



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Iceland

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants

299899

##### 2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	3580000000
Regional / entity level	0

##### 3) Per capita GDP (in €)

39951

##### 4) Average gross annual salary (in €)

41648

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

94,61

#### Please indicate the sources for the questions 1 to 4

- 1)The Statistical Yearbook of Iceland 2007
- 2)The Central Bank of Iceland
- 3)The Central Bank of Iceland
- 4)Statistics Iceland.

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

##### 6) Total annual approved budget allocated to all courts (in €)

12300000

##### 7) Please specify

##### 8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross)  Yes

salaries

Annual public budget allocated to computerisation (equipment, investments, maintenance)  Yes

Annual public budget allocated to justice expenses  Yes

Annual public budget allocated to court buildings (maintenance, operation costs)  Yes

Annual public budget allocated to investments in new (court) buildings  Yes

Annual public budget allocated to training and education  Yes

Other (please specify):  Yes

**9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?**

Yes

No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

Increase in accordance with inflation 3,5% a year

**10) In general are litigants 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? Please specify:

**11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)**

671176

**12) Total annual approved budget allocated to the whole justice system (in €)**

24400000

**13) Total annual approved public budget allocated to legal aid (in €)**

1500000

**14) If possible, please specify**

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	N/A	N/A

**15) Is the public budget allocated to legal aid included in the court budget ?**

Yes

No

**16) Total annual approved public budget allocated to the public prosecution system (in €)**

4200000

**17) Is the budget allocated to the public prosecution included in the court budget?**

Yes

No

**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):**

National Auditor Office

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- 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

8)Not split into items.

16)Estimated

**Please indicate the sources for the questions 6, 7, 13 et 16**

6)State Budget 2006.

7)State Budget 2006.

13)State Budget 2006.

16)State Budget 2006.

## 2. Access to justice

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

#### 21) If other, please specify (in regards to question 20):

#### 22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes  
 No

If yes, please specify:

#### 23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes  
 No

If yes, please specify:

#### 24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	
Criminal cases	
Other than criminal cases	

#### 25) In a criminal case, can any individual who does not have sufficient financial means be assisted by

a free of charge (or financed by public budget) lawyer?

- Yes
- No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?	No		
for other than criminal cases?		Yes	N/A

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- Yes
- No

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

Various insurance companies sell these types of insurances.

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	yes	no
criminal cases?		



	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Explanation for question no.25: According to the Code of Criminal Procedure the state pays the cost of an appointed defence lawyer if the accused is acquitted. In case of conviction the convicted has to bare the legal cost, however accordin to Supreme Court judgement no. 248/2005, that stated that the Icelnadic government was obliged, in accordance with the interpretation of the Euopean Court of Human Rights of paragraph 3 in article 6 of the Human Rights Convention, to esure that their citizens are able to proof their inability to pay the cost of appointes defence lawyers at the time of retrieval of that cost.

**Please indicate the sources for the questions 24 and 26**

For question no 26: Code of Civil Procedure no. 91/1991, chapter no. 20 is on legal aid, and Regulation on the procedure of the legal aid committee no 69/2000.

## 2. 2. Users of the courts and victims

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

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

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	www.althingi.is, www.stjornarrad.is
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	www.haestirettur.is
other documents (for example forms)?	<input checked="" type="checkbox"/> yes	www.domstolar.is, www.logbirtingabladid.is, www.stjornartidindi.is

**32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?**

Yes

No

If yes, please specify:

**33) Is there a public and free-of-charge specific information system to inform and to help victims of**

**crimes?**

- Yes  
 No

If yes, please specify:

A information brochure on victims right has been distributed to all police commissioners and a victim has the right to an appointed advocate cf. para. 34 of the Code of Criminal Procedure. There is also an emergency reception set up especially for rape victims at the University Hospital.

**34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Victims of terrorism	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Victims of domestic violence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**35) Does your country have a compensation procedure for victims of crimes?**

- Yes  
 No

**36) If yes, does this compensation procedure consist in:**

- a public fund?  
 a court decision?  
 private fund?

