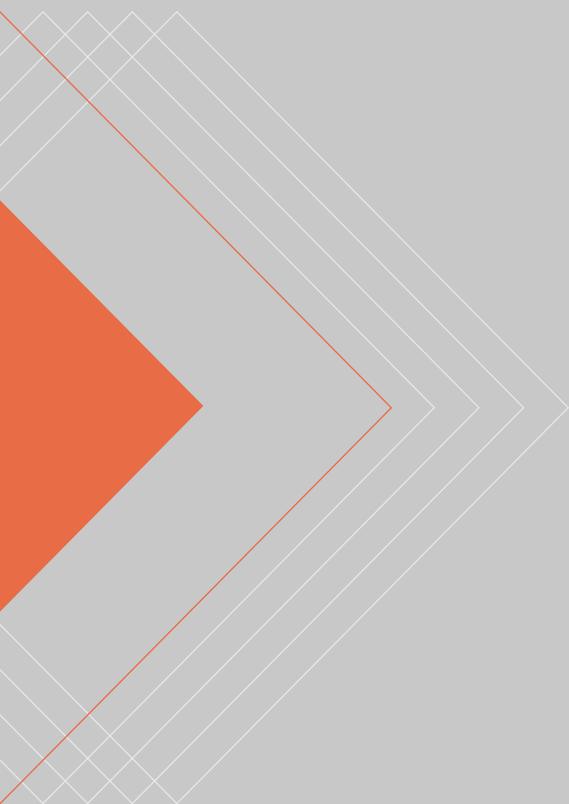


MONGOLIA

JUDICIAL INDEX



2021

MONGOLIA JUDICIAL INDEX 2021



OPEN
SOCIETY
FORUM



INTELLECTUAL
INNOVATION
NGO

ОЮУНЫ
ИННОВАЦИ

HHА 67
ДАА 340
M-81

MONGOLIA
JUDICIAL INDEX 2021

judindex.forum.mn

Initiated by
OPEN SOCIETY FORUM

Prepared by
INTELLECTUAL INNOVATION NGO

Research team
Altangerel. T, Board Chair, Intellectual-Innovation NGO
Battulga. P, Researcher and lawyer, Intellectual-Innovation NGO
Turbold. B, Researcher and lawyer, Intellectual-Innovation NGO
Ayush. D, Sociologist
Geser. G, Data analyst
Tserendolgor. S, Lawyer

Reviewed by
Badamragchaa. P, Justice Program Manager, Open Society Forum

Data visualization and report design
TUNGAAHUI DATA STUDIO

OPEN SOCIETY FORUM
Jamyаn Gun Street
Sukhbaatar District, Ulaanbaatar - 14240
976-76113207
osf@forum.mn
<http://www.forum.mn>

ISBN 978-9919-9990-7-0
© Open Society Forum, 2022

CONTENTS

Foreword	4
Abbreviations	6
List of Tables and Figures	7
JUDICIAL INDEX 2021	8
1.1 Introduction	10
1.2 Judicial Index guide	16
1.3 Judicial Index 2021	18
JUDICIAL INDEX METHODOLOGY	20
2.1 Purpose	22
2.2 Judicial Index indicators	22
2.3 Data source	30
2.4 Judicial Index methodology	32
JUDICIAL INDEX KEY DIMENSIONS	40
3.1 Judicial power and independence	45
3.2 Judicial openness and transparency	48
3.3 Public confidence in the judiciary	50
3.4 Judicial infrastructure and resources	52
3.5 Ethics and accountability of judges	54
3.6 Effectiveness of the judicial performance	56
ANALYSIS OF JUDICIAL INDEX	58
4.1 Public opinion survey analysis	62
4.2 Expert opinion survey analysis	65
4.3 Comparison of Public opinion survey and Expert opinion survey results	67
4.4 Administrative data analysis	72
APPENDICES	78
1. The consolidated table of the Judicial Index results	78
2. Evaluation of the Public opinion survey	85
3. Evaluation of the Expert opinion survey	87
4. Detailed data on the workload of judges	90
5. Expert opinion survey questionnaire	98
6. Public opinion survey questionnaire	104

FOREWORD

Open Society Forum is a national non-governmental organization that has been operating since 2004 to build stakeholder capacity and facilitate meaningful, inclusive and informed policy dialogues based on quality research. In support of justice reform, the Forum has contributed to the establishment of a legal aid system for providing free legal assistance to indigent defendants and alleviating the legal empowerment of citizens, and since 2008, the justice portfolio has been focused on strategic objectives to strengthen judicial independence and promote criminal justice reform.

In the past, Open Society Forum has continuously implemented activities such as creating external research and analysis capabilities within the justice sector, ensuring informed and meaningful participation of stakeholders in developing and implementing judicial reform policies, advocating research-based policies, and providing necessary technical assistance and support.

Many factors, such as constitutional limitations, the centralization of judicial appointment powers, a lack of budget support, a high risk of political influence, and a weak accountability system have been the reasons for the weak effectiveness of the ongoing judicial reforms of the last decade. Although changes have been made to the legislation to address these issues, there are many difficulties in the implementation, and a risk of losing the original concept of the reform is imminent. Therefore, to analyze the reform process and results and provide an actual and measurable assessment, the [Open Society Forum](#) initiated and carried out the Judicial index study in cooperation with the [Intellectual Innovation Non-Governmental Organization](#), a legal research NGO.

The index study, which showcases the evaluations of the judiciary via six key dimensions based on public and expert opinions and statistical data comparable in biannual sequence, was developed by comparing various international indexes and similar assessment methodologies and reflecting the opinions and recommendations of leading experts and specialists in the field.

I would like to express my heartfelt gratitude to members of the advisory group, Supreme Court Judges Battseren Bataa and Tsogt Tsend, Mendsaikhan Tumenjargal, doctor of law and former executive secretary of the Judicial General Council, researcher Bilguun Sukhee, former head of the Judicial General Council Secretariat, Dr. Munkhsaikhan Odonkhoo, Dr. Byambajargal Altangerel, and Dr. Gunbileg Boldbaatar, representatives of legal scholars, and Baasanjav Navagchamba, Nomingereel Khuyag, Khunan Jargalsaikhan, Battulga Purvee, representatives of lawyers and advocates, who generously gave valuable comments and feedback in the scope and methodology of the Judicial Index.

Altangerel Taivankhuu, Chairman of the Board of Intellectual-Innovation NGO, an independent legal research organization that has cooperated with us in judicial policy research and advocacy work, researchers Battulga Purvee and Turbold Bolor-Erdene, sociologist Ayush Dorjgotov, data analyst Geser G and researcher Tserendolgor S worked in the main index core team in charge of collecting and summarizing index data. We would like to thank the members of the core team for successfully introducing new research methods and implementing the index research, and we wish them success in their future research work.

A research team led by Davaasuren Chuluunbat, Director of Research and Development at [MMCG LLC](#), one of the leading research companies in Mongolia, conducted a national level public opinion survey, while the team of [Tungaahui Data Studio](#) with director Tungalag Erdenebat was responsible for the data visualization and report design, and we are extremely grateful for their valuable contribution to our work.

We sincerely hope that the Judicial Index Project will make a significant contribution to strengthening the judicial independence of Mongolia and will be a practical tool for policymakers in the judicial sector.

The report can be viewed electronically at judindex.forum.mn as open data. We welcome your valuable feedback and comments for further improvement of the Judicial Index report and our methodology.

Erdenejargal Perenlei

Executive Director
Open Society Forum

ABBREVIATIONS

USA	the United States of America
AI	Administrative Information
EOS	Expert opinion survey
OSF	Open Society Forum
UN	the United Nations
POS	Public opinion survey
NGO	Non-governmental organization
UB	Ulaanbaatar
SC	The Supreme Court
SGK	The State Great Khural
FRG	The Federal Republic of Germany
JGC	The Judicial General Council

LIST OF TABLES AND FIGURES

Figure 1.	Judicial system of Mongolia	11
Figure 2.	Judicial Index indicators	16
Table 1.	Number of key dimensions, sub-dimensions and indicators of the Judicial Index	22
Table 2.	Number of Judicial Index indicators by Data source	30
Table 3.	The weight of the key dimensions in the index	33
Table 4.	Examples of scoring methods for survey responses	34
Table 5.	Method 1. Example of scoring method for administrative data	36
Table 6.	Method 2. Example of scoring method for administrative data	37
Table 7.	Method 3. Example of scoring method for administrative data	38
Table 8.	Evaluation of indicator "2.8.1 Judiciary budget expenditure reports are regularly issued and disclosed to the public."	72
Table 9.	Evaluation of indicator "5.6.1 The public is thoroughly and transparently informed about the complaints submitted against the judge, their nature, and how the complaints were resolved"	72
Table 10.	Evaluation of indicator "5.6.1 The public is thoroughly and transparently informed about the complaints submitted against the judge, their nature, and how the complaints were resolved"	74
Table 11.	Evaluation of sub-dimension "6.1 The number of pending cases"	74
Table 12.	Evaluation of sub-dimension "6.2 Case resolution rate"	75
Table 13.	Evaluation of sub-dimension "6.3 Workload of judges"	76
Table 14.	Evaluation of sub-dimension "6.4 Stability of court decisions"	77
Table 15.	Evaluation of indicators "6.7.3-6.7.5 The execution of criminal, civil and administrative court decisions is satisfactory"	77

1.1 INTRODUCTION

1.2 JUDICIAL INDEX GUIDE

1.3 JUDICIAL INDEX 2021

1

● JUDICIAL
INDEX 2021

1.1 INTRODUCTION

COURTS OF MONGOLIA

Long before the transition to democracy, according to the Constitution of 1960, the courts appeared to adhere to democratic principles in all their activities but were an authoritarian instrument, and the courts would have

been established by the assembly and citizens through elections.¹ However, the new, democratic Constitution of 1992 radically reformed the previous judicial system and defined judicial power in terms of the "distribution

This can be seen from Section "Four. The Judicial Power" of Chapter Three of the Constitution which specifically included clause 1 of Article 47 which states that "In Mongolia the judicial power shall be vested exclusively in courts", clause 2 of Article 47 which provides that "The unlawful establishment of a court under any circumstances, and exercise of judicial power by any other organization, shall be prohibited", and clause 2 of Article 49 which states that "The President, the Prime Minister, members of the State Great Khural and the Government, or officials of the State, political parties or other mass organizations, citizens or anyone else, shall not interfere with the exercise of judicial duties by the judges".

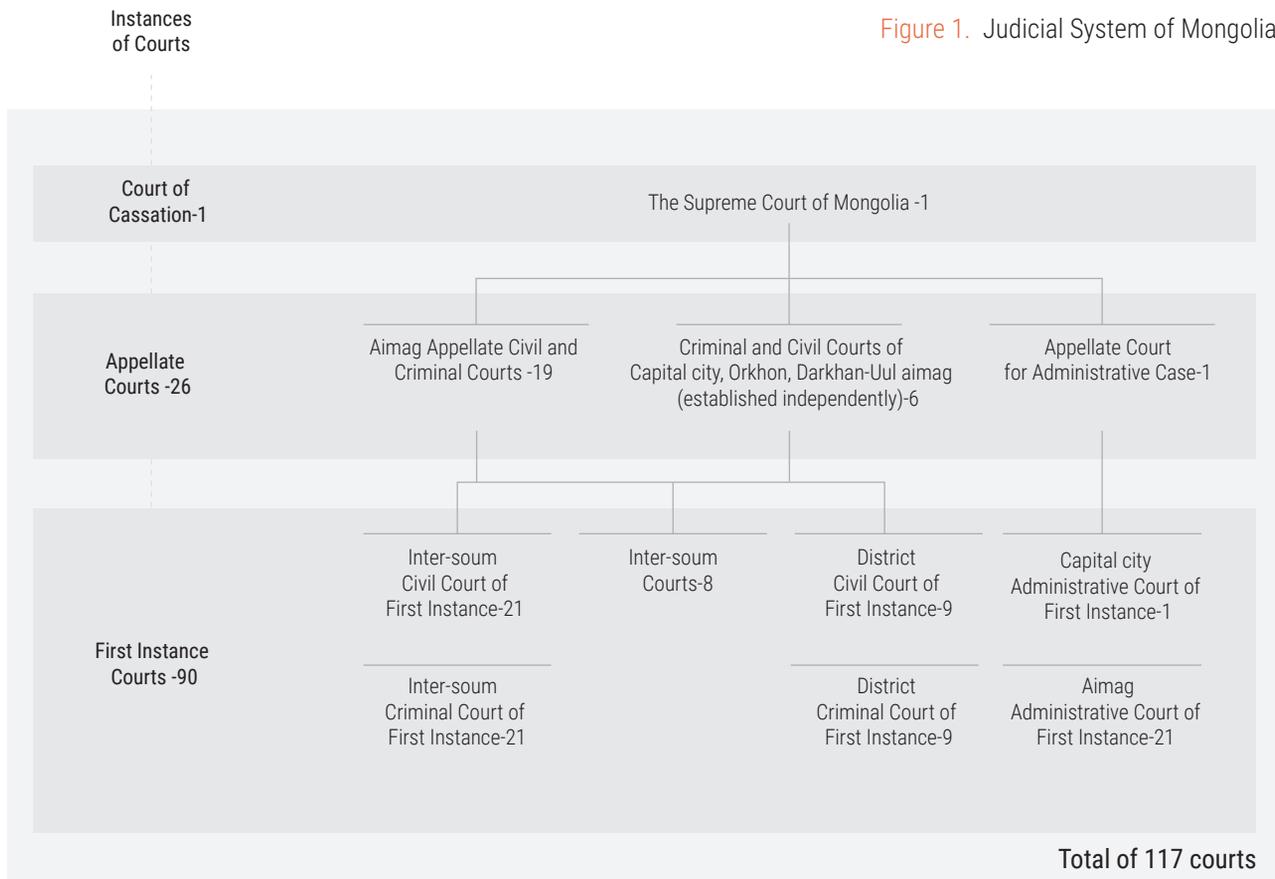
of state power" theory and principle. The court shall be established, reorganized, and dissolved in accordance with the procedures specified in the Constitution of Mongolia and relevant laws on judiciary. Currently, there

are 1 court of cassation, 26 appellate courts, 90 courts of first instance, and a total of 117 courts in Mongolia. This is shown in the chart in Figure 1.² As of January 3, 2022, there are a total of 512 judges working in 117 courts

¹ J. Amarsanaa et al. (2010) Reform of judicial power in Mongolia (overview of the last 20 years) as cited in Open Society Forum, 10. UB

² Chart taken from Tsagaanbayar et al., (2021) Judicial System: Circuit and Specialized Courts (Policy Research), as cited in Open Society Forum, 35.UB

Figure 1. Judicial System of Mongolia



of instances in Mongolia, of which 389 are working in the first instance courts, 101 in the appellate courts, and 22 in the Court of Cassation.³

According to the Constitution and laws on the courts, the Judicial General Council shall implement the functions of ensuring the independence of the courts and the impartiality of the judges, selecting judges from lawyers, providing information, research, financial, economic, technical, and organizational assistance, and working conditions for judges and court members in adjudicating cases and disputes.⁴ The Judiciary General Council shall have 10 members with equal representation of judges and non-judges, and one justice from the Supreme Court, two from the appellate court and the first instance courts respectively shall be selected by secret ballot from the Assembly of All Judges, and the other five members shall be appointed by the State Great Khural on the basis of

open selection. The Judiciary General Council members shall serve a 4-year term only once.

The Judicial Disciplinary Committee, which is an independent organization, shall exercise functions of suspending, dismissing and imposing other disciplinary punishments on judges in accordance with the grounds and procedures specified in laws. The Disciplinary Committee shall have nine members, four of which are judges and five are non-judges. One judge from the Supreme court, two from appellate court, and one judge from the first instance courts shall be selected by secret ballot from the Assembly of All Judges as members of the Disciplinary Committee, and the other five members of the Disciplinary Committee shall be appointed by the State Great Khural on the basis of open selection. A member of the Disciplinary Committee shall serve a 6-year term only once.

