

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: Iceland
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Contact Name: Hafsteinn Thor Hauksson
.....

I. General information

1. Number of inhabitants

Number: 288.201 Year of reference: 2002
.....
Source: Statistic Iceland
.....

2. Total annual State/regional public budget

Budget: 3.155.850 Euros (267.332 .000 kr.) Year of reference:2002
.....
Source: Treasury finances
.....

3. Average gross annual salary

Salary: 29.512 Euros (2.500.000 kr.) Year of reference:2002

Source : Statistics Iceland

II. Access to Justice and to all courts	

II. A. Legal aid/cost of justice	

4. Annual public budget spent on legal aid

Annual budget: 1.024.829 Euros (86.813.276 kr.) Year :2002

Source : Ministry of Justice and Ecclesiastical Affairs

5. If possible, specify

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

Annual budget: NA Year :

Source :

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

Annual budget: NA Year :

Source :

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

Number of cases: 462 Year : 2002

Source : Ministry of Justice and Ecclesiastical Affairs

7. If possible, specify:

If yes, is this true for : - criminal cases? Yes / No
- other than criminal cases? Yes / No

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise: Yes
.....

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise: Yes
.....

If yes, is this true for : - criminal cases ? Yes / No
- other than criminal cases? Yes / No

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

If yes, please indicate the references of these studies published in the year 2002 or 2003:

(Author / instance) (Title) (Type of courts or costs reported on):

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

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II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..)

through which the general public may have free access to:

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

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

- to other documents (for examples legal forms)? Yes / No
internet address:

If yes, please give the internet address

<http://www.althingi.is>

<http://www.stjr.is>

<http://www.haestirettur.is>

<http://www.rettarheimild.is>

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

Comments:

Icelandic Bar Association.

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

Comments:

The police is obliged to instruct and to inform a victim who has charged a crime, about the following up process.

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

Comments:

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

If yes, are these surveys

- at national level Yes / No

- at court level Yes / No

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

Please specify:

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

Comments:

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

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

III. Functioning of courts and efficiency of justice	

III. A. Functioning	

22. Total number of courts

Number of courts: 11

23. Number of general jurisdiction first instance courts

Number of courts: 8

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

(area of specialisation)	(number of courts)
Labour Court	1
.....
Court of Impeachment	1
.....
.....

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

Number of judges: 47 fte Year : 2002
.....

Source : Act on the Judiciary No. 15, 25 March 1998
.....

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

Number of judges: 0 fte Year : 2002
.....

Source :
.....

Please give details:
.....

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

Number of staff: 31 fte Year : 2002
.....

Source : Judicial Council
.....

28. Annual budget allocated to all courts

Annual budget: 9.335.380 Euros (790.800.000 kr.) Year :
2002
.....

Source : Treasury finances 2002
.....

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

Annual budget: 149.923 Euros (12.700.000 kr.) Year :
2002
.....

Source : State accounts
.....

30. Has the budget for justice increased during the last 5 years? Yes / No

What are the figures?

Budget 6.165.741 Euros (522.300.000 kr.) Year 1997

Budget 9.335.380 Euros (790.800.000 kr.) Year 2002

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

- the ministry of Justice (or equivalent) Yes / No
- the Government Yes / No
- the Parliament Yes / No
- the Judicial Council Yes / No
- the Courts Yes / No
- other:

32. Who manages the budget of the courts?

- the President of the Court Yes / No
- the person administratively responsible for the court Yes / No
- other: Judicial Council
President of the Supreme Court of Iceland (manages the budget for the higher court)

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

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

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

III. B. Efficiency

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

Number of cases: 9196 Year : 2002
.....
Source : Director of Public Prosecutions: Annual Report 2002
.....

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

Number of cases: 3618 Year : 2002
.....
Source : Director of Public Prosecutions: Annual Report 2002
.....

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

Number of cases: N/A Year :
.....
Source :
.....

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

Number of cases: N/A Year :
.....
Source :
.....

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

Number of cases: 5443 Year : 2002
.....
Source : Director of Public Prosecutions: Annual Report 2002
.....

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

Number of cases: 10 Year : 2002
.....
Source : Director of Public Prosecutions: Annual Report 2002

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

Number of cases: 10 Year :
2002

.....
Source : Director of Public Prosecutions: Annual Report 2002
.....

Please indicate, if possible: NA

Number of convicted persons: % of convicted persons:
.....

Number of acquitted persons: % of acquitted persons:
.....

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

Percentage of decisions: 0 Year : 2002

.....
Source : Director of Public Prosecutions: Annual Report 2002
.....

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

Number of cases: 5 Year : 2002

.....
Source : Director of Public Prosecutions: Annual Report 2002
.....

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

Number of decisions: 6 Year : 2002

.....
Source : Director of Public Prosecutions: Annual Report 2002
.....

Please indicate also if possible:

Number of convicted persons: 3 % of convicted persons:
.....