If yes, which kind of cases does this procedure concern?

Compensation for victims of violence according to the general Penal Code no. 19/1940, with subsequent amendments.

**37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?**

- Yes  
 No

If yes, please specify:

**38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?**

- Yes  
 No

If yes, please specify:

Articles of the Code of Criminal Procedure:

Art. 44a. Instruction and announcement duties by the Police to victim of crime.

Art. 44b. nomination of lawyer for victims of crime, it is obliged if the victim is under 18.

Art. 170-171 Instruction duties to victims of crime because of compensation.

Art. 153. announcement duties to victims of crime because of appeal to the Supreme Court.

**39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?**

- Yes  
 No

If yes, 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 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 the punishment be imposed: These categories include burglary, minor damage to property and defamation.

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

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

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

If yes, please specify (fund, daily tariff):

According to article 176 and article 177 in the Code of Criminal Procedure no 19 from 1991 a court can decide that person will be compensated for wrongful arrest and for wrongful condemnation. Daily tariffs are not defined in the Code.

#### 41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (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 citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

<http://www.capacent.is/?PageID=762&NewsID=723>

**42) If yes, please specify:**

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

**43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?**

Yes

No

**44) If yes, please specify:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
High Council of the Judiciary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**Can you give information elements concerning the efficiency of this complaint procedure?**

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)**

	Total number
First instance courts of general jurisdiction (legal entities)	8
Specialised first instance courts (legal entities)	2
All the courts (geographic locations)	9

**46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

Specialised first instance courts: Labour court and Land Court, cf. art. 9., Act on the Judiciary no 15/1998. Act on Land court no. 3/1963. The Land court is a specialised court that has the role of handling cases brought against Ministers from the Law making body, Althingi. this court has never been brought together.

The role of the Labour court is defined in article 44 of the Act on Trade Unions and Industrial disputes no. 80/1938, and reads as follows:

"The function of the Labour Court is as follows:

1. to pass judgement in cases arising on account of charges concerning violation of the present Act and loss sustained due to unlawful stoppage of work.
  - 2 to pass judgements in cases arising on account of charges concerning violation of a work agreement or due to disagreement relating to the interpretation of a work agreement or its validity.
  - 3 to pass judgement in other cases between workers and employers which the parties concerned have agreed to refer to the Court, provided that at the least 3 of the judges be agreed upon such procedure.
- Trade unions, associations of masters and manufactures and individual employers are authorized to seek a decision by the Labour Courts as to whether an activity come under section I and II of the Act respecting craft and trade as well as to which authorized branch of trade it cover.

**47) Is there a change in the structure of the courts foreseen (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:

**48) Number of first instance courts competent for a case concerning:**

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

**Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):**

**Please indicate the sources for the question 45**

Act on the Judiciary no 15, 25 March 1998

[3. 1. 2. Judges, courts staff](#)

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

47

**50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

	Number
gross figure	N/A
if possible, in full time equivalent	1 months job

**51) Please specify (answer only if the information has changed compared to the previous evaluation round):****52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):**

N/A

**53) Does your judicial system include trial by jury with the participation of citizens?**

Yes

No

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

**54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**

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

60

**56) If possible, could you distribute this staff according to the 4 following categories:**

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes	10
non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	32
staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input checked="" type="checkbox"/> Yes	18
technical staff	<input type="checkbox"/> Yes	

**Please indicate the sources for the questions 49, 50, 52, 53 and 55**

No.49 Act on Judiciary no. 15, 25. March 1998

No.50 Supreme Court of Iceland.

No.52,55 The Supreme Court of Iceland and the Administratvie Council of District Courts.

No.53 Ministry of Justice

### 3. 1. 3. Prosecutors

**57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)**

6

**58) Do any other persons have similar duties as public prosecutors?**

Yes

No

If yes, please specify:



16 Police Commissioners hold prosecution power

**59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)**

57

**Please indicate the sources for the questions 57 and 59**

No. 57 Ministry of justice

### 3. 1. 4. Budget and New technologies

**60) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Court administrative director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Head of the court clerk office	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**61) You can indicate below:**

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

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

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**64) For the communication between the court and the parties, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?**

- Yes  
 No

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

The Administrative Council of District Courts and the Supreme Court.