³ Court Report of Mongolia 2021. (2022), 42.UB

⁴ Article 70.1 of the Law on Courts of Mongolia states that "According to the Constitution of Mongolia, the General Council is the central administrative body of the court with the objective of ensuring the impartiality of the judge, the independence of the court, the selection of judges from among the lawyers, and the protection of their interests".

JUDICIAL INDEX CALCULATION BASIS AND BRIEF OVERVIEW

The judicial reform, which began with the 1992 Constitution of Mongolia and the 1993 Law on Courts, has experienced both progress and decline over the past 30 years, reaching the current level. The institution of social consciousness and capacity to implement laws that govern new relationships formed in a democratic society and market economy continues on. The fact that in 2002 the Law on the Courts, the Law on Administrative Procedure, the Law on the Establishment of Administrative Courts, the Civil Procedure Code, and the Criminal Procedure Code were adopted with technical assistance from major donors such as the World Bank, the United States Agency for Development, and GIZ became a significant step in the judicial reform. However, as society evolves rapidly, people's need and inclination to go to court and protect their rights are growing which indicates the demand for updated regulatory frameworks.

In 2008, the Open Society Forum launched a program to strengthen judicial independence, conducted the first independent, external assessment⁵ in attempt to identify and diagnose the challenges of the judicial system, which contributed to the judicial reform process. With this reform, substantial progresses were made towards creating legal framework for more open and transparent courts; an independent administration of the judiciary; circuit courts, and principal institutions such as the citizens' representatives in court and bailiff office. These were the special attributes of this reform.

Consequently, the amendment of the 2019 Constitution, followed by the Law on Judiciary adopted in 2021, marked

a significant step forward in judicial reform. Like the previous reforms, the said law, which has brought great expectations among lawyers on the one hand and no less criticism on the other, only came into effect in 2022.

Open Society Forum aims to make a tangible contribution to the policy development, implementation, and evaluation process of the judicial sector through Judicial Index of Mongolia commissioned every two years to provide a regular and objective assessment of the judicial reform process and determine future trends relying on its past experiences of research and analysis in the field of justice.

Mongolia has been participating in the World Justice Project Rule of Law Index since 2015, in the Global Competitiveness Report by the World Economic Forum since 2007, and getting informed about the level of justice in our country compared to other countries in the world. These international indices, in order to be able to make comparison among countries with varying legal systems and levels of development, use more general methodology with broader questions and a fewer sources of primary data. Hence, it is difficult to see in greater detail, the problems faced by the Mongolian judiciary particularly within overall justice sector.

The Judicial Index of Mongolia intends to independently evaluate the effectiveness of the judicial sector reform, prevent any regression, identify issues that need to be prioritized during the implementation stage, and measure the changes occurring every two years rather than comparing the results with other countries.

⁵ Brent T. White, (2009) *A Research Report on the Current Status of Judicial Reform in Mongolia*, Open Society Forum, UB

The fact that baseline research was conducted in 2021 when the Law on Judiciary was implemented, is critical for further evaluating the effectiveness of this legislation through the index. In conclusion, we believe that the Judicial Index will be an essential tool for: (1) objectively assessing the state of judicial functioning from multiple perspectives; (2) identifying the problems, difficulties, and challenges of the court based on the score of the indicators; and (3) determining future measures and trends within the court based on the status and pressing issues. We have studied the following internationally recognized indices in developing the dimensions and indicators of the national Judicial Index.

- American Judicial Reform Index⁶,
- World Justice Project: Rule of Law Index⁷,
- Transparency International: Corruption Perception Index⁸,
- World Economic Forum: Global Competitiveness index⁹,
- National Center for Access to Justice: Justice Index¹⁰,
- Freedom House: Freedom in the World¹¹.
- USAID: Judicial effectiveness index¹²,
- UN: Rule of Law Index¹³,

- European Commission for the Efficiency of Justice: Measuring the quality of Justice¹⁴.

To consider Mongolia's peculiarities and practical conditions, available data and information, we invited leading experts, researchers in justice field as well as the relevant officials of the judiciary to the advisory team and received their opinions and feedbacks in addition to studying international good practices. Methodologically, unlike other international indices, we have evaluated judicial statistics and administrative data as one of the key data sources, and we made a great effort to include experts with diverse and broad backgrounds since the questionnaire was prepared in the native language. Thus, the index shall not be considered as entirely perception index.

The scope of the study fell within the specific institutions of judiciary including all levels of courts, court administration and judicial accountability institutions rather than 'the judiciary' as a branch of power. While advocates and prosecutors are key participants in court proceedings and respective institutions were not evaluated herein due to our limited resources. However, report included data about the constitutional review and court decisions execution within the scope of specific dimensions.

⁶ https://www.americanbar.org/advocacy/rule_of_law/publications/assessments/jri/

⁷ <https://worldjusticeproject.org/rule-of-law-index/>

⁸ <https://www.transparency.org/en/cpi/2021>

⁹ <https://www.weforum.org/reports/the-global-competitiveness-report-2020#report-nav>

¹⁰ <https://ncj.org/state-rankings/2021/justice-index>

¹¹ <https://freedomhouse.org/report/freedom-world>

¹² <https://measurebih.com/judicial-effectiveness-index>

¹³ https://www.un.org/ruleoflaw/files/un_rule_of_law_indicators.pdf

¹⁴ <https://rm.coe.int/1680747548>

Moreover, while the international indices are referred to as transparency, fairness, or independence index we choose to name it “Judicial Index” because it covered multiple aspects that judicial performance could be looked at.

As of 2021, the judicial performance was scored 51.94 points out of a possible 100 points according to the data collected through 3 principal sources—a public opinion survey, expert survey and administrative data. This general score is a sum of six key dimensions, including (1) Judicial power and independence, (2) Judicial openness and transparency, (3) Public confidence in the judiciary, (4) Judicial infrastructure and resources, (5) Ethics and accountability of judges, (6) Effectiveness of the judicial performance, forty-two sub-dimensions derived from key dimensions and one hundred and eight indicators¹⁵ within sub-dimensions. These are explained in more details in index guide and methodology section of the report. Determining the key dimensions was the foundation of the index methodology, which was thoroughly discussed and determined by the advisory group. Further, methodologically, these dimensions have an equal share in the total score since the research team avoided ranking the dimensions in order of importance. The dimensions considered more critical for the reader can be broken down into sub-dimensions and indicator levels.

In the 2021 index, judicial openness and transparency scored the highest (62.30 points), while judicial infrastructure and resources scored the lowest at

44.47 points. Out of the total of 42 sub-dimensions, the transparency of information about judges’ misconduct complaints and their resolution has the lowest score, 30.00 points, and the percentage of cases resolved has the highest score, 89.92 points. In addition, it should be noted that it is possible to see in detail how did the opinions of the public and experts are for each sub-dimension and indicators vary.

As for openness and transparency, the high scores of the key dimensions according to the scores given to openness of judicial decisions (72.35) and the openness of court proceedings (75.32) can be considered the effect of the 2012 reform. In terms of the confidence in the judiciary, it is notable that the confidence in the judiciary of lawyers and advocates is about 2 points higher than the public confidence in the judiciary.

The State Great Khural and the Government can use this index score in their activities to support judicial reform by prioritizing the improvement of specific indicators that pull down the index score. For example, the court premises, which scored 32.34 points, shows that the condition of the court is substandard.

The research team does not intend to draw any conclusions, even though it is possible to examine each score for each of the 108 indicators. The judiciary, policymakers, and researchers are expected to look into the causes of these scores and come up with appropriate solutions. The primary data of the Judicial Index is accessible through an open database at judindex.forum.mn.

¹⁵ Some of these indicators are composed of several indicators. For example, Indicator 6.1.1 “The number of pending cases within the first instance court is low” of sub-dimension 6.1 “The number of pending cases”, consisted of 4 sub-indicators depending on the type of case.



LIMITATION

- Even though the Judicial Index is mostly based on 2021 data, some questions of the questionnaire may refer to 2020.
- The Law of Mongolia on the Courts was approved on January 15, 2021, and entered into force on March 1 of the same year. However, the members of the Judicial General Council and the Judicial Disciplinary Committee were not appointed until December 2021, and activities to ensure its implementation did not begin until then. Therefore, this research was not intended to evaluate the implementation of the new law, and it can be interpreted as a baseline assessment of the period preceding the implementation of 2021 Law on Judiciary.
- This index, like other indices, is not intended to explain the causality of any individual's values or opinions. This index should not be regarded as the only evaluation of the Judiciary of Mongolia.
- While the research team did not influence survey responses, they were instrumental in developing the scoring methodology and calculating and weighing the index score.

1.2 JUDICIAL INDEX GUIDE

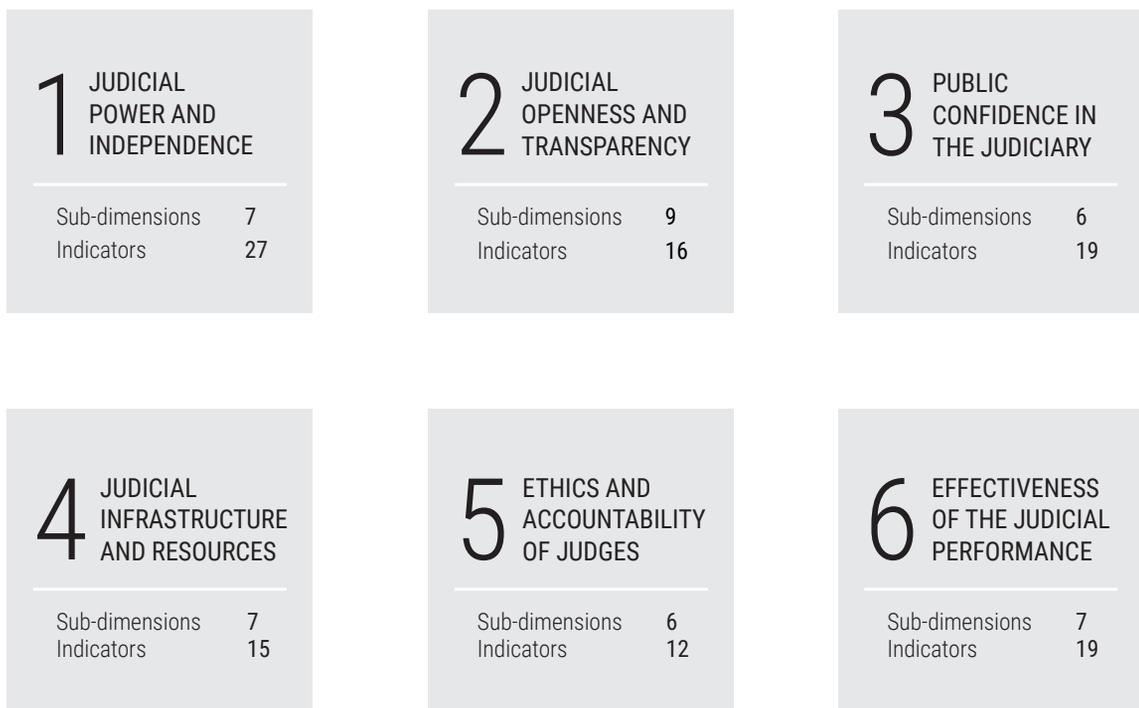
WHAT IS THE JUDICIAL INDEX?

The Judicial Index is a tool that objectively assesses the performance of the judiciary through number of criteria from various aspects.

INDICATORS OF THE JUDICIAL INDEX

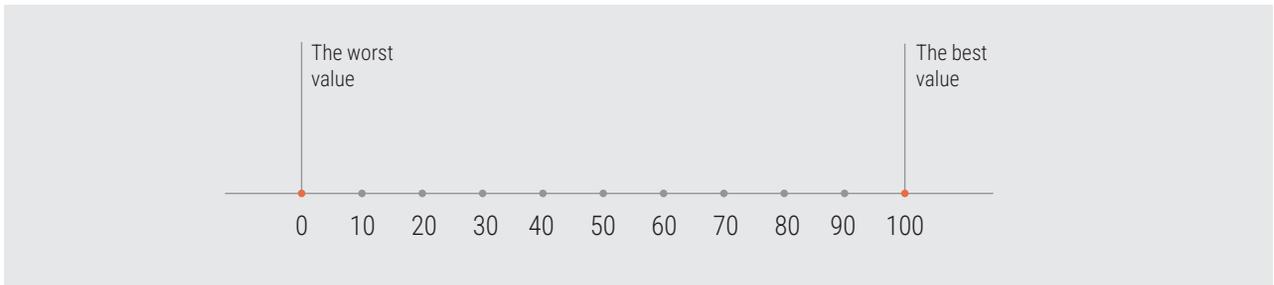
The Judicial Index assesses judicial performance using 108 indicators summed into 42 sub-dimensions and into six key dimensions.

Figure 2. Judicial Index Indicators



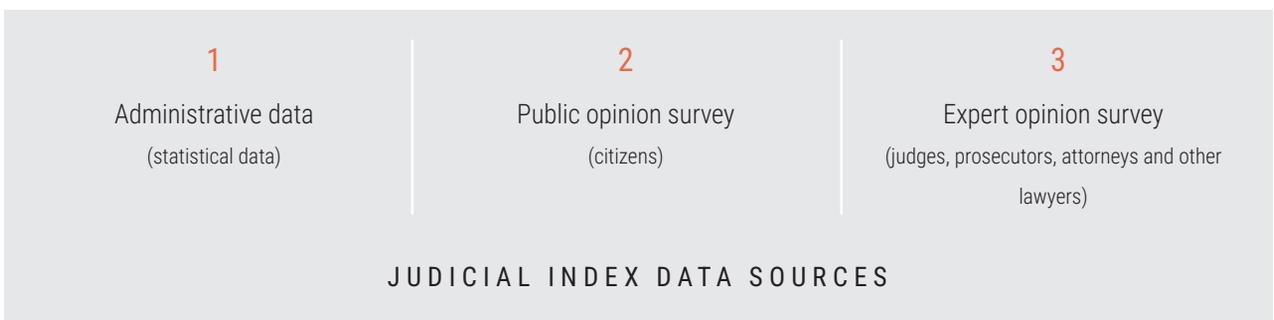
JUDICIAL INDEX SCORE

The Judicial Index, its key dimensions, sub-dimensions, and indicators were evaluated on a scale of 0-100. 0 represents the worst value, while 100 represents the best value.



JUDICIAL INDEX DATA SOURCES

The indicators used to calculate the Judicial Index were gathered from three different sources: (1) administrative data, (2) public opinion survey, (3) expert (judges, prosecutors, attorneys, and other lawyers) opinion survey.



JUDICIAL INDEX OPEN DATA

Judicial Index reports and open data are available at judindex.forum.mn.



