



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Iceland

National correspondent

First Name - Last Name: **VALBERG JENSSON Helgi**

Job title: **Legal expert**

Organisation: **Ministry of justice**

E-mail: **helgi.valberg@dmr.stjr.is**

Phone Number :

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

319368

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

	Amount
State level	2554302941
Regional / entity level	NA

3) Per capita GDP (in €)

8692

4) Average gross annual salary (in €)

27216

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

170

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

Statistics Iceland (www.statice.is) and Central Bank of Iceland (www.sedlabanki.is)

1. 2. Budgetary data concerning judicial system

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

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

6832940

7) Please specify

District court: 5438235 €

Supreme court: 1394705 €

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 or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries	NAP
Annual public budget allocated to computerisation (equipment, investments, maintenance)	NAP
Annual public budget allocated to justice expenses	NAP
Annual public budget allocated to court buildings (maintenance, operation costs)	NAP
Annual public budget allocated to investments in new (court) buildings	NAP
Annual public budget allocated to training and education	NAP
Other (please specify):	NAP

Comment :

Not split into items.

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:

Increased in accordance with inflation and increasing salaries.

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:

They are not required.

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

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

Please provide information concerning the budgetary elements that included in the whole justice system budget:

. Amount 19008821

Comment :

Ministry of justice: 2006470 €

District court: 5438235 €

Supreme court: 1394705 €

Legal costs in criminal cases (if defendant can't pay for legal assistant): 2088235 €

Legal aid in non criminal cases: 1095294 €
 The public prosecutor: 712941 €
 Prison and probation: 6272941 €

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

Please provide comments to explain the figure provided under question 13:

. Amount 3183529

Comment :

Legal costs in criminal cases (if defendant can't pay for legal assistant): 2088235 €
 Legal aid in non criminal cases: 1095294 €

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	2088235	1095294

Comment :

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 €)

Please provide comments to explain the figure provided under question 16:

. Amount 712941

Comment :

State budget 2008

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	Yes	Yes	Yes	Yes
Other ministry				

	No	No	No	Yes
Parliament	No	Yes	No	No
Supreme Court	Yes	No	No	No
Judicial Council	Yes	No	Yes	No
Courts	Yes	No	Yes	No
Inspection body	No	No	No	Yes
Other	No	No	No	No

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 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

8) Not split into items.

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

The numbers are based on State Budget 2008.

Notice: The exchange rate from icelandic currency to € on 1. january 2007 was 94,61 ISK, but on 1. january 2009 it was 170 ISK. The budged and the numbers shall be considered in that perspective.

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

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

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:

NA

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

Yes

No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	
in criminal cases	
Other than criminal cases	

Comment :

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:

	Yes	Amount in €
for criminal cases	no	
for other than criminal cases?	yes	N/A

Comment :

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

Please provide comments to explain the answer under question 27:

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 (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

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

Explanation for question nr. 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 a conviction the convicted has to bear the legal cost, however, according to Supreme Court judgement No. 248/2005 the Icelandic government is obliged in accordance with the interpretation of the European Court of Human Rights of paragraph 3, article 6 of the Human Rights Convention, to ensure that their citizens are able to proof their inability to pay the cost of appointed defence

lawyers at the time of the retrieval of that cost.

Please indicate the sources for answering the questions 24 and 26

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:

- | | | |
|---|---|--|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.althingi.is,
www.stjornarrad.is,
www.reglugerd.is,
www.stjornartidindi.is |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.haestirettur.is, |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.domstolar.is,
www.logbirtingablad.is,
www.syslumenn.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:

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 specially for victims of sexual abuse at the University Hospital.

Then we also have Safe shelter for women and Education and Counseling Center for Survivors of Sexual Abuse and Violence.

