoria/> - and decisions available from 1992, when the court formed. There is also a nifty index that pulls together into a chart for each matter, the relevant law, decisions, link to the full-text of the decision, subject matter, and case number. The results are in html and rtf, and show no signs of authenticity or of being official.

The Supreme Court of Justice (established in 1887) also has its own website where jurisprudence can be located in a number of independent ways - <http://www.cortesuprema.gov.co/> - such as selecting the hyperlinked case title in the list of most recent decisions, or browsing one of the thematic indices for hyperlinked cases. There is not a search engine available to conduct a thorough and comprehensive search of the Court's opinions. Rather, searching is piecemeal and rather clunky. Still, there is clearly a lot of content available and results are in doc or in pdf, which contain the seal of the Court.

The Superior Council of the Judiciary hears administrative and disciplinary matters. Their decisions are available on their simple website - <http://190.24.134.250/juriswebdis/> - in html. One can search by subject, year, case number, or case name.

### **Doctrine (Journals, Treatises, Commentary):**

The Office of the People's Defender, an independent governmental agency, monitors the actions and omissions of government to defend and ensure human rights and civil liberties for all Colombians. Their Observatory of Constitutional Justice provides commentary on numerous themes relating to human and civil rights - <http://www.defensoria.org/?s=ojc&es=0&a=0> - for groups subject to special protection such as women, children, elderly, handicapped, diverse sexual orientation, indigents, displaced persons, laborers and union workers, and ethnic minorities.

Dialnet - <http://dialnet.unirioja.es/> - is an open-access index of journals based at the Universidad de La Rioja, Spain. It contains a large number of Latin American legal journals and articles. One can search for journals or articles using advanced search functions. Some articles and journals are available full-text online from the journal website; a few articles are available full-text from these indices.

SciELO - <http://www.scielo.org.co/scielo.php> - has a portal for Colombia where four legal journals are indexed and available full-text including *Revista de Derecho* (Universidad del Norte) and *Revista Opinión Jurídica* (Universidad de Medellín).

Redalyc is a database of Latin American and Caribbean journals with full-text, authentic pdfs. It has a section devoted to Colombia - <http://redalyc.uaemex.mx/portales/pais/indices/colombia/IndexColombia.jsp> - and contains several Colombian law journals such as the *Revista Facultad de Derecho y Ciencias Políticas* from the Universidad Pontificia Bolivariana, and *International Law: Revista Colombiana de Derecho Internacional* from the Universidad Pontificia Javeriana.

Latindex - <http://www.latindex.unam.mx/> - provides bibliographic information for Latin American journals, such as the *Revista del Instituto Colombiano de Derecho Procesal*, but does not provide a database to search for articles within the journals nor does it provide full-text access to journal content.

A collection of open access journals from Latin America, including Colombia, can be found on the website of the University of Fribourg, Switzerland - <http://www.unifr.ch/ddp1/derechopenal/?menu=revistas>.

### **Treaties:**

The website of the Constitutional Court of Colombia has a page devoted to multilateral treaties to which Colombia is a party that are relevant to the work of the Court - <http://www.corteconstitucional.gov.co/relatoria/tratados.php>. These treaties are simply listed alphabetically and are available full-text, unofficial, html.

The Organization of American States (OAS) - [http://www.oas.org/DIL/treaties\\_and\\_agreements.htm](http://www.oas.org/DIL/treaties_and_agreements.htm) - has a list of bilateral and multilateral treaties between and among countries in the Americas focusing on extradition, drug trafficking, and international criminal law. One can browse alphabetically or search by keyword.

The United Nations Treaty Collection - <http://treaties.un.org/> - contains the full-text, official, scanned pdf of all multilateral treaties deposited with the United Nations. One can search by popular name, keyword, United Nations Treaty Series (UNTS) volume, or country.



### Commercial Databases:

NOTI.net - <http://www.notinet.com.co/> - is a highly regarded fee-based legal database that provides jurisprudence, norms, codes, and other legal material.

Lex Base: La Base de la Ley - <http://www.lexbase.com/2008Lexbase.asp> - contains an extensive collection of law, jurisprudence, and doctrine including presidential degrees from 1981, current codes and statutes, important laws from 1963, the *Diario Oficial* and *Gaceta del Congreso*, resoluciones, sentences, and jurisprudence.

vLex has a collection for Colombia - <http://vlex.com/jurisdictions/CO> - that includes the *Diario Oficial* from 1979 to the present, and many codes, laws, statutes, and decrees from the 1970s to the present. vLex also has jurisprudence from the Constitutional Court, the Supreme Court of Justice, State Counselor, the Superior Tribunal of Bogotá, and the Administrative Tribunal of Cundinamarca. vLex allows users to search across courts or focus on one or more jurisdiction. All material is unofficial html; there are no official pdfs. Instant Google translation is available.

The Index to Foreign Legal Periodicals (IFLP) - <http://www.law.berkeley.edu/library/iflp/> - indexes one Colombian journal, *Estudios de Derecho*, from the Universidad de Antioquía in Medellín.

Kluwer Arbitration - <http://www.kluwerarbitration.com/BITs-countries.aspx> - has a database of all bilateral investment treaties including those from Latin American countries. Most of the BITs are available in full-text html. The database also contains national implementation legislation. Although one can search in English, the results are in the vernacular.

Constitutions of the Countries of the World, recently purchased by Oxford University Press from Oceana, contains unofficial English translations of many past and current constitutions including those from Latin America - <http://www.oceanalaw.com/default.asp>. An unofficial English version of Colombia's 1991 and subsequent amendments including those of 2005 are available.

The InterAm Database carries some legislation including the full-text of many codes, laws, decrees, and quite a few Constitutional Court decisions - <http://natlaw.com/interam/co/> - as published in the *Diario Oficial*. The documents are pdfs, some official, but most are unofficial and prepared by the National Law Center for Inter-American Free Trade.

## LA REPÚBLICA DEL ECUADOR / THE REPUBLIC OF ECUADOR

### Law of Transparency:

Ecuador implemented its *Law of Transparency and Access to Public Information* in 2004 - <http://www.freedominfo.org/wp-content/uploads/documents/ecuador-spanish.pdf>. The law provides that each governmental entity publish online legal norms that pertain to its work. The law also mandates that the Constitutional Court and the Administrative Court publish their sentences and decisions online. The law has been analyzed by scholars. See, for example - <http://www.ceda.org.ec/descargas/publicaciones/MemoriaForoLOTAIP.pdf>.

Article 91 of Ecuador's Constitution grants a right of action to one who is denied free access to public information. The Constitution stops short, however, of obligating government entities to provide legal and other relevant information in an easily accessible manner.

### Portals:

Latin Laws: Biblioteca Legal Latinoamericana - <http://www.latinlaws.com/country/Ecuador/> - redirects users to official Bolivian government websites and other unofficial databases. This is a great place to start, but the material posted is now a few years old so follow-up research to confirm currency is required.

IberIUS: Red Iberoamericana de Información y Documentación Judicial - [http://www.iberius.net/web/guest/recursos\\_juridicos](http://www.iberius.net/web/guest/recursos_juridicos) - has unofficial, pdf, full-text documents in its collection including important codes and laws, and will also redirect users to government websites for legal documents such as legislation and jurisprudence. The site additionally provides information using graphs and text to explain a country's judicial organization, individual courts, and other government organs.

NATLEX is the database of the International Labour Organisation - [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en). The focus of NATLEX is on national labor, social security, and related human rights legislation. The records in NATLEX provide abstracts of legislation (with internally hyperlinked documents) and relevant citation information. Full-text pdfs of scanned original document are made available when possible as are links to relevant online resources. One can browse by county or subject, or search by keywords and by subject classifications.

ECOLEX is a database of environmental law operated jointly by UN Food and Agricultural Organization (FAO), International Union for Conservation of Nature (IUCN), and the UN Environment Programme (UNEP), and incorporates environmental law holdings from each of these organizations. One can search any number of ways including by country - <http://www.ecolex.org/ecolex/ledge/view/Common;DIDPFDSIjsessionid=1B0D5F15DBD204B75CFA35CA>

[122CB532](#). ECOLEX includes information on treaties, international soft-law and other non-binding policy and technical guidance documents, national legislation, judicial decisions, and law and policy literature. The results are abstracts and citation and indexing information about each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

FAOLEX is the database of the Food and Agricultural Organization of the United Nations - <http://faolex.fao.org/faolex/index.htm>. After selecting one of 15 topics or “all”, the user is directed to an advanced search screen where one can focus the search by country among other options. The results are abstracts with citation and indexing information for each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

The Doing Business Law Library hosted by the World Bank - <http://www.doingbusiness.org/law-library> - is the largest free online collection of business laws and regulations. One can search by economy or individual country; results will link to official government sources wherever possible. Translations are generally not official unless indicated otherwise, and although the database is updated regularly, currency is not guaranteed; therefore, further research would be prudent.

### **Constitution:**

The 2008 Constitution of Ecuador is the supreme law of the land.

Ecuador’s 2008 Constitution can be found on the website of the National Assembly - [http://www.asambleanacional.gov.ec/documentos/constitucion\\_de\\_bolsillo.pdf](http://www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf) .

The Political Database of the Americas at Georgetown has the current (2008) and previous Constitutions of Ecuador available, including an unofficial translation of the new 2008 Constitution - <http://pdba.georgetown.edu/constitutions/ecuador/ecuador.html>.

The University of Richmond’s Constitution Finder - <http://confinder.richmond.edu/> - links to an unofficial html version of the 2008 Ecuadorian Constitution from *El Universal*, a local news source in Guayaquil.

Although the website, Constituciones Hispanoamericanas - <http://bib.cervantesvirtual.com/portal/constituciones/constituciones.shtml> - has not been updated since 2005, it is still a good source of constitutions going back to the days of independence, i.e. early 19<sup>th</sup> century. Although many of Ecuador’s Constitutions are available here (there have been close to 20), notably absent is the most recent in 2008. All documents are unofficial, full-text, html.

### **Codes, Laws, Resolutions, Regulations, and other Legal Norms:**

The official gazette of Ecuador is the *Registro Oficial*. The *Registro Oficial* is issued every day and publishes all laws, decrees, resolutions and other legal norms, at which time a law becomes immediately effective unless otherwise indicated in the legislation.

The *Registro Oficial* is available in unofficial, full-text pdf or html, on La Hora's open access legal website, Revista Judicial -

[http://www.derechoecuador.com/index.php?option=com\\_content&task=view&id=2&Itemid=11](http://www.derechoecuador.com/index.php?option=com_content&task=view&id=2&Itemid=11) - from 2000 – current. Revista Judicial - <http://www.derechoecuador.com/> - also contains the codes and laws of Ecuador in full-text html. La Hora is a commercial newspaper, print and online, that provides free legal information to the public.

The official electronic version of the *Registro Oficial* is available for a fee -

<http://www.registroficial.gob.ec/index.htm>. It is not open access. However, the National Assembly has all the laws of Ecuador available in full-text, pdf from the *Registro Oficial* on its website - <http://www.asambleanacional.gob.ec/>. The laws are ordered chronologically and by subject. Also available are *proyectos*, or laws that are currently proposed and before the National Assembly.

The website of the Presidency contains all the presidential decrees in full-text, pdf -

<http://www.sigob.gov.ec/decretos/>. One can search the over 700 decrees by date, number or keyword. The transparency law also mandates the distribution of financial, legal and other information pertaining to government business. These documents can be found on the President's website, organized topically, as well - [http://www.presidencia.gov.ec/index.php?option=com\\_remository&Itemid=97](http://www.presidencia.gov.ec/index.php?option=com_remository&Itemid=97).

English and Spanish summaries of over 8,000 laws published in the *Registro Oficial* are available on the Global Legal Information Network (GLIN) of the national Library of Congress of the United States of America - <http://www.glin.gov/search.action>. The most recent laws summarized in GLIN were published in the *Registro Oficial* about 6 months earlier. Ecuador publicizes GLIN on its National Assembly page: <http://www.asambleanacional.gov.ec/glin-estacion-ecuador.html>. One can find contact information for the people in the National Assembly who are responsible for GLIN, as well as the guidelines and function of GLIN for Ecuador.