**You can indicate below:**

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

**Please indicate the sources for the questions 62, 63 and 64**

the Supreme Court of Iceland and the Administrative Council of district Courts.

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Monitoring and Evaluation

**66) Are the courts required to prepare an annual activity report?**

- Yes  
 No

**67) Do you have a regular monitoring system of court activities concerning the:**

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

Please specify:

The Supreme Court and the Administrative Council of District Courts in collaborator with the Ministry of Justice review this yearly.

**68) Do you have a regular system to evaluate the performance of each court?**

- Yes
- No

Please specify:

The exception are the larger district courts, where the unfinished case load of each individual judge is reviewed regularly, and a report demanded if necessary.

**69) Concerning court activities, have you defined performance indicators?**

- Yes
- No

**70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.**

- Incoming cases
- Length of proceedings (timeframes)
- Closed cases

- Pending cases and backlogs
- Productivity of judges and court staff
- Percentage of cases that are treated by a single sitting judge
- The enforcement of penal decisions
- Satisfaction of employees of the courts
- Satisfaction of clients (regarding the services delivered by the courts)
- Judicial and organisational quality of the courts
- The costs of the judicial procedures
- Other

Please specify:

**71) Are there performance targets defined for individual judges?**

- Yes
- No

**72) Are there performance targets defined at the level of the courts?**

- Yes
- No

**73) Please specify who is responsible for setting the targets:**

- executive power (for example the Ministry of Justice)
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

Please specify

**74) Please specify the main targets applied:**

Length of proceedings and amount of case closed.

**75) Which authority is responsible for the evaluation of the performances of the courts:**

- the High Council of judiciary
- the Ministry of Justice
- an Inspection authority
- the Supreme Court
- an external audit body
- other?

Other, please specify:

**76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?**

- Yes
- No

If yes, please specify:

**77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?**

- Yes
- No

**78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:**

- civil cases?
- criminal cases?

administrative cases?

**79) Do you have a way of analysing waiting time during court procedures?**

Yes

No

If yes, please specify:

**80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?**

Yes

No

Please specify (including an indication of the frequency of the evaluation):

the Administrative Council of District Courts monitor it yearly. The Supreme Court the answer is no.

**81) Is there a system for monitoring and evaluating the functioning of the prosecution services?**

Yes

No

If yes, please specify:

The General Prosecutor monitors the performance of the prosecution services. The Ministry of Justice, in addition to this, performs an inspection of various police commissioners after demand.

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your court monitoring and evaluation system**

**Please indicate the sources for the the question 70,71, 72 and 76**

The Administrative Council of District Courts and the Supreme Court

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?**

10

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

- Yes  
 No

If possible, number of successful challenges (in a year):

**84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference**

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

**Please indicate the sources for the questions 82 and 84**

The Administrative Council of District Courts

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**85) Are there specific procedures for urgent matters as regards:**

- civil cases?  
 criminal cases?  
 administrative cases?

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.



**86) Are there simplified procedures for:**

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

**87) Do courts and lawyers have the possibility to conclude agreements on the modalities 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. Supreme Court judges decide dates of hearings.

## 4. 2. 2. Penal, civil and administrative law cases

**88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law	1401	12832	11714	1478

cases (1-7)				
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	531	2808	2378	606
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

**89) \* The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.**

**\*\* if applicable**

**Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".**

### Explanation

There is no official definition of severe and minor criminal offences in Icelandic criminal law. (In 1980 and 1990 and before that time it was presumed that severe criminal offences were covered by the general penal code no. 19 from 1940 but it is not absolute to day.)