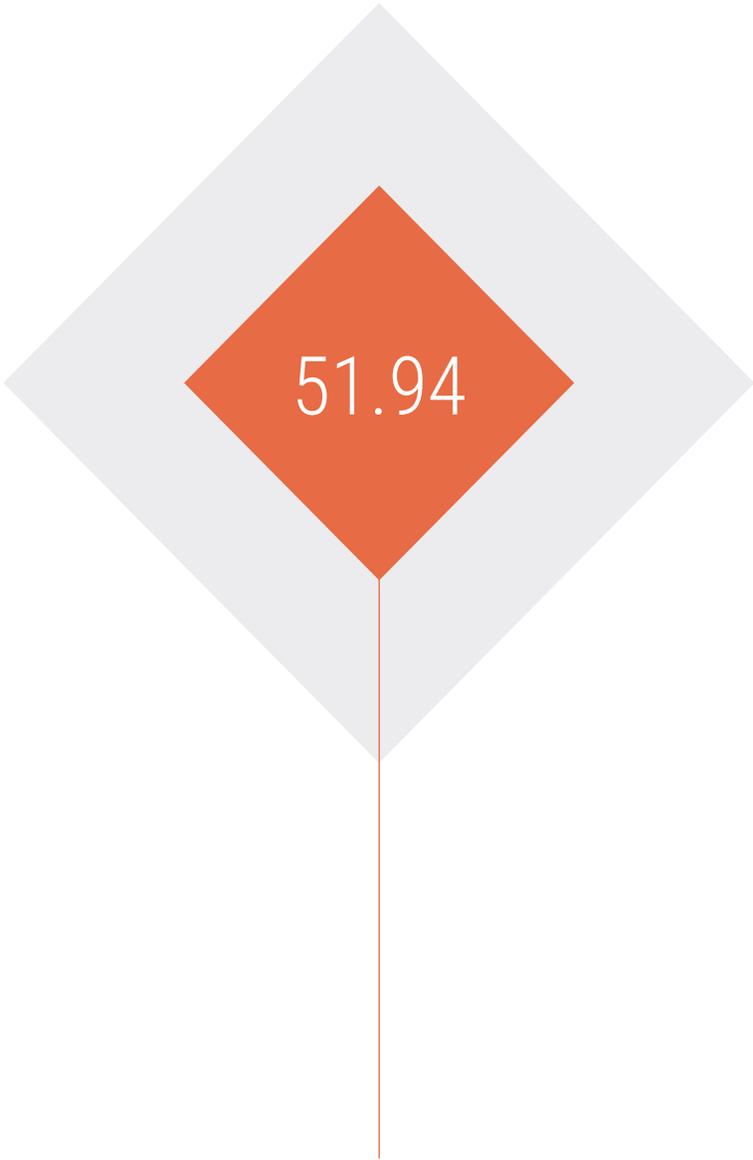
JUDICIAL INDEX

Key dimensions score



JUDICIAL INDEX

General Score



Judicial Index
2021

- ◆ 100 score
- ◆ 2021 Judicial Index Score

2.1 PURPOSE

2.2 JUDICIAL INDEX INDICATORS

2.3 DATA SOURCE

2.4 JUDICIAL INDEX METHODOLOGY

2

- JUDICIAL
INDEX
METHODOLOGY

2.1 PURPOSE

The purpose of the Judicial Index is to provide a periodic, independent evaluation of the judicial reform process and to identify emerging trends.

The Judicial Index is an important tool for (1) assessing judicial performance objectively from multiple

perspectives; (2) identifying the challenges, difficulties, and obstacles based on the scores of the indicators; and (3) determining the course of action by the judiciary and future trends in accordance with the identified circumstances.

2.2. JUDICIAL INDEX INDICATORS

The Judicial Index is composed of three levels of measurements: key dimensions, sub-dimensions, and indicators.

The Judicial Index score is median of six key dimensions which comprised of 42 sub-dimensions, further divided into 108 indicators. On a scale of 0 to 100 with 0

representing the worst and 100 representing the best, Each key dimension, sub-dimension, and indicator is evaluated. To put it another way, the index will measure how far the judiciary is from its worst to its best state. The scores of the index will be more substantial when compared to the next index scores.

Table 1. Number of key dimensions, sub-dimensions, and indicators of the Judicial Index

Nº	Key dimensions	Number of sub-dimensions	Number of indicators
1.	Judicial Power and Independence	7	27
2.	Judicial Openness and Transparency	9	16
3.	Public Confidence in the Judiciary	6	19
4.	Judicial Infrastructure and Resources	7	15
5.	Ethics and Accountability of Judges	6	12
6.	Effectiveness of the Judicial Performance	7	19
	Total	42	108

JUDICIAL INDEX KEY DIMENSIONS

The six key dimensions of the index are defined as follows, assuming that they can adequately depict judicial performance: 1) Judicial Power and Independence; 2) Judicial Openness and Transparency; 3) Public Confidence in the Judiciary; 4) Judicial Infrastructure and Resources;

5) Ethics and Accountability of judges; 6) Effectiveness of the Judicial Performance. The concision and clarity of key dimensions facilitates the more accurate sub-dimensions and indicators.

1. JUDICIAL POWER AND INDEPENDENCE

Independence of judiciary, judge to perform impartially free from any undue influence, security guarantee for the judge and the courts.

2. JUDICIAL OPENNESS AND TRANSPARENCY

Public access to court proceedings and decisions, as well as availability of information.

3. PUBLIC CONFIDENCE IN THE JUDICIARY

Public confidence in the knowledge, skills and ethics of the judges and in judiciary; the level of public satisfaction with court proceedings.

4. JUDICIAL INFRASTRUCTURE AND RESOURCES

The level of human, financial, and other resources required for judiciary to defend rights and interests of individuals and legal entities or to provide adequate court services.

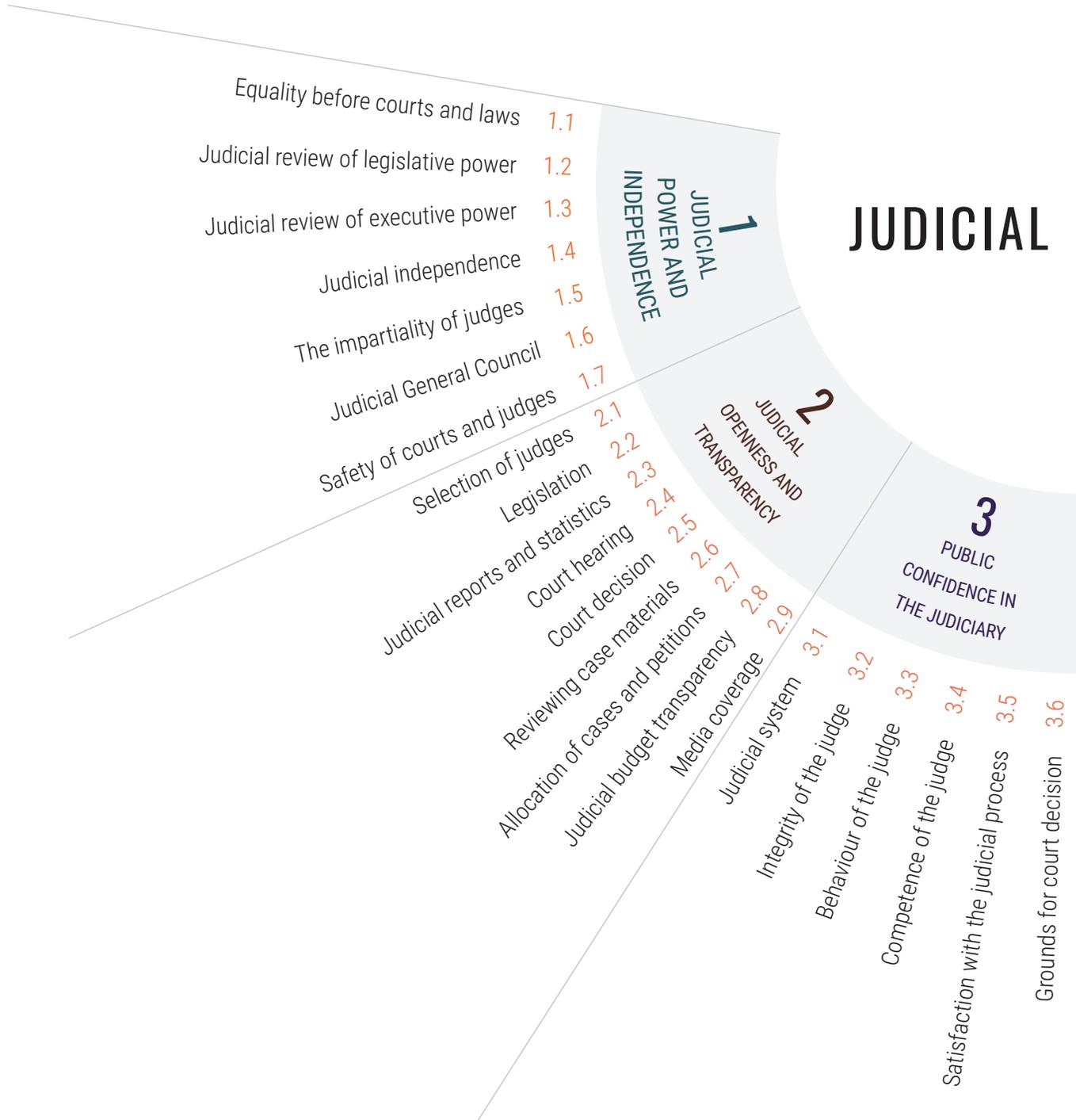
5. ETHICS AND ACCOUNTABILITY OF JUDGES

The ability of a judge to be free of conflict of interest, to strictly uphold high ethics, to responsibly employ his judicial powers, and to accept responsibility.

6. EFFECTIVENESS OF THE JUDICIAL PERFORMANCE

The ability of courts to resolve cases without delay and the level of execution of court decisions.

JUDICIAL INDEX KEY DIMENSIONS AND SUB-DIMENSIONS



INDEX

4 JUDICIAL INFRASTRUCTURE AND RESOURCES

- 4.7 Risk management system
- 4.6 Court information technology
- 4.5 Court premises
- 4.4 Court administration officer
- 4.3 Remuneration of judges
- 4.2 Competence of judges
- 4.1 Selection of judges

5 ETHICS AND RESPONSIBILITY OF JUDGES

- 5.6 Information on complaint against judges
- 5.5 Judicial ethics
- 5.4 Disciplinary sanctions
- 5.3 Disciplinary procedures for judges
- 5.2 Accountability system for judges
- 5.1 Performance of the judge

6 EFFECTIVENESS OF THE JUDICIAL PERFORMANCE

- 6.1 Number of pending cases
- 6.2 Case resolution rate
- 6.3 Workload of judges
- 6.4 Stability of court decisions
- 6.5 Perception of judicial efficiency
- 6.6 Court administration services
- 6.7 Execution of court decisions

SUB-DIMENSIONS DESCRIPTION

1. JUDICIAL POWER AND INDEPENDENCE

Sub-dimensions	Descriptions
1.1. Equality before law and courts	Everyone has the right to access to court and have their cases heard. Court is fair and impartial and does not discriminate individuals based on their wealth, income, social standing, ethnicity, position, political opinion, influence, religion, race, sexual orientation, gender identity, or disability.
1.2. Judicial review of the legislative power	The Constitutional Court has supreme power to determine whether the law or other resolutions or decisions passed by the State Great Khural violated the Constitution, and effectively exercises this power in practice.
1.3. Judicial review of the executive power	The court constructively reviews administrative orders and actions of administrative bodies and effectively implements this power in practice.
1.4. Judicial independence	The judicial independence is acknowledged at the political level, its budget is sufficient and adequate and the executive branches of government respect and implement court decisions.
1.5. The Impartiality of judges	Judges are impartial from political or personal interests, do not abuse their powers, and rule on cases and disputes impartially under the law. The impartiality of judges is protected by law and implemented in practice.
1.6. Judicial General Council	The Judicial General Council works independently of the President, the State Great Khural, the Government, politicians, and anyone else, and to ensure the judicial independence and impartiality of judges and to preserve the rights and interests of the judges.
1.7. Safety of courts and judges	An effective structure, legal framework, and resources have been put in place to guard the court premises, ensure the safety of the judge and his family members when necessary, and protect the court and the judge.

2. JUDICIAL OPENNESS AND TRANSPARENCY

Sub-dimensions	Descriptions
2.1. Selection of judges	Judges are selected in an open and transparent process. Information regarding the nomination, selection and appointment process is made available to the public. The evaluation results by the respective authority, its details and justifications are transparent and open to the public.
2.2. Legislation	The laws and legislation applicable to the judiciary is transparent, open, and accessible to everyone. It is available in audio or other possible formats for disabled people, such as people who are blind or partially sighted.
2.3. Judicial report and statistics	Reports and statistics on court procedures are open, transparent, clear, and easily accessible.
2.4. Court hearing	Open court hearings can be attended and observed without going through a lot of red tape.
2.5. Court decision	Except for those pertaining to state, official, and personal secrets, as well as those that are not included in the electronic database of court decisions at the request of a party to the case, court decisions are open and transparent to the public. Additionally, public summaries of court decisions are easy to understand and accessible.
2.6. Reviewing case materials	The case materials are made available to the parties, their representatives, and attorneys promptly and without delay so they can review them.
2.7. Allocation of cases and claims	The allocation of court cases and claims is open and transparent, and relevant information is available.
2.8. Judicial budget transparency	The court expenditure report and its breakdown are open and transparent.
2.9. Media coverage	The cases and disputes under investigation and in court are selected and reported objectively in the media.

3. PUBLIC CONFIDENCE IN THE JUDICIARY

Sub-dimensions	Descriptions
3.1. Judicial system	A judge decides cases and disputes properly and reasonably under the rule of law principle, and cases and disputes cannot be decided by a judge of his choice.
3.2. Integrity of the judge	The judge interprets and applies the law accurately and makes reasonable judgements that are agreeable to both parties in the case.
3.3. Behaviour of the judge	The judge respects rights and legal interests of the parties in the case and communicates with them in an appropriate and respectful manner at all times during the course of the court proceedings.
3.4. Competence of the judge	A judge has the necessary theoretical and practical expertise to decide cases and disputes.
3.5. Satisfaction with the judicial process	During court proceedings, court services are accessible and delivered in user friendly manner, so everyone is satisfied, regardless of the court decision result.
3.6. Grounds for court decision	The judge writes his court rulings in an explicit, straightforward, and logical manner, with excellent language and composition.

4. JUDICIAL INFRASTRUCTURE AND RESOURCES

Sub-dimensions	Descriptions
4.1. Selection of judges	Judges are appointed through a fair and rigorous selection process based solely on their expertise, skills, and ethics.
4.2. Competence of judges	The judge applies his theoretical and practical knowledge effectively, and he is capable of resolving cases and disputes in a lawful and reasonable manner.
4.3. Remuneration of judges	The judge's salary is sufficient for him to perform his primary duties without doubt or reluctance; it is sufficient for all of his needs, and he does not need to rely on other sources of income.
4.4. Court administration officer	Court administration officers have outstanding communication and performance skills, Judges have adequate human resources support required for his daily duty.
4.5. Court premises	The court has buildings for continuous and normal operation, a large courtroom, a consulting room, and other necessary rooms.
4.6. Court information technology	The licensed, high-capacity information technology software used in court operations is secure against any attacks, and other IT tools are available and sufficient.
4.7. Risk management system	The court has a risk management system to deal with emergencies and force majeure events and can quickly adapt to the present circumstance and coordinate its activities.

5. ETHICS AND ACCOUNTABILITY OF JUDGES

Sub-dimensions	Descriptions
5.1. Performance of the judge	The judge strictly adheres to the deadlines stated in the laws and responds promptly and appropriately to any requests or complaints made by the parties during the course of the proceedings. The reasons for deciding not to satisfy a request or a complaint in any case or dispute are clearly stated and explained.
5.2. Accountability system for judges	The Judicial Disciplinary Committee performs its duties in accordance with the law and can legally, reasonably, and impartially decide the case of a judge who has committed misconduct.
5.3. Disciplinary procedures for judges	The investigation and resolution of misconduct by a judge are carried out impartially in accordance with the procedures stipulated by law and ensure the participation of the persons involved.
5.4. Disciplinary sanctions	The Judicial Disciplinary Committee reviews misconduct cases related to judges and can make reasonable decisions appropriate to the misconduct.
5.5. Judicial ethics	A judge strictly adheres to the professional ethics and serves as a role model not only for the judiciary but also for the public.
5.6. Judge related complaint information	Information about the complaints submitted against judges and types of such complaints, status of their resolution, is available to the public and transparent.

6. EFFECTIVENESS OF THE JUDICIAL PERFORMANCE

Sub-dimensions	Descriptions
6.1. Number of pending cases	In a calendar year, the number of pending cases or case backlog is low.
6.2. Case resolution rate	Court resolves the majority of newly filed or received cases within calendar year.
6.3. Workload of judges	The judge's workload is balanced, and the number of cases and disputes allocated to individual judge is determined by workload and capability of the given judge.
6.4. Stability of court decisions	Court decisions are stable, and decisions of the first instance court and the court of appeal are frequently upheld by the Supreme Court.
6.5. Perception of judicial efficiency	Courts exercise their statutory powers appropriately. The judicial system operates efficiently.
6.6. Court administration services	The people who received court services are pleased with their experience and finds the administrative services of the court to be friendly, accessible, and easy to understand.
6.7. Execution of court decisions	The relevant parties voluntarily comply with court decisions, and the execution rate of court decisions is high.