The World Law Guide has a list of Ecuadorian laws, organized topically, most of which redirect the user to official government websites - <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxweecu.htm>. This is a terrific place to look for laws pertaining to a multitude of topics.

### **Legislation by Topic:**

The website of the Subsecretary of Mines has the official mining laws of Ecuador in pdf from the *Registro Oficial* - [http://www.mineriaecuador.com/Paginas/Leg\\_minera.htm](http://www.mineriaecuador.com/Paginas/Leg_minera.htm).

The Ecuadorian IRS has their tax laws on their website - <http://www.sri.gob.ec/web/guest/90> - in doc format with nothing to indicate they are official. One can search by type (law, regulation, resolution, article, decree, circular, treaty), number and/or year.

The Quito Chamber of Commerce has relevant legislation, court decisions, and more on the legal page - [http://www.lacamaradequito.com/index.php?option=com\\_content&task=view&id=17&Itemid=33](http://www.lacamaradequito.com/index.php?option=com_content&task=view&id=17&Itemid=33), including National Court of Justice opinions from the *Registro Oficial*. They have their own Boletín Jurídico in which laws and court decisions are reproduced.

The OAS website on Mutual Assistance in Criminal Matters and Extradition has a page for Ecuador - <http://www.oas.org/juridico/mla/en/ecu/index.html> - wherein texts such as the Ecuadorian Constitution, the codes of criminal law and criminal procedure, and other relevant codes and national legislation are provided. There are also bilateral extradition and other relevant treaties, as well as multilateral treaties going back to the early 20<sup>th</sup> century. Some of these documents are official pdfs, others are unofficial html, doc, and pdf documents.

The website of the Andean Commission of Jurists, a highly-respected human rights organization based in Lima, Peru - <http://www.cajpe.org.pe/> - has a tab for legislation and jurisprudence but the material therein is now outdated. A note on that page tells readers that the Network of Juridical Information (RIJ) is being updated with the last update July 2008. Thus, the information found, such as legislation from the individual Andean nations (Bolivia, Chile, Colombia, Ecuador, Peru, and Venezuela) is not up-to-date but is still accessible, as is jurisprudence from constitutional courts, and many webpages explaining various aspects of national and international law. Hopefully the updating of this valuable tool that brings together multinational and international legal information will be completed soon.

### **Jurisprudence:**

The Constitutional Court and the National Court of Justice are the highest courts of Ecuador. The National Court of Justice acts as a court of cassation through statutorily defined specialized chambers. All sentences of cassation must be published in the *Gaceta Judicial* and constitute precedent for the application of the law. The third reiteration of a sentence of cassation constitutes obligatory jurisprudential precedent for the interpretation and application of the law, except by the Supreme Court. All decisions of the Constitutional Court are published in the *Gaceta Constitucional*. As a signatory to the American Convention on Human Rights, Ecuador submits to the jurisdiction of the Inter-American Court of Human Rights as the court of last instance in relevant matters.

The National Court of Justice website contains the decisions of the federal courts - [http://www.cortesuprema.gov.ec/cn/index.php?option=com\\_wrapper&view=wrapper&Itemid=304](http://www.cortesuprema.gov.ec/cn/index.php?option=com_wrapper&view=wrapper&Itemid=304). One can also find official pdf versions of the cases of triple-iteration - [http://www.cortesuprema.gov.ec/cn/index.php?option=com\\_wrapper&view=wrapper&Itemid=293](http://www.cortesuprema.gov.ec/cn/index.php?option=com_wrapper&view=wrapper&Itemid=293) - as well as other resolutions, agreements, and declarations.

The Revista Judicial website contains the full-text, html, of all 76 cases that were reiterated at least three times between 1995 – 2004 - [http://www.derechoecuador.com/index.php?option=com\\_content&task=view&id=4008&Itemid=410](http://www.derechoecuador.com/index.php?option=com_content&task=view&id=4008&Itemid=410) .

The Constitutional Court of Ecuador - <http://www.corteconstitucional.gov.ec/> - contains all the jurisprudence of the court, including sentences, judgments, and decisions in official, pdf format. There is a link to the *Registro Oficial* from the website but a subscription is required.

### **Doctrine (Journals, Treatises, Commentary):**

Ecuadorian doctrine can be found on the website of Revista Judicial - [http://www.derechoecuador.com/index.php?option=com\\_content&task=section&id=5&Itemid=426](http://www.derechoecuador.com/index.php?option=com_content&task=section&id=5&Itemid=426) .

These are essays, some extensively footnoted, on various aspects of Ecuadorian law.

Manuals on Revista Judicial -

[http://www.derechoecuador.com/index.php?option=com\\_content&task=view&id=4135&Itemid=436](http://www.derechoecuador.com/index.php?option=com_content&task=view&id=4135&Itemid=436) - pertain to knowing one's constitutional rights, and on foreign direct investment.

Forms on various pro se actions can be found on -

[http://www.derechoecuador.com/index.php?option=com\\_content&task=category&sectionid=43&id=333&Itemid=590](http://www.derechoecuador.com/index.php?option=com_content&task=category&sectionid=43&id=333&Itemid=590)

Dialnet - <http://dialnet.unirioja.es/> - is an open-access index of journals based at the Universidad de La Rioja, Spain. It contains a large number of Latin American legal journals and articles. One can search for journals or articles using advanced search functions. Some articles and journals are available full-text online from the journal website; a few articles are available full-text from these indices.

Redalyc is a database of Latin American and Caribbean journals with full-text, authentic pdfs - <http://redalyc.uaemex.mx/>. Although it does not yet contain any legal journals from Ecuador, there are law review articles about Peru indexed and available in the database.

Latindex - <http://www.latindex.unam.mx/> - provides bibliographic information for Latin American journals, such as *Novedades Jurídicas*, but does not provide a database to search for articles within the journals nor does it provide full-text access to journal content.

A collection of open access journals from Latin America, including Ecuador, can found on the website of the University of Fribourg, Switzerland - <http://www.unifr.ch/ddp1/derechopenal/?menu=revistas>.

### **Treaties:**

The Organization of American States (OAS) - [http://www.oas.org/DIL/treaties\\_and\\_agreements.htm](http://www.oas.org/DIL/treaties_and_agreements.htm) - has a list of bilateral and multilateral treaties between and among countries in the Americas focusing on extradition, drug trafficking, and international criminal law. One can browse alphabetically or search by keyword.

The United Nations Treaty Collection - <http://treaties.un.org/> - contains the full-text, official, scanned pdf of all multilateral treaties deposited with the United Nations. One can search by popular name, keyword, United Nations Treaty Series (UNTS) volume, or country.

#### **Commercial Databases:**

vLex - <http://vlex.com/jurisdictions/EC> - has a handful of law articles in English but otherwise has no collection of legal material for Ecuador.

Lexis - <http://www.lexis.com.ec/lexis/> - contains an unofficial version of the *Registro Oficial*. The daily details are visible on the homepage of this database but full-text requires a subscription. There are a few free full-text legal documents (laws and decrees mostly) on the homepage.

The InterAm database has a small collection of important laws (including several codes), decrees, and Supreme Court decisions - <http://natlaw.com/interam/ec/>. The documents are mostly unofficial pdfs prepared by the National Law Center for Inter-American Free Trade.

The Index to Foreign Legal Periodicals (IFLP) does not index any journals from Ecuador

Kluwer Arbitration - <http://www.kluwerarbitration.com/BITs-countries.aspx> - has a database of all bilateral investment treaties including those from Latin American countries. Most of the BITs are available in full-text html. The database also contains national implementation legislation. Although one can search in English, the results are in the vernacular.

Constitutions of the Countries of the World, recently purchased by Oxford University Press from Oceana, contains unofficial English translations of many past and current constitutions including those from Latin America - <http://www.oceanalaw.com/default.asp>. Ecuador's 2008 Constitution has not yet been added.

## LA REPÚBLICA DEL PARAGUAY / THE REPUBLIC OF PARAGUAY

### Law of Transparency:

Paraguay has not yet enacted a law of transparency or access to information. Article 28 of the Paraguayan Constitution, however, guarantees the right to receive free, true and reliable public information. As with most, this Constitution stops short of obligating government agencies to proactively publish relevant legal, fiscal, and administrative information.

### Portals:

Latin Laws: Biblioteca Legal Latinoamericana - <http://www.latinlaws.com/country/Paraguay/> - redirects users to official Paraguayan government websites and other unofficial databases. This is a great place to start, but the material posted is now a few years old so follow-up research to confirm currency is required.

IberIUS: Red Iberoamericana de Información y Documentación Judicial - [http://www.iberius.net/web/guest/recursos\\_juridicos](http://www.iberius.net/web/guest/recursos_juridicos) - has unofficial, pdf, full-text documents in its collection including important codes and laws, and will also redirect users to government websites for legal documents such as legislation and jurisprudence. The site also provides information using graphs and text to explain a country's judicial organization, individual courts, and other government organs.

NATLEX is the database of the International Labour Organisation - [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en). The focus of NATLEX is on national labor, social security, and related human rights legislation. The records in NATLEX provide abstracts of legislation (with internally hyperlinked documents) and relevant citation information. Full-text pdfs of scanned original document are made available when possible as are links to relevant online resources. One can browse by county or subject, or search by keywords and by subject classifications.

ECOLEX is a database of environmental law operated jointly by UN Food and Agricultural Organization (FAO), International Union for Conservation of Nature (IUCN), and the UN Environment Programme (UNEP), and incorporates environmental law holdings from each of these organizations. One can search any number of ways including by country - <http://www.ecolex.org/ecolex/ledge/view/Common;DIDPFDSIjsessionid=1B0D5F15DBD204B75CFA35CA122CB532>. ECOLEX includes information on treaties, international soft-law and other non-binding policy and technical guidance documents, national legislation, judicial decisions, and law and policy literature. The results are abstracts and citation and indexing information about each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

FAOLEX is the database of the Food and Agricultural Organization of the United Nations - <http://faolex.fao.org/faolex/index.htm>. After selecting one of 15 topics or "all", the user is directed to



an advanced search screen where one can focus the search by country among other options. The results are abstracts with citation and indexing information for each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

The Doing Business Law Library hosted by the World Bank - <http://www.doingbusiness.org/law-library> - is the largest free online collection of business laws and regulations. One can search by economy or individual country; results will link to official government sources wherever possible. Translations are generally not official unless indicated otherwise, and although the database is updated regularly, currency is not guaranteed; therefore, further research would be prudent.

### **Constitution:**

The Constitution of 1992 is the supreme law of Paraguay. Treaties and other international agreements, followed by national laws, and then other legal norms, make up the hierarchy of positive law in Paraguay. It is the Constitution that establishes two official languages, Spanish and Guaraní, for Paraguay since 80% of the population speaks Guaraní. In fact, compulsory primary and secondary education is taught in Guaraní.

The Association of Attorneys of Itapúa (AAI) has a website that is not up to date but has some valuable legal information including the Constitution of 1992 - <http://www.aai.com.py/legis/otros/c92.html>.

The Political Database of the Americas has the 1967 and 1992 Constitutions in unofficial html format - <http://pdba.georgetown.edu/constitutions/paraguay/paraguay.html>.

Although the website, Constituciones Hispanoamericanas - <http://bib.cervantesvirtual.com/portal/constituciones/constituciones.shtml> - has not been updated since 2005, it is still a good source of constitutions going back to the days of independence, i.e. early 19<sup>th</sup> century. Paraguay's five Constitutions between 1844 and 1992 are available here. All documents are unofficial, full-text, html.

### **Codes, Laws, Decrees, and other Legal Norms:**

After proceeding through the legislative process - <http://www.senado.gov.py/?pagina=institucional#leyes> – legislation is published in the *Registro Oficial*, a separate section of the *Gaceta Oficial* that publishes chronologically the laws of Paraguay, at which time laws take effect.

