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**Answers of Iceland
to questionnaire 2010**

**Consultative Council of European Judges
(CCJE)**

**The role of judges in the enforcement of judicial decisions, in their
relationships with other state functions and/or other actors**

A) IN CIVIL AND ADMINISTRATIVE MATTERS

1. Is the authority responsible for the enforcement specified in the law or in the constitution?

Yes

Please specify

Act no. 90/1989 um aðför. Not in the constitution. The authority may be called a civil magistrate. Does not have judicial powers.

No

2. What are the competences of the judge in the enforcement procedure?

➤ He is responsible for the enforcement

Yes

No

➤ He has others competences as regards enforcement

Yes

No

If yes, please specify

Disagreement of parties in respect to the enforcement may be referred to court.

3. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

Yes

No

4. Do the parties have to make a new application for the decision to be enforced?

Yes

No

5. Shall this new application end with a judicial decision ?

Yes

No

6. Is the judge working with other actors involved in the enforcement procedure?

Yes

Please specify which actors

No

7. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

- Yes
 No

➤ He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

- Yes
 No

➤ Others competences?

- Yes
 No

If yes, please specify

8. What is the training of the person responsible for the enforcement if it is not a judge?

Legal training.

9. Can the parties appeal if the decision is not enforced within a reasonable time?

- Yes
 No

If yes, what are the sanctions of this appeal?

10. What are the powers of the judge to speed up the enforcement?

None

11. What are the powers of the judge to force the enforcement?

None

12. What are the powers of the judge to protect the rights of parties and of third parties in the enforcement?

None, that is except a dispute is sent to the court by the official in charge.

13. In your country, what are the main obstacles to the enforcement of decisions?

14. According to you, what main changes are needed to improve the effectiveness of the enforcement proceedings in your country?

There are no major complaints.

15. Are the enforcement procedures similar for civil and administrative matters?

- Yes
 No

If not, please clarify the differences.

B) IN CRIMINAL MATTERS

16. Is the authority responsible for the enforcement of sentence specified in the law or in the constitution?

Yes

Please specify

Act no. 49/2005 um fullnustu refsinga. Not in the constitution. The prison authorities under the supervision of the ministry of justice are responsible.

No

17. What are the competences of the judge in the enforcement of sentences:

➤ He is responsible for the enforcement?

Yes

No

➤ He has others competences as regards enforcement?

Yes

No

If yes, please specify

18. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

Yes

No

19. Is the judge working with other actors involved in the enforcement of sentences?

Yes

Please specify which actors

No

20. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

Yes

No

➤ He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

Yes

No

➤ Others competences?

Yes

No

If yes, please specify

21. What are the powers of the judge to protect the rights of detainees and of third parties in the enforcement?

A detainee in custody may issue a complaint to a judge concerning the conditions of his detention, otherwise none. Prisoners may of course sue the state for compensation if their rights have been violated.

22. What are the powers of the judge as regards the alternative solutions to prison?

None. The prison authorities have that power.

23. What are the powers of the judge as regards the implementation of sentences (arrangement of sentence, conditional release, etc.)?

None.

24. What are the powers of the judge as regards the effective payment of fines?

None.

25. What are the main reasons for complaints concerning the rights of detainees?

For some time now the prisons have been too small. Too few places result in a long period passing between the judgement and the initiation of prison time. Also some of the housing is old and ill equipped to meet modern prison standards. Some complaints concern medical services to prisoners, by law they have equal right to that. Long periods of custody after arrest have been criticized. Recent law limits this period to 12 weeks from arrest to indictment, except in extraordinary circumstances.

26. Who is responsible in your country, for complaints about living conditions in prison? What is the procedure for processing such complaints?

Prisoners can themselves issue formal complaints about living conditions in prison, or they can choose a spokesperson to complain on their behalf or they can get a legal council. Human rights groups may complain on a general level. Complaints are made to the prison ward, the prison authorities or to the ministry of justice. The rules of administrative procedure apply.

27. In your country, what are the main obstacles to the enforcement of sentences?

A lack of prison facilities and perhaps alternative methods could be used to a further extent.

28. According to you, what main changes are needed to improve the effectiveness of the enforcement of sentences in your country?

As said above, there is a pressing need for building new prison facilities. It is especially bad when young people are made to wait for a long time before they are summoned to serve their sentence. Also there is time to start experimenting with alternative methods, such as electronic surveillance. Judges are also generally of the opinion that the law should be changed in such a way, that decisions about punishment in the form of community services and the like should be taken by the courts and at the time of the sentence being passed, but not, as the law now is, afterwards by the prison authorities.