2.3. DATA SOURCE

The Judicial Index defines six key dimensions, 42 sub-dimensions, and 108 criteria. It is assumed that it is insufficient to collect data and information from single source and indicator to construct the index. Therefore multiple sources of data were explored. All indicators used in the index's calculation were constructed using three data sources: administrative data, public opinion survey, and expert opinion survey (judges, prosecutors, attorneys, and other lawyers). This enables a complete

and comparative presentation of various points of view on the problem, while also reducing bias and one-sided perspectives. In particular, efforts were made to incorporate both expert opinion and public perception into the indicators. The survey questions depicted the key dimensions and sub-dimensions and greater effort was put to ensure statements are not altered the meaning of the sub-dimensions.

Table 2. Number of Indicators of the Judicial Index, by data source

Nº	Key dimensions	Sub-dimensions	Public opinion survey	Expert opinion survey	Administrative data	Indicators
1.	Judicial power and independence	7	9	18	0	27
2.	Judicial Openness and Transparency	9	7	8	1	16
3.	Public Confidence in the Judiciary	6	10	9	0	19
4.	Judicial Infrastructure and Resources	7	5	10	0	15
5.	Ethics and Accountability of Judges	6	3	8	1	12
6.	Effectiveness of the Judicial Performance	7	3	2	14	19
	Total	42	37	55	16	108

PUBLIC OPINION SURVEY

The answers to the questionnaire may differ depending on the geographic location and territorial features; thus, while defining the public opinion sample, representatives from each unit were included, following the Law of Mongolia on Administrative and Territorial Units and their Governance. The public opinion survey was conducted by MMCG LLC, a consulting company. According to the 2020 Population

and Housing Census by the National Statistics Office of Mongolia, total population of Mongolia over the age of 18 is 2,043,062 comprising 64 percent of total population. With a 95% confidence interval and a 2.1% margin of error, the sample size is determined at 2007, rounded up by 2000.

$$n = \frac{Z^2 p(1-p)}{e^2} \quad n = \frac{(1.96)^2 (0.64)(1-0.64)}{0.021^2}$$

$$n = \frac{0.8851}{0.000441} = 2007 \quad n \approx 2000$$

Where: n – sample size, Z -the Z value of desired confidence level, p -probability, e -permissible margin of error

From December 2 to December 14, 2021, the phone - CATI methodology was used to conduct the public opinion

survey, which included 2016 people over the age of 18 from Ulaanbaatar city, 21 provinces, and 330 sums. Scores of 37 indicators out of 108 were drawn from Public Perception survey .

EXPERT OPINION SURVEY

Since the expert opinion survey will reveal important indicators of the judicial professional activity, when determining the experts to be surveyed, we included judges, prosecutors, attorneys, and legal councils as well considering their level of involvement in the judicial proceedings.

"Intellectual-Innovation" NGO conducted an online survey of experts in February, 2022. Questionnaires were collected from judges by posting a link to the questionnaire in a social media private group for judges, and by sending a message to all judges asking them to participate in the

survey. There were 99 judges that responded. The State Prosecutor General's Office facilitated the survey for prosecutors. A total of 138 prosecutors responded. A link to a questionnaire for the attorneys and legal councils was posted on social media groups for lawyers. 88 attorneys and 62 legal councils responded to the questionnaire. Total of 387 experts responded to our expert opinion survey. Scores of 55 indicators out of 108 were drawn from expert opinion survey. When using expert opinion survey in the section on public confidence in the judiciary, judges' responses were excluded.

ADMINISTRATIVE DATA

The judiciary in our country has made a significant effort over the past ten years to establish and develop information management systems. As a result, all courts now have access to a case management system and a comprehensive and up-to-date database. It is possible to sort data by case type as well as by first instance, appellate, and review courts. Therefore, data on the number of resolved cases, the number of backlogged cases, and the percentage of resolved cases were collected from this source.

the below-mentioned organizations by submitting an official request for information: Statistical data on cases decided by courts and information on the stability of court decisions were obtained from the Judicial General Council, and statistical data on execution of civil, administrative, and criminal court decisions in 2019-2021 were obtained from the General Authority of Court Decision Execution. In addition, data was collected and evaluated from the Mongolian Court Reports from 2017 to 2021, as well as other relevant sources. Scores of 16 out of the 108 indicators were drawn from the administrative data.

The "Intellectual-Innovation" NGO obtained the data from

2.4. JUDICIAL INDEX METHODOLOGY

BASIC STEPS OF THE JUDICIAL INDEX CALCULATION

1. Data collection

The data required for the index will be collected from three sources: administrative data, public opinion survey, and expert opinion survey. Each survey responses are numerically coded in advance.

All the responses are prepared for the normalization by placing them in a uniform order ranging from the worst value (poor judicial performance) to the best value (excellent judicial performance). Some responses will be placed in reverse order depending on the meaning of the questions.

2. Clearing and normalization of data

Questionnaires that are incomplete, have multiple answers to a question, or have the response "don't know" are considered invalid and will not be processed for the index.

Each response is normalized between 0 and 1 (min-max normalization) to efficiently organize the database and create a possibility to compare values across dimensions in a unified way. Formula:

$$z_i = \frac{x_i - \min(x)}{\max(x) - \min(x)}$$

z_i – Normalized x_i value

x_i – Response to questionnaires

$\max(x)$ – maximum value in x

$\min(x)$ – minimum value in x

3. Calculation of indicator score

The average value of each indicator is calculated following the data normalization. The average value of the indicator is converted into an index score from 0 to 100.

4. Calculation of sub-dimension score

To calculate the sub-dimension score, the average score is calculated by taking into account the relevant weight of each indicator.

5. Calculation of key dimension score

To calculate the key dimension score, the average score is calculated by taking into account the relevant weight of each sub-dimension.

6. Calculation of the general index score

The overall score of the index is obtained by calculating the average score taking into account the relative weight of each main dimension.

WEIGHING METHOD

An important part of index processing is generating results by weighing diverse and disparate data sources relevant to the index (1) the key dimensions, (2) the sub-dimensions within the key dimensions, and (3) the indicators within the sub-dimensions. The research team set equal weights for the key dimensions in the index: judicial power and independence (16.67%), judicial openness and transparency (16.67%), public confidence in the judiciary (16.67%), judicial infrastructure and resources (16.67%), ethics and responsibility of judges (16.67%), and effectiveness of the judicial performance (16.67%). The weight of the sub-dimensions within the key dimensions was estimated as equal. In addition, the

weight of the indicators within the sub-dimensions is set equally, applying the following principle:

1. For sub-dimensions with only one indicator (public opinion survey or expert opinion survey or administrative data), the weight of the indicator within sub-dimension shall be considered to be 100 percent.
2. For sub-dimensions that are measured by two or more indicators (administrative data and public and expert opinion survey, or their combination), the weight of each indicator within the sub-dimensions is considered equal. For example, the weight of 2 indicators is 50% each, and the weight of 3 indicators is 33.33% each.

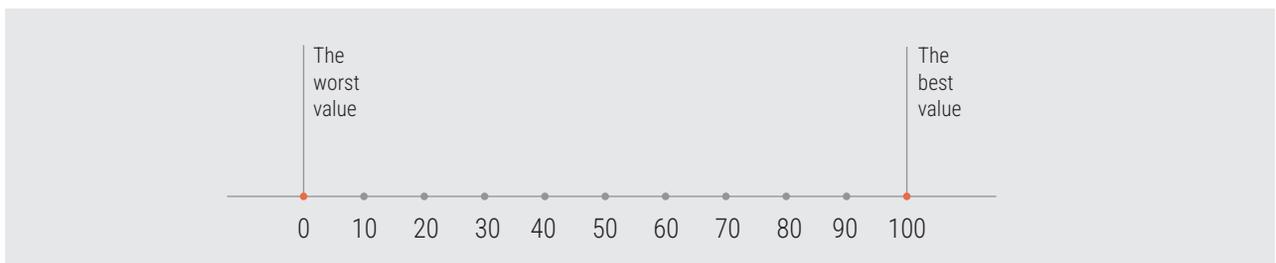
Table 3. Weight of the key dimensions in the index

Nº	Key dimensions	Number of the Sub-dimensions	Number of the indicators	Weight
1.	Judicial power and independence	7	27	16.67%
2.	Judicial openness and transparency	9	16	16.67%
3.	Public confidence in the judiciary	6	19	16.67%
4.	Judicial infrastructure and resources	7	15	16.67%
5.	Ethics and accountability of judges	6	12	16.67%
6.	Effectiveness of the judicial performance	7	19	16.67%
	Total	42	108	100%

SCORING METHODS

- The Judicial Index is scored from 0 to 100.
- 0 represents the worst value, while 100 represents the best value.
- The index sub-dimension score is calculated by the

weighted average of the indicators scores, the index key dimension score is calculated by the sub-dimension weighted average, and the general index score is calculated by the weighted average of the key dimension score.



SCORE CALCULATION FOR INDICATORS COLLECTED THROUGH THE SURVEYS

To calculate the index score, the survey responses are numerically coded, normalized, and averaged before being converted to 0-100 points.

An example of how to score a multiple-choice survey question with 5 response options is shown in Table 4.

Table 4. Examples of scoring methods for survey responses

For example, POS 4.1: Everyone has the right to file a complaint and a petition in court, as well as to have their case and dispute resolved if they consider that their

constitutional and other legal rights and freedom have been violated.

Response options	Numerical value of the response (x_i)	Normalized value $z_i = \frac{x_i - \min(x)}{\max(x) - \min(x)}$	Number of respondents (n)	Indicator index score $\mu = \frac{\sum_{i=1} z_i}{N}$
1. Strongly agree	5	1	384	60.62
2. Agree	4	0.75	413	
3. Somewhat agree	3	0.50	879	
4. Disagree	2	0.25	329	
5. Strongly disagree	1	0	0	
6. Don't know	-	-	11	
Total			N = 2016 - 11 = 2005	

Explanation:

Let us explain how the responses to Public opinion survey question 4.1 were aggregated and transformed into index scores in further detail.

POS question 4.1: Everyone has the right to file a complaint and a petition in court, as well as to have their case and dispute resolved if they consider that their rights and freedom under the Constitution or other laws have been violated.

A total of 2016 people took part in the survey, and to question 4.1 of the public opinion survey, 384 respondents said "Completely agree," 413 said "Agree," 879 said "Somewhat agree," 329 said "Disagree", and 11 said "Don't know".

Answers of participants who answered "don't know" to the question will not be included in the index calculation to evaluate the judicial performance objectively. Thus, the responses of 2005 people will be utilized to generate the index, minus the 11 responses that responded "Don't know" to the POS 4.1 question.

The indicator index has a score of 0-100, where 0 means the judiciary is poor, and 100 means the judiciary is excellent. The order of calculating the index score of the indicators:

1. The responses are translated into numerical values. The response "Strongly disagree" to the statement "Everyone has the right to file a complaint and a petition in court, as well as to resolve their case and dispute if they consider that their rights and freedom under the Constitution or other laws have been violated" is coded as 1, the lowest numerical value. The response "Disagree" is coded as 2, "Somewhat agree" as 3, "Agree" as 4, and "Strongly agree" as 5. The response "Don't know" is not included in index

calculation.

2. The coded responses are normalized and converted to 0-1 numerical values using the following formula.

$$z_i = \frac{x_i - \min(x)}{\max(x) - \min(x)}$$

z_i – Normalized x_i value

x_i – Response to questionnaire

$\max(x)$ – maximum value in x

$\min(x)$ – minimum value in x

Question 4.1 of the POS has 5 responses, and each response is numerically coded. The response has a minimum value of 1 and a maximum value of 5. The normalization of the responses of all 2005 survey participants is calculated using the following formula:

$$z_i = \frac{x_i - 1}{5 - 1} = \frac{x_i - 1}{4}$$

3. The average score of the survey question or the respective indicator is calculated using the following formula using the normalized numerical value of the answers:

$$\mu = \frac{\sum_{i=1}^N z_i}{N}$$

SCORING METHOD FOR THE INDICATORS EVALUATED BY ADMINISTRATIVE DATA

Although the comprehensiveness and accuracy of administrative data were significant advantages, translating them into an index was difficult. In particular, the actual values of the indicators derived from administrative data were converted into indices and scored with a scale of 0-100 points. As a result, the best scenario-also known as "utopia"-has been established in order to measure future progress against the 2021 indicators.

The research team looked into various options and methods for (scaling) converting administrative data to produce index scores. The methodologies of the European Commission for the Efficiency of Justice¹⁶ and the Judicial Effectiveness Index of the United States Development Agency were referenced for this purpose. Thus, following a thorough examination of administrative data from 2018 to 2021, the research team employed three methods to convert administrative data into index scores, as detailed

below.

Method 1: The research team first extracted administrative data for 2018-2021 from the reports of the Judiciary General Council and the Courts of Mongolia. These data were used to calculate the average indicator score (i.e., 50 on a scale of 0–100). The best rating (index score of 100) is defined as 0 in real value, while the worst rating (index score of 0) is defined as twice the average value. In other words, the worst rating for 2021 is double the 2018-2020 average.

For instance, assuming that the average number of pending administrative cases in the first instance court between 2018 and 2020 was 300, multiplied by 2, 600 is the worst result (index score 0), and no pending case or zero is the best result (index score 100), the index evaluation indicates that the average number of 300 is 50.00. If the actual value (pending administrative cases) for 2021 was

Table 5: Method 1. Example of scoring method for administrative data

Actual value (in numbers)	Index score (0-100)	Description
0	100	the best
60	90	
120	80	
240	60	score for 2021
300	50	2018-2020 average
360	40	
420	30	
480	20	
540	10	
600	0	the worst

¹⁶ <https://rm.coe.int/1680747548>

240, the index score is 60.00 when converting this to the 2021 result. According to the 2021 evaluation, the number of pending cases has been reduced by 60, representing a 10% improvement in the index. This method was used to calculate a total of 11 indicators.

Method 2: In this method of converting administrative data into points, the indicator's unit of measurement is Clearance rates¹⁷ expressed as a percentage.

In theory, the majority of these indicators should have a maximum value of 100%. (e.g., if all courts resolve all eligible cases and disputes, the Clearance Rate should be 100 percent). However, due to the fact that all levels of courts in our country, as well as those in other countries around the world, have a backlog of cases during the reporting period, the maximum value of this indicator is greater than 100%.

For this indicator, the research team looked at court administrative data from 2018 to 2021. The clearance rate for 2018 to 2021 is between 87 and 105 percent. Also, according to administrative data of 2018-2021, when considering what percentage of the total cases (including

the pending cases of the previous year) that should be decided in the following year are the pending cases of the previous year, criminal cases make up 10% of cases, civil cases 15%, and administrative cases about 30% in the first instance courts. However, the maximum percentage of pending cases from previous year for appellate and review courts is around 10%.

Taking these factors into consideration, the actual value of this indicator is set at 110 percent in criminal cases, 115 percent in civil cases, 130 percent in administrative cases in first instance courts, and 110 percent in appellate and review courts (index score 100) as the best case scenario. The worst-case scenario (index score 0) is set at 0% of the actual value.

The 130 percent actual value is set to 2/3 of the rating when converting the actual value to the index (i.e. 66.66 on a 0-100 index score). In other words, the best case resolution rate in the administrative court of first instance was determined to be 130. For example, if the actual rate of administrative court case resolution is 86.66 percent in 2021, the index score is 66.66. This method was used to calculate a total of 11 indicators.