The daily *Gaceta Oficial* is available electronically as an official, scanned, unsearchable pdf from 22 September 2009 to the present - [http://www.presidencia.gov.py/v1/?page\\_id=1311](http://www.presidencia.gov.py/v1/?page_id=1311). Ministerial decrees are also available on this site - [http://www.presidencia.gov.py/v1/?page\\_id=887](http://www.presidencia.gov.py/v1/?page_id=887). One can

search for the decrees of the current administration by number and/or ministry. Decrees from 2003 – September 2009 can be searched by keyword.

Daily summaries and some full-text pdfs of the daily sessions in the Chamber of deputies are available on its website - <http://www.diputados.gov.py/ww2/?pagina=sesiondigital>. The page to search for laws is temporarily unavailable - <http://leyes.diputados.gov.py/busquedaleyas>.

AAI - <http://www.aai.com.py> - has a few pieces of legislation online in unofficial html format, including the Civil Code, the Judicial Code, and select national laws.

The Global Legal Information Network (GLIN) of the national Library of Congress of the United States of America has a superb collection of Paraguayan laws. The database contains over 10,000 English summaries and official pdf scans of the laws of Paraguay from as early as 1917 and as current as about 6 months ago - <http://www.glin.gov/search.action>. There are no judicial decisions and no legal literature.

The World Law Guide has a list of Paraguayan laws, organized topically, most of which redirect the user to official government websites - <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwepar.htm>. This is a terrific place to look for laws pertaining to a multitude of topics.

### **Legislation by Topic:**

The office of the Ombudsman, the defender of human rights in Paraguay, has a webpage where all laws, decrees, and resolutions related to human rights are listed and available in full-text, some official scanned pdf or doc, and some unofficial full-text - <http://www.defensoriadelpueblo.gov.py/menu/leyes.html>.

AAI provides the minimum wage laws as scanned pdfs of the original signed law - <http://www.aai.com.py/ojejapoara/salario.html>.

The Vice Ministry of Mining and Energy has relevant laws, decrees, and resolutions available in full-text, unofficial pdf on their website - <http://www.ssme.gov.py/>.

Criminal law and extradition law is provided by the OAS - <http://www.oas.org/juridico/mla/sp/pry/index.html>. For Paraguay, one can find the criminal code, criminal procedure code, national criminal legislation, bilateral extradition and criminal law-related treaties, and relevant multilateral treaties. Some of these documents are official pdfs, others are unofficial html, doc and pdf documents.

The Central Bank of Paraguay has a webpage of relevant laws and jurisprudence - <http://www.set.gov.py/pset/hgxpp001?6,18,247,O,S,0,MNU;E;103;2;MNU>.

The OAS website on Mutual Assistance in Criminal Matters and Extradition has a page for Paraguay - <http://www.oas.org/juridico/mla/en/pry/index.html> - wherein texts such as the Paraguayan Constitution the codes criminal law and criminal procedure and other relevant codes and national

legislation are provided. There are also bilateral extradition and other relevant treaties, as well as multilateral treaties going back to the early 20<sup>th</sup> century. Some of these documents are official pdfs, other are unofficial html, doc, and pdf documents.

### **Jurisprudence:**

The Supreme Court of Justice is the highest tribunal of Paraguay. It serves as a court of cassation and its constitutional chamber resolves constitutional questions. As a signatory to the American Convention on Human Rights, Paraguay submits to the jurisdiction of the Inter-American Court of Human Rights as the court of last instance in relevant matters.

Jurisprudence has taken on unique significance in Paraguay. Article 9 of the Code of Judicial Organization requires that when there is insufficient, obscure, or no law to apply in a case, courts must consider *precedents judiciales* (judicial precedents) in addition to analogous laws and general principles of law in deciding the matter before the court.

The Supreme Court of Justice website has current and up-to-date federal court decisions available in full-text doc format from 1995. There is no official seal or otherwise verifiable marking on the document - <http://www.csj.gov.py/jurisprudencia/>. One can search by defined theme, keyword, date, court, judge, or resolution number. One can also export search results in various formats (xls, doc, csv). There is a separate search page to locate Supreme Court rules and regulations from 1891 to the present - <http://www.csj.gov.py/par97017/reglamentaciones/index.asp>.

AAI has a handful of cases published unofficially in html format with commentary - <http://www.aai.com.py/jurisp/comenta/falloscomentados.html>. A second page organizes the cases by year and court - <http://www.aai.com.py/jurisp/juris.html>.

### **Doctrine (Journals, Treatises, Commentary):**

AAI has two publications in full-text html by Attorney Miguel A. Vargas.

Dialnet - <http://dialnet.unirioja.es/> - is an open-access index of journals based at the University of La Rioja, Spain. It contains a large number of Latin American legal journals and articles. One can search for journals or articles using advanced search functions. Some articles and journals are available full-text online from the journal website; a few articles are available full-text from these indices.

Redalyc is a database of Latin American and Caribbean journals with full-text, authentic pdfs - <http://redalyc.uaemex.mx/>. Although it does not yet contain any legal journals from Paraguay, there are law review articles about Paraguay indexed and available in the database.

Latindex - <http://www.latindex.unam.mx/> - provides bibliographic information for Latin American journals, such as the Paraguayan *Revista Digital de Derecho Ambiental*, but does not provide a database to search for articles within the journals nor does it provide full-text access to journal content.

#### **Treaties:**

The Organization of American States (OAS) - [http://www.oas.org/DIL/treaties\\_and\\_agreements.htm](http://www.oas.org/DIL/treaties_and_agreements.htm) - has a list of bilateral and multilateral treaties between and among countries in the Americas focusing on extradition, drug trafficking, and international criminal law. One can browse alphabetically or search by keyword.

The United Nations Treaty Collection - <http://treaties.un.org/> - contains the full-text, official, scanned pdf of all multilateral treaties deposited with the United Nations. One can search by popular name, keyword, United Nations Treaty Series (UNTS) volume, or country.

#### **Commercial Databases:**

Leyes.com.py : Legislation for All - <http://www.leyes.com.py/index.html> - has a plethora of Paraguayan legislation and jurisprudence for a nominal monthly fee or annual fee.

La Ley Online Paraguay, owned by Thomson Reuters (Westlaw) - <http://www.laleyonline.com.py/> - has a collection of over 9,000 norms, decrees, resolutions, commentaries, laws, proposed laws, and more dating from 1900 to the present.

The InterAm Database carries some legislation including the full-text of many codes, laws, decrees, and a few court decisions - <http://natlaw.com/interam/pr/any/pr/>. The documents are unofficial pdfs prepared by the National Law Center for Inter-American Free Trade.

Kluwer Arbitration - <http://www.kluwarbitration.com/BITs-countries.aspx> - has a database of all bilateral investment treaties including those from Latin American countries. Most of the BITs are available in full-text html. The database also contains national implementation legislation. Although one can search in English, the results are in the vernacular.

Constitutions of the Countries of the World, recently purchased by Oxford University Press from Oceana, contains unofficial English translations of many past and current constitutions including those from Latin America - <http://www.oceanalaw.com/default.asp>. However, for Paraguay, only the 1992 Constitution is available.

The Index to Foreign Legal Periodicals (IFLP) does not index any journals from Paraguay.

vLex coverage of Paraguay is scant - <http://vlex.com/jurisdictions/PY>. They carry a fair amount of Paraguayan legislation with an approximate two-year lag time. They also carry some decisions of

Supreme Court of Justice from 1899 to the present. There is almost no secondary literature. The material is in unofficial html or vLex-generated pdf.

## LA REPÚBLICA DEL PERÚ / THE REPUBLIC OF PERU

### Law of Transparency:

In 2002 Peru enacted the *Law of Transparency and Access to Public Information* obligating each governmental body to publish on its website laws and legal norms that govern its work - [http://www.peru.gob.pe/normas/docs/LEY\\_27806.pdf](http://www.peru.gob.pe/normas/docs/LEY_27806.pdf). The law was published the official gazette, *El Peruano*, in 2003. The Peruvian government has also created a Portal to Transparency - [http://www.peru.gob.pe/transparencia/pep\\_transparencia.asp](http://www.peru.gob.pe/transparencia/pep_transparencia.asp) - providing information for each agency, ministry, and other governmental bodies.

### Portals:

Latin Laws: Biblioteca Legal Latinoamericana - <http://www.latinlaws.com/country/Peru/> - redirects users to official Colombian government websites and other unofficial databases. This is a great place to start, but the material posted is now a few years old so follow-up research to confirm currency is required.

IberIUS: Red Iberoamericana de Información y Documentación Judicial - [http://www.iberius.net/web/guest/recursos\\_juridicos](http://www.iberius.net/web/guest/recursos_juridicos) - has unofficial, pdf, full-text documents in its collection including important codes and laws, and will also redirect users to government websites for legal documents such as legislation and jurisprudence. The site additionally provides information using graphs and text to explain a country's judicial organization, individual courts, and other government organs.

NATLEX is the database of the International Labour Organisation - [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en). The focus of NATLEX is on national labor, social security, and related human rights legislation. The records in NATLEX provide abstracts of legislation (with internally hyperlinked documents) and relevant citation information. Full-text pdfs of scanned original document are made available when possible as are links to relevant online resources. One can browse by county or subject, or search by keywords and by subject classifications.

ECOLEX is a database of environmental law operated jointly by UN Food and Agricultural Organization (FAO), International Union for Conservation of Nature (IUCN), and the UN Environment Programme (UNEP), and incorporates environmental law holdings from each of these organizations. One can search any number of ways including by country - <http://www.ecolex.org/ecolex/ledge/view/Common;DIDPFDSIjsessionid=1B0D5F15DBD204B75CFA35CA122CB532>. ECOLEX includes information on treaties, international soft-law and other non-binding policy and technical guidance documents, national legislation, judicial decisions, and law and policy literature. The results are abstracts and citation and indexing information about each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

FAOLEX is the database of the Food and Agricultural Organization of the United Nations - <http://faolex.fao.org/faolex/index.htm>. After selecting one of 15 topics or "all", the user is directed to

an advanced search screen where one can focus the search by country among other options. The results are abstracts with citation and indexing information for each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

The Doing Business Law Library hosted by the World Bank - <http://www.doingbusiness.org/law-library> - is the largest free online collection of business laws and regulations. One can search by economy or individual country; results will link to official government sources wherever possible. Translations are generally not official unless indicated otherwise, and although the database is updated regularly, currency is not guaranteed; therefore, further research would be prudent.

### **Constitution:**

The Peruvian Constitution of 1993 with amendments and reforms to 2005 is the supreme law of the land.

The Congressional website has an unofficial but searchable html version of the Constitution - <http://www2.congreso.gob.pe/sicr/RelatAgenda/constitucion.nsf/constitucion>.

The national congress' Digital Archive of Legislation in Peru - <http://www.congreso.gob.pe/ntley/default.asp> - has the Constitutions of Peru beginning with the Constitution of Cadiz in 1812. All are in pdf but there is no indication that they are official or authentic.

The Political Databases of the Americas at Georgetown University has Peru's 1993 Constitution and the 1993 Constitution plus amendments through 2005 - <http://pdba.georgetown.edu/Constitutions/Peru/peru.html>.

Although the website, Constituciones Hispanoamericanas - <http://bib.cervantesvirtual.com/portal/constituciones/constituciones.shtml> - has not been updated since 2005, it is still a good source of constitutions going back to the days of independence, i.e. early 19<sup>th</sup> century. Peru's 1993 Constitution with 2005 amendments is notably absent. All documents are unofficial, full-text, html.

This ebook has the full-text (unofficial) of each of Peru's Constitutions beginning with their first in 1812 - <http://www.garciabelaunde.com/biblioteca/LasConstitucionesdelPeru.pdf>.

### **Codes, Laws, *Proyectos*, Decrees, Regulations, Resolutions, and other Legal Norms:**

After winding its way through the legislative process - <http://www.congreso.gob.pe/accesible/reglamento/cap-6.htm> - all legislation is published in the *Diario Oficial, El Peruano*. The law officially takes effect the day after its publication in *El Peruano* unless otherwise indicated in the legislation.

