

Report 2009 – Brazil GLIN Station

Mr. Librarian of Congress, Mr. Chairman, and distinguished participants in the 16th Annual GLIN Directors Meeting,

Last year I was very pleased to confirm to you, during my participation as an observer of the Annual GLIN Directors' Meeting, that Brazil has decided to resume its participation in the Global Legal Information Network (GLIN) Program. The political decision in favor of this initiative took place on August, 2008. As I mentioned in that occasion, the Brazilian participation would be shared by the Federal Senate, in charge of including legislation in the database, and by the Federal Supreme Court, which would follow the same procedures with regard to the Court's jurisprudence on constitutional matters.

I would like to remind you that Brazil was a founding member of GLIN Program, and has actively fed its database between 1992 and 2007. At that time, more than 8,000 Brazilian legal texts and their English précis had been included in GLIN database. In 2007, however, due to administrative reasons, the Ministry of Justice – hence responsible for Brazil-GLIN Station – had to cancel its participation.

In view of the importance of this Program, the political decision was followed by the signature last November of the agreement between the two institutions – the Federal Senate and the Federal Supreme Court of Brazil. The instrument provided for the budgetary and human resources for Brazil's participation.

In December, the Brazilian application for resuming participation in the GLIN Program was the subject of a formal letter to Mr. Charles Doyle, the Executive Director of GLIN. In January 2009 he promptly replied, communicating the renewal of the acceptance of Brazil in the GLIN Network.

Last March, we organized a training course in our capital, Brasília, which enabled 25 staff members of the Federal Senate and of the Federal Supreme Court to learn about structure and functioning of the data base. Theoretically, they became apt to insert information, despite of the fact that, in most cases, they still need help for translation of summaries from a third person (translator).

From January to end June, 2009, we achieved the following results:

1) Federal Senate

Under the coordination of its Legal Advisor Bruno Dantas, information about **47 laws** were inserted in GLIN System, concerning subjects such as energy, administrative and judicial procedures, international cooperation, financial incentives, customary and tax politics as tools of public intervention in economics in order to promote income distribution, regional development and regional benefits.

The selection of laws focused on the instruments approved since 2007, and they referred to subjects relevant to the international community. As explained by the Federal Senate, their main preoccupation was to prepare summaries that **CORRECTLY EXPRESSED** the content of the law for foreign researchers, as

well **MANAGED** to do that in English. These procedures required time; however, they hope to handle them already as a normal routine in the second half of this year.

2) Federal Supreme Court

Under the coordination of the Secretary for Documentation, Ms. Janeth Dias de Melo, references, précis and original texts of **29 cases of constitutional jurisprudence** were inserted in GLIN data base. Their selection was made accordingly to their currency, relevance and transcendence. In principle, the main challenge seems to be the handling of this work as daily routine, and as other activities of that Secretary.

It stands out that the Supreme Court used similar criteria for the selection of cases as the Federal Senate, as confirmed by the subjects of the cases chosen to be included: constitutionality of judicial decisions, administrative acts and infra-constitutional law regarding to, among others, national and local government, taxes, welfare, privatization, political parties, press, criminal procedures, discrimination, minorities, human and children rights, environment and animal rights. Special attention was given to cases involving legislative omission.

In this context, I would like to highlight that we deem that the numbers of cases inserted by the Federal Senate and by the Federal Supreme Court are very modest in comparison with numbers of data inserted in GLIN System in the past and with achievements of other GLIN partners. They are even numerically insignificant if you consider that 168 legislative instruments were approved in 2008 by the Brazilian Congress and that circa 10.000 cases are judged yearly by the Federal Supreme Court. Nevertheless, we made progresses, since we are being much more selective when choosing laws and cases of jurisprudence to be inserted: they correspond to the priorities of the present conjuncture and tend to be responsive to the interest of foreign researchers about Brazil. Besides that, we are keeping in mind the idea of giving continuity and improving the works of the Brazil GLIN-Station as an institutional mechanism for providing information about legislation and constitutional jurisprudence.

With respect to GLIN Central in Library of Congress, I would like to reiterate our gratitude with its permanent disposition and promptness to help us to do our work. Nestor Forster, responsible for the initial insertions of constitutional jurisprudence cases, got prompt and efficient support from Janice Hyde. The Federal Senate also observed that all technical difficulties were solved through contacts with Ms. Hyde and Mr. Dove, which have sent them missing information about necessary tests to provide Internet connections. All the necessary adjustments were possible through their kind help.

Furthermore, Ms. Hyde clarified doubts and responded promptly to requests of adjustments regarding the Portuguese Thesaurus we sent her, confirming the existence of disposition and actual purpose of improving the System. We greatly appreciated.

Finally, it is important to repeat that the Brazilian government and society are aware of the importance of having access to the legislation and jurisprudence of other countries, as well as giving access to the national sources law. In a globalized world, there is a growing number of new topics. It is essential to share information about the legal responses countries provide to these new challenges.

Taking into account these considerations, in 2009 the Federal Supreme Court initiated procedures to participate of other similar databases: first, in the framework of the European Commission for Democracy through Law, or Venice Commission, which has the Codices System; secondly, in the Forum of the Supreme Courts of MERCOSUL and, finally, in the Forum of the Community of the Portuguese Speaking Countries (CPLP). These databases refer exclusively to constitutional jurisprudence -- and not laws, that are the focus of GLIN database. Furthermore, they use the same Thesaurus and references for the elaboration of précis and insertion of information, despite the fact that they differ from the ones used by GLIN Stations. Cases of constitutional jurisprudence are included in English (in CODICES System) and Portuguese (in the other two databases – MERCOSUL and CPLP).

I mentioned these initiatives not only to renew the importance of exchanging information about jurisprudence, but mainly to suggest to the GLIN Central to contact the CODICES database to exchange experiences and possibly to facilitate and enlarge number of participants and users of both databases. Certainly the use of the same Thesaurus and references would maximize the results of our work as partners in different database-systems. With reference to the MERCOSUL and CPLP databases, as they follow the references of CODICES System, they will surely adopt measures resulting from any agreement aiming at using same references between CODICES and GLIN.

To conclude, I reiterate our satisfaction with the opportunity to resume our participation in the GLIN Project.

Thank you.

Susan Kleebank, Washington, 1/9/2009