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Access to Digital Legal Information: Focus on the English-Speaking Caribbean Countries

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Access to digital legal information: Focus on the English-speaking Caribbean countries

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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 Internet and various digitization initiatives have opened up immediate access to legal materials such as statutes, bills, law reports etc. through government websites and the Legal Information Institutes. There is a dearth in the legal information that is free and openly accessible for countries in the English-speaking Caribbean even though there has been relative progress in the last ten years. A number of these countries have Freedom of Information or Access to Information legislation which requires that government must make information openly accessible to its citizens. This paper reviews developments and government efforts in providing free and accessible legal information in Belize, Jamaica and Trinidad and Tobago. It discusses and highlights observations over the last ten years, developments and trends including the role of commercial publishers in the region. It concludes with a recommendation for a collaborative initiative in the region using the Canadian Legal Information Institute model.



INTRODUCTION

Legal information for the English-speaking Caribbean countries is not all fully available in digital format and easily accessible. In this paper I have discussed the current state of access to digital legal information in the English-speaking Caribbean and specifically, this encompasses Antigua & Barbuda, Anguilla, Barbados, The Bahamas, Belize, Bermuda, British Virgin Island, Cayman Islands, Dominica, Grenada, Guyana, Jamaica, Montserrat, Trinidad & Tobago, St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines, Suriname and Turks & Caicos. I have included Suriname and Guyana in my discussion. My focus is on three jurisdictions – Belize, Jamaica and Trinidad & Tobago. It is worthy to note that these three are the leading jurisdictions in terms of providing free digital access to legal information in the English-speaking Caribbean.

A few countries have enacted the Freedom of Information or Access to Information legislation which gives the public a right to access official documents held by public organizations. The purpose of these laws in most of these jurisdictions is to ensure that government makes information available to the public to the greatest extent possible with some exceptions; and generally to eliminate secrecy and increase government accountability and transparency. None of the laws clearly states the form of access whether in digital or print format. However with the global trends a few of the

jurisdictions are making these laws available on the Internet. The following table is an illustration of countries that have either the Access to Information or Freedom of Information legislation:

Country	Title
Antigua & Barbuda	Freedom of Information Act 2004
Jamaica	Access to Information Act 2004
Trinidad & Tobago	Freedom of Information Act 1999
Belize	Freedom of Information Act 2000
Bermuda	Public Access to Information Act 2010
St. Vincent & the Grenadines	Freedom of Information Act 2003

Table 1 – Countries with Freedom of Information or Access to Information Act

With the exception of Antigua & Barbuda and St. Vincent & the Grenadines, all the other countries listed in the table have user-friendly websites where access is given to the laws and some case law.

A lot of legal information is still not available in electronic format which is easier to disseminate in the digital age. Legal publishing in the region is still predominantly in print. Also another reason for the slow development of digital legal initiatives apart from funding could be that many of the countries rely solely on British legal jurisprudence which gives them an option not to build on their jurisprudence. It is also worthy to note that a number of the English-speaking Caribbean countries have been going through Law Reform exercises which have resulted in the digitization projects of their laws.

Cases that go before the Caribbean Court of Justice from these jurisdictions are available on the court's website - <http://www.caribbeancourtjustice.org/judgments.html> . Also treaties and agreements of the member countries are available on the CARICOM website - <http://www.caricom.org>

There is a large vacuum in the access to secondary literature from the English-speaking Caribbean available through open access even though there is a wealth of information available in commercial databases. Legal scholars in the Caribbean are widely published and it is common practice to find their publications in leading law journals. A search in the Directory of Open Access Journals -

<http://www.doaj.org/doaj?func=home&uiLanguage=en> showed that there is no publication available from the English-speaking Caribbean in this database. The Caribbean Law Review is one of the most prominent legal journals in the English-speaking Caribbean but it is only available in print.

Belize

The government of Belize through the office of the Attorney-General's Ministry has been a pioneer in providing free access to legal information. The website provides access to full text legislation and up to date judgments from the Supreme Court, Court of Appeal (Civil and Criminal) as well as the Privy Council. The website also gives access to court forms and the Supreme Court Civil Procedure Rules 2005.