*El Peruano*, a newspaper founded in 1825 by Simon Bolivar, the liberator of several South American countries, is the official gazette responsible for publishing Peru's laws, decrees, resolutions, regulations, jurisprudence, and other legal norms - <http://www.elperuano.pe/Edicion/>. It is a free website though not intuitive for finding legal material. One must click on the small links embedded in the gray square labeled *Normas Legales* at the top center of the front page to be redirected to a search engine for that particular selection of legal material. The full-text result is a digital version of *El Peruano: Normas Legales*.

The website of the Congress of the Republic of Peru contains a large amount of legal material, much of it in the Digital Archive of Legislation in Peru - <http://www.congreso.gob.pe/ntley/default.asp>. In this database, one can find all the Constitutions of Peru, a full-text, scanned pdf of an original *Laws of the Indies* when Peru was a Spanish colony. There is also a searchable database for regional laws promulgated between 1918 and 1929, and another for contemporary laws, regulations and decrees from 1904 to present. There are thousands of documents in this database and most, if not all, are scanned pdfs of an original print publication.

Congress also has a page devoted to its *proyectos* or proposed laws and related documents are made available back to 2006 as official, scanned pdfs of the original documents - <http://www2.congreso.gob.pe/Sicr/TraDocEstProc/CLProLey2006.nsf>. The collection of congressional debates is truly impressive - <http://www2.congreso.gob.pe/Sicr/DiarioDebates/Publicad.nsf/SesionesPlenoa>. The debates go back to 1993 and are available in official full-text pdf documents. The regulations governing the work of the Congress are also provided on this website - <http://www2.congreso.gob.pe/sicr/RelatAgenda/reglamento.nsf/regla>.

The congressional website has links to and maintains websites for each of the 22 commissions it oversees, from *Agraria* (Agriculture) to *Vivienda y Construcción* (Housing and Construction) - <http://www.congreso.gob.pe/organizacion/Comisiones.asp>. The website of each commission has the same format and contains acts, *proyectos*, dictates, and other legal information pertaining to that commission's mandate.

The Peruvian System of Legal Information database - <http://spij.minjus.gob.pe/> - does not appear to have been updated since 2008 but nevertheless contains a nice, simple collection of major codes, laws, and regulations in full-text html. Needless to say, one cannot rely on the currency of these documents.

The World Law Guide has a list of Peruvian laws, organized topically, most of which redirect the user to official government websites - <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxweper.htm>. This is a terrific place to look for laws pertaining to a multitude of topics.

English summaries and Spanish full-text of over 9,000 Peruvian laws over the last 60 or so years are available on the Global Legal Information Network (GLIN) of the national Library of Congress of the United States of America - <http://www.glin.gov/search.action>. The full-text documents are scanned pdfs of *El Peruano*, the original gazette, or *Normas Legales*, also an official publication of session laws in Peru. The summaries note related laws and legal resources where available



### Legislation by Topic:

Many government offices and ministries make relevant decrees, laws, resolutions, and other legal material available on their website in compliance with their law on transparency and access to public information. A few examples follow:

The website of the Defender of the People, an autonomous constitutionally mandated organ whose mission it is to protect fundamental and constitutional rights of citizens and to oversee the work of public officials, has a section of legal norms - <http://www.defensoria.gob.pe/cinfo-LegJur.php> - pertaining to the work of the office. This database contains compilations of laws and jurisprudence on specific topics such as "terrorist victims." The compilations are in pdf and must be extracted from zip files; originals are from *El Peruano* and *Normas Legales*.

The President of the Council of Ministers provides a chronological list of resolutions and decrees relative to transparency of government - [http://www.pcm.gob.pe/Transparencia/Resol\\_ministeriales/RsMs\\_ConvocatoriaPublica.htm](http://www.pcm.gob.pe/Transparencia/Resol_ministeriales/RsMs_ConvocatoriaPublica.htm). They are scanned pdfs of the original, signed documents.

The Portal of the Peruvian State has a list of presidential decrees and ministerial resolutions from 2008 pertaining to the administration of the country - [http://www.peru.gob.pe/normas/pep\\_normas.asp](http://www.peru.gob.pe/normas/pep_normas.asp). The documents are official scanned pdfs of the originals.

The website of the presidency has a list of laws, decrees, and resolutions relevant to the life and work of the president - <http://www.presidencia.gob.pe/normalegal.asp>. These documents are a mix of unofficial pdfs, and scanned pdfs of the official publications, *Normas Legales* and *El Peruano*.

The National Commission for Business and Securities (CONASEV) maintains a database - [http://www.conasev.gob.pe/sil/sil\\_menu.asp](http://www.conasev.gob.pe/sil/sil_menu.asp) - where one can search and access unofficial full-text html laws, decrees, resolutions and other legal documents pertinent to the stock market and the work of this organization.

The General Archives of the Congress has several legal documents, such as the first law passed by Congress in 1904, on display online - <http://www.congreso.gob.pe/archivo/archivo6.htm>.

The website of the Andean Commission of Jurists, a highly-respected human rights organization based in Lima, Peru - <http://www.cajpe.org.pe/> - has a tab for legislation and jurisprudence but the material therein is now outdated. A note on that page tells readers that the Network of Juridical Information (RIJ) is being updated with the last update July 2008. Thus, the information found, such as legislation from the individual Andean nations (Bolivia, Chile, Colombia, Ecuador, Peru, and Venezuela) is not up-to-date but is still accessible, as is jurisprudence from constitutional courts, and many webpages explaining various aspects of national and international law. Hopefully the updating of this valuable tool that brings together multinational and international legal information will be completed soon.

The OAS website on Mutual Assistance in Criminal Matters and Extradition has a page for Colombia - <http://www.oas.org/juridico/mla/en/per/index.html> - wherein texts such as the Peruvian Constitution, codes of criminal law and criminal procedure, and other relevant codes and national legislation are provided. There are also bilateral extradition and other relevant treaties, as well as multilateral treaties going back to the early 20<sup>th</sup> century. Some of these documents are official pdfs, others are unofficial html, doc and pdf documents.

### **Jurisprudence:**

The Supreme Court and the Constitutional Courts are the highest Courts in Peru. The Supreme Court acts as a court of cassation and the Constitutional Court decides issues of law involving constitutional questions such as conflicts between laws and the Constitution, and cases with habeas corpus, privacy, and amparo issues. Peru, as a signatory to the American Convention on Human Rights, submits to the jurisdiction of the Inter-American Court of Human Rights as the court of last instance in relevant matters.

Article VII in the Preliminary Title of the Constitutional Procedure Code (Law No. 28237, 2004), states that the Constitutional Court creates *precedente vinculante* (binding precedent, also known in Peru as *jurisprudencia*) when it complies with legal requirements and expressly declares as such in its decision. Thereafter, the Constitutional Court must give specific reasons for departing from precedent in subsequent matters. A similar law is also in place for the Supreme Court.

The website of the Constitutional Court has a search engine for finding jurisprudence (sentences and resolutions) of the Court - [http://www.tc.gob.pe/tc\\_jurisprudencia\\_ant.php](http://www.tc.gob.pe/tc_jurisprudencia_ant.php). The results are full-text html documents. There are other pages where one can search by drilling down in a calendar, or by drilling down systematically by topic, or by drilling down in a calendar of decisions that are published in *El Peruano*. The recent sentences and resolutions are often scanned original documents signed by the justices who decided the matter.

Suma Ciudadana hosts a database, *Justicia y Transparencia* (Justice and Transparency) - <http://www.justiciaytransparencia.pe/> - that tracks, organizes, and publishes (unofficial, html) laws and decisions of the Constitutional Court that pertain specifically to access to information.

### **Doctrine (Journals, Treatises, Commentary):**

Dialnet - <http://dialnet.unirioja.es/> - is an open-access index of journals based at the Universidad de La Rioja, Spain. It contains a large number of Latin American legal journals and articles. One can search for journals or articles using advanced search functions. Some articles and journals are available full-text online from the journal website; a few articles are available full-text from these indices.

Redalyc is a database of Latin American and Caribbean journals with full-text, authentic pdfs - <http://redalyc.uaemex.mx/>. Although it does not yet contain any legal journals from Peru, there are law review articles about Peru indexed and available in the database.

Latindex - <http://www.latindex.unam.mx/> - provides bibliographic information for Latin American journals, such as the *Revista Jurídica del Perú*, but does not provide a database to search for articles within the journals nor does it provide full-text access to journal content.

A collection of open access journals from Latin America, including Peru, can found on the website of the University of Fribourg, Switzerland - <http://www.unifr.ch/ddp1/derechopenal/?menu=revistas>, and another at the Library of the Uruguayan Association of *Escribanos* - <http://biblioteca.aeu.org.uy/iah/revistasonline.asp>.

### **Treaties:**

The Organization of American States (OAS) - [http://www.oas.org/DIL/treaties\\_and\\_agreements.htm](http://www.oas.org/DIL/treaties_and_agreements.htm) - has a list of bilateral and multilateral treaties between and among countries in the Americas focusing on extradition, drug trafficking, and international criminal law. One can browse alphabetically or search by keyword.

The United Nations Treaty Collection - <http://treaties.un.org/> - contains the full-text, official, scanned pdf of all multilateral treaties deposited with the United Nations. One can search by popular name, keyword, United Nations Treaty Series (UNTS) volume, or country.

### **Commercial Databases:**

The law firm of Torres y Torres Lara created and maintains an up-to-date, sophisticated, and comprehensive database of Peruvian legislation and jurisprudence - <http://www.teleley.com/nosotros.php>. The service includes the daily publication of *El Peruano* from 1995 and more than 20,000 legal documents (laws, decrees, resolutions, etc.) also from 1995 with some principal texts as far back as 1902. The database also has *proyectos* (proposed laws with related debates and documents) and well as doctrine including commentary and law reviews. Some of the material is free as is the ability to search the contents, but full-text access to most documents requires a subscription.

vLex has a collection for Peru - <http://vlex.com/jurisdictions/PE> - that includes the *El Peruano* from 1908 to the present, and many codes, laws, statutes, and decrees going back to the early 20<sup>th</sup> century. vLex also has jurisprudence from Peru's Supreme Court of Justice going back to 1999. All material is unofficial html and vLex-generated pdfs; there are no official pdfs. Instant Google translation is available.

The Index to Foreign Legal Periodicals (IFLP) - - <http://www.law.berkeley.edu/library/iflp/> - indexes one Peruvian journal, *Revista Peruana de Derecho Internacional*, from the Peruvian Society of International Law in Lima.

Kluwer Arbitration - <http://www.kluwarbitration.com/BITs-countries.aspx> - has a database of all bilateral investment treaties including those from Latin American countries. Most of the BITs are available in full-text html. The database also contains national implementation legislation. Although one can search in English, the results are in the vernacular.

Constitutions of the Countries of the World, recently purchased by Oxford University Press from Oceana, contains unofficial English translations of many past and current constitutions including those from Latin America - <http://www.oceanalaw.com/default.asp>. An unofficial English version of Peru's 1993 Constitution and subsequent amendments including those of 2005 are available.

The InterAm Database carries some legislation including the full-text of many codes, laws, decrees, and quite a few Constitutional Court and Supreme Court decisions as published in the *Diario Oficial* and *Normas Legales* - <http://natlaw.com/interam/pe/>. The documents are pdfs, many official and authentic scanned versions of the original document or publication; some are unofficial and prepared by the National Law Center for Inter-American Free Trade.

## REPÚBLICA ORIENTAL DE URUGUAY / EASTERN REPUBLIC OF URUGUAY

### Law of Transparency:

In 2008, Law 18381 on Right of Access to Public Information was promulgated - <http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=18381>. The law requires government entities to make legal information relevant to its work available on its website in a manner that is easy to find and access. The following is one scholar's analysis of the law - <http://www.alfa-redi.org/rdi-articulo.shtml?x=16095>.