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	Yes	Yes	Yes	Yes
Victims of terrorism	Yes	Yes	Yes	No
Children/Witnesses/Victims				

	Yes	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes	No
Ethnic minorities	Yes	Yes	Yes	No
Disabled persons	Yes	Yes	Yes	No
Juvenile offenders	Yes	Yes	Yes	Yes
Other	No	No	No	No

Comment :

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?
 a 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 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.

39) Do victims of crimes have the right to contest to 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 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

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 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.

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:

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	No
Surveys at court level	No	No

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

- Yes
 No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of the Judiciary	Yes	Yes
Other external organisations (e.g. Ombudsman)	Yes	Yes

Comment :

Regarding Q41:

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.

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. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	8
Specialised first instance Courts (legal entities)	2
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	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 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 Althingi. The 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 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 least 3 of the judges be agreed upon such procedure.

Trade unions, associations of masters and manufactures and individual employees are authorized to seek a decision by the Labour Court 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 covers.

47) Is there a change in the structure in 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:

In a bill proposing amendments to the Act on the Judiciary No 15/1998, which has been presented to Althingi (The Parliament of Iceland), it is anticipated that the eight district courts in Iceland, each of which has a geographically determined jurisdiction, will be replaced by a single district court for the entire country.

This district court will set up workstations in various parts of Iceland, where judges will have a permanent location of work and may also have their domicile. Judges are, however, expected to be able to work anywhere in Iceland regardless of the location of their offices.

The Judicial Council determines the division of the country into jurisdictions as well as the locations of district court workstations. Concurrent with those changes, it is anticipated that the role of the Judicial Council will be extended in such a way that it will become a central administrative unit with regard to the general organisation, finance and matters relating to the staff of district courts, apart from judges. Until now, each district court has operated independently and their operations have been administered by the presiding judge in each location. The Judicial Council is now expected to take over these tasks. One court president is envisaged, together with a permanent deputy court president.

The court president will be in charge of professional administration of the consolidated district court and the handling and procedures of court cases for which s/he will be responsible, similar to the current role of presiding judges. As there will be only one court president, alterations are proposed to the Judicial Council, which currently has five members, thereof two presiding judges. The parliamentary bill, however, stipulates that the Judicial Council members will still be five, one of whom will be the president of the district court, and that the Icelandic Bar Association should appoint a working Supreme Court barrister to the Council. Two judges will be elected to the Council from the ranks of district judges and one is to be appointed by the Minister of Justice and Human Rights. The bill proposes that the position of Executive Director of the Judiciary Council be established, which is not a provision of the current Act.

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	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 been changed since the previous evaluation cycle):

Please indicate the sources for answering the questions 45 and 48:

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

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number

47

Comment :

38 district court judges.

Recently Althingi agreed to increase the number of judges at the district courts (first instance courts) temporarily by 5, due by increasing number of cases because of the financial crises. In the year 2010, the judges will be 43.

9 supreme court judges.

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

	Number
gross figure	O/NA
if possible, in full time equivalent	1 months job

51) Please provide comments to explain the answer under question 50:

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?		0

Comment :

N/A.

If needed, a judge can summon 2 experts in each case as non-professional judges, according to act. 91/1991, art. 2, and act. 88/2008, art. 3.

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?

NAP

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number . 60

Comment :

In district courts 38.

In supreme court 11.

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- | | | |
|---|---|-----|
| - non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | | NAP |
| - 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 | 39 |
| - 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 | 21 |
| - technical staff | <input checked="" type="checkbox"/> Yes | 0 |

Comment :

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

In Iceland there are no Rechtspfleger or similar bodies. The only staff that have judicial power are the judges. The other lawyers are judges assistants but with no judicial power.

3. 1. 3. Prosecutors**58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**

Number . 1

Comment :

Temporarily we now also have a special prosecutor and a acting prosecutor.

On 1 February 2009 the Special Prosecutor took office. According to Act No. 135/2008 the Special Prosecutor is responsible to direct the office of public investigation and prosecution. The Special Prosecutor will investigate suspicions of criminal actions in the period preceding, in connection with or in the wake of the collapse of the Icelandic banks, whether this is connected to activities of financial undertakings, other legal entities or individuals, and, as the case may be, follow up on these investigations by bringing charges in court against those concerned.

