



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

**EUROPEAN COMMISSION**  
**FOR THE EFFICIENCY OF JUSTICE**  
**(CEPEJ)**

**PILOT-SCHEME**  
**FOR**  
**EVALUATING JUDICIAL SYSTEMS**



# SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**Country:** LIECHTENSTEIN (2002)  
.....

**Contact Name:** Hubert Wachter, Legal Officer, Ministry of Justice  
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<b>I. General information</b>
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**1. Number of inhabitants**

Number: 33'863                      Year of reference: 2002  
.....  
Source: Office of Economic Affairs, Bureau of Statistics  
.....

**2. Total annual State/~~regional~~ public budget**

Budget: CHF 798'428'000.-                      Year of reference: 2002  
.....  
Source: Statement of accounts (Rechenschaftsbericht) of the Government  
.....

**3. Average gross annual salary**

Salary: CHF 91'188.-                      Year of reference: 2000  
.....  
Source: Office of Economic Affairs, economic overall calculation  
.....

## II. Access to Justice and to all courts

### II. A. Legal aid/cost of justice

#### 4. Annual public budget spent on legal aid

Annual budget: CHF 2'653'816.57 Year : 2002  
Source : .....  
Statement of accounts (Rechenschaftsbericht) of the Government  
.....

#### 5. If possible, specify

##### - the annual public budget spent on legal aid in criminal cases

Annual budget: CHF 1'164'961.80 Year : 2002  
Source : .....  
Statement of accounts (Rechenschaftsbericht) of the Government  
.....

##### - annual public budget spent on legal aid in other court cases

Annual budget: CHF 1'488'854.77 Year : 2002  
Source : .....  
Statement of accounts (Rechenschaftsbericht) of the Government  
.....

#### 6. Total number of legal aid cases (in a year)

Number of cases: no data available Year :  
Source : .....  
.....

#### 7. If possible, specify:

##### - the total number of legal aid cases in criminal matters (in a year)

Number of cases: no data available Year :  
Source : .....  
.....

##### - the total number of legal aid cases in other court cases (in a year)

Number of cases: no data available Year :  
Source : .....  
.....



14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? ~~Yes~~/No  
 - the State? ~~Yes~~/No

If yes, please indicate the references of these studies published in the year 2002 or 2003:  
 (Author / instance) (Title) (Type of courts or costs reported on):

.....  
 .....  
 .....

**II. B. Users of the courts and victims**

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? ~~Yes~~/No  
 internet address: WWW.GESETZE.LI

- to the case-law of the higher court/s? ~~Yes~~/No  
 internet address:

- to other documents (for examples legal forms)? ~~Yes~~/No  
 internet address: WWW.GERICHTE.LI

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? ~~Yes~~/No

Comments:  
 Victims of crimes or their relatives can receive psychological care by a crisis-intervention-team. Trainees working at the Court of Justice provide a free legal information-service. A victim can join the criminal proceedings to claim damages and can receive legal aid in that proceeding. Women who suffer domestic violence can find refuge and counsel in the "Womens House".

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? ~~Yes~~/No

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes? ~~Yes~~/No

Comments:

Victims have access to legal aid (see question 16). The Government of Liechtenstein has passed a new law on the protection of crime victims to the parliament for deliberation. This will strengthen the position of crime victims in the future.

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?  
~~Yes~~/ No

If yes, are these surveys  
- at national level Yes / No  
- at court level Yes / No

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes / ~~No~~

Please specify:

- at court level/internal procedure Yes / ~~No~~  
- at court level/external procedure ~~Yes~~ / No  
- at national level/internal procedure Yes / ~~No~~  
- at national level/external procedure ~~Yes~~ / No

Comments:

There is no Ombudsman. However, complaints concerning improper behaviour, and refusal or retardation of actions can be brought before the Court of Appeal and, if the Court of Appeal is itself involved, to the Supreme Court.

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: ~~Yes~~/ No  
- time limit for dealing with the complaint: ~~Yes~~/ No

### III. Functioning of courts and efficiency of justice

#### III. A. Functioning

22. Total number of courts

Number of courts: 5  
.....

Court of Justice  
Court of Appeal  
Supreme Court  
State (Constitutional) Court  
Administrative Court

23. Number of general jurisdiction first instance courts

Number of courts: 1 (Court of Justice)  
.....

**24. Number of specialised first instance courts**  
*Please specify the different areas of specialisation*

(area of specialisation)	(number of courts)
.....	.....
.....	.....
.....	.....