**90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

**91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	112	425	326	120
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	36	248	232	53
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

**92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases				
Employment dismissal cases				
Robbery cases	6	12	13	6
Intentional homicide case	2	6	6	2

**93) Average length of proceedings (from the date of lodging of court proceedings)**

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases					
Employment dismissal cases					
Robbery cases					
Intentional homicide					

**94) Where appropriate, please specify the specific procedure as regards divorce:**

Divorce cases starts at the District Commissioner 's Office and go seldom to Courts

**95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)**

N/A

**96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options**

are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand 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 end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

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

- Yes
- No

If yes, please specify:

**98) Functions of the public prosecutor in relation to criminal cases – please complete this table:**

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts

Total number of 1st instance criminal cases	7701	NA	1916	NA	NA	5723
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You can indicate below:

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

\* Traffic cases are included. Our information are not categorised according to the table seen in question 98

**Please indicate the sources for the questions 92 to 94 and question 98**

92-94. The Administrative Council of District Courts.  
no. 98 General Prosecutor

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

#### 5. 1. 1. Recrutement, nomination and promotion

#### 99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

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.
4. 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 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 light 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.

Before a person is commissioned to judicial office, the Minister of Justice shall seek the opinion of the Supreme Court as regards the competency and qualifications of the applicants. An applicant, who according to this opinion does not fulfil the requirements of subparagraphs 5 or 8 of the second paragraph, can not be instituted in office.

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 30 years.
2. Is an Icelandic national.
3. Has the necessary mental and physical capacity.
4. 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.

The Minister of Justice shall appoint an evaluation committee of three members, for a term of three years at a time, to consider the qualifications of applicants for the office of a district court judge. One member shall be nominated by the Supreme Court to serve as chairman. The Icelandic Judges' Association shall nominate another member from among district court judges, and the Icelandic Bar Association shall nominate a third member from among active representatives in litigation. Alternate members shall be nominated and appointed in the same manner. The period of appointment shall be three years, with the proviso that the term of one member shall expire each year. A principal member of the committee shall not be appointed more than twice in succession.

The evaluation committee instituted according to the third paragraph shall provide the Minister of Justice with a written and reasoned opinion on any applicants for the office of a district court judge. The Minister shall issue rules on the functions of the committee in other respects in further detail.

**100) Are judges initially/at the beginning of their carrier recruited and nominated by:**

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

**101) Is the same authority competent for the promotion of judges?**

- Yes
- No

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

**102) Which procedures and criteria are used for promoting judges? (please specify).**

All judges are at the same level in the District Court. Same in the Supreme Court.

**103) How are prosecutors recruited?**

- Through a competitive exam? (for example after a law degree)

A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?

A combination of both

Other

If other, please specify:

**104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

an authority composed of prosecutors only?

an authority composed of non-prosecutors only?

an authority composed of prosecutors and non-prosecutors?

**105) Is the same authority formally responsible for the promotion of prosecutors?**

Yes

No

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

**106) Which procedures and criteria are used for promoting prosecutors (please specify)**

N/A

**107) Is the mandate given for an undetermined period for judges ?**

Yes

No

Are there exceptions? Please specify:



**108) Is the mandate given for an undetermined period for prosecutors?**

- Yes
- No

Are there exceptions? Please specify:

The General Prosecutor is given a mandate for an undetermined period, but other prosecutors are given a 5 year renewable mandate.

**109) If no, what is the length of the mandate?**

**Is it renewable?**

for judges

yes, please specify the length

for prosecutors

yes, please specify the length

5 years, see no108

**You can indicate below:**

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

**5. 1. 2. Training**

**110) Nature of the training of judges.**

**Is it compulsory?**

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

**111) Frequency of the training of judges:**

	Annual	Regular	Occasional
Initial training			

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**112) Nature of the training of prosecutors.  
Is it compulsory?**

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

**113) Frequency of the training of prosecutors:**

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to 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 prosecutors and the main reforms that have been implemented over the last two years

No 110. It is not possible to oblige judges to attend seminar.