The authorisations granted to the office to investigate and lay charges cover economic violations, gainful offences and taxation infringements, including offences which have been investigated by the Directorate of Tax Investigations in Iceland, the Icelandic Competition Authority and the Icelandic Financial Supervisory Authority where criminal charges have been laid.

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

Yes

No

If yes, please specify:

Five other prosecutors work in the office of the public prosecutor.

15 Police Commissioners hold prosecution power, under the public prosecutors supervision. A proposal for an amendment to this legislation is being discussed in the Parliament where the idea is to decrease them from 15 to 6.

Iceland has one, and soon two prosecutors working in the Economic Crime Department, for the National Commissioner of the Icelandic Police.

Three other prosecutors work for the The Special Prosecutor, who will investigate suspicions of criminal actions in the period preceding, in connection with or in the wake of the collapse of the Icelandic banks.

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Please provide comments to explain the answer under question 60:

Number . 6

Comment :

The public prosecutor has 12 employees (including 5 other prosecutors).

The Special Prosecutor, who is temporarily, has 13 employees (number in the year 2009 but in the year 2010 the employees have increased up to 39).

3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

	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	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	Yes	Yes	Yes	Yes
Other	No	No	No	No

62) You can indicate below:

- any useful comments for interpreting the data mentioned above

- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

63) 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	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	Yes	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

64) 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	Yes	No	No	No
Court management information system	No	No	No	No
Financial information system	Yes	No	No	No

65) 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	No	No	No	No
Special Website	Yes	No	No	No
Other electronic communication facilities	Yes	No	No	No

66) 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:

The Judicial Council for the District Courts,
Domshusid vid Laekjartorg.
150 Reykjavik.
Iceland

The Supreme Court collect their own.

The Supreme Court.
Dómshúsinu við Arnarhol.
150 Reykjavik.
Iceland

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 has been implemented over the last two years

Based on informaiton from the The Judicial Council and other informaiton.

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

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

- Yes
 No

68) 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 Judicial Council of District Courts, review this yearly.

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

- Yes
 No

Please specify:

The Judicial Council of District Courts.

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes

No

71) Please select the 4 main performance and quality indicators that is 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
- enforcement of penal decisions
- satisfaction of employees of the courts
- satisfaction of clients (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

Please specify:

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- 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

If other, please specify:

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
- No

75) 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

If other, please specify:

76) Please specify the main targets applied

How fast cases go through and the numbers of unfinished cases vs finished cases.

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

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

78) 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:

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

- Yes
- No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?
- administrative cases?

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

Yes

No

If yes, please specify:

The Judicial Council monitors and the norm is to check it yearly.

82) 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 Judicial Council monitors and the norm is to check it yearly.

83) 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 in this chapter
- the characteristics of your court monitoring and evaluation system

Based on information from the The Judicial Council (The Judicial Council is The council of district courts administration).

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) 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)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

ca 10%

85) 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):

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (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

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?

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 claims)?

criminal cases (petty offences)?

administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

Police settlement for instance for minor traffic offences or shoplifting.

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

Regulation no. 205/2009.

89) 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

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*				
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 and / or minor offences cases				

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	NAP	NAP	NAP	NAP
1 Civil (and commercial) litigious cases*	NAP	NAP	NAP	NAP
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	NAP	NAP	NAP	NAP
7 Other	NAP	NAP	NAP	NAP
Total criminal cases (8+9)	NAP	NAP	NAP	NAP
8 Criminal cases (Severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour and/or minor offences cases	NAP	NAP	NAP	NAP

Comment :