**25. Number of professional judges sitting in courts**  
*(present the information in full time equivalent and for permanent posts)*

Number of judges:	fte	Year :	2003
.....	.....	.....	.....
Court of Justice	14		
Court of Appeal	6		(+ equal number of substitutes)
Supreme Court	2		(+ equal number of substitutes)
State (Constitutional) Court	3		(+ equal number of substitutes)
Administrative Court	3		(+ equal number of substitutes)

Source : Job-Plan  
.....

**26. Number of non-professional judges sitting in courts**  
*(present the information in full time equivalent and for permanent posts)*

Number of judges:	fte	Year :	2003
.....	.....	.....	.....
Court of Justice	7		(+ 12 substitutes)
Court of Appeal	9		(+ equal number of substitutes)
Supreme Court	3		(+ equal number of substitutes)
State (Constitutional) Court	2		(+ equal number of substitutes)
Administrative Court	2		(+ equal number of substitutes)

Source : Job-Plan  
.....

Please give details: The numbers given represent actual judges sitting in the courts (permanent posts). For judges, that are not working full time (all non-professional judges as well as professional judges sitting in the supreme, state and administrative courts), the full-time equivalent cannot be calculated because of varying work-load.  
.....

**27. Number of non-judge administrative staff who are working in courts**  
*(present the information in full time equivalent and for permanent posts)*

Number of staff:	33.8	fte	Year :	2003
.....	.....	.....	.....	.....



Source : Job-Plan  
.....

### 28. Annual budget allocated to all courts

Annual budget: CHF 12'012'000.- (inkl. legal aid) Year : 2002  
.....  
Source : Statement of accounts (Rechenschaftsbericht) of the Government  
.....

### 29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget: CHF 8'753'000.- (Government) Year : 2002  
.....  
Source : Statement of accounts (Rechenschaftsbericht) of the Government  
.....

### 30. Has the budget for justice increased during the last 5 years? Yes / ~~No~~ What are the figures?

Budget CHF 7'792'000.- (all Courts) Year 1998  
.....  
Budget CHF 3'743'000.- (Government) Year 1998  
.....

### 31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes / ~~No~~
- the Government ~~Yes~~ / No
- the Parliament Yes / ~~No~~ (authorizes and can modify the budget)
- the Judicial Council ~~Yes~~ / No
- the Courts Yes / ~~No~~ (sets up the budget)
- other:  
.....

### 32. Who manages the budget of the courts?

- the President of the Court Yes / ~~No~~
- the person administratively responsible for the court ~~Yes~~ / No
- other:  
.....

### 33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: the court / ~~public prosecutor~~ / ~~lawyer~~ / ~~other~~: .....

- in other than criminal cases the court / ~~public prosecutor~~ / ~~lawyer~~ / ~~other~~: .....

### III. B. Efficiency

#### 34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: 2'743 Year: 2002  
Source: Register of the public prosecutors office  
.....

#### 35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: 1'016 Year: 2002  
Source: Register of the public prosecutors office  
.....

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: 925 Year: 2002  
Source: Register of the public prosecutors office  
.....

#### 36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: none Year: .....  
Source: The public prosecutor does not impose sanctions. Also 'plea bargaining' and 'diversion' are not possible in Liechtenstein law.  
.....

#### 37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: 1'699 Year: 2002  
Source: Register of the public prosecutors office  
.....

#### 38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: 1 Year: 2002  
Source: Statement of accounts (Rechenschaftsbericht) of the Courts  
.....

#### 39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: 1 Year : 2002  
Source : Statement of accounts (Rechenschaftsbericht) of the Courts

*Please indicate, if possible:*

Number of convicted persons: % of convicted persons:  
Number of acquitted persons: % of acquitted persons:

#### 40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: 0 Year : 2002  
Source : Statement of accounts (Rechenschaftsbericht) of the Courts

#### 41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: 0 Year : 2002  
Source : Statement of accounts (Rechenschaftsbericht) of the Courts

#### 42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: 0 Year : 2002  
Source : Statement of accounts (Rechenschaftsbericht) of the Courts

*Please indicate also if possible:*

Number of convicted persons: % of convicted persons:  
Number of acquitted persons: % of acquitted persons:

#### 43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: 0 Year : 2002  
Source : Statement of accounts (Rechenschaftsbericht) of the Courts

#### 44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: 8'233 Year : 2003

Source : Statement of accounts (Rechenschaftsbericht) of the Courts  
.....

#### 45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: 8'334 Year : 2003  
.....  
Source : Statement of accounts (Rechenschaftsbericht) of the Courts  
.....

#### 46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: 46 Year : 2002  
.....  
Source : Statement of accounts (Rechenschaftsbericht) of the Courts  
.....

#### 47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: 132 Year : 2003  
.....  
Source : Statement of accounts of the Court of Justice  
.....

#### 48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: 126 Year : 2003  
.....  
Source : Statement of accounts of the Court of Justice  
.....