Constitution

The Constitution of Belize can be found online as the Belize Constitution Act 1981- http://www.belize-law.org/e_library/constitution.html. It is also available in HeinOnline's World Constitution Illustrated and Oceana's Constitutions of Dependencies and Territories by subscription only.

Legislation

Belize is one of the countries in the region to make its laws available on the Internet. The Revised Laws of Belize 2000 are available for free on the government website here - <http://www.belize-law.org/lawadmin/index2.html>

They are available in both html and pdf formats and searchable.

Case Law

Judgments of the Supreme Court and Court of Appeal (1972 to date) are available here - http://www.belize-law.org/supreme_court/judgments.html

Commercial Databases

The legal information for Belize is not available in any commercial database.

Secondary Sources – Treatises & Journals

There is no free resource for journal articles on Belize. Most of it is available in commercial databases such as HeinOnline and Index to Foreign Legal Periodicals. A search in HeinOnline using the keywords – constitution AND Belize came up with 1197 hits of relevant full text articles.

The screenshot shows the HeinOnline search interface. The browser title is "Law Journal Library Search - HeinOnline.org - Mozilla Firefox". The search results page is titled "Search Law Journal Library". The search criteria are "Belize AND (constitution)". The results are sorted by "Relevance" and show 25 results. The first three results are:

- How to Get Less than You Bargain for: Adjudicating the Guatemala-Belize Territorial Dispute at the I.C.J. [comments]
Emory International Law Review, Vol. 23, Issue 2 (2009), pp. 739-782
Willard, E. Rainbow
23 *Emory Intl L. Rev.* 739 (2009)
[View Matching Text Pages](#) | [Print/Download Options](#)
- Shorter Articles, Comments and Notes [comments]
International and Comparative Law Quarterly, Vol. 17, Issue 4 (1968), pp. 996-1034
17 *Intl & Comp. L.Q.* 996 (1968)
[View Matching Text Pages](#) | [Print/Download Options](#)
- Independent Belize Broadens the Commonwealth, An [article]
Commonwealth Law Bulletin, Vol. 7, Issue 4 (1981), pp. 1521-1530
7 *Commw. L. Bull.* 1521 (1981)
[View Matching Text Pages](#) | [Print/Download Options](#)

Figure 3 HeinOnline Search from York Universities Libraries Catalogue

Human Rights

No human rights reports are available on the government website. The only document close to governance and transparency is the Draft Plan Action Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) available here - http://www.belizelaw.org/supreme_court/judgements/attorney%20general/Belize%20Draft%20Plan%20of%20Action%20-%20Anti-corruption.pdf

Treaties

The government of Belize is a signatory to many regional and international treaties. Many of these treaties are available freely in digital form on the organization's website. The following are examples of such organizations:

- CARIBLEX - <http://www.ilocarib.org.tt/projects/cariblex/>

- ECOLEX - <http://www.ecolex.org/ecolex/ledge/view/SimpleSearch;jsessionid=EF606A6C2AF1B28FB248E95ADC41FOC7>
- NATLEX - http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=TTO&p_classification=00&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY
- WIPO - <http://www.wipo.int/wipolex/en/profile.jsp?code=JM>

The UN treaties are available on the UN website – <http://www.un.org> ; while the regional ones are available on the CARICOM Law website- <http://www.caricomlaw.org/>.

Jamaica

Constitution

The Constitution of Jamaica can be found in the Revised Laws of Jamaica 1974 as *The Jamaica (Constitution) Order in Council, 1962*; it comes as the Second Schedule in this Order in Council. It is available in HeinOnline’s World Constitution Illustrated and Oceana’s Constitutions of Dependencies and Territories by subscription only.

Legislation

The Revised Laws of Jamaica 1974 are available for free on the website of the Ministry of Justice - <http://www.moj.gov.jm/law>. This website is the official website for accessing Jamaican legislation as it has the consolidated volumes and periodically updates it with amendments. They come as pdf documents of the original. They are originally in 27 volumes in print with a chronological table of contents.