### Portals:

Latin Laws: Biblioteca Legal Latinoamericana - <http://www.latinlaws.com/country/Uruguay/> - redirects users to official Uruguayan government websites and other unofficial databases for a variety of legal documents. This is a great place to start, but the material posted is now a few years old so follow-up research to confirm currency is required.

IberIUS: Red Iberoamericana de Información y Documentación Judicial - [http://www.iberius.net/web/guest/recursos\\_juridicos](http://www.iberius.net/web/guest/recursos_juridicos) - has unofficial, pdf and doc, full-text documents in its collection including a few important codes and laws. The site, although scant for Uruguay (embarrassingly misspelled on the front page), additionally provides information using graphs and text to explain Uruguay's judicial organization, individual courts, and other government organs.

NATLEX is the database of the International Labour Organisation - [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en). The focus of NATLEX is on national labor, social security, and related human rights legislation. The records in NATLEX provide abstracts of legislation (with internally hyperlinked documents) and relevant citation information. Full-text pdfs of scanned original document are made available when possible as are links to relevant online resources. One can browse by county or subject, or search by keywords and by subject classifications.

ECOLEX is a database of environmental law operated jointly by UN Food and Agricultural Organization (FAO), International Union for Conservation of Nature (IUCN), and the UN Environment Programme (UNEP), and incorporates environmental law holdings from each of these organizations. One can search any number of ways including by country - <http://www.ecolex.org/ecolex/ledge/view/Common;DIDPFDSIjsessionid=1B0D5F15DBD204B75CFA35CA122CB532>. ECOLEX includes information on treaties, international soft-law and other non-binding policy and technical guidance documents, national legislation, judicial decisions, and law and policy literature. The results are abstracts and citation and indexing information about each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

FAOLEX is the database of the Food and Agricultural Organization of the United Nations - <http://faolex.fao.org/faolex/index.htm>. After selecting one of 15 topics or “all”, the user is directed to an advanced search screen where one can focus the search by country among other options. The results are abstracts with citation and indexing information for each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

The Doing Business Law Library hosted by the World Bank - <http://www.doingbusiness.org/law-library> - is the largest free online collection of business laws and regulations. One can search by economy or individual country; results will link to official government sources wherever possible. Translations are generally not official unless indicated otherwise, and although the database is updated regularly, currency is not guaranteed; therefore, further research would be prudent.

### **Constitution:**

The Uruguayan Constitution is the supreme law of the land.

The current 1996 Constitution with amendments through 2004 is available on the website of the Uruguayan Parliament - <http://www.parlamento.gub.uy/constituciones/const004.htm>. The html document links to amending laws and sections referenced within the Constitution.

The Political Databases of the Americas at Georgetown University provides the current 1967 Constitution with amendments up to 2004 and the 1967 Constitution in its original form - <http://pdba.georgetown.edu/Constitutions/Uruguay/uruguay.html>. Both are unofficial html documents.

The University of Richmond Constitution Finder - <http://confinder.richmond.edu/> - redirects patrons to Uruguay’s 1967 Constitution with reforms through 1996, in an unofficial html document.

Although the website, *Constituciones Hispanoamericanas* - <http://bib.cervantesvirtual.com/portal/constituciones/constituciones.shtml> - has not been updated since 2005, it is still a good source of constitutions going back to the days of independence, i.e. early 19<sup>th</sup> century. Uruguay’s current 1967 Constitution with 2004 amendments is available as are many of Uruguay’s former Constitutions with reforms going back to its first in 1830. All documents are unofficial, full-text, html.

### **Codes, Laws, *Proyectos*, Decrees, Resolutions, Regulations, and other Legal Norms:**

According to Article 1 of the Uruguayan Civil Code, laws take effect ten days after publication in the official gazette, the *Diario Oficial de Uruguay*, unless otherwise indicated in the legislation.

The *Diario Oficial* is available online on the website of the government printing and publications office (IMPO) - <http://www.impo.com.uy/index.html>. One can search the indices of the *Diario Oficial* for free

from the date of its inception, 13 September 1905, but one must subscribe (fee-based) for the full-text content.

The national office of Official Prints and Publications (IMPO) offers an impressive, free legal database that requires basic registration - [http://www.impo.com.uy/servicios\\_bd.html](http://www.impo.com.uy/servicios_bd.html). One can access full-text laws from 1905, decrees from 1964, resolutions from 1975, international norms published in the *Diario Oficial*, the current Uruguayan Constitution, annotated with concordances, many current codes with concordances, jurisprudence from the Supreme Court of Justice and other tribunals from the mid-1980s, and more. The advanced search engine is intuitive and results are presented in unofficial html with hyperlinked interior legal references. Some official and original digital images of laws are available.

The Parliament maintains a free database with thousands of legal instruments including laws from 1935, *proyectos* or proposed laws and related documents from 2000, texts approved by the House of Representatives from 2005, transcripts of Senate and House debates from 2002 and 2000 respectively, acts of Parliament from 1985, daily proceedings summaries and transcripts from the Senate and House from 1989 and 2001 respectively, and international treaties and agreements - <http://www.parlamento.gub.uy/indexdb/general/ConsultaGenerica-2.asp>. All documents are available in official html or pdf format; some pdfs are original, signed, and scanned documents. Where possible, the documents contain hyperlinks to other legal documents within the database.

The website of the Presidency of the Republic of Uruguay maintains a database of recent laws, decrees, resolutions, *proyectos* or proposed laws, all going back to 2000; and official missions going back to 2010 - <http://www.presidencia.gub.uy/sci/pages/legal.htm>. The older documents are available in html only. Most of the more recent documents (from March 2005) are scanned pdfs of the original, signed documents; the remaining are pdfs authenticated with the seal of a government body.

The World Law Guide has a list of Uruguayan laws, organized topically, most of which redirect the user to official government websites - <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxweuru.htm>. This is a terrific place to look for laws pertaining to a multitude of topics.

Over 17,000 English and Spanish summaries of Uruguayan laws and a handful of summaries of Uruguayan doctrine are available on the Global Legal Information Network (GLIN) of the national Library of Congress of the United States of America from 1950 to today - <http://www.glin.gov/search.action>. Although no full-text is available, citations are provided to the *Diario Oficial*.

### **Legislation by Topic:**

Several government ministries make relevant laws available on their website:

The website of the General Accountant of the Nation - <http://www.cgn.gub.uy/> - has more than the financial and budget information of the country. It hosts a free legal databank (BDJ) of laws, decrees, resolutions, and other legal norms relevant to the work of the agency. There is one page devoted to the laws on access to public information where all the documents are official and authentic scanned pdfs of

the original law, decree or resolution. There are also chronological lists of full-text html laws, decrees, court decisions and other legal information

The Ministry of the Interior provides a handful of laws, decrees, and resolutions pertaining to the work of the office - <http://www.minterior.gub.uy/index.php/es/documentos-y-legislacion>. The documents are available in pdf, some of which are scanned originals.

The Ministry of Livestock, Agriculture, and Fish has several departments. The forestry sector provides a webpage with a chronological list of relevant laws - <http://www.mgap.gub.uy/portal/hgxpp001.aspx?7,20,417,O,S,0,MNU;E;2;15;125;15;MNU>. The full-text documents are scanned, original pdfs.

The Ministry of Social Development has a collection of resolutions, decrees, and other legal instruments organized chronologically from 2009, the year of its creation - <http://www.mides.gub.uy/mides/carpeta.jsp?contentid=214&site=1&channel=mides>. The documents are pdfs and contain authentication markings of the ministry; the decrees are scanned pdfs of the original document.

The Ministry of Education and Culture has a few relevant laws, decrees, and edicts on its website - <http://www.mec.gub.uy/>.

The Ministry of Industry, Energy, and Mining has a webpage listing chronologically its resolutions for investment -

<http://www.miem.gub.uy/portal/hgxpp001?5,1,560,O,S,0,SRC;36;0;717;N;SRC;MNU;E;20;25;MNU>.

These documents are scanned pdfs of the original resolutions. There is also a small collection of relevant decrees, laws, and resolutions -

<http://www.miem.gub.uy/portal/hgxpp001?5,1,179,O,S,0,SRC;36;0;717;N;SRC;MNU;E;20;2;53;1;MNU>.

These documents are a mix of html, pdf, scanned original pdfs, doc, and xls.

The OAS website on Mutual Assistance in Criminal Matters and Extradition has a page for Uruguay - <http://www.oas.org/juridico/mla/en/ury/index.html> - wherein texts such as the Uruguayan Constitution, the codes of criminal law and criminal procedure, and other relevant codes and national legislation are provided. There are also bilateral extradition and other relevant treaties, as well as multilateral treaties going back to the early 20<sup>th</sup> century. Some of these documents are official pdfs, others are unofficial html, doc, and pdf documents.

### **Jurisprudence:**

The judiciary in Uruguay exists only at the national level; cities and departments do not have an independent court system. The Supreme Court of Justice is the highest court in Uruguay and acts as a court of cassation as well as a constitutional court. Uruguay, as a signatory to the American Convention on Human Rights, submits to the jurisdiction of the Inter-American Court of Human Rights as the court of last instance in relevant matters.



Court decisions and opinions are not a source of law in Uruguay, but rather interpret the law. Nonetheless, decisions of the courts, especially the Supreme Court of Justice, are used as a guide in subsequent trials. Judicial decisions from the Supreme Court of Justice, the Electoral Tribunal, the Accounting Tribunal, and others, are published in the *Diario Oficial*.

The national office of Official Prints and Publications (IMPO) offers an impressive, free legal database that requires basic registration - [http://www.impo.com.uy/servicios\\_bd.html](http://www.impo.com.uy/servicios_bd.html). One can access full-text jurisprudence from the Supreme Court of Justice and other tribunals from the mid-1980s. The advanced search engine is intuitive and results are presented in html with hyperlinked interior legal references.

The Administrative Tribunal website has a handful of important sentences that are freely available to the public - <http://www.tca.gub.uy/fallos.php> - but complete full-text access to the sentences of the tribunal requires a subscription.

#### **Doctrine (Journals, Treatises, Commentary):**

Dialnet - <http://dialnet.unirioja.es/> - is an open-access index of journals based at the Universidad de La Rioja, Spain. It contains a large number of Latin American legal journals and articles. One can search for journals or articles using advanced search functions. Some articles and journals are available full-text online from the journal website; a few articles are available full-text from these indices.

Redalyc is a database of Latin American and Caribbean journals with full-text, authentic pdfs - <http://redalyc.uaemex.mx/>. Although it does not yet contain any legal journals from Uruguay, there are law review articles about legal issues in Uruguay indexed and available in the database.

Latindex - <http://www.latindex.unam.mx/> - provides bibliographic information for Latin American journals, such as the *Anuario de Derecho Constitucional Latinoamericano* and the *Anuario de Derecho Penal Uruguayo*, but does not provide a database to search for articles within the journals nor does it provide full-text access to journal content.

A collection of open access journals from Latin America, including Uruguay, can found on the website of the University of Fribourg, Switzerland - <http://www.unifr.ch/ddp1/derechopenal/?menu=revistas>, and another at the Library of the Uruguayan Association of *Escribanos* - <http://biblioteca.aeu.org.uy/iah/revistasonline.asp>.

#### **Treaties:**

Almost 1,500 treaties and other international agreements from 1997 to the present to which Uruguay is a party are available in the database maintained by the Parliament - <http://www.parlamento.gub.uy/indexdb/general/ConsultaGenerica-2.asp>. The documents are available

in either html, general pdf, or a scanned original pdf. One can search by document type, date, title, and full-text keyword.

The Organization of American States (OAS) - [http://www.oas.org/DIL/treaties\\_and\\_agreements.htm](http://www.oas.org/DIL/treaties_and_agreements.htm) - has a list of bilateral and multilateral treaties between and among countries in the Americas focusing on extradition, drug trafficking, and international criminal law. One can browse alphabetically or search by keyword.

The United Nations Treaty Collection - <http://treaties.un.org/> - contains the full-text, official, scanned pdf of all multilateral treaties deposited with the United Nations. One can search by popular name, keyword, United Nations Treaty Series (UNTS) volume, or country.