#### 49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: 16 Year : 2002  
.....  
Source : Statement of accounts (Rechenschaftsbericht) of the Courts  
.....

#### 50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: no data available Year :  
.....  
Source :  
.....

#### 51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: no data available Year :  
.....  
Source :  
.....

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: 17 ..... Year : 2002 .....

Source : (Estimated, but deemed accurate after having been discussed with Judges) .....

#### IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: CHF 50'000.- ..... Year : 2002 .....

Source : Statement of accounts (Rechenschaftsbericht) of the Government .....

54. In general, do the courts in your country have computer facilities?

- for judges Yes / ~~No~~

- for non-judges court staff Yes / ~~No~~

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary ? ~~Yes~~ / No

If yes, please specify the name and the address of this institution

(Name) ..... (Address) .....

56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone Yes / ~~No~~

- Mail Yes / ~~No~~

- Fax Yes / ~~No~~

- E-mail Yes / ~~No~~

- Internet ~~Yes~~ / No

57. Is there an electronic form to carry out certain procedural steps? ~~Yes~~ / No

#### V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: no data available                  Year :  
 .....  
 Source :  
 .....

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes / ~~No~~

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / ~~No~~

61. Are reasons given for all prison sentences? Yes / ~~No~~

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length: no data available    days                  Year :  
 .....  
 Source :  
 .....

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: no data available    days                  Year :  
 .....  
 Source :  
 .....

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: no data available    days                  Year :  
 .....  
 Source :  
 .....

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length: no data available    days                  Year :  
 .....  
 Source :  
 .....

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: no data available days Year : .....  
Source : .....

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length: no data available days Year : .....  
Source : .....

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes / ~~No~~

69. Do you have a way of analysing queuing time during court procedures?

~~Yes~~ / No

If yes, please specify: .....

**VI. Judges**

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary : CHF 162'168.25 Year : 2002  
Source : Law on salaries (LGBL 1991 Nr. 6) .....

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary : Pay is on a per case or per working-session basis depending on whether the judge involved is the reporting judge. It therefore varies accordingly to the number of incoming cases and the resulting workload.  
Year : .....  
Source : .....

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? ~~Yes~~/No

If yes, please specify: .....

73. Are judges recruited and nominated by an independent institution? Yes/~~No~~

(if yes), who are represented in this institution:

- the members of the judiciary ~~Yes~~/No
- officials not part of the judiciary ~~Yes~~/No
- a mixture of the two categories referred to above ~~Yes~~/No

Is the process of selection and nomination of judges carried out according to pre-established procedures? Yes/~~No~~

74. Is there a system of induction and continuation training for judges?

~~No~~/Yes, but not compulsory ~~/Yes, compulsory~~

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: no data available Year : .....

Source : .....

75. Is there a system of supervision and control on the courts - other than through appeal? Yes/~~No~~

If yes, please specify: see answer to question 20 .....

76. Is there in your country a system of temporary judges? Yes/~~No~~

If yes, are these temporary judges paid on the basis of their activity? Yes/~~No~~

If yes, please specify: Pay is on a per case or per working-session (half-days or full days) basis depending on whether the judge involved is the reporting judge or not. The reporting judge is paid a lump sum per case, the other judges are paid per working-session. ....

77. Annual number of disciplinary proceedings against judges

Number of proceedings: 3 Year : 2002 .....

Source : Statement of accounts (Rechenschaftsbericht) of the Courts .....



## 78. Annual number of sanctions against judges

Number of sanctions: 0 Year : 2002  
Source : Statement of accounts (Rechenschaftsbericht) of the Courts

## VII. Public prosecutors

## 79. Annual budget for the public prosecution

Annual budget: CHF 1'906'879.- Year : 2002  
Source : Public prosecutors office, Jv 173/03

## 80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: 6.5 Year : 2002  
Source : Public prosecutors office, Jv 173/03

## 81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary : CHF 162'168.25 Year : 2002  
Source : Law on salaries (LGBL. 1991 Nr. 6)

## 82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary : CHF 197'054.30 Year : 2002  
Source : Law on salaries (LGBL. 1991 Nr. 6)

## 83. Can public prosecutors combine their work with other professions? ~~Yes~~ / No

If yes, please specify: By law the public prosecutor is a civil servant. In theory the law allows the public prosecutor to do other official work as a civil servant. In practice all public prosecutors are working full time on their job and none is running any sideline. In the year 2002 an already retired public prosecutor returned to office part-time (50%). However he too did not run any sideline in his spare time.

