



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: Iceland

National correspondent

First Name - Last Name: **VALBERG JENSSON Helgi**
Job title: **Legal Expert**
Organisation: **Ministry of the Interior**
E-mail: **helgi.valberg@irr.is**
Phone Number : **+354 545 90 00**

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2013)

321 857

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	3 200 000
Regional / federal entity level (total for all regions / federal entities)	NAP

3) Per capita GDP (in €)

30 235

4) Average gross annual salary (in €)

27 403

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

169 ISK

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

A1. The Central Bank of Iceland, Statistics Iceland, The Ministry of Interior.

Question no 1: Date 13 November 2013.

Question no. 4: NOTE - This is a mean regular salaries for private and public sector in 2012.

<http://www.statice.is/Statistics/Wages,-income-and-labour-market/Wages>

Question no. 5: Exchange rate of national currency on 2 January 2013. Not available on 1. January.

CN 22/04:

q. 2 : The significant difference between 2010 and 2012 data (3 645 801 690 in 2010 and 3 200 000 in 2012). it's due to cutback in public expenditure and different exchange rate (153,8 ISK in 2010 and 169 ISK 2012.)

1. 1. 2. Budgetary data concerning judicial system

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	9 602 600
1. Annual public budget allocated to (gross) salaries		NA
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	44 295
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.		NA
4. Annual public budget allocated to court buildings (maintenance, operating costs)		NA
5. Annual public budget allocated to investments in new (court) buildings		NA
6. Annual public budget allocated to training and education		NA

7. Other (please specify):

NA

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

NA

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

☐ for criminal cases?

☒ for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

According to Art. 1(5) of the Additional Treasury Income Act No 88/1991 fees are not paid in:

1. Cases for the collection of salaries.
2. Cases for the determination of the paternity of a child
3. Cases to contest paternity or for the annulment of a voluntary declaration of paternity.
4. Cases regarding legal Competence
5. Cases regarding electoral registers
6. Cases where the litigant receives legal aid
7. Cases regarding custody of a child
8. In Cases regarding Act No 160/1995 on Recognition and Enforcement of Foreign Decisions on the Custody of Children.

8.1) Please briefly present the methodology of calculation of courts fees?

The court fee is decided by law. Court fees are decided according to Act nr. 88/1991.

The fee is variable: for clamis ranging to 19.386 € claimant pays court fee 97€

For claims raaning from 19.386€ to 193.861€€ and for ordinary proceedings claimant pays court fee 193€

For claims ranging from 193.861 € to 581.583, claimant pays court fee 582 €

For claims ranging from 581.583 € to 969.305€ claimant pays 969 €

For claims ranging from 969.305€ and onwards, claimant pays 1.615€

Court fees applies to all jurisdictions except criminal cases, collection of salaries,paternity cases, custody cases, legal aid cases, child protection cases,and labour court cases.

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

Court fees to commence an action for 3000€ debt is 97€

9) Annual income of court taxes or fees received by the State (in €)

NA

12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	3555654
12.1 Annual public budget allocated to legal aid for cases brought to court	3555654
12.1.1 in criminal law cases	2595077
12.1.2 in other than criminal law cases	960577
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NAP

Comment :

CN 22/05:

The difference between 2010 and 2012 data concerning the Annual public budget allocated to legal aid in non criminal law

cases is Due to cutback in public expenditure but mainly different exchange rate. (153,8 ISK in 2010 and 169 ISK 2012.)

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .

. ☒ Amount 951 085

Comment :

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	Yes	Yes	Yes
Other ministry	No	No	No	Yes
Parliament	No	Yes	No	No
Supreme Court	Yes	No	No	No
High Judicial Council	Yes	No	Yes	No
Courts	Yes	No	Yes	No
Inspection body	No	No	No	Yes
Other	No	No	No	No

14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Ministry of Finance

A.2 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

CN 22/04:

q. 6 : The significant difference between 2010 and 2012 data

It's due to cutback in public expenditure and different exchange rate (153,8 ISK in 2010 and 169 ISK 2012.)

Please indicate the sources for answering questions 6, 9, 12 and 13.

Ministry of Interior.

1. 1. 3. Budgetary data concerning the whole justice system

15) The following data would be useful for information

15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

. ☐ NA 29909511

15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes

Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Constitutional court	NAP
Judicial management body	Yes
State advocacy	NA
Enforcement services	Yes
Notariat	NA
Forensic services	NA
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	NA
Refugees and asylum seekers services	Yes
Other	No

Comment :

CN 22/05 :

q. 15.1 :

The significant difference between 2010 and 2012 data in respect of Annual approved public budget allocated to the whole justice system

It's due to cutback in public expenditure and different exchange rate. (153,8 ISK in 2010 and 169 ISK 2012.)

q. 15.2:

The Ministry of Justice is undefined part of the new Ministry of Interior, along with Ministry of transportatoin. In 2010 it was only ministry of Justice.

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	No	No

17) Does legal aid include the coverage of or the exemption from court fees?

☒ Yes

☐ No

If yes, please specify:

Exemption from court fees

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

☒ Yes

☐ No

If yes, please specify:

Art. 127(4) of the Act on Civil Procedure specifies that if not exempted in the permit for legal aid, legal aid should also cover expenses related to the enforcement of judicial decisions.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
NAP	Yes

Comment :

If not exempted in the legal aid permit, legal aid covers all costs associated with the case, such as the fees of the lawyer, serving of documents, necessary travel costs, the fees of experts, witnesses and translators, printing costs, etc.

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	421

Comment :

Statistics provided by the legal aid committee (civil cases) for the year 2012, provide that the number of approved applications for legal aid were 421. When the application is approved the case has not yet been brought before the court but is in the process of being brought before the court. Legal aid in Iceland is only granted for cases that are going before the

courts, legal aid is not granted for cases that are not brought before the court.

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
NA

Comment :

See comment question 20.

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

Regarding victims: Art 41 of the Act on Criminal Procedure nr. 88/2008 provides that victims have to right to a lawyer financed by a public budget during the investigation of a crime in certain cases, eg. when the victim is under 18 years old, when the investigation concerns ch. XXII of the penal code (sexual offences).

When the investigation concerns ch. XXIII (manslaughter and bodily injuries) or ch. XXIV (offences against personal freedom) or art 251-253 (Art. 251 Anyone obtaining funds from another by threatening a person or his/her next-of-kin with exerting physical violence, deprivation of freedom or submitting false accusation of punishable or dishonourable conduct on his/her part or that of his/her next-of-kin or other such accusation, although this be true, if the compulsion is not sufficiently entitled on account of the matter at which the threat is aimed or finally by threatening him/her with causing considerable damage to or destruction of his/her assets, shall be subject to imprisonment for up to 6 years.

Art. 252 Anyone who by means of physical violence or a threat of exerting this forthwith takes from a person or forces him/her to hand over funds or other valuables, conceals an article which is being stolen or compels a person to do or omit something which entails financial loss for that person or others, shall be subject to imprisonment for no less than 6 months and up to 10 years. In case very great danger has attached to the robbery the penalty may, however, consist of up to 16 years imprisonment.

Art. 253 In case a person has taken advantage of the distress of another, his/her naïveté, ignorance or his/her being dependent upon the former in order to obtain interests by means of a legal instrument or to reserve these for himself/herself so that there be an obvious difference between these interests and the payment rendered or to be rendered in respect of these or if these interests were to be granted free of charge, this is subject to ? 1) imprisonment for up to 2 years.) and the victim has suffered great damages physically or mentally due to the crime or the crime was committed by someone close to the victim. The police evaluates wether there is a need for the special assistance of such a lawyer to assist the victim in the case.

Accused individuals: Have the right to a lawyer financed by a public budget according to ch. IV of Act nr. 88/2008 on criminal procedure.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

☒ Yes

☐ No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NAP
for other than criminal cases?	12259	NAP

Comment :

Art. 7 of the Regulation on Legal Aid and the Legal Aid Committee nr. 45/2008 provides that it will look to annual income before taxes and other expenses, for individuals it is Euro 12259 and for couples it is Euro 18388. When the applicant for legal aid is younger than 18 years the committee looks to the income of both parents. For each child that an individual supports the roof on the amount of income is raised by Euro 1532. This criteria is not definite and the regulation lists examples of financial burdens or assets to be looked into when evaluating whether to grant legal aid despite income.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- ☒ Yes
☐ No

If yes, please explain the exact criteria for denying legal aid:

Art. 5 of the regulation on legal aid and the legal aid committee nr. 45/2008 provides that when the committee evaluates merit of the case it shall look towards the following main considerations:

1. The case is of the nature that it is normal that it is paid for by public funds. Legal aid should as a rule not be granted when the dispute is the following unless special reasons allow for legal aid:
 - a. The dispute regards business of the applicant and is in connection with the applicant's work and the applicant has with his actions or inactions gotten him or herself in the dispute that the case is supposed to handle,
 - b. The dispute is between closely related individuals,
 - c. The dispute regards insignificant interests and the costs are impropportionate to the likely costs of the case going before the courts
 - d. The applicant has shown great negligence that results in a difficult burden of proof
2. The case is clear enough that it is necessary and at the appropriate point in time to be brought before the courts. The following shall be considered:
 - a. The circumstances and arguments are clear enough so that it is ready to be handled by the courts
 - b. Whether the individuals concerned have tried to solve the matter outside the courts, ie by administrative committees,
 - c. Whether all documents have been acquired and a court case is necessary at this point in time.
3. The case seems to be likely to succeed at court. For example the committee can look to whether the courts have handled similar cases.
4. If the case regards a dispute that is already before the courts and is a similar case, that will likely set a precedent, it is permitted to refuse legal aid until it is possible to see whether the case is likely to succeed.

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

- ☐ the court?
☒ an authority external to the court?
☐ a mixed authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- ☒ Yes
☐ No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

Various insurance companies sell these types of insurances.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

The legal aid scheme in Iceland is based on Chapter 20 of the Act on Civil Procedure and the Regulation on legal aid issued by the Ministry of the Interior.

Individuals who intend to start proceedings in a civil case before an Icelandic court may apply for legal aid to the Ministry of the Interior in Iceland. The Ministry then submits the application to the Committee on Legal Aid which decides whether to grant legal aid or deny the application.

The Minister of the Interior appoints the Committee on Legal Aid composed of 3 lawyers according to Art. 125(2). One is nominated by the Association of Judges, one by the Bar Association and the chairman is appointed by the Minister without nomination. The Committee's function is to receive and handle applications for legal aid.

When the committee has decided on an application it submits its recommendations to the Ministry and the Ministry issues legal aid or sends a reasoned denial of legal aid. The Minister cannot grant legal aid unless the committee has approved the application.

If an individual is granted legal aid he is exempt from all legal fees payable to the State treasury. Other legal costs, including the lawyer's remuneration according to the judge's decision, is paid by the Ministry of the Interior.