However in its report on the Reform of the Jamaican Justice System, the Taskforce recommended the establishment of a Jamaican Legal Information Institute in order to address the deficit in the availability of legal information to members of the legal profession and the public. See here for a full text of the report - http://www.cba.org/jamaicanjustice/pdf/jjsrtf_report_final.pdf

Case Law

The government of Jamaica does not provide any official free or open access to case law.

The judgments and civil procedure rules Court of Appeal and Supreme Court are posted on this website - <http://www.sc.gov.jm/>

The Court of Appeal of Jamaica is the highest judicial authority but because of the UK judicial system model whereby some cases may go before the Privy Council of the UK, matters that go to the Judicial

Committee of the Privy Council can be found here - <http://www.jcpc.gov.uk/decided-cases/index.html>

Commercial Databases

Jamaica Cases is a fee based service with coverage starting from 1999, and managed by JUSTIS. <http://www.justis.com/data-coverage/justis-jamaican-cases.aspx>

Unreported judgments from the Supreme Court and the Court of Appeal are also available on CARILAW - a fee based service facilitated by the Faculty of Law Library with coverage starting from 1980. <http://carilaw.cavehill.uwi.edu/>

Secondary Sources – Treatises & Journals

The Government of Jamaica does not provide any free or open access to secondary sources of legal information. However, commercial databases carry a number of legal articles published by Jamaican scholars and academics in leading journals. For example HeinOnline, Index to Foreign Legal Periodicals (ILP) and LegalTrac.

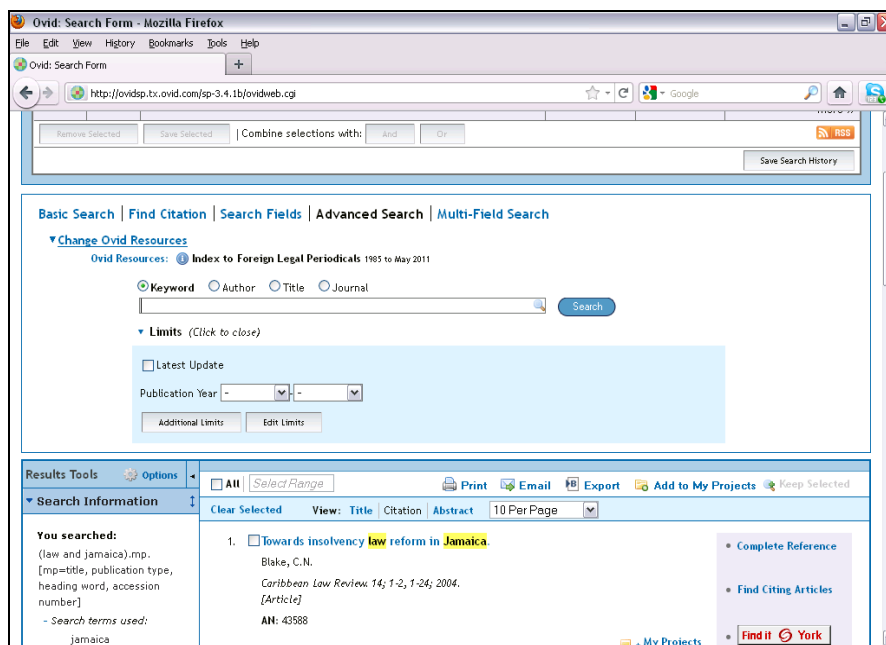


Figure 1 ILP Search from York University Libraries catalogue

Human Rights

Human rights reports about Jamaica are available from the website of the Amnesty International. There is no government portal available for human rights reports in Jamaica.