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	164		353	150
1 Civil (and commercial) litigious cases*	NAP	NAP	NAP	NAP
2 Civil (and commercial) non-	NAP	NAP	NAP	NAP

litigious cases*				
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	NAP	NAP	NAP	NAP
7 Other	NAP	NAP	NAP	NAP
Total criminal cases (8+9)	45		277	44
8 Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour cases (minor offences)	NAP	NAP	NAP	NAP

Comment :

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	NA	NA	NA	NA
Employment dismissal cases*				
Robbery cases				
Intentional homicide				

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NA	NA	NA	NA	NA
Employment dismissal cases*					
Robbery cases					
Intentional homicide					

Comment :

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

In general divorce cases don't go to the courts (they go to the district commissioners)

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

NA

98) 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 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:

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

- Yes
- No

Please specify:

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	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						

Comment :

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 the questions 90 to 95 and 100:

Based on information from the The Judicial Council, The supreme court and the public prosecutor.

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) 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

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.
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. 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 his 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 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 interrupting, 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 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 applicant 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.

102) 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?

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

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

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

NAP. All the courts are equal. It's not a promotion. The "judicial officers" are chosen out of a group of judges that work at the court.

105) 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

Other, please specify:

106) 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?

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

- Yes
- No

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

108) Which procedures and criteria are used for promoting prosecutors? Please specify:
NA

109) Is the mandate given for an undetermined period for judges?

- Yes
- No

Are there exceptions? Please specify:

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges	No	

111) Is the mandate given for an undetermined period for prosecutors?

- Yes
- No

Are there exceptions? Please specify:

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

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors		

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the length

- for judges? Yes
- for prosecutors? Yes 5 years

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 prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

114) 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)
- In-service training for the use of computer facilities in the court

115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training	No	No	No
General in-service training	No	No	Yes
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	Yes
In-service training for management functions of the court (e.g. court president)	No	No	No
In-service training for the use of computer facilities in the court	No	No	Yes

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (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)

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	No	No	No
General in-service training	No	No	Yes
Specialised in-service training (specialised public prosecutor)	No	No	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	No
In-service training for the use of computer facilities in the public prosecution service)	No	No	Yes

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 prosecutors and the main reforms that has been implemented over the last two years

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	57234	
Judge of the Supreme Court or the Highest Appellate Court	73463	
Public prosecutor at the beginning of his/her career	73463	
Public prosecutor of the Supreme Court or the Highest Appellate Instance	NAP	

Comment :

1st May 2008 the salary where increased.

The numbers are for one year salary.

Judge of the Supreme Court and Puplic procecutor have equal salary according to law.

119) 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

120) If other financial benefit, please specify:

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

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

	Yes with remuneration	Yes without remuneration	No

Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	Yes	No	No
Consultant	No	No	No
Cultural function	Yes	No	No
Other function	No	No	No

122) If other function, please specify:

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

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	Yes	No	No
Consultant	No	No	No
Cultural function	Yes	No	No
Other function	No	No	No

124) If other function, please specify:

125) 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 answering the question 118

The Judicial Council and Supreme Court.

5. 2. 2. Disciplinary procedures

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

Judges:

If a judge is to be disciplined and/or removed from office, the following articles of the Constitution and the Act on the Judiciary No 15/1998 apply:

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 disciplinary procedure for Judges is put forward in Chapter IV of the Act of the Judiciary. The provisions in the Chapter contribute to the accountability and the independence of the judiciary. The Chapter is as follows: Rights and Duties of Judges

Article 23 The provisions of this Chapter shall apply to both Supreme Court and District Court judges, unless an alternative arrangement is expressly provided for. For the discharge of the functions provided for in this Chapter, the Minister of Justice 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 commission to the office of a Supreme Court judge. The period of appointment shall be three 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 more than twice in succession. The decisions taken by the Committee on Judicial Functions can not be referred to any higher administrative authority. The Committee on Judicial Functions shall, as necessary, maintain co-operation with the Judicial Council. The State Salaries Arbitration Tribunal shall determine the remuneration of its members.