## 5. 2. Practice of the profession

### 5. 2. 1. Salaries

**114) Salaries of judges and prosecutors (complete the table)**

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at	97240	63418

the beginning of his/her career		
Judge of the Supreme Court or the Highest Appellate Court	130000	87105
Public prosecutor at the beginning of his/her career	N/A	N/A
Public prosecutor of the Supreme Court or the Highest Appellate Instance	N/A	N/A

**115) Do judges and public prosecutors have additional benefits?**

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input type="checkbox"/>

**116) If other financial benefit, please specify:**

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

**117) Can judges combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**118) If other function, please specify:**

**119) Can prosecutors combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**120) If other function, please specify:**

**121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?**

Yes

No

If yes, please specify:

**Please indicate the source for the question 114**

The Administrative Council of District Courts and Supreme Court

### 5. 2. 2. Disciplinary procedures

**122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

district courts: Act on the Judiciary No.15/1998

chief judge and Committee on Judicial Functions

Supreme Court: Act on the Judiciary No.15/1998

Committee on Judicial Functions

District and Supreme Court: Act on the Judiciary No.15/1998

article 27.

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.

If a complaint is considered worthy of consideration, the Committee on Judicial Functions shall bring the matter to a conclusion by a written and reasoned opinion. If the Committee considers that action should be taken on the matter, it may state in what manner the judge in question failed to observe his duties, or admonish the judge as provided for in Section 28.

Prosecutors: the General prosecutor

**123) Which authority has the disciplinary power on judges and prosecutors? Please specify:**

The Government Employees Act, No. 70/1996 -

Relief from a post

Article 26

A government authority that appoints to a post also temporarily relieves a person of a post.

A civil servant shall be temporarily relieved of his post if he has been unpunctual or otherwise negligent, shown disobedience against lawful instructions or prohibitions of his superior, a lack of skill or sloppiness in his work, has not been adequately successful in his work, cf. for instance Article 38, has been drunk at work or his comportment or actions at work or outside are otherwise inappropriate for the post he occupies.

If a civil servant is in charge of finances or accounting he may be temporarily relieved of his post if it is suspected or confirmed that the accounts or finances are in disorder, he has been subjected to bankruptcy proceedings or sought forced debt negotiation. The same applies if a civil servant is suspected of actions which would lead to his loss of rights pursuant to Article 68 of the Penal Code.

A temporary relief from duties shall generally be written, giving specified reasons. If a civil servant is temporarily relieved of his post for reasons specified in Paragraph 2, he must be given a reprimand according to Article 21 and he must be given the opportunity to make amends before he is relieved of his post. This apart, it is not necessary to give him the opportunity to comment upon the reasons for his relief from his post before it takes effect.

A temporary relief from a post shall be explained if a civil servant so wishes. If a government authority other than a minister has taken such a decision, it may be referred to the minister.

#### Article 27

In the case where a civil servant has been temporarily relieved of his post for deliberate infractions of his duties his case shall immediately be investigated by a committee of specialists so as to discover whether he should be permanently relieved of his duties or he should resume his post. A government authority or an employee may always refer a case to investigation in accordance with procedures in criminal cases.

A committee which shall investigate a case of a civil servant in accordance with Paragraph 1 shall consist of three persons with specialised knowledge of public administration. The Minister of Finance appoints the committee, the chairman and his alternate for a term of four years. Other committee members serve on the committee in each case, one nominated by the minister concerned and the other jointly by the unions of government employees. If the unions can not agree on a nomination, the Minister appoints the committee member without nomination. The committee shall deliver a reasoned opinion as to why a civil servant should be temporarily relieved of his duties.

#### 124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	0	0
1. Breach of professional ethics	0	0
2. Criminal offence	0	0
3. Professional inadequacy	0	0
4. Other	0	0

#### 125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	0	0
1. Reprimand	0	0
2. Suspension	0	0

3. Withdrawal of cases	0	0
4. Fine	0	0
5. Temporary reduction of salary	0	0
6. Degradation of post	0	0
7. Transfer to another geographical (court) location	0	0
8. Dismissal	0	0
9. Other	0	0

**You can indicate below:**

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

Q114 – Only explanation for this is currency fluxion. The Icelandic economy system are based on Icelandic kronur. At the year 2004 the salary of first instance professional judge was approx 8.442.000 iskr. and according to exchange rate of € 30.des 2004 it is approx 100 500 €. For the year 2006 the salary of first instance professional judge was approx 9.140.560 iskr and according to exchange rate of € 30.des 2006 it is approx 97 240 €. According to this the salary of first instansce professional judge has increased approx 8% according to icelandic currency ( kronur ) but decrease according to €