## 84. Are public prosecutors recruited and nominated by an independent institution? ~~Yes~~ / No

(If yes), who are represented in this institution:

- the public prosecutors ? Yes / No
- other stakeholders outside? Yes / No
- a mixture of the two categories referred to above? Yes / No

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes / ~~No~~

85. Is there a system of induction and continuation training for public prosecutors?

~~No~~ / Yes, but not compulsory / ~~Yes, but compulsory~~

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: ..... Year : 2002

Source : There is a Government-approved (but not founded on law) system of induction that consists of a three year course that will educate a jurist to the level of a public prosecutor. Currently 2 persons are taking part in this course. There is no specific programme for continuation training. The public prosecutors take part in continuation courses voluntarily. Once a year, the office of the public prosecutor organizes a lecture event for training purposes.  
.....

86. Is there a system of supervision and control on public prosecutors? Yes / ~~No~~

If yes, please specify: The instructions for the office of the prosecutor are laid down in the princely ordinance of 19<sup>th</sup> Mai 1914. The office is subordinate to the government. I has to keep a record on all cases that are reported and has to present this record, together with an oral report, to the government every 3 months. Additionally the government can ask for a report on the status and progress of pending cases at any time. Further, in especially important cases or on political crimes the government is to be consulted before either the charge is brought, the trial is abandoned or the prosecution is being stopped.  
.....

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: 0 Year : 2002

Source : Office of the public prosecutor  
.....

88. Annual number of sanctions against public prosecutors

Number of sanctions: 0 Year : 2002

Source : Office of the public prosecutor  
.....

## VIII. Lawyers

.....

89. Number of lawyers practising in your country

Number of lawyers: 102 Year : 2002

Source : Statistical Yearbook, Office of Economic Affairs

90. Is there a national bar association? Yes / ~~No~~

91. Have quality standards been formulated for lawyers? Yes / ~~No~~

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / ~~No~~

- the legislature Yes / ~~No~~

- other Yes / ~~No~~

92. Can disciplinary proceedings be instituted against lawyers? Yes / ~~No~~

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: 5 Year : 2002

Source : Statement of accounts (Rechenschaftsbericht) of the Courts

94. Annual number of sanctions against lawyers

Number of sanctions: 0 Year : 2002

Source : Statement of accounts (Rechenschaftsbericht) of the Courts

95. Is it possible to complain about the performance of lawyers? Yes / ~~No~~

If yes, please specify: The culpable disregard of professional duties is subject to disciplinary proceedings before the Court of Appeal (art. 31 and following, law on lawyers, LGBl. 1993 Nr. 41). Also contractual liability may apply.

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: Year :

Source : If legal aid is granted to full extent, then the whole cost of the case is covered. The amount paid is then dependant on the work involved, which is directly dependant on the case. The 'value' of the work is defined by the ordinance on tariff of the lawyers (LGBL. 1992 Nr. 69) and the law on lawyers (LGBL. 1993 Nr. 41)  
.....

**IX. Mediators and mediation proceedings**

**The Liechtenstein law does currently not know Mediators and mediation proceedings. However, such laws might be introduced in the very near future.**

97. Number of accredited or registered mediators

Number of mediators: ..... Year : .....  
Source : .....  
.....

98. How much public budget is devoted to mediation?

Amount: ..... Year : .....  
Source : .....  
.....

99. Number of incoming mediation cases (in a year)

Number of cases: ..... Year : .....  
Source : .....  
.....

100. Number of cases solved through mediation (in a year)

Number of cases: ..... Year : .....  
Source : .....  
.....

If possible, please specify:

- number of criminal cases solved through mediation: .....
- number of cases other than criminal solved through mediation: .....

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / No

- in other than criminal cases? Yes / No

Year : ..... Source : .....

**X. Enforcement agents and execution of court decisions**

102. Number and types of enforcement agents

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

- in other than criminal cases:

civil	2	2003	job-plan
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes / ~~No~~

If yes, please specify: The civil enforcement agents (bailiffs) are under supervision of the Court of Justice.

.....

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: 0 Year : 2003

Source : Statement of accounts (Rechenschaftsbericht) of the Courts  
.....

105. Annual number of sanctioned enforcements agents

Number of agents: 0 Year : 2003

Source : Statement of accounts (Rechenschaftsbericht) of the Courts  
.....

106. Is it possible to file a complaint against an enforcement agent? Yes / ~~No~~

If yes, please specify: Complaints concerning the not acting at all or the incorrectly acting by the enforcement agent (bailiff) can be filed with the president of the Court of Justice. His decisions are subject to appeal to the Court of Appeal.  
.....

107. Does the court play a role in the execution of court decisions? Yes / ~~No~~

If yes, please specify: The enforcement agent (Bailiff) is part of the court.  
.....

108. Are the courts competent to decide against public authorities? Yes / ~~No~~

Are the courts involved in executing decisions against public authorities? Yes / ~~No~~