Article 24 Judges shall discharge their judicial functions independently and on their own responsibility. They shall, in resolving a case, proceed solely according to law, and shall never be subject to the authority of any other person. A judicial resolution can not be revised, except by appeal to a higher court. A judge shall bring the cases assigned to him to a conclusion within a reasonable period of time, and discharge his functions conscientiously and carefully. In any respects unrelated to the handling and resolution of court cases, a judge is subject to the authority of the person in charge of the court. District court judges shall also respect any decisions lawfully taken by the Judicial Council. Judges shall endeavour to maintain their knowledge of law. They shall, as possible, be afforded opportunities for leave and support for continuing education.

Article 25 The State Salaries Arbitration Tribunal shall decide on the remuneration of judges for work carried out in official capacity.

Article 26 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 generally applicable 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 generally applicable rules 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.

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 Article 28.

Article 28 If the person in charge of a court considers that the professional conduct or performance of a judge, or his private conduct, is worthy of censure, without the provisions of the second paragraph being applicable, he may 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 Article 26, fourth paragraph. The Minister of Justice 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. 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 Practices 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 shall be made in a manner offering proof, and a copy shall also be sent to the person in charge of the relevant court and to the Minister of Justice. If the judge is a district court judge, the Judicial Council shall also be sent a copy. A judge who has been admonished may take legal action for its invalidation against the Minister of Justice on behalf of the State within one month from when the admonition was served the judge.

Article 29 A judge may be relieved from his office temporarily if he has been admonished and fails to heed the admonition within a suitable period of time, or if his conduct provides an occasion for a new admonition within a period of three years. A judge may also be relieved of his office temporarily if he is no longer in possession of the general qualifications required for judicial office. This shall also apply if a judge is subject to a criminal investigation, or if a criminal action is brought against him where the charges, if sustained, would have the effect of depriving the judge of the general qualifications for judicial office. The President of Iceland shall relieve a judge of the Supreme Court from office temporarily as proposed by the Minister of Justice, and the Minister shall have this power with regard to district court judges. The Minister shall seek a written opinion of the Committee on Judicial Functions before a judge is temporarily relieved from office. If a judge has been relieved from office temporarily for reasons other than those mentioned in the final sentence of the first paragraph, legal action shall be brought against him within a period of two months as provided for in Article 30, first paragraph, and if this is not done, the decision shall be cancelled automatically. If the case is dismissed from court or the action is cancelled, the decision shall also be automatically cancelled unless a new action is brought within a period of two weeks; however, this may occur only once. A decision taken to relieve a judge from office, as provided for in the final sentence of the first paragraph shall stand until the criminal investigation is concluded with a decision not to prosecute the judge, six months have passed without an indictment having been issued, a criminal action is brought to a conclusion of final acquittal, or until two weeks have passed from the pronouncement of a final judgment finding the judge guilty. A judge shall retain his official salary in full while temporarily relieved from office.

Article 30 When a judge has been temporarily relieved from office, the Minister of Justice shall, on behalf of the State, take legal action against him before the District Court of Reykjavík, requesting dismissal from office by judgment. The action shall be governed by the general rules on civil procedure, with the exception that expeditious procedure shall apply and that the case shall be handled by three district court judges. After a judgment has been rendered by the district court in a legal action taken as provided for in the first paragraph, the decision to relieve the judge from office temporarily shall remain in effect until the general time limits for appeal have passed, and, in case of appeal, while the action is in progress before the Supreme Court. A final judgment on dismissal from office has automatically that effect. If the court denies a request for dismissal from office, the judge is automatically reinstated in office as from the date a

rendered judgment enters finally into effect.

Article 31 The President of Iceland shall relieve a judge of the Supreme Court from office as proposed by the Minister of Justice, and the Minister of Justice shall have this power with regard to district court judges. A judge shall be relieved from office at his own request, subject to the rules generally applicable to public servants. 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.