A human rights review was carried out as a result of the Mechanism of the Universal Periodic Review (UPR) and submitted to the UN Human Rights Council in November 2010. See here for news

announcement - http://www.jis.gov.jm/news/105-foreign-affairs-trade/25977-foreign_affairs-jamaica-presents-human-rights-report-to-un-council

Treaties

Jamaica is a signatory of a number of regional and international treaties. Many of these organizations have made these treaties freely accessible on their website. For example:

- CARIBLEX - <http://www.ilocarib.org.tt/projects/cariblex/>
- ECOLEX - <http://www.ecolex.org/ecolex/ledge/view/SimpleSearch;jsessionid=EF606A6C2AF1B28FB248E95ADC41F0C7>
- NATLEX - http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=TTO&p_classification=00&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY
- WIPO - <http://www.wipo.int/wipolex/en/profile.jsp?code=JM>

The UN treaties are available on the UN website while the regional ones are available on the CARICOM Law website- <http://www.caricomlaw.org/>

Trinidad & Tobago

Constitution

The Constitution of Trinidad & Tobago can be found in the Revised Laws of Trinidad and Tobago as *The Constitution of the Republic of Trinidad and Tobago Act 1976*. It is also available in HeinOnline's World Constitution Illustrated and Oceana's Constitutions of Dependencies and Territories by subscription only.

Legislation

The Revised Laws of Trinidad & Tobago 2006 is available for free on the website of the Ministry of Legal Affairs - <http://rgd.legalaffairs.gov.tt/Laws2/Contents.htm> The laws are available in full text in pdf. The Law Reform Commission is the official repository of the laws of this country. The Commission was established in 2000 as stated in the provisions of the Law Reform Commission Act. Its vision is to provide "state of the art technology driven organization providing real time access to the updated Laws in both **textual and electronic format** (emphasis mine)". Working with information available on this website since it was created has proved that it is a very reliable site. The Commission ensures that all subsidiary legislation and amendments are available on time. The Commission has also been able to publish the print volumes of the revised laws. This website is listed

as one of the top e-Services on the government website -

<http://www.ttconnect.gov.tt/gortt/portal/ttconnect>

Case Law

Selected Judgments from the Court of Appeal and the High Court of Trinidad and Tobago for free on the Judiciary website - <http://www.ttlawcourts.org/>

Selected judgments are available on CARILAW by subscription only.

Human rights reports are available on the Amnesty International and Human Rights Watch websites.

Commercial Databases

CARILAW - <http://carilaw.cavehill.uwi.edu/Default.aspx> is the only commercial database with some content on Trinidad and Tobago. These are mainly unreported judgments.

Secondary Sources – Treatises & Journals

Like the other countries in the English-speaking Caribbean, the government of Trinidad and Tobago is yet to make any books and journals available in digital format and open access. Commercial databases carry a number of publications for this region especially HeinOnline, Index to Foreign Legal Periodicals and LegalTrac. A search in LegalTrac using “Trinidad Tobago” as the keyword came up with 69 hits as shown in Figure 2.