The conditions for legal aid can be found in Art. 126. Legal aid is only granted if the applicant has sufficient reason to initiate proceedings or defend himself in civil proceedings in court in Iceland and one of the following conditions are fulfilled:

1. The applicant's financial situation is such that he could not afford defending his interests and the case is of such a nature that it would be considered appropriate that legal aid in the case would be financed by public funds,
2. The outcome of the case would have great general significance or matter greatly to the employment, social status or other personal status of the applicant.

The provision then allows the Minister to issue a regulation to further regulate the conditions for legal aid, when there is sufficient reason to initiate proceedings, what should be considered when evaluating the financial situation of the applicant and when the Committee on Legal Aid can restrict legal aid to a certain amount of money or certain aspects of legal costs, such as restrict it to legal fees and the evaluation of one court appointed specialist.

The regulation on legal aid further explains the conditions for granting legal aid. The Committee on Legal Aid looks into the merits of the case and whether it is ready to be taken to court. According to the regulation legal aid is not granted when the case regards the business of the applicant that is strongly connected with his professional activity and he has with his actions or inaction gotten himself into the situation that the case is intended to remedy. When the disagreement is within families. When the case regards interests that are not in proportion with the foreseeable legal costs and when the applicant has shown great indifference in the matter causing difficulties obtaining proof.

The committee is also to look to factors such as whether the applicant has tried to settle the case, for example by administrative appeals and whether there is a chance that the case would be successful in court, by looking at case-law of the courts.

Art. 5 of the regulation on legal aid and the legal aid committee nr. 45/2008 provides that when the committee evaluates merit of the case it shall look towards the following main considerations:

1. The case is of the nature that it is normal that it is paid for by public funds. Legal aid should as a rule not be granted when the dispute is the following unless special reasons allow for legal aid:
 - a. The dispute regards business of the applicant and is in connection with the applicant's work and the applicant has with his actions or inactions gotten him or herself in the dispute that the case is supposed to handle,
 - b. The dispute is between closely related individuals,
 - c. The dispute regards insignificant interests and the costs are disproportionate to the likely costs of the case going before the courts
 - d. The applicant has shown great negligence that results in a difficult burden of proof
2. The case is clear enough that it is necessary and at the appropriate point in time to be brought before the courts.

The following shall be considered:

- a. The circumstances and arguments are clear enough so that it is ready to be handled by the courts
- b. Whether the individuals concerned have tried to solve the matter outside the courts, ie by administrative committees,
- c. Whether all documents have been acquired and a court case is necessary at this point in time.
3. The case seems to be likely to succeed at court. For example the committee can look to whether the courts have handled similar cases.

4. If the case regards a dispute that is already before the courts and is a similar case, that will likely set a precedent, it is permitted to refuse legal aid until it is possible to see whether the case is likely to succeed.

The income criteria for legal aid are ISK 2 million per individual each year before taxes and ISK 3 million per couple. Additional ISK 250.000 are allowed for each child supported by the applicant. This criteria is not definite and the regulation lists factors to be looked into when evaluating whether to grant legal aid despite income.

If the applicant has based his application on the 2nd part of Article 126 (The outcome of the case would have great general significance or matter greatly to the employment, social status or other personal status of the applicant), legal aid can be granted regardless of the financial situation of the applicant. This possibility was introduced into the Act on Civil Procedure in the summer 2012.

The committee also needs to look to specific Acts in the Icelandic legislation that address legal aid, but require applications for legal aid to be submitted to the Ministry. These are for example provisions in the Act on Criminal Procedure regarding tort claims because of arrests and or police detention, the Act on Child Protective Services, and the Act on Adoption.

In some cases the judge can decide that all of the costs of the individual should be paid for by the State and in these cases no application for legal aid needs to be submitted and this is regardless of the financial status of the individual. This is for example in cases where a child initiates proceedings in court to be fathered and when an individual has been involuntarily committed to a psychiatric hospital.

Please indicate the sources for answering questions 20 and 23:

20 - statistics kept by the Legal Aid Committee on applications on legal aid in the year 2012
 23 - regulation on legal aid nr. 45/2008

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):	<input checked="" type="checkbox"/> Yes	www.althingi.is, www.reglugerd.is
case-law of the higher court/s? Internet address(es):	<input checked="" type="checkbox"/> Yes	www.domstolar.is, www.haestirettur.is
other documents (e.g. downloadable forms, online registration)? Internet address(es):	<input checked="" type="checkbox"/> Yes	www.island.is, www.logbirtingarblad.is, www.syslumenn.is www.irr.is

Comment :

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- ☐ Yes
☒ No
☐ Yes only in some specific situations

If yes only in some specific situations, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- ☒ Yes
☐ No

If yes, please specify:

An information brochure on victims rights has been distributed to all police commissioners and victims have the right to an appointed advocate. There is also an emergency reception set up especially for victims of sexual abuse at the University Hospital.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	Yes	Yes	Yes
Victims of terrorism	Yes	Yes	Yes
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes
Ethnic minorities	Yes	Yes	No
Disabled persons	Yes	Yes	Yes
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	No	Yes	Yes

Comment :

para 1 and 2 Art 41 Act on criminal procedure nr. 88/2008.

31.1) Is it possible for minors to be a party to a judicial proceedings :

☐ Yes

☒ No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

32) Does your country allocate compensation for victims of crime?

☒ Yes

☐ No

If yes, for which kind of offences

According to Art. 172 of Act nr. 88/2008 a victim and whoever believes he has a claim for compensation regarding a criminal case can request a judgement on the claim in a criminal case.

If the individual is awarded compensation it is paid by public funds but the claim is collected from the responsible person as possible.

33) If yes, does this compensation consist in:

☒ a public fund?

☒ damages to be paid by the responsible person (decided by a court decision)?

☐ a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

☐ Yes

☒ No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

☒ Yes

☐ No

If yes, please specify:

Articles of the Code of Criminal Procedure no. 88/2008

Art. 39-40 Instruction and announcement duties by the Police to victim of crime.

Art. 41. Nomination of lawyer for victims of crime if sex offence or if requested by the victims. It is always obliged if the victim is under 18.

Art. 47: Only right to access files regarding the victim.

Art. 172: Instruction duties to victims of crime because of compensation.

Art 201: Announcement duties to victims of crime because of appeal to the Supreme Court.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

☒ Yes

☐ No

☒ NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

Under the Administrative Procedure Act, the prosecutor is obliged to cite reasons for a decision to drop a case if requested to do so by parties concerned. Appeals may be lodged with the Director of Public Prosecutions against decisions of this type taken by prosecutors. The DPP may either set the decision aside or uphold it. No appeal against a prosecutors' decisions to issue indictments may be lodged with the DPP. The general principle in Icelandic Law is that victims do not influence the decision on whether or not indictments are issued in criminal cases. In some cases, prosecutors are not able to institute criminal proceedings unless the victim demands that punishment be imposed: these categories include burglary, minor damage to property and defamation.

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- ☒ excessive length of proceedings?
- ☐ non execution of court decisions?
- ☒ wrongful arrest?
- ☒ wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

According to act. no. 88/2008, art. 228 a court can decide that person will be compensated for wrongful arrest and for wrongful condemnation. Daily tariffs are not defined in the Code.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- ☐ (Satisfaction) surveys aimed at judges
- ☐ (Satisfaction) surveys aimed at court staff
- ☐ (Satisfaction) surveys aimed at public prosecutors
- ☐ (Satisfaction) surveys aimed at lawyers
- ☐ (Satisfaction) surveys aimed at the parties
- ☐ (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- ☐ (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

Iceland has general opinion surveys that measures trust and/or satisfaction of the judiciary system. For further informations: <http://www.capacent.is/> ,

If needed, special surveys can be performed to measure trust and/or satisfaction with the services delivered by the judiciary system, as referred in Q41.

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	No

40) Is there a national or local procedure for making complaints about the functioning of the judicial system(for example the handling of a case by a judge or the duration of a proceeding)?

- ☒ Yes
- ☐ No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options

possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of the Judiciary	Yes	Yes
Other external bodies (e.g. Ombudsman)	Yes	Yes

Comment :

According to act. no. 15/1998.

If the Chef judge considers that the professional conduct, performance of a judge or his private conduct, is worthy of censure without the provisions of the second paragraph being applicable. He can request, orally or in writing, that the judge correct the matter.

If a request made in accordance with the first paragraph is not successful, or if the person in charge of the court considers the matter so serious that a request of this kind is not suitable, the person in charge of the court shall refer the matter to the Committee on Judicial Functions in writing, stating the reasons. The same procedure shall be followed in case a judge does not heed a decision of the Judicial Council or a prohibition laid down in accordance with the provisions of Section 26, fourth paragraph.

The Minister of Interior may refer a matter to a Committee on Judicial Functions . The Committee may also consider a matter on its own initiative if the situation is such as described there.

If the Committee on Judicial Functions receives a matter for consideration in the manner described in the second or third paragraphs, the Committee shall afford the judge in question an opportunity to reply to the allegations in a written exposition. The Committee shall in other respects collect evidence as it may consider necessary. The procedure shall in other respects be governed by the provisions of the Administrative Procedures Act, as applicable.

The Committee on Judicial Functions shall bring a matter to a conclusion by a written and reasoned opinion on whether the judge in question shall be admonished. An admonition is made in a manner offering proof, and a copy shouldl also be sent to Chef Judge at the relevant court and to the Minister of Interior. If the judge is a district court judge, the Judicial Council should also be sent a copy.

A judge who has been admonished may take legal action for its invalidation against the Minister of Interior on behalf of the State within one month from when the admonition was served the judge.

If a chef judge considers that the professional conduct, performance of a judge or his private conduct, is worthy of censure without the provisions of the second paragraph being applicable. He can request, orally or in writing, that the judge correct the matter.

If a request is made in accordance with the first paragraph is not successful, or if the chef judge considers the matter so serious that a request of this kind is not suitable, The chef judge can refer the matter to the Committee on Judicial Functions in writing, stating the reasons. The same procedure shall be followed in case a judge does not heed a decision of the Judicial Council or a prohibition laid down in accordance with the provisions of Section 26, fourth paragraph

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

NA

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	8
42.2 First instance specialised Courts (legal entities)	2
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	10

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	2
Commercial courts (excluded insolvency courts)	NA
Insolvency courts	NA
Labour courts	1
Family courts	NA
Rent and tenancies courts	NA
Enforcement of criminal sanctions courts	NA
Fight against terrorism, organised crime and corruption	NA
Internet related disputes	NA
Administrative courts	NA
Insurance and / or social welfare courts	NA
Military courts	NA
Other specialised 1st instance courts	1

Comment :

Other: Landsdomur, A High Court, for criminal proceedings against current or former elected officials. The judgements of this court can not be appealed.

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

☒ Yes

☐ No

If yes, please specify:

The government has expressed a will to set up a three tier system with a court of appeals. A working group appointed by the Minister of Interior is working on a bill concerning the set up of a three tier system with adding a court of appeals to the present system of district courts and a supreme court.