Table 6: Method 2. Example of scoring method for administrative data

Actual value (in numbers)	Index score (0-100)	Description
0	0	The worst
21.66	16.67	
43.33	33.33	
65	50	
86.66	66.66	score in 2021
108.33	83.34	
130	100	The best

¹⁷ The number of cases resolved in a particular year is divided by the number of new cases created or accepted in that year, then multiplied by 100 and expressed as a percentage.

Method 3: The number of criminal, civil, and administrative cases per judge of the first instance court (criminal case-70, civil case-200, administrative case-42) established by the 2018 "Judge Workload Determination Research Report"¹⁸ was used as a basis for determining the judge's normal workload-sub-dimension. However, using just this number as a direct basis for the evaluation of this indicator was insufficient. In particular, the Capital City Administrative Court of First Instance resolved 984 cases in 2021,

accounting for 55.8 percent of all administrative cases resolved at the national level. As a result, the normal number of cases and the population of the relevant district/province were matched when calculating the index score from this administrative data.

For example, let us explain how the caseload of the judge of the Criminal Court of First Instance in the capital is determined.

Table 7: Method 3. Example of scoring method for administrative data

Nº	Court	Average number of criminal cases per judge (1)	Number of cases in excess of the acceptable workload (75) (2)	Population (2021) (3)	District population (proportion) of capital (4)	District level workload excess (0-100) (5)	Capital level workload excess (0-100) (6)
1.	Criminal Court of First Instance of Bayanzurkh District	118.7	43.7	383,892	25%	41.73	
2.	Criminal Court of First Instance of Sukhbaatar District	105.6	30.6	144,542	9%	59.20	
3.	Criminal Court of First Instance of Chingeltei District	95.9	20.9	150,548	10%	72.13	
4.	Criminal Court of First Instance of Bayangol District	78.3	3.3	236,385	15%	95.60	
5.	Criminal Court of First Instance of Khan-Uul District	104	29	209,524	14%	61.33	60.64
6.	Criminal Court of First Instance of Songino-Khairkhan District	116.7	41.7	341,540	22%	44.40	
7.	Criminal Court of First Instance of Baganuur District	33	0	29,433	2%	100.00	
8.	Criminal Court of First Instance of Bagakhangai District	17	0	4,459	0%	100.00	
9.	Criminal Court of First Instance of Nalaikh District	63.7	0	38,929	3%	100.00	

Total population: 1,539,252

¹⁸ Judicial General Council, Center for Development Initiatives and Policy Studies, Judge Workload Determination Research Report (UB: JGC, 2018)

Calculate the number of cases assigned to each judge of the Criminal Court of First Instance in each district of the capital (1), the number of normal caseloads assigned to each judge, and the population of each district (2).

The number of cases that exceed the normal caseload for each district court judge should be determined (3).

The population of each district is determined as a proportion of the population of the capital city (4).

Divide the number of cases that exceed the acceptable caseload by (2) the number of cases that are appropriate, or 75, to convert a judge's workload to an index score of (5), or 0-100. The result is deducted from 1 and multiplied by 100 hundred.

When calculating the judge's excess workload at the capital (6), the average of the excess workload at the district level (5) is weighted for the percentage of the district's population to the population of the capital city.

The data used to evaluate the group of indicators of the stability of court decisions and execution of court decisions sub-dimensions were the indicators that were not evaluated within the framework of the preceding three methods. In other word, both theoretically and practically, the court's decision to uphold the case and its implementation have a maximum absolute value of one hundred percent. Therefore, the ideal scenario for these sub-dimensions was set at 100% (100 on the index scale).

-
- 3.1 JUDICIAL POWER AND INDEPENDENCE
 - 3.2 JUDICIAL OPENNESS AND TRANSPARENCY
 - 3.3 PUBLIC CONFIDENCE IN THE JUDICIARY
 - 3.4 JUDICIAL INFRASTRUCTURE AND RESOURCES
 - 3.5 ETHICS AND ACCOUNTABILITY OF JUDGES
 - 3.6 EFFECTIVENESS OF THE JUDICIAL PERFORMANCE
-

3

- JUDICIAL
INDEX
KEY
DIMENSIONS

JUDICIAL INDEX

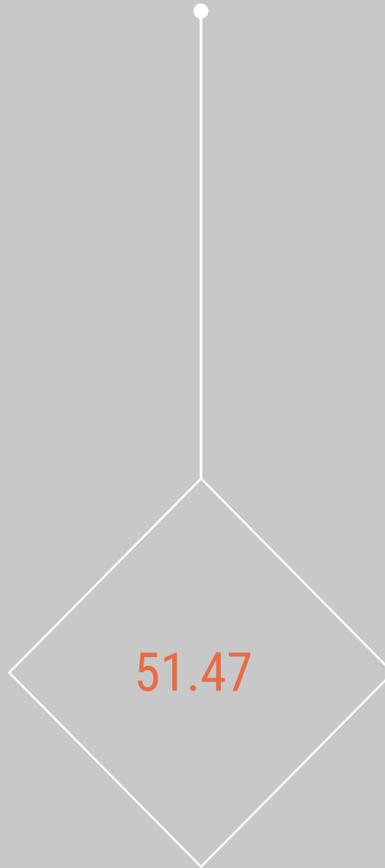
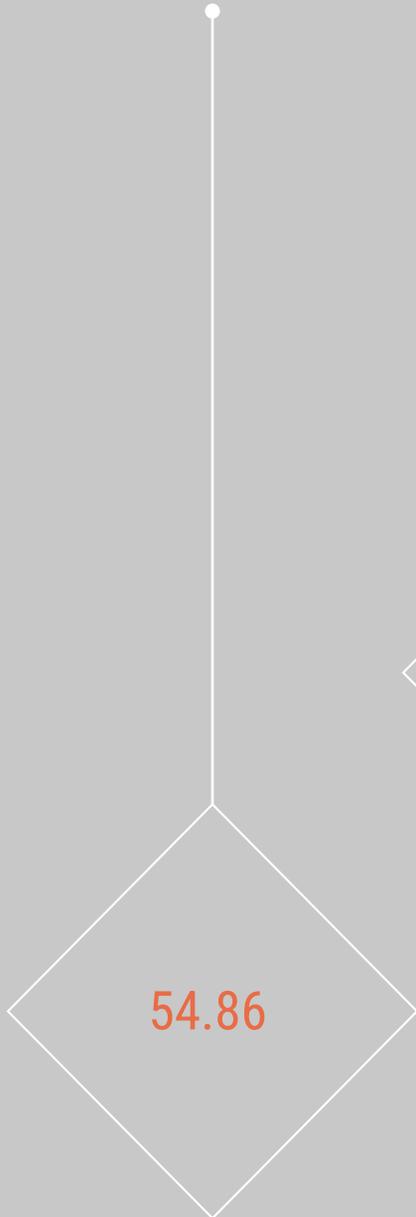
Key dimensions score



AVERAGE OF PUBLIC
OPINION SURVEY

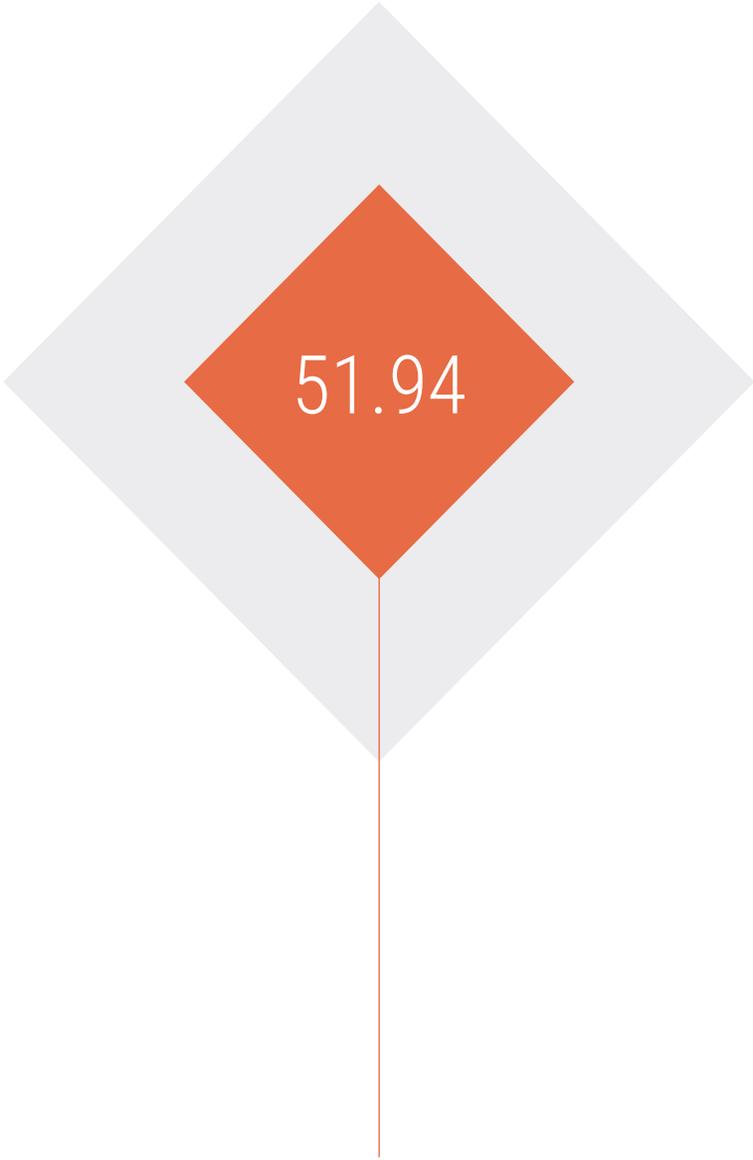
AVERAGE OF EXPERT
OPINION SURVEY

AVERAGE OF
ADMINISTRATIVE DATA



JUDICIAL INDEX

General Score



Judicial Index
2021

- ◆ 100 score
- ◆ 2021 Judicial Index Score

1. JUDICIAL POWER AND INDEPENDENCE

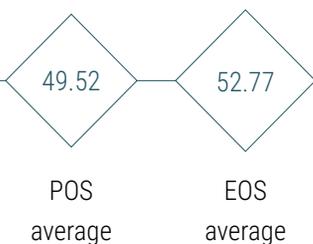
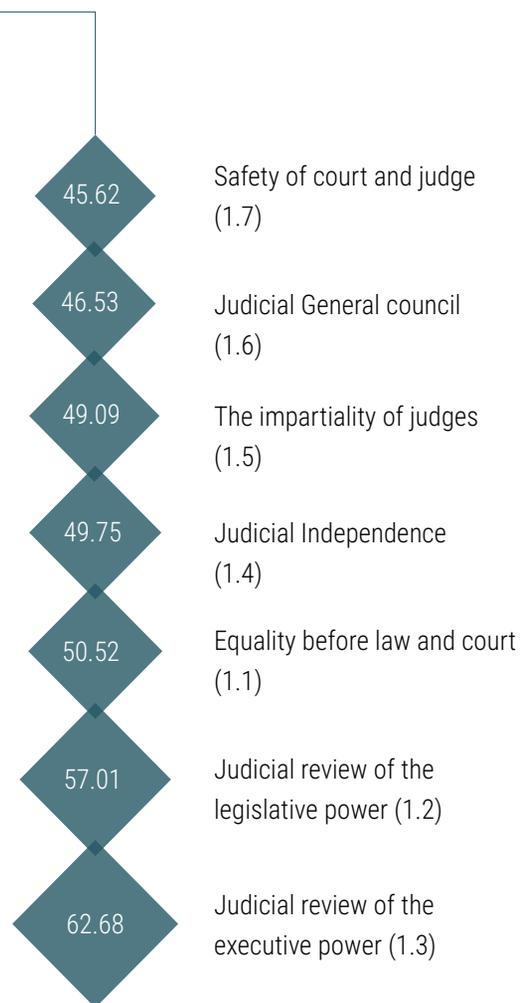
Judicial power and independence: Judicial independence, the judge to act impartially and free from any undue influence, guarantee of security of courts and judges.

Under this dimension, the legal and practical possibilities of judicial review of the executive and legislative bodies have been evaluated based on a perception survey.

KEY DIMENSIONS SCORE



SUB-DIMENSIONS SCORE



1. JUDICIAL POWER AND INDEPENDENCE: INDICATORS

Indicators	Score	Source
1 JUDICIAL POWER AND INDEPENDENCE	 51.60	
1.1 Equality before law and court	50.52	
1.1.1 Everyone has the right to file a complaint and a petition in court, as well as to have their case and dispute resolved if they consider that their rights and freedom under the Constitution or other laws have been violated.	 60.62	POS 4.1
1.1.2 Regardless of a person's wealth, income, social origin, position, political influence, religion, race, sexual orientation, or disability, courts are fair and impartial.	 46.93	POS 4.2
1.1.3 Judges are less likely to impose varied penalties for the same crime or to decide identical cases or disputes differently.	 48.18	POS 17
1.1.4 Regardless of a person's wealth, income, social origin, position, political influence, religion, race, sexual orientation, or disability, courts are fair and impartial.	 62.99	EOS 4.1
1.1.5 Judges are less likely to impose varied penalties for the same crime or to decide identical cases or disputes differently.	 33.86	EOS 6
1.2 Judicial review of legislative power	57.01	
1.2.1 Assume the State Great Khural passed legislation that clearly contravenes the Constitution. The Constitutional Court can stop this unlawful act of the State Great Khural.	 58.06	POS 4.6
1.2.2 Assume the State Great Khural passed legislation that clearly contravenes the Constitution. The Constitutional Court can stop this unlawful act of the State Great Khural.	 71.29	EOS 4.2
1.2.3 The Constitutional Court makes decisions without the interference of government authorities, politicians, or any individual or legal entity.	 47.99	EOS 4.3
1.2.4 The Constitutional Court has the authority to review the decisions of the State Great Khural and declare them invalid.	 50.68	EOS 9
1.3 Judicial review of the executive power	62.68	
1.3.1 Assume an administrative body made an illegal decision, and citizens filed a claim with the court. In practice, a judge has the right to put a stop to this illegal conduct.	 62.16	POS 4.7
1.3.2 Assume an administrative body made an illegal decision, and citizens filed a claim with the court. In practice, a judge has the right to put a stop to this illegal conduct.	 73.49	EOS 4.4
1.3.3 The judiciary have the authority to review executive branch actions and deem them illegal.	 52.40	EOS 14
1.4 Judicial Independence	49.75	
1.4.1 Even if the government and its agencies disagree with the court decision, they always comply with it.	 55.51	POS 4.5
1.4.2 Judicial independence is guaranteed by law and is de facto recognised at the political level.	 49.66	EOS 4.5