### **Commercial Databases:**

El Derecho Digital - <http://www.elderechodigital.com.uy/Website/Inicio.aspx> - is a subscription database of legal information including laws, decrees, international instruments, jurisprudence, and doctrine.

CADE - <http://www.cade.com.uy> – is a respected database geared toward business and legal professionals. The legal section combines legislation, jurisprudence, doctrine, and bibliographic indices. There are also modules on employment law, social security, and construction law.

La Ley Online Uruguay, owned by Thomson Reuters (Westlaw) - <http://www.laleyonline.com.uy/> - is a database of Uruguayan doctrine and jurisprudence.

The InterAm Database carries some legislation including the full-text of many codes, laws, decrees, and a few important and recent Supreme Court of Justice and appellate court decisions as published in the *Diario Oficial* - <http://natlaw.com/interam/ug/>. The collection contains some official scanned pdfs of the original document, but most are unofficial html pages prepared by the National Law Center for Inter-American Free Trade.

Kluwer Arbitration - <http://www.kluwarbitration.com/BITs-countries.aspx> - has a database of all bilateral investment treaties including those from Latin American countries. Most of the BITs are available in full-text html. The database also contains national implementation legislation. Although one can search in English, the results are in the vernacular.

Constitutions of the Countries of the World, recently purchased by Oxford University Press from Oceana, contains unofficial English translations of many past and current constitutions including those from Latin America - <http://www.oceanalaw.com/default.asp>. An unofficial English version of Uruguay's 1966 Constitution with amendments up to 1996 is available.

The Index to Foreign Legal Periodicals (IFLP) - - <http://www.law.berkeley.edu/library/iflp/> - indexes one Uruguayan journal, the *Anuario de Derecho Civil Uruguayo*.

vLex - <http://vlex.com/jurisdictions/UY> - has a small collection of Uruguayan law. It contains *Normas Legislativas* from 2000 – 2009 and no jurisprudence or doctrine. All material is unofficial html and vLex-generated pdfs; there are no official pdfs. Instant Google translation is available.

## LA REPÚBLICA BOLIVARIANA DE VENEZUELA / THE BOLIVARIAN REPUBLIC OF VENEZUELA

### Law of Transparency:

Venezuela does not have a national law on transparency or access to government information though such guarantees are alluded to in Articles 141 and 143 of the Venezuelan Constitution, and in Articles 14 and 15 of the Organic Law of the Central Administration - <http://www.gobiernoenlinea.ve/legislacion-view/sharedfiles/leyorganicaadministracioncentral.pdf>. Several regional laws have been enacted, however, and a national law has been proposed - <http://www.transparencia.org.ve/AreasEstrategicas-%28%29/Acceso-a-Informacion-%281%29/Proyecto-de-Ley-de-Transparencia-y-Acceso-a-la-%281%29.aspx>.

Venezuela was host in 2010 to the fourth international seminar, *Access to Public Information: A Guarantee of Democracy* - <http://www.transparencia.org.ve/AreasEstrategicas/Acceso-a-Informacion/Acceso-A/IV-Seminario-Internacional-de-Acceso-a-la-Info-%281%29.aspx>.

### Portals:

Latin Laws: Biblioteca Legal Latinoamericana directs its users to various government websites for the Constitution and laws of Venezuela - <http://www.latinlaws.com/country/Venezuela/>. This is a great place to start, but the material posted is now a few years old so follow-up research to confirm currency is required.

IberIUS: Red Iberoamericana de Información y Documentación Judicial - [http://www.iberius.net/web/guest/recursos\\_juridicos](http://www.iberius.net/web/guest/recursos_juridicos) - has unofficial, pdf, full-text documents in its collection including important codes and laws, and will also redirect users to government websites for legal documents such as legislation and jurisprudence. The site additionally provides information using graphs and text to explain a country's judicial organization, individual courts, and other government organs.

NATLEX is the database of the International Labour Organisation - [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en). The focus of NATLEX is on national labor, social security, and related human rights legislation. The records in NATLEX provide abstracts of legislation (with internally hyperlinked documents) and relevant citation information. Full-text pdfs of scanned original document are made available when possible as are links to relevant online resources. One can browse by county or subject, or search by keywords and by subject classifications.

ECOLEX is a database of environmental law operated jointly by UN Food and Agricultural Organization (FAO), International Union for Conservation of Nature (IUCN), and the UN Environment Programme (UNEP), and incorporates environmental law holdings from each of these organizations. One can search any number of ways including by country -

<http://www.ecolex.org/ecolex/ledge/view/Common;DIDPFDSIjsessionid=1B0D5F15DBD204B75CFA35CA122CB532>. ECOLEX includes information on treaties, international soft-law and other non-binding policy and technical guidance documents, national legislation, judicial decisions, and law and policy literature. The results are abstracts and citation and indexing information about each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

FAOLEX is the database of the Food and Agricultural Organization of the United Nations - <http://faolex.fao.org/faolex/index.htm>. After selecting one of 15 topics or “all”, the user is directed to an advanced search screen where one can focus the search by country among other options. The results are abstracts with citation and indexing information for each document. Full-text of most documents is obtained by linking the user to government sites containing the document.

The Doing Business Law Library hosted by the World Bank - <http://www.doingbusiness.org/law-library> - is the largest free online collection of business laws and regulations. One can search by economy or individual country; results will link to official government sources wherever possible. Translations are generally not official unless indicated otherwise, and although the database is updated regularly, currency is not guaranteed; therefore, further research would be prudent.

### **Constitution:**

The Constitution of 1999 with amendments and reforms through 2009 is the supreme law of Venezuela.

The current and several past Constitutions of the Bolivarian Republic of Venezuela can be found in full-text, pdf, from the *Gaceta Oficial* on the website of the Supreme Tribunal of Justice - <http://www.tsj.gov.ve/legislacion/legislacion.shtml>. They can also be found on the website of Government Online - [http://www.gobiernoenlinea.ve/legislacion-view/view/ver\\_legislacion.pag](http://www.gobiernoenlinea.ve/legislacion-view/view/ver_legislacion.pag).

The Political Databases of the Americas at Georgetown University also has the current and past Constitutions available for Venezuela in unofficial html format - <http://pdba.georgetown.edu/Constitutions/Venezuela/venezuela.html>. The current 1999 Constitution has 2009 reforms incorporated.

The University of Richmond’s Constitution Finder database provides three Constitutions for Venezuela by redirecting the user to the website that contains the full-text of the Constitution - <http://confinder.richmond.edu/> - including one English-language version translated by an English-language news source in Venezuela, VHeadline.com.

Although the website, *Constituciones Hispanoamericanas* - <http://bib.cervantesvirtual.com/portal/constituciones/constituciones.shtml> - has not been updated since 2005, it is still a good source of constitutions going back to the days of independence, i.e. early 19<sup>th</sup> century. Although the 1999 Venezuelan Constitution is available here, notably absent are the 2007 and 2009 amendments. All documents are unofficial, full-text, html.

### **Codes, Laws, *Proyectos*, Decrees, Resolutions, and other Legal Norms:**

No presidential decree, law, or ministerial resolution or regulation is in effect until declared constitutional by the Supreme Tribunal of Justice and published in the *Gaceta Oficial de la República Bolivariana de Venezuela*, the official gazette of Venezuela.

The daily *Gaceta Oficial* is available full-text, free, official scanned pdf on the website of the Supreme Tribunal of Justice - <http://www.tsj.gov.ve/gaceta/gacetaoficial.asp>, from March 29, 2000.

The *Gaceta Oficial* is also available on the website of the National Assembly - [http://www.asambleanacional.gob.ve/index.php?option=com\\_docman&Itemid=250&lang=es](http://www.asambleanacional.gob.ve/index.php?option=com_docman&Itemid=250&lang=es) – from 2006 – present in scanned pdf format.

Government Online has a page where one can search for all types of legislation including organic and ordinary laws, presidential decrees, ministry resolutions, enabling legislation, codes, and international agreements - [http://www.gobiernoenlinea.ve/legislacion-view/view/ver\\_legislacion.pag#](http://www.gobiernoenlinea.ve/legislacion-view/view/ver_legislacion.pag#).

The website of the National Assembly - [http://www.asambleanacional.gob.ve/index.php?option=com\\_leyesficha&Itemid=239&lang=es](http://www.asambleanacional.gob.ve/index.php?option=com_leyesficha&Itemid=239&lang=es) – has laws listed chronologically from 1999 with reference and citation to the *Gaceta Oficial* where available. Also available are *proyectos*, or proposed laws and documents used in the legislative process.

Mipunto.com, an online commercial news source in Venezuela, publishes scanned versions of several codes, organic laws, and ordinary laws as published in the *Gaceta Oficial* - <http://www.mipunto.com/venezuelavirtual/leyesdevenezuela/codigos/index.html>.

Oriental de Seguros has a helpful though unofficial website of the laws of Venezuela - <http://web.laoriental.com/leyes/index.htm>. You can browse the list or search by topic or keyword.

The law firm of Badell & Grau dedicates part of its website to publishing legislation - [http://www.badellgrau.com/?page=render&params=id%3D115133249345&menu\\_id=m-115133249345](http://www.badellgrau.com/?page=render&params=id%3D115133249345&menu_id=m-115133249345) - in its many forms. It is certainly not comprehensive, and the site is a bit clunky to navigate, but the unofficial, html versions, which also link to the official version where available, are valuable.

The Global Legal Information Network (GLIN) of the national Library of Congress of the United States of America - <http://www.glin.gov/search.action> - has summaries of almost 6000 laws, decrees, resolutions, agreements, and other legislation between 1950 to early 2008. The summaries note the related and repealed laws, and hyperlink them to other GLIN records where available.

The World Law Guide has a list of Venezuelan laws, organized topically, most of which redirect the user to official government websites - <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxweven.htm>. This is a terrific place to look for laws pertaining to a multitude of topics.

### **Legislation by Topic:**

A few ministry websites have relevant laws available to the public:

The website of the Ministry of Planning and Finance provides a handful of relevant full-text laws and codes, some of which are official scanned pdfs - <http://www.fogade.gov.ve/LeyesVzla/Leyes.htm>.

The website of the Public Ministry has the Constitution, the law of the Public Ministry, the Penal Code, and the Criminal Procedure Code available in full-text, official pdf - <http://www.ministeriopublico.gob.ve/web/guest/legislacion>.

Several laws and codes pertaining to the work of the judiciary are published on the website of the Supreme Tribunal of Justice in full-text, pdf, from the *Gaceta Oficial* - <http://www.tsj.gov.ve/legislacion/legislacion.shtml>.

The OAS website on Mutual Assistance in Criminal Matters and Extradition has a page for Venezuela - <http://www.oas.org/juridico/mla/en/ven/index.html> - wherein texts such as the Venezuelan Constitution, the codes of criminal law and criminal procedure, and other relevant codes and national legislation are provided. There are also bilateral extradition and other relevant treaties, as well as multilateral treaties going back to the early 20<sup>th</sup> century. Some of these documents are official pdfs, others are unofficial html, doc, and pdf documents.

The website of the Andean Commission of Jurists, a highly-respected human rights organization based in Lima, Peru - <http://www.cajpe.org.pe/> - has a tab for legislation and jurisprudence but the material therein is now outdated. A note on that page tells readers that the Network of Juridical Information (RIJ) is being updated with the last update July 2008. Thus, the information that you will find, such as legislation from the individual Andean nations (Bolivia, Chile, Colombia, Ecuador, Peru, and Venezuela) is not up-to-date but is still accessible, as is jurisprudence from constitutional courts, and many webpages explaining various aspects of national and international law. Hopefully the updating of this valuable tool that brings together multinational and international legal information will be completed soon.

### **Jurisprudence:**

The Supreme Tribunal of Justice is the highest court in Venezuela. It acts as a court of cassation as well as a constitutional court. Venezuela, as a signatory to the American Convention on Human Rights, submits to the jurisdiction of the Inter-American Court of Human Rights as the court of last instance in relevant matters. Some decisions of the Supreme Tribunal of Justice are published in special editions of the *Gaceta Oficial*.