The bill will be put forth on Althingi next fall (fall 2014), if all goes according to plan.

Another idea that is being discussed within the Ministry is to merge the district courts, no decision has been made regarding this idea

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

--	--

a debt collection for small claims	8
a dismissal	8
a robbery	8

Please give the definition for small claims and indicate the monetary value of a small claim:

There is no limit for monetary value of small claims within the procedural law of civil cases nr. 91/1991.

Please indicate the sources for answering questions 42, 43 and 45:

The council of district courts administration and The Ministry of the Interior.

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012)

(please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	55	34	20	
1. Number of first instance professional judges	43	25	18	
2. Number of second instance (court of appeal) professional judges	NAP	NAP	NAP	NAP
3. Number of supreme court professional judges	12	9	2	

Comment :

From 1 March 2011, number judges were temporary increased by law, due to workload.

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)	9	8	1	
1. Number of first instance court presidents	8	7	1	
2. Number of second instance (court of appeal) court presidents	NAP	NAP	NAP	NAP
3. Number of supreme court presidents	1	1	0	

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure

NA

If possible, in full-time equivalent

NA

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure

NAP

Comment :

50) Does your judicial system include trial by jury with the participation of citizens?☐ Yes☒ No

If yes, for which type of case(s)?

51) Number of citizens who were involved in such juries for the year of reference:

NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) ☒ Yes (among which women) 41 /43

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal

☒ Yes (among which women) 7 /11

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars

☒ Yes (among which women) 22 /23

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)

☒ Yes (among which women) 2/2

4. Technical staff

NAP

5. Other non-judge staff

NA

Comment :

Q5. Other non-judge staff: YES 3 of 5 men.

The line is not working properly.

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

The rechtspfleger has limited independent judicial authority according to section 17 of the Act on the Judiciary no. 15/1998 and section 1 of the Act no. 51/2012, to conclude civil law cases where the defendant does not answer the complaint and in criminal law cases where the defendant pleads guilty.

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?☒ Yes☐ No

If yes, please specify:

At the District Courts IT services and cleaning are delegated to private providers.
Training of staff is within the district Courts.

C1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

The council of district courts administration

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	81	42	39	
1. Number of prosecutors at first instance level	74	40	34	
2. Number of prosecutors at second instance (court of appeal) level	NAP	NAP	NAP	NAP
3. Number of prosecutors at supreme court level	7	2	5	

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	17	13	4	
1. Number of heads of prosecution offices at first instance level	16	13	3	
2. Number of heads of prosecution offices at second instance (court of appeal) level	NAP	NAP	NAP	NAP
3. Number of heads of prosecution offices at supreme court level	1	0	1	

Comment :

57) Do other persons have similar duties to public prosecutors?

- ☐ Yes
☒ No
☐ NA

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- ☐ Yes
☐ No

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- ☐ Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number ☒ NA

Among which women ☒ NA

C2 You can indicate below:

- Any useful comments for interpreting the data mentioned in this chapter
- The characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 55, 56 and 60.

Director of Public Prosecutions

3. 1. 4. Management of the court budget

61) Who is entrusted with responsibilities related to the budget within the court?

If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	Yes	No	No	Yes
Court President	Yes	No	Yes	Yes
Court administrative director	Yes	No	Yes	Yes
Head of the court clerk office	Yes	No	Yes	Yes
Other	No	No	No	No

Comment :

3. 1. 5. Use of Technologies in courts

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of caselaw	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts
Court management information system	0 % of courts
Financial information system	100% of courts
Videoconferencing	0 % of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

Electronic web forms	0 % of courts
Website	100% of courts
Follow-up of cases online	0 % of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	0 % of courts
Videoconferencing	0 % of courts
Other electronic communication facilities	0 % of courts

Comment :

65) The use of videoconferencing in the courts (details on question 63).

Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	No
65.2 Can such court hearing be held in the police station and/or in the prison?	No
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	No
65.4 Is videoconferencing used in other than criminal cases?	No

Comment :

C3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

3. 2. Monitoring and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

☒ Yes

☐ No

If yes, please indicate the name and the address of this institution:

The Judicial Council of district courts handles statistical data regarding the functioning of the courts and judiciary. Domstolarad, Domshusinu vid Laekjartorg, 101 Reykjavik, Iceland.

66.1) Does this institution publish statistics on the functioning of each court on the internet:

☒ Yes

☐ No, only in an intranet website

☐ No

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

☒ Yes

☐ No, only in an intranet website

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

- ☒ number of incoming cases?
- ☒ number of decisions delivered?
- ☐ number of postponed cases?
- ☒ length of proceedings (timeframes)?
- ☒ other?

If other, please specify:

Judicial Council of District Courts reviews this annually.

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- ☒ Yes
- ☐ No

If yes, please specify:

The judicial council of district courts is able to evaluate the performance of District Courts.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- ☒ Yes
- ☐ No

71) Please select the 4 main performance and quality indicators that have been defined:

- ☒ incoming cases
- ☒ length of proceedings (timeframes)
- ☒ closed cases
- ☒ pending cases and backlogs
- ☐ productivity of judges and court staff
- ☐ percentage of cases that are processed by a single sitting judge
- ☐ enforcement of penal decisions
- ☒ satisfaction of court staff
- ☐ satisfaction of users (regarding the services delivered by the courts)
- ☐ judicial quality and organisational quality of the courts
- ☐ costs of the judicial procedures
- ☐ other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- ☒ Yes
- ☐ No

73) Who is responsible for setting the targets for each judge?

- ☐ executive power (for example the Ministry of Justice)?
- ☐ legislative power
- ☒ judicial power (for example a High Judicial Council, Higher Court)
- ☒ President of the court
- ☐ other

If other, please specify:

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- ☒ Yes
- ☐ No

75) Who is responsible for setting the targets for the courts?:

- ☐ executive power (for example the ministry of Justice)?
- ☐ legislative power
- ☒ judicial power (for example a High Judicial Council, Higher Court)
- ☒ President of the court
- ☐ other

If other, please specify:

76) Please specify the main targets applied to the courts:

Length of proceedings and the number of cases closed.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- ☒ High Council of judiciary
- ☒ Ministry of Justice
- ☐ Inspection authority
- ☒ Supreme Court
- ☒ External audit body
- ☐ Other

If other, please specify :

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- ☐ Yes
- ☒ No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- ☐ Yes
- ☒ No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?

- ☒ in civil law cases
- ☒ in criminal law cases
- ☒ in administrative law cases

81) Do you monitor waiting time during court procedures?

- ☐ Yes
- ☒ No

If yes, please specify:

However the Supreme Court looks towards considers the timeframe of proceedings at the district courts when handling appeals.

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- ☒ Yes
- ☐ No

Please specify the frequency of the evaluation:

The Judicial Council monitors the evaluation every year.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- ☒ Yes
- ☐ No

If yes, please give further details:

The general prosecutor monitors the performance of the prosecution services. The Ministry of the Interior, additionally performs an inspection of various police commissioners after demand.

C.4 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

☒ Yes

☐ No

Number of successful challenges (in a year):

NA

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

Please indicate the sources:

council of district courts administration

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

☒ civil cases?

☒ criminal cases?

☒ administrative cases?

☐ there is no specific procedure

If yes, please specify:

According to chapter 19 of the Code of Civil Procedure no. 91/1991 it is allowed, in special occasions, to speed up the procedure of civil and administrative cases.

88) Are there simplified procedures for:

☐ civil cases (small disputes)?

☒ criminal cases (small offences)?

☐ administrative cases?

☐ there is no simplified procedure

If yes, please specify:

Police settlement for instance for minor traffic offences or shoplifting.

Act no. 88/2008, art. 148-150.

Regulation no. 205/2009.

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

☒ Yes

☐ No

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

☒ Yes

☐ No

If yes, please specify:

Courts and lawyers have the possibility to conclude agreements on modalities for processing cases to some extent. The exception is when timeframes are bound by law.

4. 2. 2. Case flow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal and criminal law cases.

Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases**	NA	NA	NA	NA
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

93) If "other cases", please indicate the case categories included:

94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	NA	NA	NA
8. Severe criminal cases	NA	NA	NA	NA
9. Misdemeanour and / or minor criminal cases	NA	NA	NA	NA

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

On 31 December 2012 the District Courts:
 Civil cases, oral proceedings 1.147
 Written civil cases (undisputed claims) 6.246
 Criminal cases 3.179
 Applications for insolvency proceedings 2.702
 Decisions regarding criminal investigations 1.354
 Disputes regarding insolvency decisions 693

97) Second instance courts: total number of cases

Number of "other than criminal law" cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	NAP	NAP	NAP	NAP
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NAP	NAP	NAP	NAP
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NAP	NAP	NAP	NAP
8. Severe criminal cases	NAP	NAP	NAP	NAP
9. Misdemeanour and/or minor criminal cases	NAP	NAP	NAP	NAP

Comment :

99) Highest instance courts: total number of cases
Number of "other than criminal law" cases:

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	158	460	429	156
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases	NA	NA	NA	NA
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

☐ Yes. If yes, please indicate the number of cases closed by this procedure?

☒ No

Number

100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	38	310	281	46
8. Ssevere criminal cases	NA	NA	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	NA	NA	NA

Comment :

CN 22/05:

As to the problem with the horizontal consistency, the answer is correct answer since some cases are discontinued.

101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA
Insolvency	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Insolvency	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA

Intentional homicide	NA	NA	NA	NA	NA	NA
----------------------	----	----	----	----	----	----

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

In general divorce cases do not go to the courts (they go to the district commissioners)

104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.

NA

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- ☒ to conduct or supervise police investigation
- ☐ to conduct investigations
- ☒ when necessary, to request investigation measures from the judge
- ☒ to charge
- ☒ to present the case in the court
- ☒ to propose a sentence to the judge
- ☒ to appeal
- ☐ to supervise the enforcement procedure
- ☒ to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- ☐ to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- ☐ other significant powers

If "other significant powers", please specify:

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- ☐ Yes
- ☒ No

If yes, please specify:

106.1) Does the public prosecutor also have a role in insolvency cases?

- ☐ Yes
- ☒ No

If yes, please specify:

107) Case proceedings managed by the public prosecutor

Total number of 1st instance criminal cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	5711	770	426	4515

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	NA	NA

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	NA
1. Discontinued by the public prosecutor because the offender could not be identified	NA
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NA
3. Discontinued by the public prosecutor for reasons of opportunity	NA

109) Do the figures include traffic offence cases?

☐ Yes

☒ No

D.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system concerning timeframes of proceedings and the main reforms that
have been implemented over the last two years**

Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Director of Public Prosecutions

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment and promotion

110) How are judges recruited?

