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Towards a Standard Structure for the Drafting of Judgments? How Small Measures Can Give Way to Great Effects

Free Access to Law and Judicial Decisions: Solutions and Challenges from a Belgian Viewpoint

Public authorities have an important in guaranteeing a broad and easy access to an objective and representative selection of judicial decisions. In this regard information and communication technology has a facilitating role. Belgian legislation therefore developed a regulatory framework to sustain the electronical availability of court decisions through the portal site of the Belgian Judiciary. In its analysis, the paper draws attention to the regulatory framework, to privacy concerns that are related to the online publication and to the structure of database itself. The latter mainly concerns the module that enables consultation as well as the module for the decentralized input of decisions. Accessibility of judicial decisions can also be enhanced by standardizing the drafting process and thereby enabling an optimal use of ICT. This paper develops arguments regarding the opportunities, for instance in view of facilitating electronic publication and enhancing accessibility, and challenges in this regard. They focus moreover on the question whether standardization could endanger a judge's independency, how it could facilitate the "drafting" as a business process and how labeled information facilitates its interconnection.