Both jurisprudence (court opinions on contested matters) and decisions (determinations of constitutionality and other administrative matters) are published in full-text, html, dating back to 2000, on the website of the Supreme Tribunal of Justice - <http://www.tsj.gov.ve/index.shtml>. The opinions appear official as they are posted by the Court, but they are not scanned pdfs nor do they contain any special markings of authentication.

GLIN - <http://www.glin.gov/search.action> - has summaries 49 judicial decisions and sentences issued by the Constitutional Chamber of the Supreme Tribunal of Justice between 2002 – 2007. Most, if not all, of

these decisions and sentences pertain to the constitutionality of laws and regulations. The summaries list the related and repealed laws, and hyperlink them to other GLIN records where available.

The law firm of Badell & Grau dedicates part of its website to publishing opinions and decisions of the Supreme Tribunal of Justice -

[http://www.badellgrau.com/?page=render&params=id%3D115133237542&menu\\_id=m-115133237542](http://www.badellgrau.com/?page=render&params=id%3D115133237542&menu_id=m-115133237542)

– in its many forms. It is certainly not comprehensive, and the site is a bit clunky to navigate, but the unofficial, html versions, which also link to the official version on the court website, are valuable.

### **Doctrine (Journals, Treatises, Commentary):**

The website of the Public Ministry has the several volumes of doctrine available online that pertain to the evolution and work of the Public Ministry –

<http://www.ministeriopublico.gob.ve/web/guest/doctrina>. Especially significant are the annual volumes of doctrine pertaining to the Public Ministry and the Code of Criminal Procedure.

SciELO has a portal for Venezuelan scholarly literature with one legal journal indexed and available full-text, *Frónesis - Revista de Filosofía Jurídica, Social y Política*, from the Institute of Philosophy of Law at the Universidad del Zulia in Maracaibo.

Dialnet - <http://dialnet.unirioja.es/> - is an open-access index of journals based at the Universidad de La Rioja, Spain. It contains a large number of Latin American legal journals and articles. One can search for journals or articles using advanced search functions. Some articles and journals are available full-text online from the journal website; a few articles are available full-text from these indices.

Redalyc is a database of Latin American and Caribbean journals with full-text, authentic pdfs. It has a portal for Venezuela - <http://redalyc.uaemex.mx/portales/pais/indices/venezuela/IndexVenezuela.jsp> - that currently holds three legal journals. There are more articles about Venezuelan law within the larger database.

Latindex - <http://www.latindex.unam.mx/> - provides bibliographic information for Latin American journals, such as the *Anuario de Derecho* and the *Revista Derecho de Trabajo*, but does not provide a database to search for articles within the journals nor does it provide full-text access to journal content.

A collection of open access journals from Latin America, including Venezuela, can found on the website of the University of Fribourg, Switzerland - <http://www.unifr.ch/ddp1/derechopenal/?menu=revistas>.

### **Treaties:**

Government Online has a page where one can search for all types of legislation including international agreements - [http://www.gobiernoonlinea.ve/legislacion-view/view/ver\\_legislacion.pag?idSec=6](http://www.gobiernoonlinea.ve/legislacion-view/view/ver_legislacion.pag?idSec=6). It is not comprehensive but is a reliable source of major, recent, important treaties.



The Organization of American States (OAS) - [http://www.oas.org/DIL/treaties\\_and\\_agreements.htm](http://www.oas.org/DIL/treaties_and_agreements.htm) - has a list of bilateral and multilateral treaties between and among countries in the Americas focusing on extradition, drug trafficking, and international criminal law. You can browse alphabetically or search by keyword.

The United Nations Treaty Collection - <http://treaties.un.org/> - contains the full-text, official, scanned pdf of all multilateral treaties deposited with the United Nations. One can search by popular name, keyword, United Nations Treaty Series (UNTS) volume, or country.

### **Commercial Databases:**

The InterAm database has a collection of important Venezuelan legislation and case law - <http://natlaw.com/interam/ve/> - including several codes and decisions by the constitutional chamber of the Supreme Court of Justice. The site is not comprehensive but the material easy to find and retrieve. The documents are pdfs, some official, but most are unofficial pdfs prepared by the National Law Center for Inter-American Free Trade. There is also a small collection of supplementary material prepared by attorneys, mostly in English, pertaining to different aspects of business, including oil, trade, environment, and investment.

vLex - <http://vlex.com/jurisdictions/VE> - has a collection of full-text, unofficial Venezuelan codes and laws, the *Gaceta Oficial* from 1960, and court decisions from the Supreme Tribunal of Justice, the Superior Tribunal of Appeals, the Court of First Instance, and several municipal tribunals. Their coverage of jurisprudence is impressive; it covers many of the provinces from 2006 and the federal courts from 2000. It is not comprehensive but it is quite good. Their coverage of secondary material is less impressive. Most helpful is the ability to conduct advanced searches in multiple languages. All material is unofficial html and vLex-generated pdfs; there are no official pdfs. Instant Google translation is available.

Microjuris provides access to Venezuela legislation, jurisprudence, and doctrine - <http://ve.microjuris.com/>. The collection of jurisprudence includes decisions of constitutionality as well as opinions in contentious cases. One can search for legislation by type, author (ministry, organization, etc.), date, gazette number, title, and/or keyword. All the current codes are available and searchable, as are the most recent Constitutions.

The Index to Foreign Legal Periodicals (IFLP) does not index any journals from Venezuela.

Kluwer Arbitration - <http://www.kluwarbitration.com/BITs-countries.aspx> - has a database of all bilateral investment treaties including those from Latin American countries. Most of the BITs are available in full-text html. The database also contains national implementation legislation. Although one can search in English, the results are in the vernacular.

Constitutions of the Countries of the World, recently purchased by Oxford University Press from Oceana, contains unofficial English translations of many past and current constitutions including those from Latin

America - <http://www.oceanalaw.com/default.asp>. Venezuela's 2007 and 2009 Constitutional amendments have not yet been added.

## **Conclusion**

The governments of the countries of South America have all taken affirmative and proactive steps to begin delivering free legal information online to its citizens. Laws of transparency are providing much of the impetus for this movement toward open access to government information in many countries.

It is clear that the quality and quantity of legal information varies from one country to the next. This is somewhat consistent with the economies of each country (Figure 2), the Gini index measuring equality in the distribution of wealth (Figure 3), the number of Internet users per capita (Figure 4), and the country risk ranking (Figure 5), highly regarded in the investment community and using government transparency and access to public information as one of its many factor. However, there is some variation and a few anomalies, the most striking of which is Ecuador.

Ecuador, as mentioned in the introduction, successfully, impressively, and systematically provides access to legal information to its people on each of its government websites. Ecuador is one of the poorest of the ten countries with the lowest number of Internet users and a very low risk management ranking. Nonetheless, the Ecuadorian government has created excellent access to free legal information for its citizens.

Chile and Brazil, both strong and stable economies, have many access points via various government agencies to find legal information. The National Library of Chile is possibly the most impressive gateway to legal information on the continent and could serve as a model for other countries. Not surprisingly, Chile has a very high gross domestic product (GDP) (even with purchasing power parity (PPP)) and a good risk management score. Brazil is slightly below Chile in all categories but Brazil has made tremendous strides in recent years.

Argentina and Uruguay have also has taken great initiative at the national level (and provincial level in the case of Argentina) to provide legal information free to its citizens. The vast majority of Uruguayan citizens are wired, and GDP is almost as high as Chile. Argentina has the highest GDP adjusted for PPP in the region.

Colombia and Peru each have fairly comprehensive legal information systems including an impressive collection of *proyectos* and the debates and documents relating to the proposed legislation. Both also have government agencies and ministries that provide significant legal information to its people. Although GDP with PPP is close and huddled in the middle of the continent, Colombia has the most unequal distribution of wealth in the region according to the Gini Index.

Bolivia and Paraguay have both put forth significant effort and made tremendous strides recently. Bolivia has several good government sites to access legislation, and Paraguay has a worked closely with GLIN to make official copies of its legislation available. Nonetheless, both still significantly lag behind

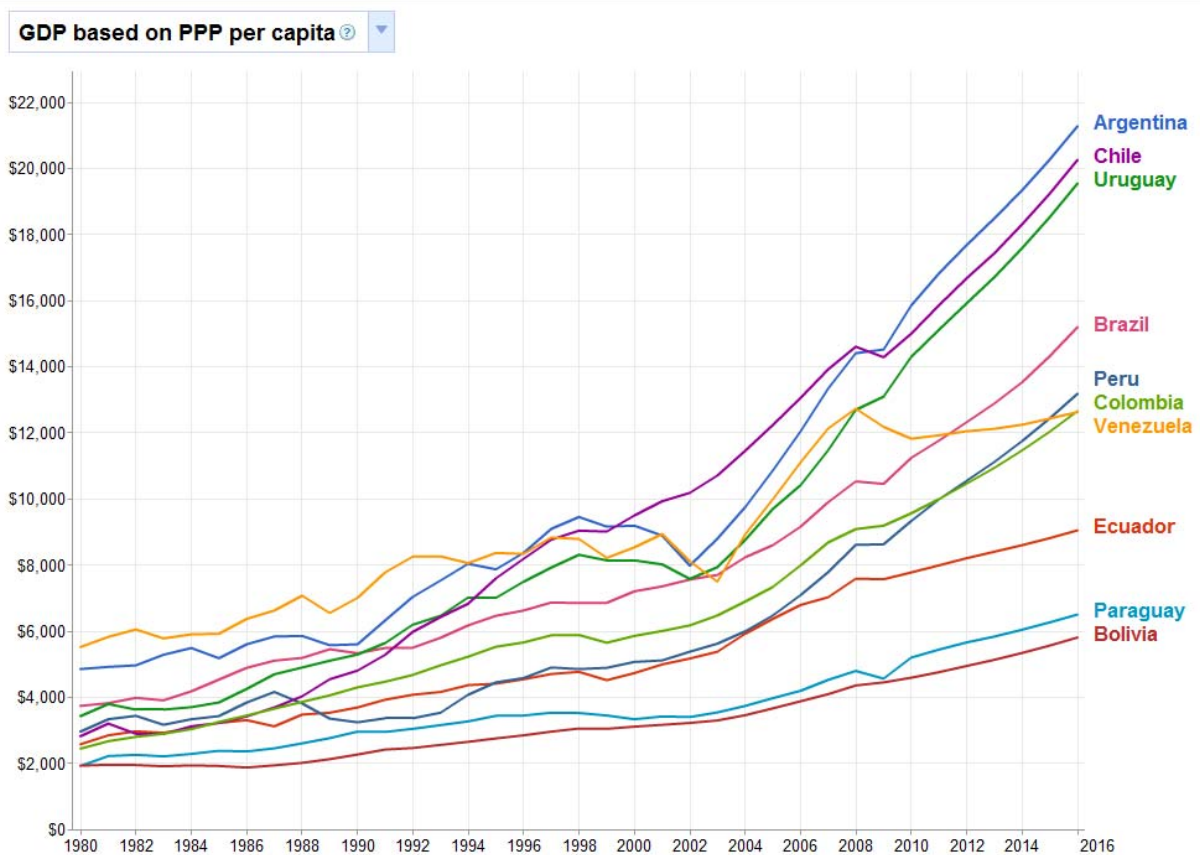
their neighbors in the quality of the websites and databases and in the amount of information available. This is consistent with the wealth of those nations and their significantly low risk management ranking which includes an exceptionally low political ranking for Paraguay.

When compared to the wealth and resources of its South American neighbors, Venezuela seems to have made only minimal effort in providing legal information to its people, consistent with its low political score and overall low risk management ranking. Basic legislation, proposed laws, and jurisprudence are available but not to the extent of some of the less wealthy countries.

Taken as a whole, the governments of these South American countries take seriously the right of its citizens to have free and open access to public and legal information. The transparency laws have codified and in some cases moved along more quickly what many of the governments began to do several years ago. This trend will only grow stronger as Internet access and usage increases across the continent, as the middle class grows, and as people demand access to public information from their respective governments.