- ☐ Mainly through a competitive exam (for instance, following a university degree in law)
- ☐ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- ☐ A combination of both (competitive exam and working experience)
- ☒ Other

If "other", please specify:

Following an advertisement, the judges are evaluated by the "committee to evaluate the ability of the applicants for office of supreme or district courts". The committee designated as the most qualified of the applicants, one or more.

Act on the Judiciary No. 15/1998

The Supreme court of Iceland

Section 4

The Supreme court of Iceland shall be composed of nine judges, commissioned for an indefinite period of time by the President of Iceland as proposed by the minister of justice.

Only a person who fulfils the following conditions may be commissioned to the office of supreme court judge:

1. Has attained the age of 35 years.

2. Is an Icelandic national.

3. Has the necessary mental and physical capacity.

Is legally competent to manage his or her personal and financial affairs, and has never been deprived of the control of his or her finances.

5. Has not committed any criminal act considered to be infamous in public opinion, or evinced any conduct detrimental to the trust that persons holding judicial office generally must enjoy.

6. Has completed a graduation examination in law, or graduated from a university with an education deemed equivalent thereto.

7. Has for a period not shorter than three years been a district court judge, Supreme Court lawyer, professor of a law, commissioner of police, magistrate, Director of Public Prosecutions, Assistant Director of Public Prosecutions, public prosecutor, Director General of a Government Ministry, Chief of Office at the Ministry of Justice, or Ombudsman, or has for such period discharged a similar function providing similar legal experience.

8. Is deemed capable to hold the office in the lights of his or her career and knowledge of law.

A person who is, or has been, married to a Supreme court judge already in office, or a person related to such judge by blood or marriage by ascent or descent, or in the second sideline, may not be commissioned to the office of a Supreme court judge.

The District Courts

Section 12

The judges of the district courts shall be 38 in number, appointed to their offices for an indefinite period of time by the minister of justice.

Only a person fulfilling the following qualifications may be appointed to the office of a district court judge:

1. Has attained the age of 35 years.

2. Is an Icelandic national.

3. Has the necessary mental and physical capacity.

Is legally competent to manage his or her personal and financial affairs, and has never been deprived of the control of his or her finances.

5. Has not committed any criminal act considered to be infamous in public opinion, or evinced any conduct detrimental to the trust that persons holding judicial office generally must enjoy.

6. Has completed a graduation examination in law, or graduated from a university with an education deemed equivalent.

7. Has for a period not shorter than three years been a Member of Parliament or has, without interruption, been a lawyer representing litigants in court, or has been, as a main occupation, engaged as a lawyer with national or municipal public authorities. The periods in each of these occupations may be added together.

On 26 May 2010, Althingi passed Act No 45/2010 amending Act No 15/1998 on the judiciary, as amended (appointment of judges). Among the changes introduced in the Act was the appointment of an evaluation committee to assess the qualifications of applicants for judgeships, which committee was charged with reviewing applications for vacancies both in the Supreme Court of Iceland and the district courts. The second paragraph of Article 4(a) of Act No 15/1998 thus states that the evaluation committee shall provide the Minister of the Interior with a written and reasoned opinion on applicants for the office of Supreme Court judge. The opinion of the evaluation committee shall state its position regarding which applicant is best qualified for the post, and it may rank two or more applicants equally. In other respects, the Minister shall establish further rules on the functions of the committee. The third paragraph of the Article further provides that no applicant may be appointed to the office of judge which the evaluation committee has not designated as the most qualified of the applicants, whether alone or equally ranked with others. However, derogation from this condition is permitted if Althingi adopts a motion of the Minister of Justice (now the Minister of the Interior) to appoint another identified applicant who, in the opinion of the evaluation committee, meets all the requirements laid down in the second and third paragraphs of Article 4. The Minister shall in such circumstances place the motion before Althingi within

two weeks from the time of submission of the evaluation committee's opinion or within two weeks from the time that Althingi is next convened following submission of the opinion, and the motion must be approved within one month from the time that it is placed before Althingi or the Minister will be bound by the opinion of the evaluation committee.

See also answer to question nr. 111.

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

☒ Yes

☐ No

If "yes", please specify:

The aim of Act No 10/2008 on equal status and equal rights of women and men is, inter alia, to establish and maintain equal status and equal opportunities for women and men and thus promote gender equality in all spheres of society. All individuals should have equal opportunities to benefit from their own enterprise and to develop their skills irrespective of gender, as stated in Article 1 of the Act. According to the first paragraph of Article 20 of the Act, vacant positions that are open for application shall be equally accessible to women and men. The first paragraph of Article 24 of the Act further provides that all forms of discrimination, direct or indirect, on grounds of gender, are prohibited. According to point 1 of Article 2 of the same Act, it is considered direct discrimination when one individual receives less favourable treatment than another of the opposite sex in comparable circumstances. According to point 2 of Article 2 of the same Act, on the other hand, it is considered indirect discrimination when an impartial requirement, standard of reference or measure affects either sex more heavily than the other, unless this is appropriate, necessary or justifiable in terms of impartial considerations independent of gender. The first paragraph of Article 26 of the Act then reaffirms the point that employers are prohibited from discriminating between applicants on grounds of their gender. The same applies regarding promotion, changes of position, retraining, continuing education, vocational training, study leave, notice of termination, the working environment and employees' working conditions.

It should also be noted that the Supreme Court has found that the Act on equal status and equal rights of women and men would serve little purpose unless its non-discrimination principles are understood to mean that a job should be given to a woman if she is at least as qualified as a competing man in terms of education and other relevant factors, provided that there are few women working in the field in question, cf. Supreme Court judgments H 1993:2230, H 1996:3760, H 1998:3599 and H 2006:4891. In the opinion of the evaluation committee, the Minister would have to apply this rule if two or more applicants are found by the committee to be equally qualified.

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

☐ An authority made up of judges only?

☐ An authority made up of non-judges only?

☒ An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Following an advertisement, the applicants for a position of judge are evaluated by the evaluation committee to assess the qualifications of applicants for judgeships. This committee is charged with reviewing applications for vacancies both in the Supreme Court of Iceland and the district courts. The second paragraph of Article 4(a) of Act No 15/1998 states that the evaluation committee shall provide the Minister of the Interior with a written and reasoned opinion on applicants for the office of Supreme Court judge. The opinion of the evaluation committee shall state its position regarding which applicant is best qualified for the post, and it may rank two or more applicants equally. In other respects, the Minister shall establish further rules on the functions of the committee. The third paragraph of the Article further provides that no applicant may be appointed to the office of judge which the evaluation committee has not designated as the most qualified of the applicants, whether alone or equally ranked with others. However, derogation from this condition is permitted if Althingi adopts a motion of the Minister of the Interior to appoint another identified applicant who, in the opinion of the evaluation committee, meets all the requirements laid down in the second and third paragraphs of Article 4. The Minister shall in such circumstances place the motion before Althingi within two weeks from the time of submission of the evaluation committee's opinion or within two weeks from the time that Althingi is next convened following submission of the opinion, and the motion must be approved within one month from the time that it is placed before Althingi or the Minister will be bound by the opinion of the evaluation committee.

Two members of the committee shall be nominated by the Supreme court, and one of them shall be chairman. The Icelandic Judges' Association shall nominate another member from among district court judges. The Icelandic Bar association shall nominate a third member from among active representatives in litigation. One member is elected by the parliament.

Based on the evaluation the minister of interior appoints the district court judges, but in case of Supreme Court judges, the president of Iceland appoints them based on the evaluation.

The Ministry of the Interior publishes an advertisement seeking applications, either for judges at the Supreme court or the district Courts. The applications received are submitted to the evaluation committee for review. The committee can interview the applicants and the committee can also seek information from former employers. The committee can view anything that the applicant has published, such as treatises, judgements or verdicts.

The commentary on Article 2 of the bill, which became the second paragraph of Article 4 (a) of the Act on the judiciary No 15/1998, includes the following passage: "Many factors need to be taken into consideration when a candidate is being evaluated, such as professional legal experience, whether it be in the field of judicial functions, legal representation, other legal work, academic work or within the administration, but an applicant must in general possess comprehensive and wide-ranging legal training and knowledge. Auxiliary responsibilities of the applicant shall also be taken into consideration, such as committee work or other related functions which might prove beneficial to a candidate for the office of judge. It must in general be considered beneficial for an applicant to possess wide-ranging professional experience, although this must be evaluated on a case-by-case basis. The committee should also look to and seek opinions on an applicant's job performance, whether the applicant is efficient in the performance of his or her duties, industrious, whether the applicant can separate main points from minutiae, and present his or her opinion clearly in both written and spoken form. To that end, academic work may be examined, the applicant's court representation experience, or the legal opinions which the applicant may have authored. An applicant for the office of judge must furthermore be capable of good communication with others."

The second paragraph of Article 4(a) of Act No 15/2008 concludes by stating that in other respects, the Minister shall establish further rules on the functions of the committee. The Minister of the Interior, introduced Rules No 620/2010 on the functions of the evaluation committee tasked with assessing the qualifications of applicants for the office of judge. Article 4 of the Rules, which replaced the previously existing rules, sets out the criteria on which the committee is to base its assessment; the Article reads:

"Article 4

Considerations on which the evaluation committee shall base its assessment

The report of the evaluation committee shall state which applicant or applicants are most qualified for appointment to the judicial position in question. The committee shall consistently ensure that equality is respected in its assessment. The conclusion shall be based on a comprehensive assessment of objective considerations, taking into account the qualities of the applicants and considering education and experience, integrity, competence and professional efficiency, as further noted below:

1. Education, professional profile and academic knowledge. In assessing the education, professional profile and academic knowledge of applicants, the evaluation committee shall work under the assumption that it is preferable for applicants to have varied professional legal experience, e.g. in fields such as the judiciary, legal representation or other legal work, within the administration or in the academic community. The applicant must in general possess comprehensive and wide-ranging legal training and knowledge. Note shall be taken of whether an applicant has obtained an advanced degree.
2. Ancillary duties and social activities. Ancillary duties of the applicant shall also be taken into consideration, such as committee work or other related functions which might prove beneficial to a candidate for the office of judge. Extensive participation in social activities may be taken into consideration.
3. General professional competence. In assessing general professional competence, account shall be taken of whether the applicant has demonstrated independence, impartiality, initiative and efficiency in the performance of duties and whether the applicant can easily separate main points from less important details. The applicant should preferably have management experience. The applicant should have good command of Icelandic and be able to express himself or herself clearly in both written and spoken form.
4. Specific professional competence. It is important that the applicant has mastered civil and criminal law and can adhere to instructions set in law on writing judgements and do so in proper language. The applicant must be able to administer proceedings resolutely and fairly, and process those cases delegated to him or her quickly and decisively.
5. Personality traits. The applicant must be able to communicate effectively with both his or her colleagues and those who have business with the court. The applicant must be highly regarded both professionally and personally, and be without reproach in his or her personal life."