Article 32 The General Penal Code and the special provisions of other laws shall govern any criminal liability resulting from a judge's conduct in office. The State shall be liable for damages in accordance with the generally applicable rules if the actions or inaction of a judge result in loss to other persons. Damages can not be claimed from a judge personally, but following a judgment ordering damages, the State may claim refund from the judge if the loss was due to his intentional act. Litigation on this account shall be governed by the generally applicable rules.

Article 33 In other respects than provided for above, the rules applying to public servants in general shall apply to judges, as applicable.

Prosecutors:

The General prosecutor according to law on criminal procedure, act 88/2008 and the government employees act, No. 70/1996.

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

The internal procedures regarding conduct and discipline are those provided for in the Government Employees Act No 70/1996.

If an employee is unpunctual or has shown other negligence, insubordination against legal instructions or prohibition of his/her superior, incompetence or sloppiness in his/her work, has not been adequate in his/her work, been drunk on the job or his/her comportment or demeanour are deemed incompatible with his/her job, the head of the agency shall issue a written reprimand to him/her cf. Article 21 of the Act.

The employee shall be given the opportunity beforehand to present his/her side of the issue when possible. Articles 26-29 of the Government Employees Act provide for measures to be taken in case of temporary or permanent relief of a post in the wake of disciplinary issues:

Article 26. 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 General 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 para. 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 para. 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 cannot 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.

Article 28. A civil servant shall receive half the fixed salary connected with his post during the period he is temporarily relieved of his post. He shall keep the residence or farm connected with his post for which he shall pay an assessed charge deductible from his pay. In the case where a person that has been temporarily relieved of his post resumes his duties he shall be viewed as having been at his post without interruption. He shall be awarded such pay as had been cut earlier.

Article 29. A civil servant shall be permanently discharged if he has been deprived of his right to his post with a final court verdict. If a civil servant has been deprived of such right by a district court verdict, such a verdict shall specify that such a deprivation shall take effect immediately or be postponed until it transpires whether the case is appealed to a higher court or until a higher court verdict is at hand. A civil servant shall be permanently discharged from his post if the majority of the committee according to Article 27 reaches the conclusion that he was rightfully relieved temporarily from his post, unless those charges brought against him prove to be unfounded. A civil servant shall be permanently discharged from his post without notice if he has confessed his guilt to punishable activity which is expected to lead to a deprivation of rights according to Article 68 of the General Penal Code.

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 128:

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

Comment :

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

	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

Comment :

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 prosecutors and the main reforms that have been implemented over the last two years**

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

728 lawyers have the right to represent their clients in court

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
- No
- Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

NA

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- 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 rights to represent him, his representation there shall only be entrusted to a lawyer. This applies in criminal cases, subject to 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 reputation in a corresponding Icelandic court, provided that the person is, during court sessions, assisted by a lawyer practising in Iceland.

134) 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 answering the questions 130 and 132:

www.lmfi.is The Icelandic Bar Association homepage

6. 1. 2. Training

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

Yes

No

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

Yes

No

137) 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

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

Yes

No

Please provide comments to explain the answer under question 138
They can approximate it. Most of the law firms have rate list.

139) Are lawyers fees

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

- Yes
 No

141) 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):

142) Is it possible to complain about

- the performance of lawyers?
 the amount of fees?

Please specify:

To the disciplinary board.

143) Which authority is responsible for disciplinary procedures

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

Please specify:

The judge is not responsible except in serious criminal cases.

According to the law on lawyers no. 77/1998, an independent Resolution Committee shall be active under 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 Art. 1(2). 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 the Supreme Court of Iceland from among lawyers engaged in independent practice, and shall fulfill 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 a 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.

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				

Comment :

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number					

Comment :

You can indicate below:

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

146) Does the legal system provide for mediation procedures? If no go to question 151

- Yes
 No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	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	No

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

- Yes
 No

If yes, please specify:

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

NA

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?	NA
family cases?	NA
administrative cases?	NA
employment dismissals?	NA
criminal cases?	NA

Please indicate the source for answering the question 150:

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

151) 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 in this chapter**
- 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

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

24

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

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

Please specify their status and powers:

They are all lawyers.