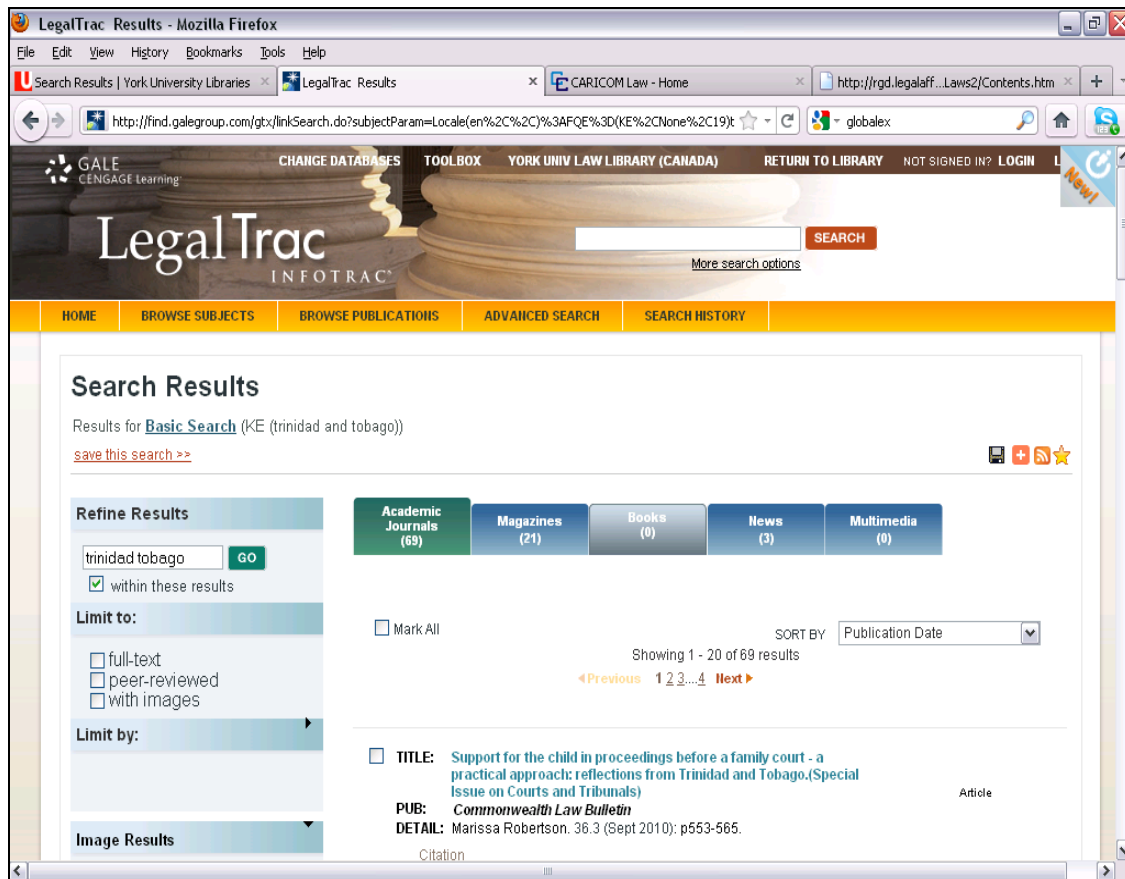


Figure 2 LegalTrac Search from York University Libraries catalogue

Human Rights

The government of Trinidad and Tobago does not provide any open access to human rights reports in this country. Amnesty International has no presence in Trinidad and Tobago.

Treaties

The government of Trinidad and Tobago is a signatory to many regional and international treaties. Many of these treaties are available freely in digital form on the organization's website. The following are examples of such organizations:

- CARIBLEX - <http://www.ilocarib.org.tt/projects/cariblex/>
- ECOLEX - <http://www.ecolex.org/ecolex/ledge/view/SimpleSearch;jsessionid=EF606A6C2AF1B28FB248E95ADC41F0C7>
- Integrated Database of Trade Disputes for Latin America and the Caribbean (IDATD) - http://idatd.eclac.cl/controversias/index_en.jsp

- NATLEX - http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=TTO&p_classification=00&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY
- WIPO - <http://www.wipo.int/wipolex/en/profile.jsp?code=JM>

The UN treaties are available on the UN website – <http://www.un.org> ; while the regional ones are available on the CARICOM Law website- <http://www.caricomlaw.org/>.

CONCLUSION

One of the strategic initiatives of the Law Reform Commission of Trinidad and Tobago is to “transform the Commission into a regional body offering services to the wider Caribbean”¹. This will be a great step towards disseminating legal information in this region. The Task force on the Reform of the Jamaican Justice System suggested a Jamaican Legal Information Institute using the model of the Canadian Legal Information Institute in its submission². The success of CANLII is based on practically on the collaboration of several stakeholders such as benchers, legal practitioners and librarians. This kind of approach is also feasible in the English-speaking Caribbean using the expertise of librarians and legal practitioners; this can be jointly funded by the regional courts and the CARICOM.

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¹ <http://rgd.legalaffairs.gov.tt/Laws2/Default.htm>

² http://www.cba.org/jamaicanjustice/pdf/jjsrtf_report_final.pdf