The committee may seek information about the former employment of the applicant from former employers or others who have had communications with the applicant in his previous work. The applicant shall have 7 days to comment on information that is acquired this way. The committee shall allow the applicant to review a classified draft evaluation report and the applicant shall have 7 days to put their views on the evaluation forth.

The commentary on the bill amending the Act on the Judiciary regarding the appointment of judges points out that other acts of law also contain provisions that need to be taken into account in the appointment of judges, including the Administrative Procedures Act No 37/1993, Act No 10/2008 on equal status and equal rights of women and men, and the Government Employees Act No 70/1996.

The first paragraph of Article 11 of the Administrative Procedures Act No 37/1993 provides that the authorities shall resolve matters in a consistent and equal manner for legal purposes. This provision is reiterated at the beginning of the first paragraph of Article 4 of the above-cited Rules No 620/2010.

The second paragraph of Article 11 of the Administrative Procedures Act No 37/1993 is a non-discrimination provision which lists certain criteria that may not be used as a basis for determining which applicant is best qualified for the position. The provision reads: "In resolving matters it is prohibited to discriminate against parties on the basis of considerations relating to their gender, race, skin colour, nationality, religion, political beliefs, social standing, family relation or other similar reasons." Finally, it should be mentioned that the commentary on the bill amending the Act on the Judiciary regarding the appointment of judges, points out that Recommendation No R (94)12 of the Committee of Ministers of the Council of Europe of 13 October 1994 on the Independence, Efficiency and Role of Judges, states that all decisions concerning the appointment and professional career of judges should be based on objective criteria and on merit, having regard to qualifications, integrity, ability and efficiency. The initial provision of the first paragraph of Article 4 of Rules No 620/2010 is based on this recommendation.

112) Is the same authority competent for the promotion of judges?

- ☒ Yes
☐ No

If no, which authority is competent for the promotion of judges ?

NAP. There is no promotion system within the judiciary at the District Court Level. District court judges can apply to work in the Supreme Court. See Q 111. The same procedure.

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- ☒ Yes
☐ No

If "yes", please specify:

The aim of Act No 10/2008 on equal status and equal rights of women and men is, inter alia, to establish and maintain equal status and equal opportunities for women and men and thus promote gender equality in all spheres of society. All individuals should have equal opportunities to benefit from their own enterprise and to develop their skills irrespective of gender, as stated in Article 1 of the Act. According to the first paragraph of Article 20 of the Act, vacant positions that are open for application shall be equally accessible to women and men. The first paragraph of Article 24 of the Act further provides that all forms of discrimination, direct or indirect, on grounds of gender, are prohibited. According to point 1 of Article 2 of the same Act, it is considered direct discrimination when one individual receives less favourable treatment than another of the opposite sex in comparable circumstances. According to point 2 of Article 2 of the same Act, on the other hand, it is considered indirect discrimination when an impartial requirement, standard of reference or measure affects either sex more heavily than the other, unless this is appropriate, necessary or justifiable in terms of impartial considerations independent of gender. The first paragraph of Article 26 of the Act then reaffirms the point that employers are prohibited from discriminating between applicants on grounds of their gender. The same applies regarding promotion, changes of position, retraining, continuing education, vocational training, study leave, notice of termination, the working environment and employees' working conditions.

It should also be noted that the Supreme Court has found that the Act on equal status and equal rights of women and men would serve little purpose unless its non-discrimination principles are understood to mean that a job should be given to a woman if she is at least as qualified as a competing man in terms of education and other relevant factors, provided that there are few women working in the field in question, cf. Supreme Court judgments H 1993:2230, H 1996:3760, H 1998:3599 and H 2006:4891. In the opinion of the evaluation committee, the Minister would have to apply this rule if two or more applicants are found by the committee to be equally qualified.

113) Which procedures and criteria are used for promoting judges? Please specify.

NAP. There is no promotion system within the judiciary at the District Court Level. District court judges can apply to work in the Supreme Court, and the chief judge in each court is selected by his/her peers. In accordance with Article 5 of the Act on the Judiciary, Supreme Court Judges select their president for a two-year period and an alternate president for the same term. The President shall be the director of the Court, and as such s/he is in charge of the Court's day-to-day businesses and of its finances and shall represent the Court outwardly, in addition to performing the particular functions provided for in other laws.

114) Is there a system of qualitative individual assessment of the judges' activity?

- ☐ Yes
☒ No

If yes, please indicate the frequency

115) Is the status of prosecution services:

- ☒ Independent?
☐ Under the authority of the Minister of justice ?
☐ Other?

Please specify:

The director of public prosecutions is the highest holder of prosecutorial powers in the country, according to Art. 20 of Act 88/2008 on criminal procedure. Para 2 Art. 18 of the Act provides that prosecutors do not follow orders from other authorities regarding prosecutorial powers unless legal provisions provide for such. Art. 21 provides that the public prosecutor sets general rules and instructions about the treatment of prosecutorial powers and supervises the practice of prosecutorial powers in the country. Para 3 Art. 21 provides that the public prosecutor can give binding instructions to other prosecutors in particular cases. The director of public prosecutions can order the start of investigations, instruct on how it shall be executed and supervise it. The director of public prosecutions can revise the police commissioner's decision to drop a case on his own accord or after receiving a complaint by a party connected to the case. After receiving a complaint the director of public prosecutions can revise the police commissioner's decision to drop a case as it is not likely to suffice for a conviction, and the director of public prosecutions can revise the police commissioner's decisions to dismiss a case or stop investigating in an ongoing investigation. Art 19 of Act 88/2008 provides that the minister supervises the execution of prosecutorial powers and can request that the director of public prosecutions submits documents and report on particular cases. However, the ministry does not have the powers to initiate an independent criminal investigation and it does not have the power to revise the decisions of the director of public prosecutions or prosecutors, as such powers would go against the principle of the independence of the director of public prosecutions as the highest holder of prosecutorial powers in the country.

116) How are public prosecutors recruited?

- ☐ Mainly through a competitive exam (for instance, following a university degree in law)
- ☒ Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- ☐ A combination of both (competitive exam and working experience)
- ☐ Other

If "other", please specify:

According to Act. on the Judiciary No. 15/1998, the Act on criminal procedure No. 88/2008 and The Government Employees Act. No. 70/1996, all prosecutor positions are advertised in the Legal Notice Journal (Lögbirtingablað) and/or newspapers as open for applications. The Ministry of Interior is responsible for evaluating the applicants' eligibility and determines the appointments for said positions.

The general rule is that all vacancies are advertised. A few exceptions exist. Public Prosecutors are civil servants and in The Government Employees Act, No. 70/1996, it is stipulated in Art. 36, that a government authority which has appointed a person to a post can move that person from one post to another as long as both posts come under its authority. A government authority which has appointed a person to a post can also agree that he be moved to another post under another government authority, as long as that government authority requests the transfer. If a person moves to another post according to which is lower paid than the earlier post, he shall be entitled to receive the pay difference during the remainder of his appointment period. If the person does not agree to move to a new post, he can be relieved from office with the pension he is entitled to by law, according to the Constitution. It is therefore possible to move other civil servants into the office of prosecutor, but this has not been used for a long time without the position being advertised and the evaluation of applications.

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- ☐ An authority composed of public prosecutors only?
- ☐ An authority composed of non-public prosecutors only?
- ☒ An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

According to the Act on criminal procedure nr. 88/2008 the director of public prosecution shall be appointed for life by the Minister of the Interior and shall fulfill the legal requirements for appointments of judges to the Supreme Court. The director of public prosecutions shall also enjoy the same legal status as Supreme Court judges, as far as possible. A deputy director of public prosecution is appointed by the minister for life assists the director of public prosecutions. Also assisting are public prosecutors who are appointed by the minister for a 5 year term. The deputy director of public prosecutions shall fulfill the same legal requirements as for the appointments of district court judges. The director of public prosecutions employs other staff, among them being prosecution officers who have completed legal studies (bachelor's and master's degrees in law). When the position of director of public prosecutions or deputy director of public prosecutions is available the position is advertised. When the application deadline expires the procedure for appointment begins. (the procedure has been such for appointing director and deputy director of public prosecutions in 2011 that an independent ad hoc committee has been appointed to evaluate the applications and evaluate the qualifications of the applicants. When appointing prosecutors the applications have been forwarded to the director of public prosecutions for treatment which is then evaluated by the ministry).

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

☒ Yes

☐ No

If "yes", please specify:

In other laws, there is certain provisions that the ministry have to have in mind when recruiting prosecutors.

The aim of Act No 10/2008 on equal status and equal rights of women and men is, inter alia, to establish and maintain equal status and equal opportunities for women and men and thus promote gender equality in all spheres of society. All individuals should have equal opportunities to benefit from their own enterprise and to develop their skills irrespective of gender, as stated in Article 1 of the Act. According to the first paragraph of Article 20 of the Act, vacant positions that are open for application shall be equally accessible to women and men. The first paragraph of Article 24 of the Act further provides that all forms of discrimination, direct or indirect, on grounds of gender, are prohibited. According to point 1 of Article 2 of the same Act, it is considered direct discrimination when one individual receives less favourable treatment than another of the opposite sex in comparable circumstances. According to point 2 of Article 2 of the same Act, on the other hand, it is considered indirect discrimination when an impartial requirement, standard of reference or measure affects either sex more heavily than the other, unless this is appropriate, necessary or justifiable in terms of impartial considerations independent of gender. The first paragraph of Article 26 of the Act then reaffirms the point that employers are prohibited from discriminating between applicants on grounds of their gender. The same applies regarding promotion, changes of position, retraining, continuing education, vocational training, study leave, notice of termination, the working environment and employees' working conditions.

It should also be noted that the Supreme Court has found that the Act on equal status and equal rights of women and men would serve little purpose unless its non-discrimination principles are understood to mean that a job should be given to a woman if she is at least as qualified as a competing man in terms of education and other relevant factors, provided that there are few women working in the field in question, cf. Supreme Court judgments H 1993:2230, H 1996:3760, H 1998:3599 and H 2006:4891. The Minister would have to apply this rule if two or more applicants are found by to be equally qualified.

118) Is the same authority formally responsible for the promotion of public prosecutors?

☐ Yes

☒ No

If no, please specify which authority is competent for promoting public prosecutors:

There is no promotion system. If a prosecutor wishes to become the Director of Public Prosecutions or deputy Director of Public Prosecutions, he or she can apply when the position is advertised. The promotion is therefore through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers).

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

There is no promotion system. If a prosecutor wishes to become the Director of Public Prosecutions or deputy Director of Public Prosecutions, he or she can apply when the position is advertised. The promotion is therefore through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers).

The same criteria as promoting judges, as answered in question 113. Regarding procedures, see answer to question 115

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

☒ Yes

☐ No

If "yes", please specify:

Note: See answer to question nr. 119.

