

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (92) 15

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES

CONCERNING TEACHING, RESEARCH AND TRAINING IN THE FIELD OF LAW AND INFORMATION TECHNOLOGY

*(Adopted by the Committee of Ministers on 19 October 1992
at the 482nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,
Considering that the aim of the Council of Europe is to achieve greater unity among its members;
Considering the increasing number of ways in which information technology affects society, and the need for the law to adopt new strategies and perspectives to meet the legal implications thereof;
Considering that the development of information technology provides a new working environment for the lawyer, and contributes towards changes in business practices and public administration, including a more efficient administration of justice;
Considering that legal education should acquaint lawyers with these rapidly changing legal issues and working environments,

Recommends the governments of member states to:

1. encourage and support the introduction and further development at university level of teaching and training programmes based on the elements and standards annexed to the present recommendation;
2. encourage and support research in the field of law and information technology;
3. draw the attention of the competent authorities to the importance of creating one or more national academic resource centres specialising in matters of law and information technology;
4. recognise that information technology furthers an interest in laborative elements to legal teaching and training and that, in consequence, new demands for physical and human resources have to be met;
5. invite the appropriate bodies, and particularly those responsible for permanent education, to organise training courses for legal professionals and to recognise any professional qualifications thus obtained;
6. encourage the competent authorities, where appropriate, to take into account periods of study carried out abroad in this field as part of the study required for the granting of degrees and diplomas and to promote international exchanges of students.

Suggested elements of a study programme in the field of law and information technology

A. General outline

- I. A presentation of information technology as it is related to law, in particular the interaction of law and information technology reflected in, for example, needs for new legal concepts, standards, procedures, law-making strategies and system design and planning.
- II. The computer as a personal working tool for the law student and for the legal professional, comprising matters such as personal computing, telecommunications, expert systems, data bases and working methods, for example organisation of systems and data.
- III. Applications of information technology in the legal sector comprising matters such as:
 - legal information storage and retrieval;
 - administrative systems (for example court administration, criminal justice systems, land registration);
 - decision support systems in public administration and law-making;
 - electronic data interchange in trade, administration and transport;
 - electronic funds transfer for banking and financial transactions.
- IV. Legal issues related to the above applications and to other applications of information technology, such as:
 - vulnerability and security, computer-related crime;
 - data protection;
 - regulation of telecommunications and the information market;
 - automation of public administration;
 - freedom of information;
 - contracts, intellectual property rights.

B. Minimum standard

The minimum standard of an introductory course should acquaint students with the basic principles of information technology, the legal issues related to the application of information technology and the applications of information technology in the legal field.

In implementing this minimum standard, attention should be paid to the availability of computing facilities for the students. In particular, there should be possibilities for :

- the use of national legal information retrieval services;
- the use of standard professional legal programmes;
- the illustration of various legal aspects of applications of information technology, for instance the problems of quality control of data in matching computer files.

C. Advanced topics

Whilst recognising that topics specified within the general outline may be the subject of advanced treatment, certain other areas of study may be considered as particularly suitable for advanced research. These can be categorised as being within the broad areas of :

- theoretical issues of artificial intelligence (AI) involving representation and reasoning strategies for law (legal materials);
- technological developments within networking, personalised and integrated work stations, programmes;
- interdisciplinary issues relating to system design, system analysis and organisational analysis;
- normative issues concerning the proper scope and application of public and private law to the area of information technology.