## 6. Lawyers

### 6. 1. Statute of the profession

#### 6. 1. 1. Profession

#### 126) Total number of lawyers practising in your country

718

#### 127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes  
 No

#### 128) Number of legal advisors?

240

#### 129) Do lawyers have a monopoly of representation:

- Civil cases\*  
 Criminal cases - Defendant\*  
 Criminal cases - Victim\*  
 Administrative cases\*

\* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

If a party in litigation does not represent himself on his own in court, or is represented by a person who by law has right to represent him, his representation shall only be entrusted to a lawyer. This applies in criminal cases, subject to the limitations that may follow from legal provisions permitting other persons than lawyers to appear in court as defence counsels, agents or spokesmen for suspects or (victims). Further a party in litigation may entrust any person practising as a lawyer in any other member state of the European Economic Area, who has the right to represent litigants in court, with his representation in a corresponding Icelandic court, provided that person is, during court sessions, assisted by a lawyer practising in Iceland.

All licensed lawyers (member of the Icelandic Bar Association) can appear before the district courts, e.g. court of first instance, but only those who have licence to practice before the appeal court (approx. 240 lawyers) can represent their client before Supreme Court.

#### 130) Is the lawyer profession organised through:

- a national Bar?  
 a regional Bar?  
 a local Bar?

Please specify:

The Icelandic Bar Association

**Please indicate the source for the question 126**

The Icelandic Bar Association

6. 1. 2. Training

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

- Yes  
 No

**132) Is there a mandatory general system for lawyers requiring continuing professional training?**

- Yes  
 No

**133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?**

- Yes  
 No

If yes, please specify:

6. 1. 3. Fees

**134) Can users establish easily what the lawyers' fees will be?**

- Yes



No

**135) Are lawyers fees:**

- regulated by law?  
 regulated by the Bar association?  
 freely negotiated?

## 6. 2. Evaluation

### 6. 2. 1. Complaints and sanctions

**136) Have quality standards been formulated for lawyers?**

- Yes  
 No

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

- the Bar association?  
 the legislature?  
 other?

Please specify (including a description of the quality criteria used):

**138) Is it possible to complain about :**

- the performance of lawyers?  
 the amount of fees?

Please specify:

To the disciplinary board.

**139) Which authority is responsible for disciplinary procedures:**

- the judge?  
 the Ministry of Justice?  
 a professional authority or other?

Please specify:

The judge - No, except in serious criminal cases.

According to article 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 the 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 Justice, and one shall be appointed by 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. The Committee shall elect a chairman for itself for a term of one year at time. The Icelandic Bar Association shall bear the costs the functions committed to the Association and to the Resolution Committee by law. The Association may charge an annual due from its members in order to meet this cost.

**140) Disciplinary proceedings and sanctions against lawyers:****Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	21	0	1	9

**141) Disciplinary proceedings and sanctions against lawyers:****Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	5	0	0	0	7

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

## 7. Alternative Dispute Resolution

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

#### 7. 1. 1. Mediation

**142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:**

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**143) Is there a possibility to receive legal aid for mediation procedures?**

Yes

No

If yes, please specify:

**144) Can you provide information about the number of accredited mediators?**

Yes

No

If yes, please provide the number of mediators:

**145) Can you provide information about the total number of judicial mediation procedures concerning:**

civil cases?

yes,  
number:

family cases?

yes,  
number:

administrative cases?

yes,  
number:

employment dismissals?

yes,  
number:

criminal cases?

yes,  
number:

**Please indicate the source for the question 145**

#### 7. 1. 2. Other forms of alternative dispute resolution

**146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:**

Magistrates can serve as mediators according to article 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.

**You can indicate below:**

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

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

#### 147) Number of enforcement agents

24

#### 148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

They are all lawyers

#### 149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

#### 150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

#### 151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

#### 152) Are enforcement fees:

regulated by law?

freely negotiated?