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

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

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

- Yes
 No
 Not applicable

158) Are enforcement fees:

- regulated by law?
 freely negotiated?
 not applicable

Please indicate the source for answering the question 153:

The ministry of Justice.

8. 1. 2. Supervision**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes
 No
 Not applicable

160) 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:

161) Have quality standards been formulated for enforcement agents?

- Yes
 No
 Not applicable

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

The Ministry of Justice and Human Rights

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
 No

if yes, please specify

163) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

The Ministry of Justice and Human Rights.

8. 1. 3. Complaints and sanctions**164) 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:

165) 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:

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

- for civil cases?
 for administrative cases?

167) 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 sits:

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

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	NA
for breach of professional ethics	NA
for professional inadequacy	NA
for criminal offence	NA
Other	NA

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	NA
Reprimand	NA
Suspension	NA
Dismissal	NA
Fine	NA
Other	NA

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 has been implemented over the last two years

The magistrates represent the administrative branch of government locally. They do not wield any judicial powers. Among their duties are direction of police, crime investigation, public prosecution, direction of custom, 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 and 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 settlements of estates at death, but if not, administrative appeal is taken to the Ministry of Justice.

Please indicate the source for answering the questions 167, 168 and 169:

Ministry of Justice and Human Rights.

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) 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.

171) 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 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. Functioning

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input type="checkbox"/> number	
a public one?	<input checked="" type="checkbox"/> number	24
other?	<input type="checkbox"/> number	

Comment :

24 of the magistrates do have notaries duties.

174) 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 indicate the source for answering the question 173

Ministry of Justice and Human Rights.

9. 1. 2. Supervision

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

- Yes
 No

176) 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?
- not applicable

Please specify:

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**

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

74

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

A law of certified court interpreters and translators no. 148/2000 Art. 3
Reg. no. 893/2001

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

The Minister of Justice appoints a Testcommittee of three men for a duration of four years. For each individual language the Minister appoints a Testcommittee of three men for that language.

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

In a bill proposing amendments to the Act on the Judiciary No 15/1998 (due to be presented to Althingi (The Parliament of Iceland) before the end of 2010), it is anticipated that the eight district courts in Iceland, each of which has a geographically determined jurisdiction, will be replaced by a single district court for the entire country. This district court will set up workstations in various parts of Iceland, where judges will have a permanent location of work and may also have their domicile. Judges are, however, expected to be able to work anywhere in Iceland regardless of the location of their offices. The Judicial Council determines the division of the country into jurisdictions as well as the locations of district court workstations. Concurrent with those changes, it is anticipated that the role of the Judicial Council will be extended in such a way that it will become a central administrative unit with regard to the general organisation, finance and matters relating to the staff of district courts, apart from judges. Until now, each district court has operated independently and their operations have been administered by the presiding judge in each location. The Judicial Council is now expected to take over these tasks. One court president is envisaged, together with a permanent deputy court president. The court president will be in charge of professional administration of the consolidated district court and the handling and procedures of court cases for which s/he will be responsible, similarly to the current role of presiding judges. As there will be only one court president, alterations are proposed to the Judicial Council, which currently has five members, thereof two presiding judges. The parliamentary bill, however, stipulates that the Judicial Council members will still be five, one of whom will be the president of the district court, and that the Icelandic Bar Association should appoint a working Supreme Court barrister to the Council. Two judges will be elected to the Council from the ranks of district judges and one is to be appointed by the Minister of Justice and Human Rights. The bill proposes that the position of Executive Director of the Judiciary Council be established, which is not a provision of the current Act.

The parliament (Althingi) recently issued an amendment to the act nr. 15/1998 (act no. 147/2009), providing for temporary increasing of judges by 5, until 1 of January 2013. After that time, a new judge will not be appointed until the number of judges will be 38 again.