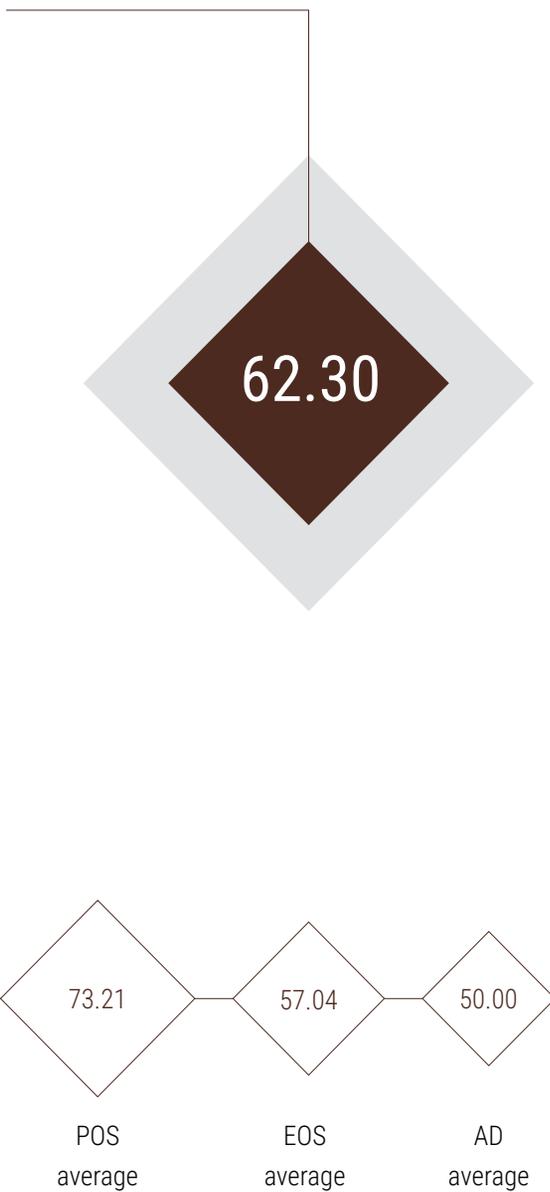
Indicators	Score	Source
1.4.3 Even if the government and its agencies disagree with the court decision, they always comply with it.	 48.29	EOS 4.6
1.4.4 The judiciary budget is sufficient and adequate.	 45.53	EOS 4.7
1.5 The Impartiality of judges	49.09	
1.5.1 There is no case of paying bribes to judges or court personnel in order to avoid prosecution, get a light sentence, or have a case or dispute resolved for one's own gain.	 39.13	POS 2
1.5.2 The judicial system is not affected by corruption.	 28.11	POS 3
1.5.3 Judges decide cases and disputes without undue influence from government organizations, politicians, or any other individual or legal entity.	 46.94	POS 4.3
1.5.4 The judicial system is not affected by corruption.	 52.51	EOS 3
1.5.5 Judges decide cases and disputes without undue influence from government organizations, politicians, or any other individual or legal entity.	 56.64	EOS 4.8
1.5.6 The independence and power of judges are protected by law and enforced in practice.	 56.45	EOS 4.9
1.5.7 There is no case of paying bribes to judges or court personnel in order to avoid prosecution, get a light sentence, or have a case or dispute settled for one's own gain.	 63.82	EOS 8
1.6 Judicial General Council	46.53	
1.6.1 The Judicial General Council operates independently of the President, the State Great Khural, the Government, politicians, and anybody else.	 46.50	EOS 4.10
1.6.2 The Judicial General Council performs its tasks of ensuring the independence of the judiciary and the impartiality of judges, as well as protecting judges' rights and interests, effectively.	 46.55	EOS 4.11
1.7 Safety of courts and judges	45.62	
1.7.1 Appropriate mechanisms and resources have been established to guarantee the safety of courts and judges.	 50.54	EOS 4.12
1.7.2 When necessary, the safety of the judge and his family members is ensured.	 40.70	EOS 5

2. JUDICIAL OPENNESS AND TRANSPARENCY

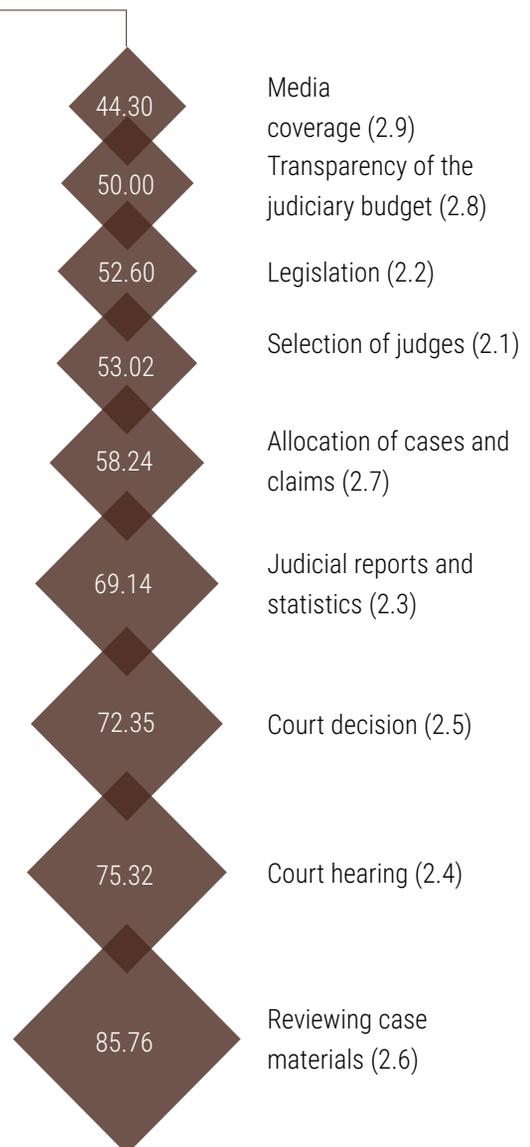
Judicial openness and transparency: It will assess whether public access to court proceedings and decisions is possible and whether information can be obtained.

The majority of indicator scores are based on public and expert opinion survey.

KEY DIMENSIONS SCORE



SUB-DIMENSIONS SCORE



2. JUDICIAL OPENNESS AND TRANSPARENCY: INDICATORS

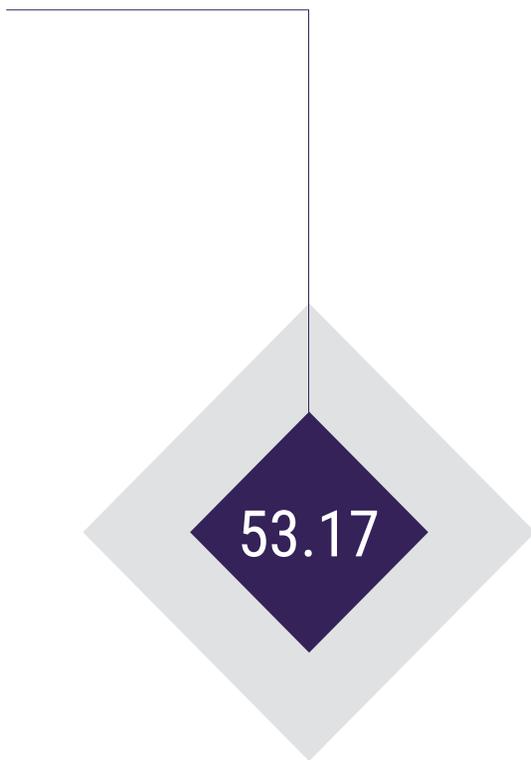
Indicators	Score	Source
2 OPENNESS AND TRANSPARENCY	62.30	
2.1 Selection of judges	53.02	
2.1.1 It is possible to observe and learn about the selection process of judges.	75.62	POS 6.1
2.1.2 It is possible to observe and learn about the selection process of judges.	30.42	EOS 10.1
2.2 Legislation	52.60	
2.2.1 The court-related rules and laws that have been adopted are open and transparent.	52.60	EOS 10.2
2.3 Judicial reports and statistics	69.14	
2.3.1 The reports and statistics of court activities are accessible.	77.24	POS 6.4
2.3.2 The reports and statistics of court activities are accessible.	61.03	EOS 10.3
2.4 Court hearing	75.32	
2.4.1 Judges permit the interested persons to observe open court hearings.	85.73	POS 6.2
2.4.2 Judges permit the interested persons to observe open court hearings.	64.91	EOS 10.4
2.5 Court decision	72.35	
2.5.1 Participants in the case, their representatives, and attorneys are given full access to review the case materials at any time.	80.96	POS 6.3
2.5.2 The public has access to court decisions (in paper or electronic form) and can hold discussions about them.	63.74	EOS 10.6
2.6 Reviewing case materials	85.76	
2.6.1 Participants in the case, their representatives, and attorneys are given full access to review the case materials at any time.	91.29	POS 6.5
2.6.2 Participants in the case, their representatives, and attorneys are given full access to review the case materials from time to time.	80.22	EOS 10.5
2.7 Allocation of cases and claims	58.24	
2.7.1 It is not possible to have cases and disputes allocated to and decided by judges of your choice.	49.95	POS 10
2.7.2 It is not possible to have cases and disputes allocated to and decided by judges of your choice.	66.52	EOS 11
2.8 Transparency of the judiciary budget	50.00	
2.8.1 Judiciary budget expenditure reports are regularly issued and disclosed to the public.	50.00	AD
2.9 Media coverage	44.30	
2.9.1 The media objectively and truthfully informs the public about cases and disputes that are under investigation or in court.	51.69	POS 12
2.9.2 The media objectively and truthfully informs the public about cases and disputes that are under investigation or in court.	36.91	EOS 12

3. PUBLIC CONFIDENCE IN THE JUDICIARY

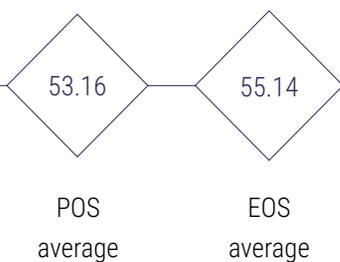
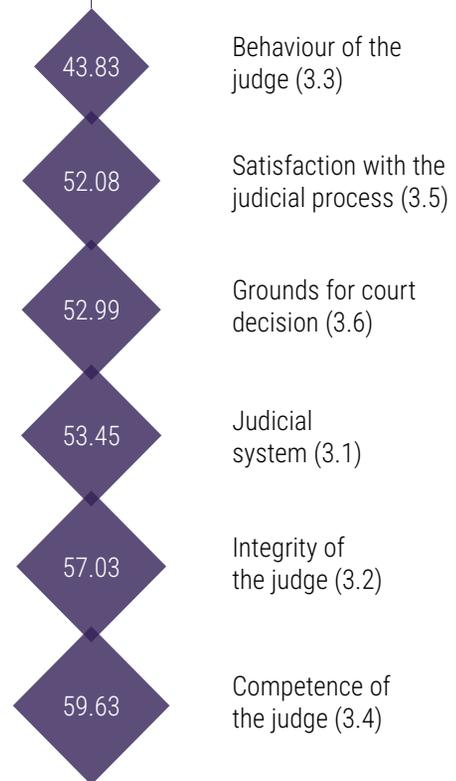
Public confidence in the judiciary: Public confidence in the judiciary and in the judges' knowledge, skills, and ethics, and their level of satisfaction with court procedures.

This evaluation for this dimension is solely based on the findings of a perception survey. The questionnaire responses of the 99 judges who took part in the expert survey were omitted from this section, so they can be considered external evaluations.

KEY DIMENSIONS SCORE



SUB-DIMENSIONS SCORE



3. PUBLIC CONFIDENCE IN THE JUDICIARY: INDICATORS

Indicators	Score	Source
3 PUBLIC CONFIDENCE IN THE JUDICIARY	 53.17	
3.1 Judicial system	53.45	
3.1.1 Criminal cases are decided properly and in conformity with the law.	 49.36	POS 7.1
3.1.2 Civil cases are decided properly and in conformity with the law.	 51.55	POS 7.2
3.1.3 Administrative cases are decided properly and in conformity with the law.	 49.49	POS 7.3
3.1.4 Criminal cases are decided properly and in conformity with the law.	 57.53	EOS 13.1*
3.1.5 Civil cases are decided properly and in conformity with the law.	 55.42	EOS 13.2*
3.1.6 Administrative cases are decided properly and in conformity with the law.	 57.33	EOS 13.3*
3.2 Integrity of the judge	57.03	
3.2.1 The First Instance Court judges decide cases and disputes fairly and in accordance with the law.	 54.98	POS 8.1
3.2.2 The Appellate Court judges decide cases and disputes fairly and in accordance with the law.	 57.17	POS 8.2
3.2.3 The Supreme Court judges decide cases and disputes fairly and in accordance with the law.	 55.07	POS 8.3
3.2.4 The First instance court judges decide cases and disputes fairly and in accordance with the law.	 58.02	EOS 15.1*
3.2.5 The Appellate Court judges decide cases and disputes fairly and in accordance with the law.	 57.64	EOS 15.2*
3.2.6 The Supreme Court judges decide cases and disputes fairly and in accordance with the law.	 59.31	EOS 15.3*
3.3 Behaviour of the judge	43.83	
3.3.1 Judges are ethical and can serve as role models for the rest of society.	 42.30	POS 9.1
3.3.2 Judges are ethical and can serve as role models for the rest of society.	 45.35	EOS 16.1*
3.4 Competence of the judge	59.63	
3.4.1 The judges' professional expertise and abilities are sufficient.	 63.94	POS 11
3.4.2 The judges' professional expertise and abilities are sufficient.	 55.31	EOS 17*
3.5 Satisfaction with the judicial process	52.08	
3.5.1 Regardless of which party the judge ruled in favor of, the court proceeding is carried out properly in accordance with the law.	 52.08	POS 9.2
3.6 Grounds for court decision	52.99	
3.6.1 Judges write their decisions in a straightforward and well-reasoned form.	 55.61	POS 9.3
3.6.2 Judges write their decisions in a straightforward and well-reasoned form.	 50.36	EOS 16.2*

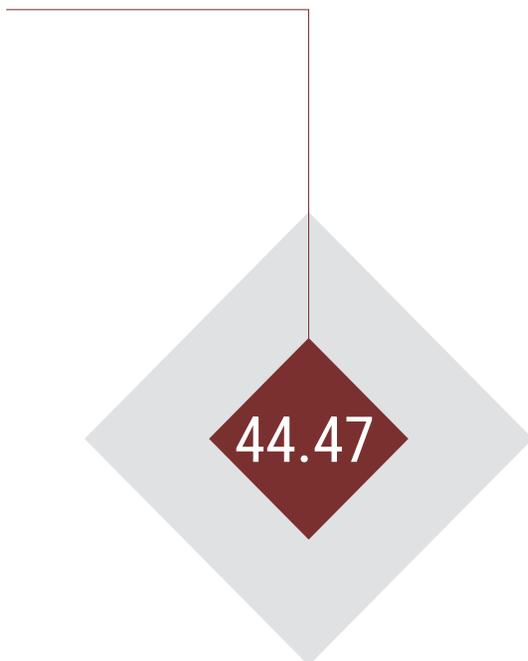
*The sub-dimension of public confidence in the judiciary was calculated by deducting the responses of judges to the expert opinion survey.

4. JUDICIAL INFRASTRUCTURE AND RESOURCES

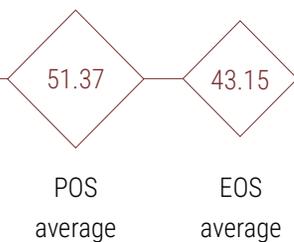
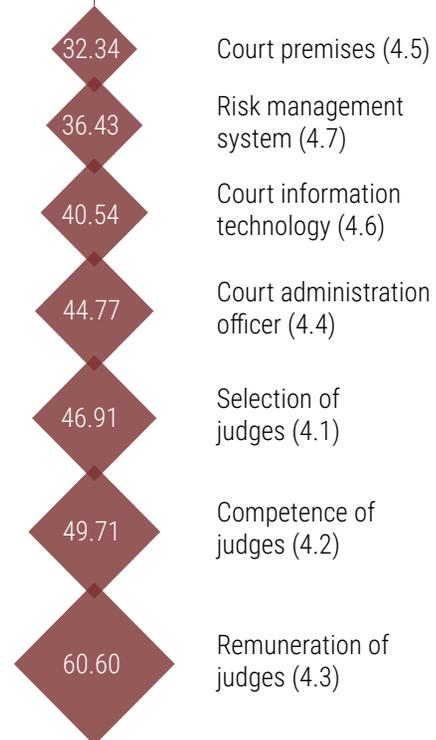
Judicial infrastructure and resource: The level of human, financial, and material resources required to preserve the rights, legal interests, and legal trust of individuals and legal entities, or to provide normal and accessible judicial services.

A perception survey was used to examine the court service environment, infrastructure, technical and technological capabilities, and human resource structure. The perception survey provides insight into how citizens and lawyers perceive and evaluate the court. Details and breakdowns of how certain regions and courts have been evaluated can be found in open databases.