The aim of Act No 10/2008 on equal status and equal rights of women and men is, inter alia, to establish and maintain equal status and equal opportunities for women and men and thus promote gender equality in all spheres of society. All individuals should have equal opportunities to benefit from their own enterprise and to develop their skills irrespective of gender, as stated in Article 1 of the Act. According to the first paragraph of Article 20 of the Act, vacant positions that are open for application shall be equally accessible to women and men. The first paragraph of Article 24 of the Act further provides that all forms of discrimination, direct or indirect, on grounds of gender, are prohibited. According to point 1 of Article 2 of the same Act, it is considered direct discrimination when one individual receives less favourable treatment than another of the opposite sex in comparable circumstances. According to point 2 of Article 2 of the same Act, on the other hand, it is considered indirect discrimination when an impartial requirement, standard of reference or measure affects either sex more heavily than the other, unless this is appropriate, necessary or justifiable in terms of impartial considerations independent of gender. The first paragraph of Article 26 of the Act then reaffirms the point that employers are prohibited from discriminating between applicants on grounds of their gender. The same applies regarding promotion, changes of position, retraining, continuing education, vocational training, study leave, notice of termination, the working environment and employees' working conditions.

It should also be noted that the Supreme Court has found that the Act on equal status and equal rights of women and men would serve little purpose unless its non-discrimination principles are understood to mean that a job should be given to a woman if she is at least as qualified as a competing man in terms of education and other relevant factors, provided that there are few women working in the field in question, cf. Supreme Court judgments H 1993:2230, H 1996:3760, H 1998:3599 and H 2006:4891. The Minister would have to apply this rule if two or more applicants are found by to be equally qualified.

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

☐ Yes

☒ No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	YES / 70 years.
No	

Comment :

Judges are appointed for life, or until the official age of retirement, but there are exceptions. As stated in the Act on the Judiciary No 15/1998, judges are appointed for life. It is stated in same law, that a judge shall be relieved from office at his own request, subject to the rules generally applicable to government employees. A judge shall be deemed to be relieved automatically if he accepts a commission or appointment to another office. A judge may be relieved from office when he has attained the age of 65 years, but he shall subsequently be entitled to a pension as if he had been in office until the age of

seventy, unless he is entitled to further rights according to constitutional law. A judge shall in any case be relieved from office when he has attained the age of seventy years. The President of Iceland shall relieve a judge of the Supreme Court from office as proposed by the Minister of interior, and the Minister shall have this power with regard to district court judges.

121.1) Can a judge be transferred to another court without his consent:

- ☐ For disciplinary reasons
☒ For organisational reasons
☐ For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

Supreme Court judges or district court judges cannot be transferred or moved against their will, except in the event of re-organization of the judiciary.

Article 61 of the Constitution: In the performance of their official duties, judges shall be guided solely by the law. Those judges who do not also have administrative functions cannot be discharged from office except by a judicial decision, nor may they be transferred to another office against their will, except in the event of re-organization of the judiciary. However, a judge who has reached the age of 65 may be released from office, but judges of the Supreme Court shall not lose any of their salary.

The Judicial Council decides the allocation of district judges to courts and regions, cf. Art. 15(1) and (2) of the Act on the Judiciary No 15/1998, before advertising the post.

The procedure for the moving of a judge between courts is provided in Art. 15(3)-(6) of the Act on the Judiciary:

Article 15

The Judicial Council shall make every effort to take the personal wishes of a judge into account when a decision is made on his or her first place of work.

A district court judge is entitled to have his or her place of work changed as soon as possible after having been in office for three consecutive years at the same district court, or without a permanent appointment to a particular district court, provided the provisions of the fifth paragraph do not prevent his transfer to another place, cf., also, the provisions of Article 39.

Unless approved by a district court judge, he cannot be transferred to a new place of work for a period longer than six months in each 10 years, if the judge cannot attend work there in a trouble-free manner without transferring his or her personal home. This shall however not apply if a judge must be transferred by reason of a permanent reduction of the number of judges in office at a particular court.

If a district court judge who is permanently engaged to serve with a particular district court is needed for adjudication of a particular case at another district court, including for taking a seat in a court of many judges, the Judicial Council shall decide who shall be given the assignment. A judge is obliged to heed such a decision of the Council.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	YES / 70 years.
No	

Comment :

The power of prosecution is divided into two administrative levels, i.e., the power of prosecution held by 15 Chiefs of Police,

including the Office of the National Commissioner of Police, and the Office of the Special Prosecutor in matters relating to the bank crisis, and the power of prosecution held by the Office of the Director of Public Prosecutions and the Special Prosecutor in case of matters relating to the bank crisis. The offices can have public prosecutors, and also legally trained representatives/prosecutorial representatives who are recruited by the heads of the relevant offices and who hold the prosecutorial power on their behalf.

According to the Act on criminal procedure nr. 88/2008 the director of public prosecution and deputy director shall be appointed for life by the Minister of the Interior. For life means until the age of 70 years.

According to the Act on criminal procedure No. 88/2008, the Government Employees Act, No. 70/1996 and Police Act No. 90/1996, other prosecutors are given a 5 year renewable mandate, including the Chiefs of Police. The appointed time of the public prosecutors and other public servants, (not judges, director of public prosecution and deputy director) of five years, is based on the principle that civil servants are not generally appointed longer than five years. Here it has to mentioned that if public servant were appointed before the year 1996, he or she is appointed for live according to the Government Employees Act, No. 70/1996.

According to the Government Employees Act, No. 70/1996, Article 23, civil servants shall be appointed for a fixed term of five years at a time, unless otherwise stated by law. If an individual has been appointed to a post according to that, he shall be informed no later than six months before his term of appointment expires whether the post is going to be advertised as vacant. If this is not done, his term of appointment is automatically extended by five years, unless he wishes to resign in accordance with Paragraph 1, Article 37. In that paragraph is stated that when a civil servant wishes to resign he must do so in writing with a notice of three months, unless unforeseen circumstances have rendered him incapable of performing his job or the government authority accepting the resignation agrees to a shorter period.

The Special Prosecutor and the prosecutors working for his office shall all fulfill the same requirements made for appointment to be a district court judge, except they do not have to be younger than 70 years old as is the case with judges. The provisions of the Government Employees Act no. 70/1996 about fixed five year appointments and severance payments do not apply to these employees. Their appointments will be terminated when the Office of the Special Prosecutor will be abolished or integrated into another government office, but they will keep their wages for 3 months from that time. According to the Act on the Special Prosecutor the Minister may after January 13th 2013, after obtaining the opinion of the Director for Public Prosecutions, propose that the office be abolished. In that case, he shall submit a bill to this effect to the Althingi. The functions of the office will then be transferred to the police or the public prosecutors in accordance with the general provisions of the Police Act and the Code of Criminal Procedure. This short lifetime of the office of the Special Prosecutor is due to the fact that it was established to investigate cases resulting from the collapse of the Icelandic banks. Work is ongoing revising the system for investigation and prosecution of economic crime in Iceland.

124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

☒ Yes Renewable

☐ No

For public prosecutors : length of the mandate (in years):

For prosecutors 5 years.

NOTICE: Director of public prosecution shall be appointed for life. The director of public prosecutions also enjoys the same legal status as Supreme Court judges, as far as possible. A deputy director of public prosecution is appointed by the minister for life and assists the director of public prosecutions.

For life means according to law no 70/1996, that a public servant is relieved from his post at age 70.

E.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

Q126 : For prosecutors 5 years. NOTICE: Director of public prosecution shall be appointed for life. The director of public prosecutions also enjoys the same legal status as Supreme Court judges, as far as possible. A deputy director of public prosecution is appointed by the minister for life and assists the director of public prosecutions.

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Optional
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Occasional (e.g. at times)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer facilities in courts	No training proposed

129) Training of public prosecutors

Initial training	No training proposed
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	No training proposed
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	No training proposed
In-service training for the use of computer facilities in office	No training proposed

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	No training proposed
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	No training proposed
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.

If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	NAP	NAP	NAP	NAP
One institution for prosecutors	NAP	NAP	NAP	NAP
One single institution for both judges and prosecutors	NAP	NAP	NAP	NAP

Comment :

According to section 14 of the Act on the Judiciary No 15/1998 the Judicial council is to organise continuing education for district court judges. A working group appointed by The Judicial Council will submit a report suggesting training and education for judges, both initial and in-service training. A special committee by the Judicial Council provides continuing education for the district court judges.

A working group appointed by the public prosecutor will submit a report soon making suggestions for training and education for prosecutors, both initial training and in-service training. The police commissioners have offered courses for prosecutors, and the public prosecutor has had at least one information meeting annually for prosecutors.

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

Iceland does not have public schools or institutions specifically responsible for training judges and prosecutors. All have finished law studies (basic education and masters course) in university and some have finished a law bar. See answer to previous questions concerning recruitment.

E.2 You can indicate below:

any useful comments for interpreting the data mentioned in this chapter

comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court

the characteristics of your training system for judges and public prosecutors and the main reforms that have been implemented over the last two years

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	72002	NA
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	89746	NA
Public prosecutor at the beginning of his/her career	37193	NA
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	55665	NA

Comment :

Note, salaries of judges were temporary increased due to workload in the courts.

CN 22/05 :

Salaries of judges were temporary increased due to workload in the courts. By law, salary of the Public prosecutor was decreased temporarily in 2010, as well as salaries of all officialdoms in Iceland. Salaries of public employees did also decrease. This was an effect of the banking crisis in 2008 and effect of demand of savings in government operations. Since then salaries have increased.

Public prosecutor at the beginning of his/her career: A: 37.193 Euro. Note that this are debuty prosecutors who are not apponted as public prosecutors. Public prosecutors in Iceland are all working for the of director public prosecution and they all can plead cases for the Supreme Court.

Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)

A: Public prosecutor = 55.665 Euro

For informmaiton, also send following information, but Deputy director of public prosecution and director of public

prosecution also plead cases for the Supreme Court.
 Deputy director of public prosecution = 66.679 Euro
 Director of public prosecution = 89.746 Euro

133) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	No	No
Other financial benefit	No	No

134) If other financial benefit, please specify:

Only Supreme Court judges and the General Prosecutor have special pension.