**Figure 2. Gross Domestic Product based on Purchasing Power Parity per Capita**

GDP is expressed in current U.S. dollars per person. Data are derived by first converting GDP in national currency to U.S. dollars and then dividing it by total population. These data form the basis for the country weights used to generate the World Economic Outlook country group composites for the domestic economy. Please note: The IMF is not a primary source for purchasing power parity (PPP) data. WEO weights have been created from primary sources and are used solely for purposes of generating country group composites. For primary source information, please refer to one of the following sources: the Organization for Economic Cooperation and Development, the World Bank, or the Penn World Tables.

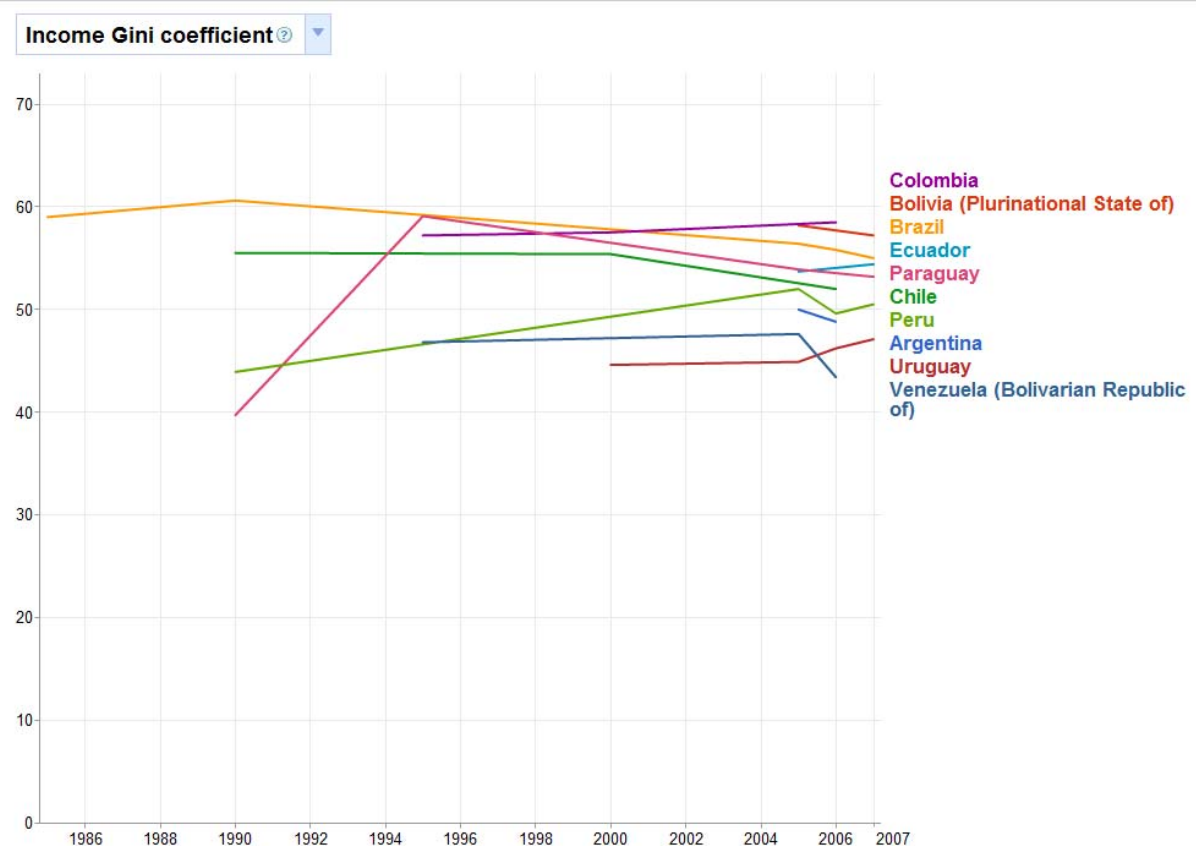


Google Public Data Explorer, last accessed on 14 June 2011,

[http://www.google.com/publicdata/explore?ds=k3s92bru78li6\\_&ctype=l&strail=false&nسلم=h&met\\_y=ppppc&scale\\_y=lin&ind\\_y=false&rdim=country\\_group&idim=country:AR:BO:BR:CO:CL:EC:PY:PE:UY:VE&tstart=315532800000&tunit=Y&tlen=36&hl=en&dl=en&uniSize=0.035&iconSize=0.5](http://www.google.com/publicdata/explore?ds=k3s92bru78li6_&ctype=l&strail=false&nسلم=h&met_y=ppppc&scale_y=lin&ind_y=false&rdim=country_group&idim=country:AR:BO:BR:CO:CL:EC:PY:PE:UY:VE&tstart=315532800000&tunit=Y&tlen=36&hl=en&dl=en&uniSize=0.035&iconSize=0.5)

**Figure 3. Income Gini Coefficient**

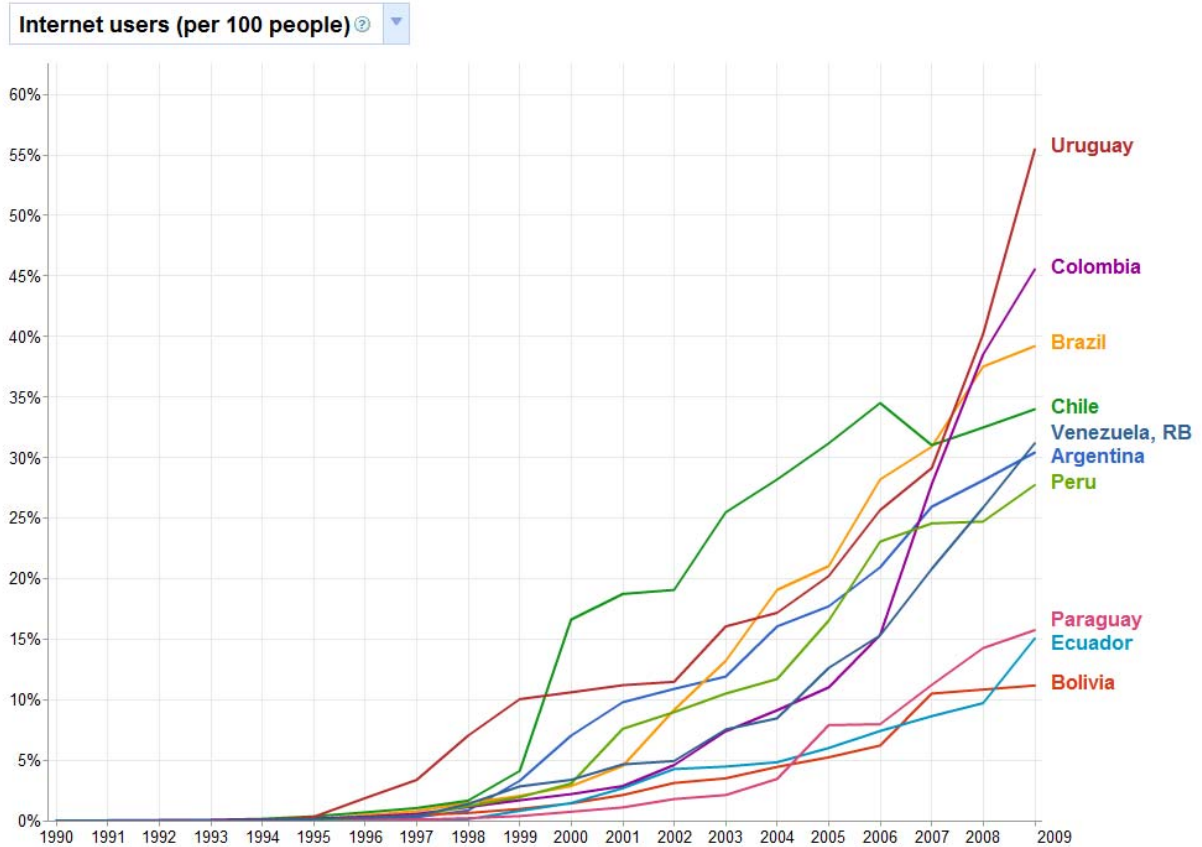
This is the measure of the deviation of the distribution of income (or consumption) among individuals or households within a country from a perfectly equal distribution. A Lorenz curve plots the cumulative percentages of total income received against the cumulative number of recipients, starting with the poorest individual or household. The Gini index measures the area between the Lorenz curve and a hypothetical line of absolute equality, expressed as a percentage of the maximum area under the line. A value of 0 represents absolute equality, a value of 100 absolute inequality.



World Bank (2010), *Google Public Data Explorer*, last accessed on 7 June 2011, [http://www.google.com/publicdata/explore?ds=kthk374hkr6tr\\_&ctype=l&strail=false&nseim=h&met\\_y=indicator\\_67106&scale\\_y=lin&ind\\_y=false&rdim=country&idim=country:803:2403:2703:4003:4203:5703:16203:16303:22203&tstart=473385600000&tunit=Y&tlen=22&hl=en&dl=en&uniSize=0.035&iconSize=0.5](http://www.google.com/publicdata/explore?ds=kthk374hkr6tr_&ctype=l&strail=false&nseim=h&met_y=indicator_67106&scale_y=lin&ind_y=false&rdim=country&idim=country:803:2403:2703:4003:4203:5703:16203:16303:22203&tstart=473385600000&tunit=Y&tlen=22&hl=en&dl=en&uniSize=0.035&iconSize=0.5).

**Figure 4. Internet Users per 100 People**

Internet users are people with access to the worldwide network. Source: International Telecommunication Union, World Telecommunication Development Report and database, and World Bank estimates.



International Telecommunication Union (2009), *Google Public Data Explorer*, last accessed on 7 June 2011,

[http://www.google.com/publicdata/explore?ds=d5bncppjof8f9\\_&ctype=l&strail=false&nselm=h&met\\_y=it\\_net\\_user\\_p2&scale\\_y=lin&ind\\_y=false&rdim=country&idim=country:ARG:BOL:BRA:CHL:COL:ECU:PRY:PER:URY:VEN&tstart=631152000000&tunit=Y&tlen=19&hl=en&dl=en&uniSize=0.035&iconSize=0.5](http://www.google.com/publicdata/explore?ds=d5bncppjof8f9_&ctype=l&strail=false&nselm=h&met_y=it_net_user_p2&scale_y=lin&ind_y=false&rdim=country&idim=country:ARG:BOL:BRA:CHL:COL:ECU:PRY:PER:URY:VEN&tstart=631152000000&tunit=Y&tlen=19&hl=en&dl=en&uniSize=0.035&iconSize=0.5)

### Figure 5. Euromoney Country Risk Rankings

Euromoney Country Risk Rankings is a product of social media whereby independent, unaffiliated, and unbiased members of the global credit community rank countries on risk management by scoring the following factors: economic (30%), political (30%), structural (10%), credit rating (10%), debt indicators (10%), and access to bank finance and capital markets (10%). One aspect of the political factor is government transparency and access to information.

COUNTRY	OVERALL SCORE	POLITICAL SCORE
Chile	73.61	75.42
Brazil	63.22	64.50
Colombia	58.72	61.30
Peru	56.70	51.76
Uruguay	47.79	34.72
Argentina	43.73	41.68
Venezuela	42.47	32.16
Paraguay	40.33	24.70
Bolivia*	38.17	n/a
Ecuador*	31.22	n/a

For comparison purposes, Norway is the top-ranked country with a score of 93.44 (92.97 Political); Canada has a score of 86.17 (88.97) and the United States 81.60 (85.25).

Euromoney, *Country Risk March 2011*, last accessed on 14 June 2011, <http://www.euromoney.com/Article/2773235/Country-risk-March-2011-Country-rankings-and-acknowledgements.html> (\*note: Bolivia and Ecuador rank lower than the top 100 on the March 2011 rankings. Therefore, the figures for Bolivia and Ecuador were accessed from an interactive online map on 14 June 2011).