**Please indicate the source for the question 147**

Ministry of Justice

8. 1. 2. Supervision

**153) Is there a body entrusted with the supervision and the control of the enforcement agents?**

Yes

No

**154) Which authority is responsible for the supervision and the control of enforcement agents:**

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

**155) Have quality standards been formulated for enforcement agents?**

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

Ministry of Justice

**156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?**

- Yes  
 No

If yes, please specify:

**Please indicate the sources for the questions 155 and 156**

Ministry of justice

### 8. 1. 3. Complaints and sanctions

**157) What are the main complaints of 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?

Please specify:

**158) Has your country prepared or has 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:

**159) Is there a system measuring the timeframes of the enforcement of decisions:**

- for civil cases?  
 for administrative cases?

**160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:**

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

Please specify:

**161) Disciplinary proceedings initiated against enforcement agents:**

- |                               |  |
|-------------------------------|--|
| Breach of professional ethics | <input type="checkbox"/> yes,<br>number: |
| Professional inadequacy       | <input type="checkbox"/> yes,<br>number: |
| Criminal offence              | <input type="checkbox"/> yes,<br>number: |
| Other                         | <input type="checkbox"/> yes,<br>number: |



**162) Sanctions pronounced against enforcement agents:**

- |            |  |
|------------|--|
| Reprimand  | <input type="checkbox"/> yes,<br>number: |
| Suspension | <input type="checkbox"/> yes,<br>number: |
| Dismissal  | <input type="checkbox"/> yes,<br>number: |
| Fine       | <input type="checkbox"/> yes,<br>number: |
| Other      | <input type="checkbox"/> yes,<br>number: |

**You can indicate below:**

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

The magistrates represent the administrative branch of government locally. They, and their jurisdictions, are 25 in number. They do not wield any judicial powers. Among their duties are direction of police (only 14 of 25), crime investigation (only 14 of 25), public prosecution (only 14 of 25), direction of custom (only 8 of 25), collection of state revenues, civil marriages, separation and divorces, decisions on rights of access and support payments under family law, legal competency, real estate records, various involvement of estates at death, enforcement of judgements, forced sales etc. Disputes concerning the function of magistrates can be referred to the courts in many cases, in particular those concerning the enforcement proceedings and settlement of estates at death, but if not, administrative appeal can take place to the Ministry of Justice.

**Please indicate the sources for the questions 157 and 160**

No.157 - Ministry of Justice

No.160 - Ministry of Justice

**8. 2. Execution of decisions in criminal matters****8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

Yes

No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

The Prison and Probation Administration is responsible for this specific task

**164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

Yes

No

If yes, please specify:

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- 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. Functioning

**165) Do you have notaries in your country? If no, go to question 170.**

- Yes  
 No

**166) Is the status of notaries:**

- |   |   |    |
|---|---|----|
| a private one (without control from public authorities)?    | <input type="checkbox"/> yes,<br>number:                |    |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> yes,<br>number:                |    |
| a public one?   | <input checked="" type="checkbox"/> yes,<br>number:     | 24 |
| other?  | <input type="checkbox"/> yes,<br>number and<br>specify: |    |

**167) Do notaries have duties:**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to authenticate legal deeds?  
 other?

Please specify:

Notarius Act no 86/1989

**Please indicacte the source for the question 166**

24 of the magistrates do have notaries duties. Ministry of Justice

#### 9. 1. 2. Supervision

**168) Is there an authority entrusted with the supervision and the control of the notaries?**

Yes

No

**169) Which authority is responsible for the supervision and the control of the notaries:**

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

**You can indicate below:**

- any useful comments for interpreting the data mentioned above

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

## 10. Functioning of justice

### 10. 1. Foreseen reforms

#### 10. 1. 1. Reforms

**170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.**

A parliamentary of a new Code wich is supposed to replace the Icelandic Code of Criminal Procedure (no.19/1991) is soon to be discussed at the Icelandic Parliament. If the Icelandic Parliament will accept this new code unchanged, it will have positive affect on the prosecution system.