KEY DIMENSIONS SCORE



SUB-DIMENSIONS SCORE



4. JUDICIAL INFRASTRUCTURE AND RESOURCES: INDICATORS

Indicators	Score	Source
4 JUDICIAL INFRASTRUCTURE AND RESOURCE	44.47	
4.1 Selection of judges	46.91	
4.1.1 Judges are appointed based solely on their expertise, skills, and ethics.	47.63	POS 13.1
4.1.2 Judges are appointed based solely on their expertise, skills, and ethics.	46.19	EOS 18.1
4.2 Competence of judges	49.71	
4.2.1 Judges have the professional skills and legal knowledge required to appropriately resolve cases and disputes.	36.59	POS 13.2
4.2.2 Judges have the professional skills and legal knowledge required to appropriately resolve cases and disputes.	56.76	EOS 18.2
4.2.3 Every year, judges receive adequate training to improve their knowledge and skills.	55.77	EOS 16.3
4.3 Remuneration of judges	60.60	
4.3.1 The judge's remuneration is sufficient to earn a living without relying on other sources of income, and it is sufficient to recruit and keep qualified judges.	71.60	POS 9.4
4.3.2 The judge's remuneration is reasonable.	64.31	POS 14
4.3.3 The judge's remuneration is sufficient to earn a living without relying on other sources of income, and it is sufficient to recruit and keep qualified judges.	45.90	EOS 18.3
4.4 Court administration officer	44.77	
4.4.1 Nowadays, court administrative assistants are knowledgeable and skilled.	42.78	EOS 18.4
4.4.2 Judges have adequate human resource support to carry out their duties.	46.76	EOS 18.5
4.5 Court premises	32.34	
4.5.1 The environment and facilities of the courthouse represent justice and inspire respect.	36.71	POS 13.3
4.5.2 Courts are housed in proper facilities and have enough rooms, chambers, and places to function.	29.35	EOS 18.6
4.5.3 The environment and facilities of the courthouse represent justice and inspire respect.	30.97	EOS 18.7
4.6 Court information technology	40.54	
4.6.1 Courts have adequate information technology equipment and devices.	40.54	EOS 18.8
4.7 Risk management system	36.43	
4.7.1 If there is a sudden and dramatic increase in the number of cases and disputes brought before the court, the court is given appropriate resources and solutions to deal with it.	36.43	EOS 18.9

5. ETHICS AND ACCOUNTABILITY OF JUDGES

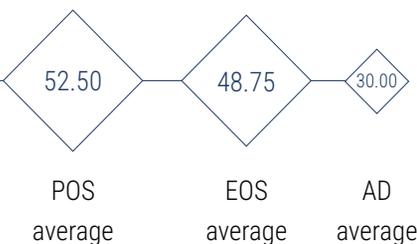
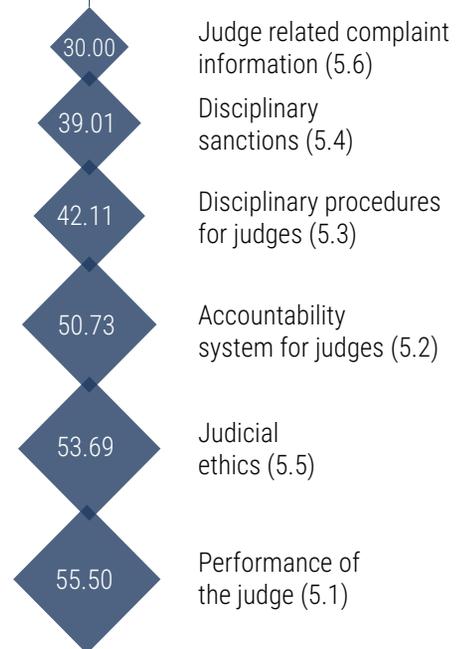
Ethics and accountability of judges: The ability of a judge to be free of personal interests, to strictly adhere to high ethics, to exercise his judicial powers responsibly, and to accept responsibility.

It is worth noting that the evaluation of this dimension is relatively low because the Judicial Disciplinary Committee has not begun functioning, the mandate of the members of the Judicial Ethics Committee working under the previous law has expired, appointments have not been made for a long time, and the process of resolving disciplinary complaints has come to a halt.

KEY DIMENSIONS SCORE



SUB-DIMENSIONS SCORE



5. ETHICS AND RESPONSIBILITY OF JUDGES: INDICATORS

Indicators	Score	Source
5 ETHICS AND RESPONSIBILITY OF JUDGES	45.17	
5.1 Performance of the judge	55.50	
5.1.1 Performance of the judge is satisfactory	52.15	POS 5
5.1.2 Performance of the judge is satisfactory	58.84	EOS 7
5.2 Accountability system for judges	50.73	
5.2.1 Judges who commit misconduct are very likely to be held accountable (dismissed or subject to other types of disciplinary sanctions).	56.76	POS 4.4
5.2.2 An impartial and transparent system for investigating and resolving judge misconduct has been established.	41.81	EOS 18.10
5.2.3 Judges who commit misconduct are very likely to be held accountable (dismissed or subject to other types of disciplinary sanctions).	53.62	EOS 19
5.3 Disciplinary procedures for judges	42.11	
5.3.1 In every case where the law allows it, disciplinary proceedings are initiated against a judge.	43.69	EOS 18.11
5.3.2 The disciplinary proceedings for judicial misconduct are carried out impartially and independently.	40.52	EOS 18.12
5.4 Disciplinary sanctions	39.01	
5.4.1 Appropriate sanctions are imposed on judges as a result of the disciplinary proceeding for their misconduct.	39.01	EOS 21
5.5 Judicial ethics	53.69	
5.5.1 Judges always adhere to the code of ethics.	48.60	POS 18
5.5.2 Judges always adhere to the code of ethics.	60.09	EOS 20
5.5.3 Judges are always provided with instructions, advice, and procedures for avoiding disciplinary violations and adhering to the code of ethics.	52.38	EOS 22
5.6 Judge related complaint information	30.00	
5.6.1 The public is thoroughly and transparently informed about the complaints submitted against the judge, their nature, and how the complaints were resolved.	30.00	AD

6. EFFECTIVENESS OF THE JUDICIAL PERFORMANCE

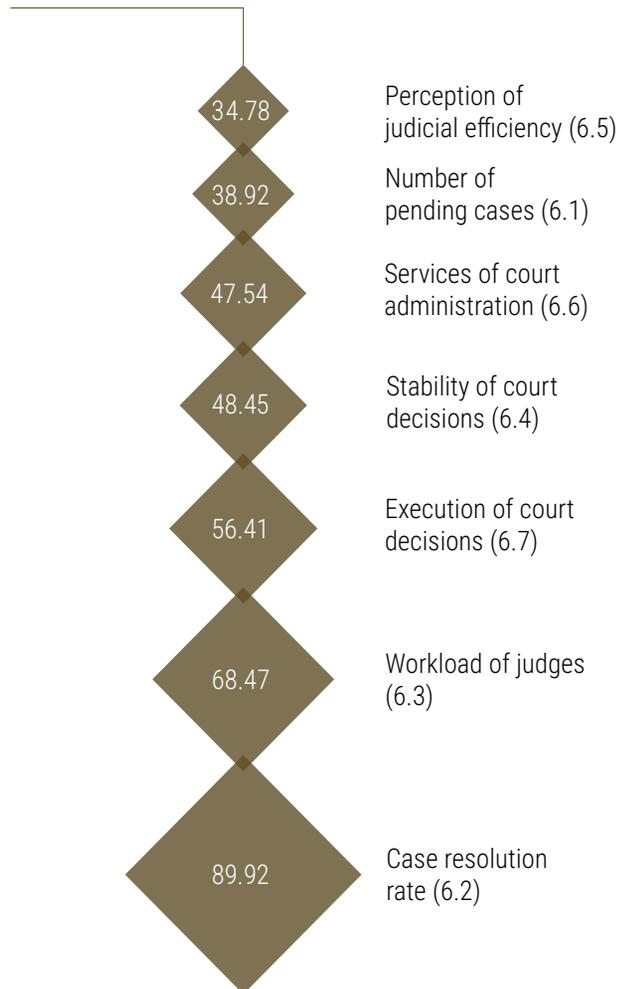
Effectiveness of the judicial performance: The ability of courts to decide cases and disputes without delay, as well as the level of court decision execution.

An evaluation was made on the basis of administrative data related to the ongoing arrangements required for an accessible and high-quality court operation. If the Judicial General Council prepares the necessary information for this assessment, we will be able to make a more realistic assessment of this section of the study based on documentary and statistical data in the future.

KEY DIMENSIONS SCORE



SUB-DIMENSIONS SCORE



6. EFFECTIVENESS OF THE JUDICIAL PERFORMANCE: INDICATORS

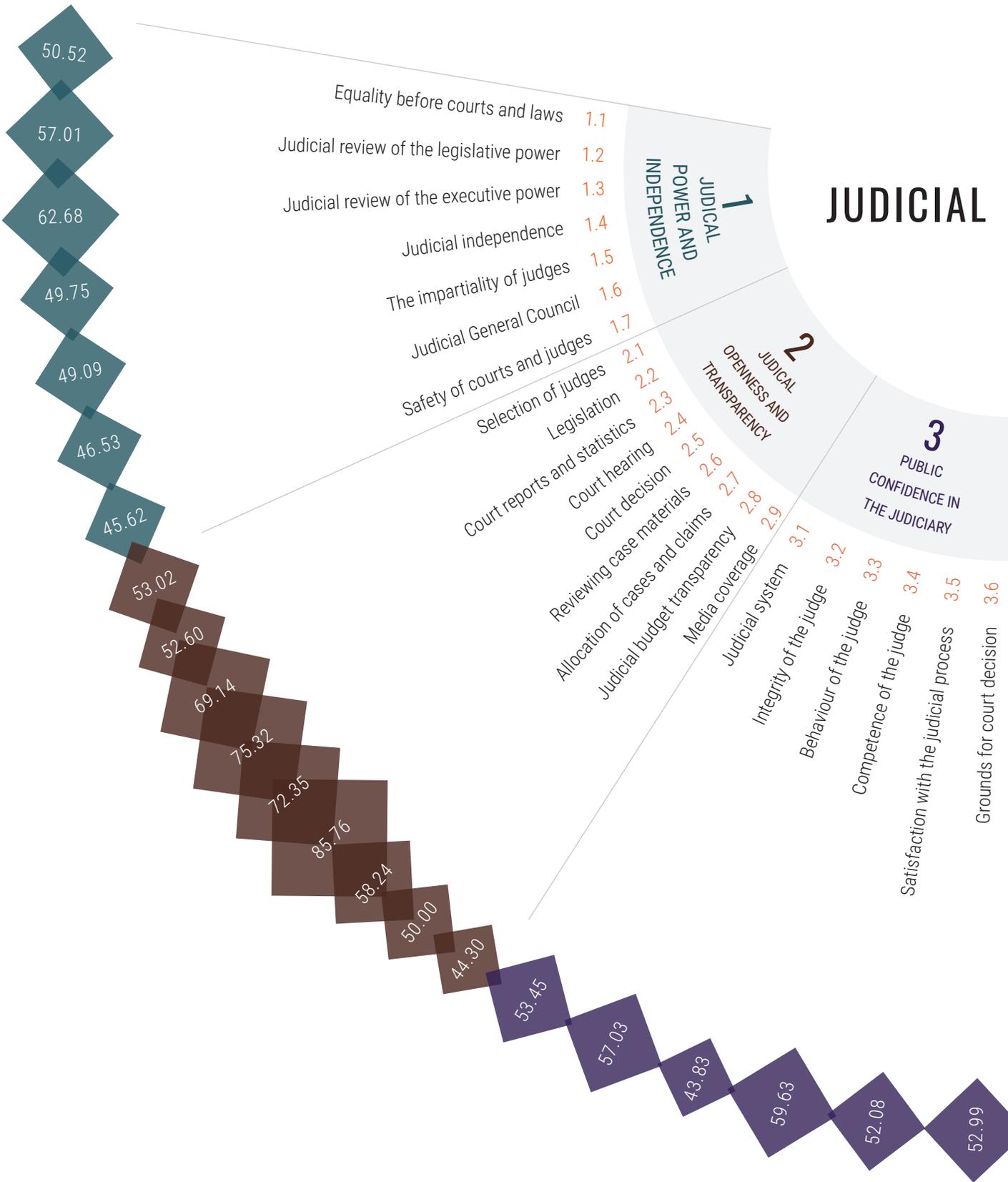
Indicators	Score	Source
6 EFFECTIVENESS OF THE JUDICIAL PERFORMANCE	54.93	
6.1 Number of pending cases	38.92	
6.1.1 The number of pending cases in the First instance courts is low.	40.24	AD
6.1.2 The number of pending cases in the Appellate courts is low.	32.20	AD
6.1.3 The number of pending cases in the Supreme court is low.	44.32	AD
6.2 Case resolution rate	89.92	
6.2.1 The case resolution rate in the First instance courts is high.	85.63	AD
6.2.2 The case resolution rate in the Appellate courts is high.	91.55	AD
6.2.3 The case resolution rate in the Supreme court is high.	92.57	AD
6.3 Workload of judges	68.47	
6.3.1 A judge's workload at a Criminal court of first instance is normal.	71.50	AD
6.3.2 A judge's workload at a Civil court of first instance is normal.	53.40	AD
6.3.3 A judge's workload at an Administrative court of first instance is normal.	80.51	AD
6.4 Stability of court decisions	48.45	
6.4.1 The percentage of revisions and overturning of first instance court decisions is low.	43.37	AD
6.4.2 The percentage of revisions and overturning of appellate court decisions is low.	53.53	AD
6.5 Perception of judicial efficiency	34.78	
6.5.1 Courts decide cases and disputes within a reasonable amount of time.	24.27	POS 16
6.5.2 Courts decide cases and disputes within a reasonable amount of time.	45.29	EOS 2
6.6 Court administration services	47.54	
6.6.1 In the last 24 months, I have been satisfied with the service of the judiciary.	47.54	POS 1
6.7 Execution of court decisions	56.41	
6.7.1 Court decisions are always executed.	53.95	POS 15
6.7.2 Court decisions are always executed.	61.71	EOS 23
6.7.3 The execution of criminal court decisions is satisfactory.	58.10	AD
6.7.4 The execution of civil court decisions is satisfactory.	53.00	AD
6.7.5 The execution of administrative court decisions is satisfactory.	55.30	AD

-
- 4.1 ANALYSIS OF THE PUBLIC OPINION SURVEY
 - 4.2 ANALYSIS OF THE EXPERT OPINION SURVEY
 - 4.3 PUBLIC OPINION SURVEY AND EXPERT OPINION SURVEY
RESULTS IN COMPARISON
 - 4.4 ANALYSIS BASED ON ADMINISTRATIVE DATA
-