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	Yes
Consultant	Yes	Yes
Cultural function	Yes	Yes
Political function	No	Yes
Other function	Yes	Yes

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

As legislated in Act on the Judiciary No. 15/199, a judge may not accept an occupation or become the owner of a share in a company or enterprise if this is not compatible with his office or carries a risk that he will not be able to discharge his official duties properly. The Committee on Judicial Functions shall issue general rules concerning which additional functions may be considered compatible with a judge's official functions. A judge shall report any additional functions to the Committee before accepting them. If the general rules issued by the Committee do not enumerate that function, a judge shall seek its permission in advance. The Committee on Judicial Functions shall issue general rules. The committee has set rules in Regulation No. 463/2000 concerning the extent to which ownership of a share in a company or enterprise is compatible with the office of a judge. A judge shall report any share acquired by him in a company or enterprise to the Committee. If the general rules issued by the Committee do not provide for his right to own such a share, the judge shall seek its permission in advance. The Committee on Judicial Functions can, by a reasoned decision, prevent a judge from discharging an additional function or owning a share in a company or enterprise. A judge shall be obliged to heed such prohibition, but is entitled to seek a judicial resolution on its legality.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	Yes
Consultant	Yes	Yes
Cultural function	Yes	Yes
Political function	No	Yes
Other function	Yes	Yes

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

The director of public prosecutions has the same legal status as Supreme Court judges according to Art. 20 of Act nr. 88/2008 on criminal procedure. Therefore the same rules apply regarding functions, see answer to Q136. Regarding other prosecutors, provisions in Act. 70/1996 on the rights and obligations of public employees apply. These provisions provide that before a public employee undertakes an additional remunerated function, takes a seat on the board of a company or starts his own business he is obliged to report this to the authority who employing him. The public employee shall be notified within 2 weeks if the function is not compatible with his office and therefore not permitted. A complaint regarding refusal of permission for an additional function can be lodged with the Minister. If it later becomes clear that an additional function cannot be performed alongside official duties the employee shall be instructed not to carry on with the function.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- ☐ Yes
☒ No

If yes, please specify the conditions and possibly the amounts:

NOTE Special temporary annual salary of € 8612 due to increased number of cases for the courts, since bankin crisis.

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- ☒ Citizens
☒ Relevant Court or hierarchical superior
☒ High Court / Supreme Court
☒ High Judicial Council
☒ Disciplinary court or body
☐ Ombudsman
☐ Parliament
☒ Executive power
☐ Other
☐ This is not possible

If "executive power" and/or "other", please specify:

Article 61 of the Constitution: In the performance of their official duties, judges shall be guided solely by the law. Those judges who do not also have administrative functions cannot be discharged from office except by a judicial decision, nor may they be transferred to another office against their will, except in the event of re-organization of the judiciary. However, a judge who has reached the age of 65 may be released from office, but judges of the Supreme Court shall not lose any of their salary.

For the discharge of the functions provided for in this Chapter, the Minister of interior shall appoint three persons to form a Committee on Judicial Functions, and three alternates. One member shall be appointed as proposed by the Icelandic Association of Judges, another as proposed by the Law Faculty of the University of Iceland, and the third without a nomination. The person appointed without a nomination shall serve as chairman, and shall fulfil the requirements set for appointment to the office of a Supreme Court judge. The term of appointment shall be six years, with the proviso that the term of one member shall expire every second year. Alternates shall be appointed in the same manner. A principal member of the Committee shall not be appointed for more than two consecutive terms. The decisions taken by the Committee on Judicial Functions can not be referred to any higher administrative authority.

Any person who considers that a judge has committed an infringement against his or her rights in the discharge of judicial functions can lodge a written complaint of the matter with the Committee on Judicial Functions. The events in question shall be described in the complaint, and reasons presented for the allegation that the rights of the complainant have been infringed upon. If the Committee, having received a complaint, immediately considers evident that it does not warrant any further action, it shall dismiss the complaint. If not, the Committee shall afford the judge, and the person in charge of the court in question, an opportunity to present their written observations within a specified period of time. The Committee may consider two or more complaints at once, if they relate to the same judge.

1998 being applicable, he may request, orally or in writing, that the judge correct the matter. If a request made in accordance with this is not successful, or if the person in charge of the court considers the matter so serious that a request of this kind is not suitable, the person in charge of the court shall refer the matter to the Committee on Judicial Functions in writing, stating the reasons. The same procedure shall be followed in case a judge does not heed a decision of the Judicial Council or a prohibition laid down in accordance with the provisions of Section 26, fourth paragraph (Act of Judiciary No. 15/1998). The Minister of interior may refer a matter to the Committee on Judicial Functions in the manner provided for in the second paragraph. The Committee may also consider a matter on its own initiative if the situation is such as described there.

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- ☒ Citizens
- ☒ Head of the organisational unit or hierarchical superior public prosecutor
- ☒ Prosecutor General /State public prosecutor
- ☒ Public prosecutorial Council (and Judicial Council)
- ☒ Disciplinary court or body
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power
- ☐ Other
- ☐ This is not possible

If "executive power" and/or "other", please specify:

For further explanation, see answer regarding question no. 143 of the questionnaire.

142) Which authority has disciplinary power on judges? (multiple options possible):

- ☒ Court
- ☒ Higher Court / Supreme Court
- ☐ Judicial Council
- ☒ Disciplinary court or body
- ☐ Ombudsman
- ☐ Parliament

☐ Executive power

☐ Other

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

☒ Supreme Court

☒ Head of the organisational unit or hierarchical superior public prosecutor

☒ Prosecutor General /State public prosecutor

☒ Public prosecutorial Council (and Judicial Council)

☒ Disciplinary court or body

☐ Ombudsman

☒ Professional body

☒ Executive power

☐ Other

If "executive power" and/or "other", please specify:

The public prosecutor enjoys the same legal status as supreme court judges according to Art. 20 of Act nr. 88/2008 (law of procedure in criminal cases). Therefore the same applies to the public prosecutor as to supreme court judges, see answer to Q140. The public prosecutor has the highest prosecutorial powers according to Art. 20 of Act nr. 88/2008. Art. 21 provides that the public prosecutor sets general rules and instructions about the treatment of prosecutorial powers and supervises the practice of prosecutorial powers in the country. Para 3 Art. 21 provides that the public prosecutor can give binding instructions to other prosecutors in particular cases.

Act nr. 70/1996 on the rights and obligations of public employees applies to other prosecutors, as to other officials. The public prosecutor is the director of the Office of the public prosecutor and is responsible for ensuring that the institution he commands operates according to the law, regulations and his terms of reference according to para 2 Art. 38 of Act nr. 70/1996. Within the powers of directors of public institutions is regulating personnel within his Office, that is to enact certain measures towards his staff according to Act nr. 70/1996. Prosecutors are the staff of the Office of the public prosecutor and others entrusted with prosecutorial powers are under the supervision of the public prosecutor according to what has been stated above. Prosecutors are public officials according to the definition of the Act (point 5 Art. 22).

Act nr. 70/1996 contains a provision regarding written reprimands to a member of staff who has not been punctual or has shown other negligence, disobeyed legal orders given by his superior, shown ignorance or not handled his work with care, has not shown satisfactory results in his work, has been under the influence of alcohol at work or shown conduct or acts in or out of daily work that is in other ways indecent. Before being presented with written reprimands the member of staff should be allowed to state his case if possible.

An official shall be relieved temporarily of his work if he has not been punctual or has shown other negligence, disobeyed legal orders given by his superior, shown ignorance or not handled his work with care (see eg. Art. 38 Act nr. 70/1996), , has been under the influence of alcohol at work or shown conduct or acts in or out of daily work that is in other ways indecent, inappropriate or incompatible with the office he serves.

If an official handles financial affairs he may be relieved of his work temporarily if suspicions arise or are confirmed that the financial affairs or bookkeeping is in disarray, he has been declared bankrupt or asked for a composition with creditors. The same applies if an official is suspected of conduct that would result in disbarment according to Art. 68 of the General Penal Code.

Art. 27 provides that if an official has been relieved of his work temporarily for suspected flaws in his work, a committee of experts shall investigate his case to see if it would be right to ask for full resignation or allow him to take office again.

Art. 29 provides that an official shall be dismissed from office if he has been deprived of office with a final judgement. If an official has been deprived of office with a first instance court judgement, the judgement shall provide whether it shall be fully enacted right away or be postponed until it is clear that it will not be appealed or until a final judgement.

An official shall be dismissed from office if the majority of a committee according to Art. 27 reaches the conclusion that it was correct to relieve him temporarily of office, unless it becomes clear that the misdemeanors he was suspected of did not occur. An official shall be dismissed from office without condition, if he has confessed to criminal behaviour that will likely lead to disbarment according to Art. 68 of the General Penal Code.

Art. 68 of the General Penal code nr. 19/1940 provides that if a public official commits a crime he may be disbarred in the criminal case against him if he no longer is fit to serve his office. This disbarment may be temporary up to 5 years, or for life.

Art. 31 of Act nr. 70/1996 provides that the public authority that appoints a man for office is the authority that relieves him from office unless otherwise stated in the law. As the Minister of the Interior appoints the office of public prosecutor, it would be the Minister of the Interior who would relieve him of his office formally.

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	5	0
1. Breach of professional ethics	NA	NAP
2. Professional inadequacy	NA	NAP
3. Criminal offence	NA	NAP
4. Other	NA	NAP

Comment :

All the cases were dismissed. Complaints regarding wrong sentences, who is not revised by the Committee on Judicial Functions.

145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	0	0
1. Reprimand	0	0
2. Suspension	0	0
3. Removal of cases	0	0
4. Fine	0	0
5. Temporary reduction of salary	0	0
6. Position downgrade	0	0
7. Transfer to another geographical (court) location	0	0
8. Resignation	0	0
9. Other	0	0

Comment :

There have been complaints to the Committee on Judicial Functions and to the State prosecutor and to the Ministry of Interior. In all cases there were no reason for any sanctions, admonished or any other actions

E.3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

Committee on Judicial Functions, Director of Public Prosecutions and The Ministry of Interior.

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

1038

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

☒ Yes

☐ No

148) Number of legal advisors who cannot represent their clients in court:

NA

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

☒ Civil cases?

☒ Criminal cases - Defendant?

☒ Criminal cases - Victim?

☐ Administrative cases?

☐ There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

150) Is the lawyer profession organised through? (multiple options possible)

☒ a national bar?

☐ a regional bar?

☐ a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

☒ Yes

☐ No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

☐ Yes

☒ No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

☐ Yes

☒ No

If yes, please specify:

Please indicate the sources for answering questions 146 and 148:

Icelandic Bar Association

F1 Comments for interpreting the data mentioned in this chapter:

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

☒ Yes

☐ No

155) Are lawyers' fees freely negotiated?

☒ Yes

☐ No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

☒ Yes laws provide rules

☐ Yes standards of the bar association provide rules

☐ No, neither laws nor bar association standards provide rules

F2 Useful comments for interpreting the data mentioned in this chapter:

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

☐ Yes

☒ No

If yes, what are the quality criteria used?

158) If yes, who is responsible for formulating these quality standards:

☐ the bar association?

☐ the Parliament?

☐ other?

If "other", please specify:

159) Is it possible to file a complaint about :

☒ the performance of lawyers?

☒ the amount of fees?

Please specify:

According to Article 26 of the Law on Lawyers nr. 77/1998, either party to a dispute between a lawyer and his client concerning the lawyer's right to payment for his services or the amount thereof may refer the dispute to the Professional Lawyers' Resolution Committee.

According to Article 27 of the Law on Lawyers nr. 77/1998, any person considering that a lawyer has, in the course of his functions, damaged his interests by unlawful conduct or conduct contrary to rules issued in accordance with Article 5, the second paragraph, may submit a complaint against the lawyer to the Professional Lawyers Resolution Committee.