Number of acquitted persons: 2 % of acquitted persons:
.....

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

Percentage of decisions: 20% Year : 2002

Source : Director of Public Prosecutions: Annual Report 2002

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

Number of cases: 26.166 Year : 2002

Source : Judicial Council: Statistic information

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

Number of decisions: 26.166
Year : 2002

Source : Judicial Council: Statistic information

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

Percentage of decisions: 15% (388 cases) Year : 2002

Source : The Supreme Court of Iceland: Annual Report 2002

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

Number of cases: N/A Year :

Source :

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

Number of decisions: N/A Year :

Source :

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

Percentage of decisions: (7) Year : 2002

.....
Source : Supreme Court of Iceland
.....

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

Number of cases: N/A Year :

.....
Source :
.....

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

Number of decisions: N/A Year :

.....
Source :
.....

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

Percentage of decisions: (5) Year : 2002

.....
Source : Supreme Court of Iceland
.....

IV. Use of Information Technology in the court

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

Annual budget: 224. 295 Euros (19.000.000 kr.)

Year : 2002

.....
Source : Judicial Council
.....

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

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

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

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

(Name) Dómstólaráð (Judicial Council): (Address) Dómhúsinu við Lækjartorg, IS-101. (www.domstolar.is).....

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

- Telephone Yes / No
- Mail Yes / No
- Fax Yes / No
- E-mail Yes / No
- Internet Yes / No

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

V. Fair trial

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

Percentage of judgements: 16% Year : 2002

Source :
Judicial Council
.....

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

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

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

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

Average length: 68 days Year : 2002

Source :
Judicial Council
.....

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

Average length: 263 days Year : 2002

Source :
The Supreme Court of Iceland
.....

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

Average length: 233 days Year : 2002

Source :
Judicial Council
.....

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

Average length: days Year :

Source :
.....

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

Average length: 233 days Year : 2002

Source :
Judicial Council
.....

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

Average length: days Year :

Source :
.....

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

Yes / No

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

Yes / No

If yes, please specify:

.....

VI. Judges

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

Annual salary : 76.071 Euros (6.444.000 kr.) Year : 2002

Source :
Judicial Council
.....

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

Annual salary : 86.413 Euros (7.318.000 kr.) Year : 2002

Source :
State salary department
.....

.....

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

If yes, please specify:

.....

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

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

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

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

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

No / Yes, but not compulsory / Yes, compulsory

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

Percentage of judges: 2% Year : 2002

.....

Source : Judicial Council

.....

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

If yes, please specify:

.....

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

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

If yes, please specify:

.....

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

Annual salary : 5.500.000 IKR (annual salary of prosecutors with the Office of the Director of Public Prosecutions)

Year : 2002

Source : Ministry of Finance

.....

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

If yes, please specify:

.....

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

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

- the public prosecutors ? Yes / No

- other stakeholders outside? Yes / No

- a mixture of the two categories referred to above? Yes / No

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

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

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

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

Percentage of prosecutors: ca 50% Year : 2002

.....

Source : Office of the Director of Public Prosecutions

.....

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

If yes, please specify: The Director of Public Prosecutions supervises prosecution authority by other holders of prosecution authority

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87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: 0 Year : 2002

Source : Office of the Director of Public Prosecutions

88. Annual number of sanctions against public prosecutors

Number of sanctions: 0 Year : 2002

Source : Office of the Director of Public Prosecutions

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: 630 Year : 2002

Source : Icelandic Bar Association

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

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

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

- the bar association Yes / No

- the legislature Yes / No

- other Yes / No

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

660 400

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: 14 Year : 2002

Source : Icelandic Bar Association

94. Annual number of sanctions against lawyers

Number of sanctions: N/A Year :

Source :
.....

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

If yes, please specify: The Icelandic Bar Association
.....

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

Amount: N/A Year :
.....

Source :
.....

IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

Number of mediators: Year :
.....

Source :
.....

98. How much public budget is devoted to mediation?

Amount: Year :
.....

Source :
.....

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

Number of cases: Year :
.....

Source :

.....

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

Number of cases: Year :
.....

Source :
.....

If possible, please specify:

- number of criminal cases solved through mediation:

.....

- number of cases other than criminal solved through mediation:

.....

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

- in criminal cases? Yes / No

- in other than criminal cases? Yes / No

Year : Source :
.....

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases:

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

Institution of Imprisonment

..... 2002.....

.....

.....

.....

.....

.....

.....

.....

- in other than criminal cases:

Sheriffs

.....

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

103. Is there an institution to supervise or control the activities of enforcement agents?
Yes / No

If yes, please specify: The Ministry of Justice
.....

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: 0 Year : 2002
Source : Institution of Imprisonment
.....

105. Annual number of sanctioned enforcements agents

Number of agents: N/A Year :
.....
Source :
.....

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

If yes, please specify:
.....

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

If yes, please specify:
.....

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

Are the courts involved in executing decisions against public authorities?

Yes / No