160) Which authority is responsible for disciplinary procedures?

- ☐ the judge
☐ the Ministry of justice
☐ a professional authority
☒ other

If other, please specify:

According to Article 3, Section 3 of the Law on Lawyers no. 77/1998, an independent Resolution Committee shall be active under the auspices of the Icelandic Bar Association, to resolve the cases referred to it in accordance with the provisions of this Act. The Resolution Committee shall have jurisdiction over lawyers practising in Iceland in accordance with the provisions of Article 1, the second paragraph. The Committee shall be composed of three members, with three alternates. Each member shall have a seat on the Committee for three years at a time, subject however to one seat becoming vacant each year. One member shall be appointed by the Icelandic Bar Association in accordance with provisions in further detail laid down in its statutes, one shall be appointed by the Minister of Interior, and one shall be appointed by the Supreme Court of Iceland from among lawyers engaged in independent practice, and shall fulfil the requirements set for the office of a Supreme Court judge.

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	4
1. Breach of professional ethics	2
2. Professional inadequacy	NA
3. Criminal offence	NA
4. Other	2

Comment :

1) A Disciplinary committee

A Disciplinary committee is active under the auspices of the Icelandic Bar Association, with the role of resolving disputes that may arise on account of alleged violations by attorneys of law or the attorneys' Code of Ethics. The committee is empowered to criticise, in its resolutions, the procedures or conduct of attorneys, and to warn or admonish attorneys. In case of grave misconduct the committee may recommend to the Minister of Interior (Minister of Justice), in a reasoned opinion, that an attorney's right of representation be suspended provisionally or indefinitely. The committee is also entrusted with the role of resolving disputes between an attorney and a client concerning a right to payment for services rendered, or the amount of such payment. A resolution of this committee may be appealed against to the courts.

The Disciplinary committee is composed of three members, with three alternates. Each member serves for a term of three years, subject to the rule that the seat of one member shall become vacant each year. One member is elected by the Icelandic Bar Association, one is nominated by the Minister of Interior, and one, who shall be qualified for the office of a Supreme Court judge, is nominated by the Supreme Court.

In 2012 the committee reprimanded 1 lawyer and decided 1 lawyer should repay fees to his/her client.

4) Other, 2 lawyers had their licences suspended by the Ministry of the Interior because they did not have the required insurance.

162) Sanctions pronounced against lawyers.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	4
1.Reprimand	1
2. Suspension	2
3. Removal	0
4. Fine	0
5. Other (e.g. disbarment)	1

Comment :

The other is repayment of fees to the client. See Q161

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation and other forms of ADR

163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168

Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

☒ Yes

☐ No

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

☒ Before going to court

☒ Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	No	No	Yes	No
Family law cases (ex. divorce)	No	No	No	Yes	No
Administrative cases	No	No	No	Yes	No
Employment dismissals	No	No	No	Yes	No
Criminal cases	No	No	No	Yes	Yes

165) Is there a possibility to receive legal aid for judicial mediation procedures?

☒ Yes

☐ No

If yes, please specify:

For mediation in court by a judge, usually in family law cases regarding custody of children.

166) Number of accredited or registered mediators who practice judicial mediation:

NAP

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)

NA

1. civil cases

NA

2. family cases

NA

3. administrative cases

NA

4. employment dismissals cases

NA

5. criminal cases

NA

Comment :

168) Does the legal system provide for the following ADR :

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	No
Other alternative dispute resolution?	No

Comment :

Magistrates can serve as mediators according to art 107 of the code of civil procedure. A judge can, upon request of all parties, refer a case to the magistrate if he believes it will lead to a successful conclusion. The parties themselves can also in some instances bring a case before a magistrate without the instrumentality of a judge.

G.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Please indicate the source for answering question 166:

council of district courts administration

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- ☒ Yes
☐ No

170) Number of enforcement agents

24

171) Are enforcement agents (multiple options are possible):

- ☐ judges?
☐ bailiffs practising as private professionals under the authority (control) of public authorities?
☐ bailiff working in a public institution?
☒ other enforcement agents?

Please specify their status and powers:

All lawyers.

CN 22/05:

They are the districts magistrates, and wich are 24 and all lawyers.

172) Is there a specific initial training or examination to become an enforcement agent?

- ☒ Yes
☐ No

173) Is the profession of enforcement agents organised by?

- ☒ a national body?
☐ a regional body?
☐ a local body?
☐ NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- ☒ Yes
☐ No

175) Are enforcement fees freely negotiated?

- ☐ Yes
☒ No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- ☒ Yes
☐ No

Please indicate the source for answering question 170:

The Icelandic district magistrates' association

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- ☒ Yes
☐ No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- ☐ a professional body
☐ the judge
☒ the Ministry of justice
☐ the public prosecutor
☐ other

If other, please specify:

179) Have quality standards been determined for enforcement agents?

- ☒ Yes
☐ No

If yes, what are the quality criteria used?

Act no. 90/1989 on enforcement with amendments is detailed on the procedures and requirements for enforcement

180) If yes, who is responsible for establishing these quality standards?

- ☐ a professional body
☐ the judge
☐ the Ministry of Justice
☒ other

If "other", please specify:

The parliament passes laws and the standards and procedures of enforcement are detailed in the Act on enforcement nr. 90/1989 with amendments.

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- ☐ Yes
☒ No

if yes, please specify

182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

- ☒ Yes
☐ No

If yes, please specify

The Ministry of the Interior.

183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- ☐ no execution at all
☐ non execution of court decisions against public authorities
☒ lack of information
☐ excessive length
☐ unlawful practices
☐ insufficient supervision
☐ excessive cost
☐ other

If "other", please specify:

184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- ☐ Yes
☒ No

If yes, please specify:

185) Is there a system measuring the length of enforcement procedures:

- ☒ for civil cases?
☒ for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- ☐ between 1 and 5 days
☐ between 6 and 10 days
☒ between 11 and 30 days
☐ more

If more, please specify

**187) Number of disciplinary proceedings initiated against enforcement agents.
If other, please specify it in the "comment" box below.**

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of initiated disciplinary proceedings (1+2+3+4)	NA
1. for breach of professional ethics	NA
2. for professional inadequacy	NA
3. for criminal offence	NA
4. Other	NA

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	NA
1. Reprimand	NA

2. Suspension	NA
3. Dismissal	NA
4. Fine	NA
5. Other	NA

Comment :

H.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in civil matters and the
main reforms that have been implemented over the last two years**

Please indicate the sources for answering questions 186, 187 and 188:

The Icelandic district magistrates' association

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- ☐ Judge
- ☐ Public prosecutor
- ☒ Prison and Probation Services
- ☐ Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- ☐ Yes
- ☒ No

191) If yes, what is the recovery rate?

- ☐ 80-100%
- ☐ 50-79%
- ☐ less than 50%
- ☐ cannot be estimated

Please indicate the source for answering this question:

H.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in criminal matters and the main reforms
that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functionning

192) Do you have notaries in your country? If no please skip to question 197.

- ☒ Yes
☐ No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?	NAP
private professionals under the authority (control) of public authorities?	NAP
public agents?	NA
other?	NAP

Comment :

A notarial act is an administrative procedure performed by the District Commissioner in each district acting as notarius publicus. There are 24 District Commissioners in Iceland. Icelandic ambassadors and consuls act as notarius publicus in the countries in which and for which they serve for acts for or by Icelandic citizens. The Icelandic Minister for Foreign Affairs can allow Icelandic honorary consuls the same authorisation.

194) Do notaries have duties (multiple options possible):

- ☒ within the framework of civil procedure?
☒ in the field of legal advice?
☒ to certify the authenticity of legal deeds and certificates?
☐ other?

If "other", please specify:

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring the notaries' activity?

- ☒ Yes
☐ No

196) Which authority is responsible for supervising and monitoring notaries:

- ☐ a professional body?
☐ the judge?
☒ the Ministry of justice?
☐ the public prosecutor?
☐ other?

If other, please specify:

The Ministry of the Interior is the Ministry of justice.

I.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system of notaries and the main reforms that have been implemented over
the last two years**

Please indicate the sources for answering question 193:

The Ministry of the Interior

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functionning

197) Is the title of court interpreters protected?

☒ Yes

☐ No

198) Is the function of court interpreters regulated by legal norms?

☒ Yes

☐ No

199) Number of accredited or registered court interpreters:

177

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

☒ Yes

☐ No

If yes, please specify (e.g. having passed a specific exam):

A law of certified court interpreters and translators no. 148/2000 Art. 3

Reg. no. 893/2001

201) Are the courts responsible for selecting court interpreters?

If no, please indicate in the "comment" box below which authority selects court interpreters.

Yes ☐ for recruitment and/or appointment for a specific term of office

Yes ☐ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No ☒.

Comment :

The Minister of the Interior appoints a Test committee of three men for a duration of 4 years. For each individual language the Minister appoints a Test committee of three men for testing courts interpreters for that language. The courts, as well as other users select from that list.

J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

<http://www.syslumenn.is/holmavik/listi-yfir-loggilta-skjalathyndur/>

website for district commissioners.

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- ☒ "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
☒ "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
☐ "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

203) Is the title of judicial experts protected?

- ☐ Yes
☒ No

204) Is the function of judicial experts regulated by legal norms?

- ☒ Yes
☐ No

205) Number of accredited or registered judicial experts (technical experts)

NAP

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- ☒ Yes
☐ No

If yes, please specify, in particular the given time to provide a technical report to the judge:
Chapter IX of the Act on procedure in civil matters holds provisions on reports to the judge. When a judge appoints a judicial expert a timeframe for the exercise of the expert's function is decided.

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" box below which authority selects judicial experts?

- Yes ☐ for recruitment and/or appointment for a specific term of office
Yes ☒ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
No ☐.

Comment :

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 3.1 Access to justice and legal aid**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 6.1 Personal status**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crim**

Reform plans are in progress in The ministry of Interior regarding the judicial system, particularly the courts and the prosecution system. Reports have been made but no decisions have been taken.

Ministry of Interior has put forth on Althingi, two bills concerning district commissioners and the police districts. Today Iceland have 24 district commissioners and 15 police districts. In the new bill, it is proposed that the district commissioners will be 9 and the police districts will be 8. The motivation is to strengthen this public offices, so they will be more able to take on bigger and new tasks. The motivation is also to cut down costs, but many of this public offices are very small and cannot cut down more costs, unless in bigger units. The motivation is not to cut down in service, but on the opposite to move tasks to new offices when the units will be able to take them on. For example The ministry of Interior have moved some tasks from the ministry to the district commissioners for this reason.

The government has also expressed a will to set up a three tier system with a court of appeals. A working group appointed by the Minister of Interior is working on a bill concerning the set up of a three tier system with adding a court of appeals to the present system of district courts and a supreme court. This is under preparation but the bill will be put forth on Althingi next fall (fall 2014), if all goes according to plan.