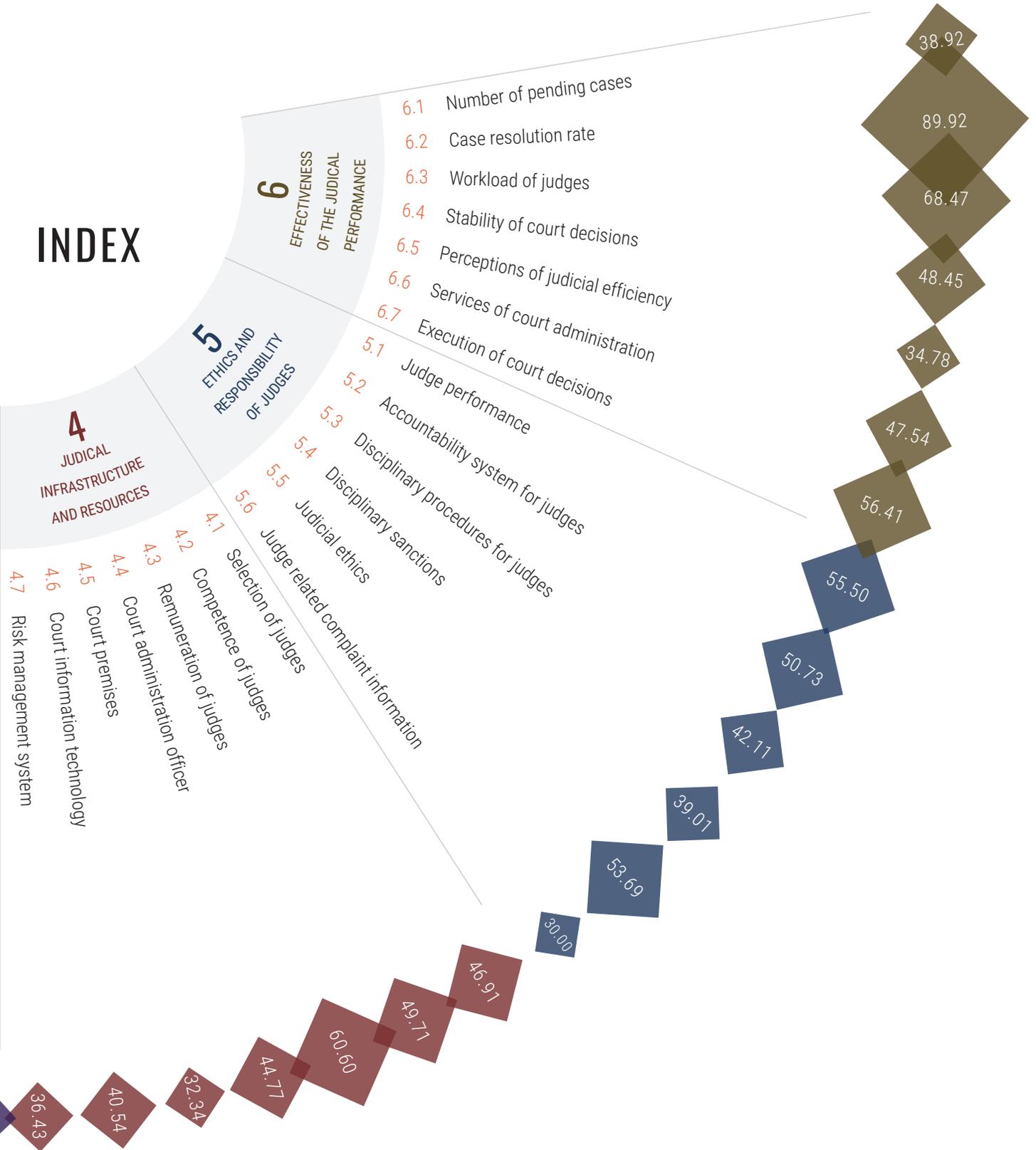
4

- ANALYSIS
OF JUDICIAL
INDEX

JUDICIAL INDEX SUB-DIMENSIONS COMPARISON

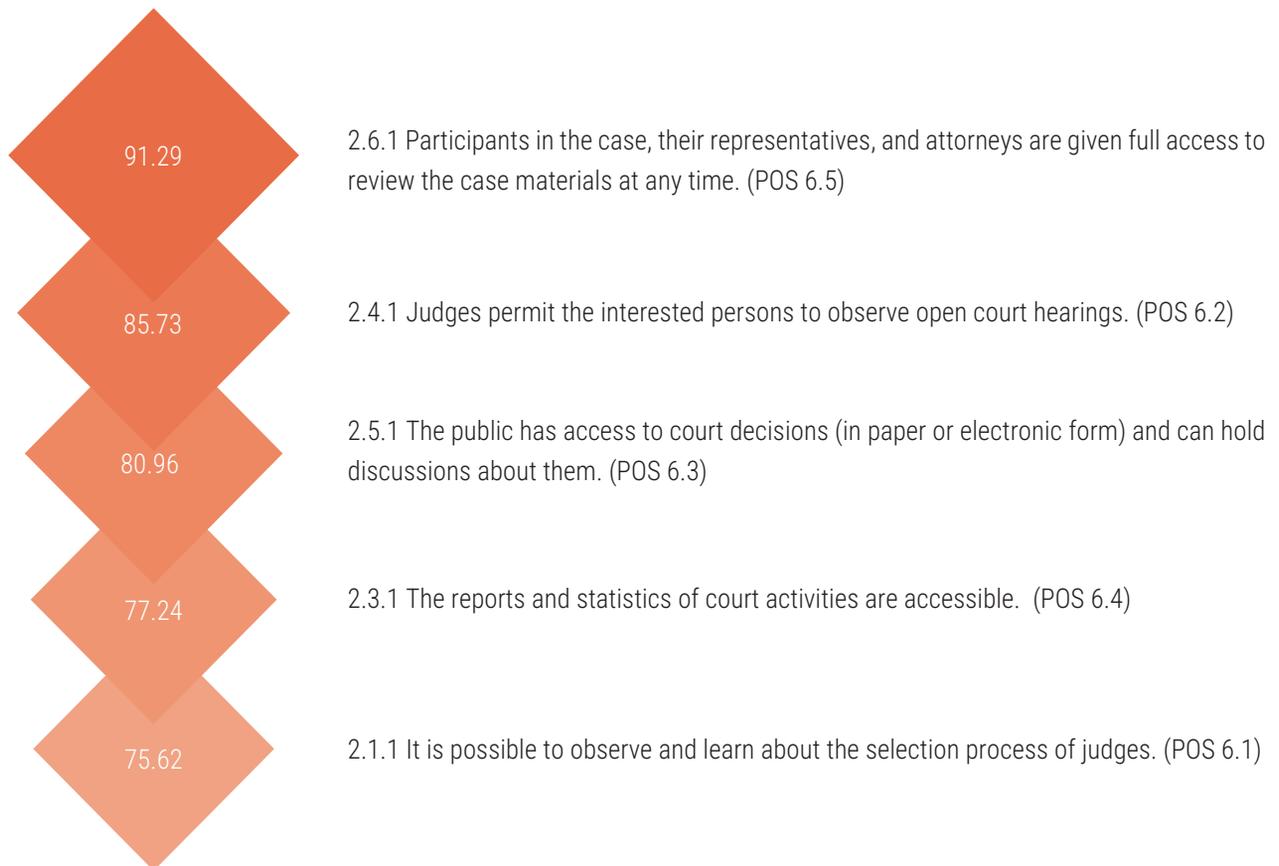


INDEX

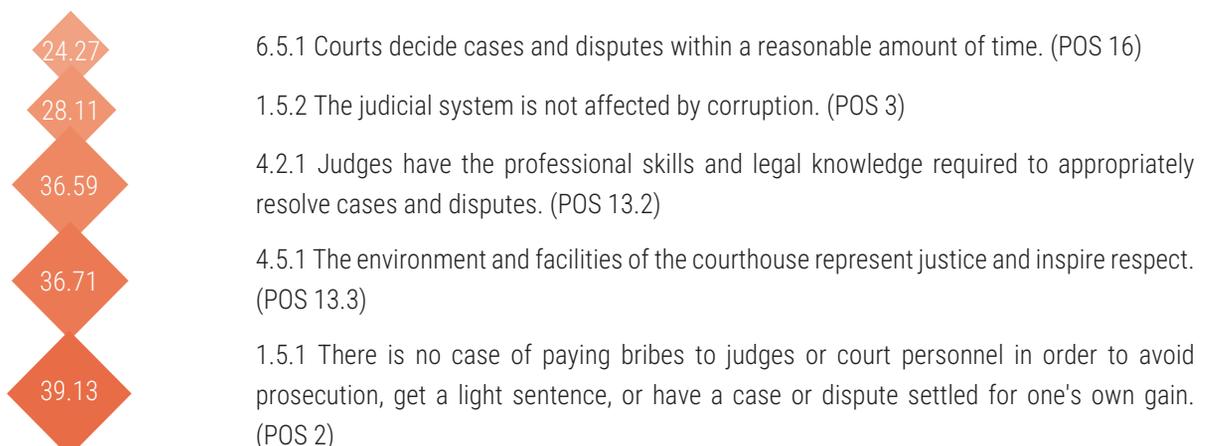


4.1. ANALYSIS OF THE PUBLIC OPINION SURVEY

INDICATORS WITH THE HIGHEST SCORES IN THE PUBLIC OPINION SURVEY



INDICATORS WITH THE LOWEST SCORES IN THE PUBLIC OPINION SURVEY



PUBLIC PERCEPTION ON CORRUPTION-RELATED ISSUES

28.11

1.5.2 The judicial system is not affected by corruption. (POS 3)

39.13

1.5.1 There is no case of paying bribes to judges or court personnel in order to avoid prosecution, get a light sentence, or have a case or dispute settled for one's own gain. (POS 2)

48.18

1.1.3 Judges are less likely to impose varied penalties for the same crime or to decide identical cases or disputes differently. (POS 17)

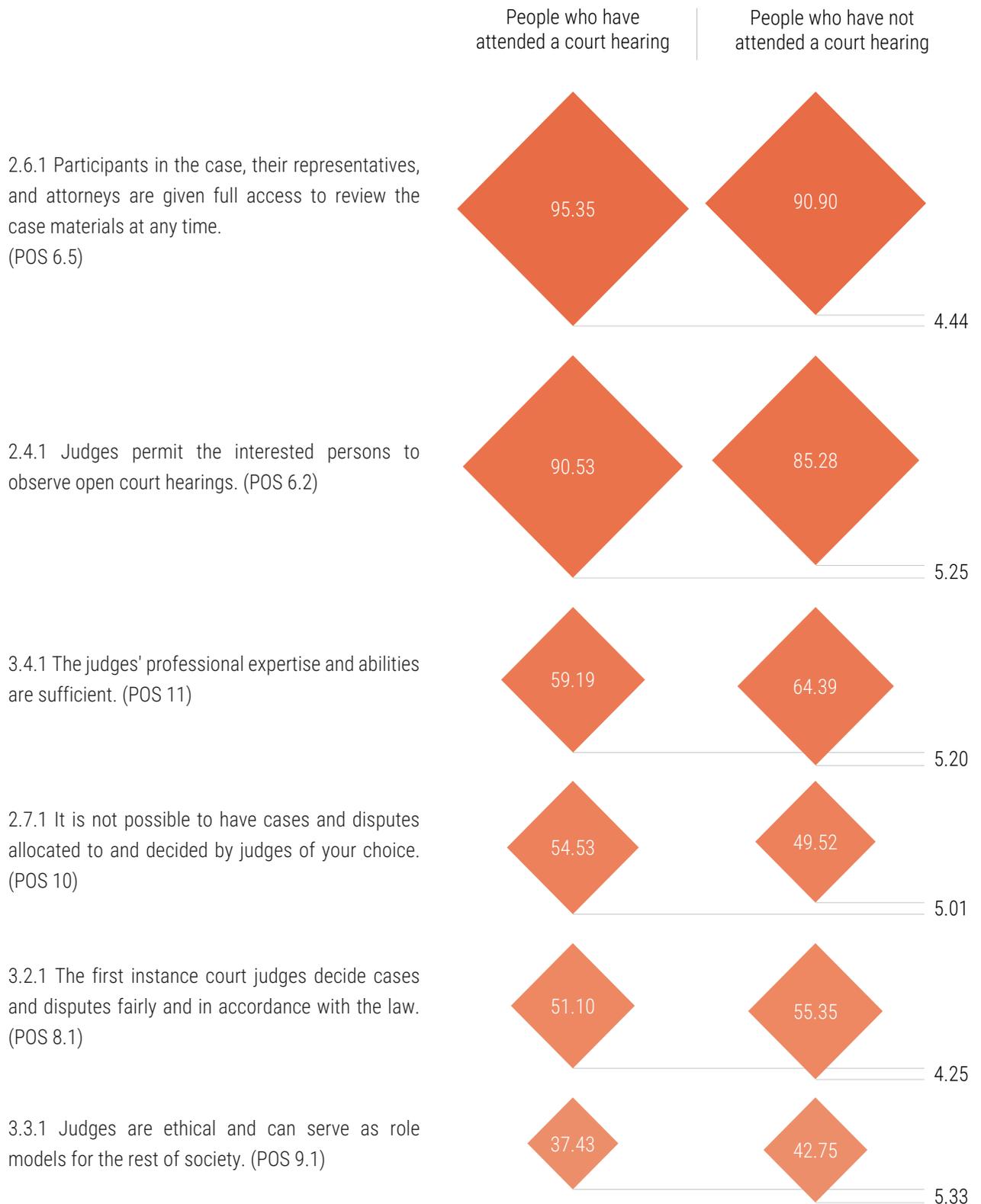
49.95

2.7.1 It is not possible to have cases and disputes allocated to and decided by judges of your choice. (POS 10)

52.08

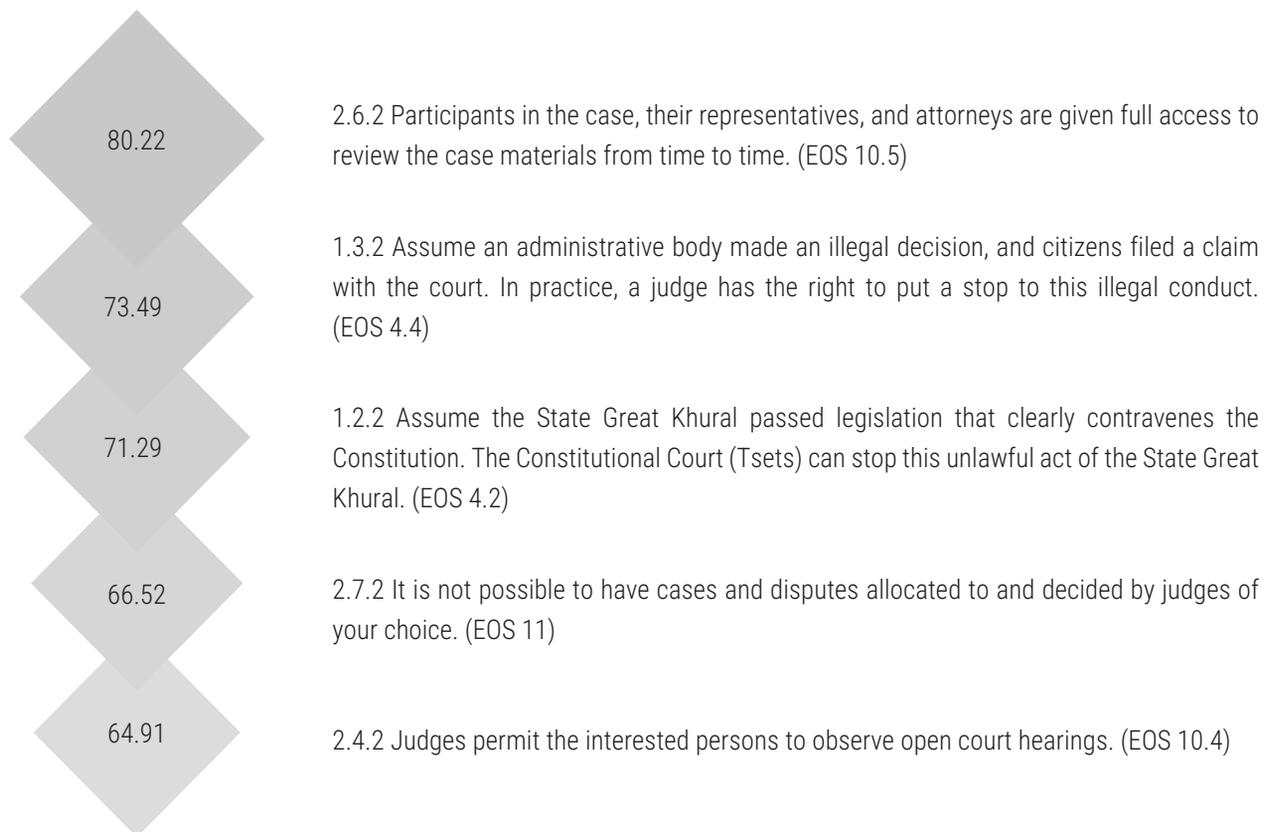
3.5.1 Regardless of which party the judge ruled in favor of, the court proceeding is carried out properly in accordance with the law. (POS 9.2)

THE MOST NOTICEABLE DIFFERENCE IN ASSESSMENTS BETWEEN PEOPLE WHO HAVE AND HAVE NOT ATTENDED A COURT HEARING IN THE LAST 24 MONTHS

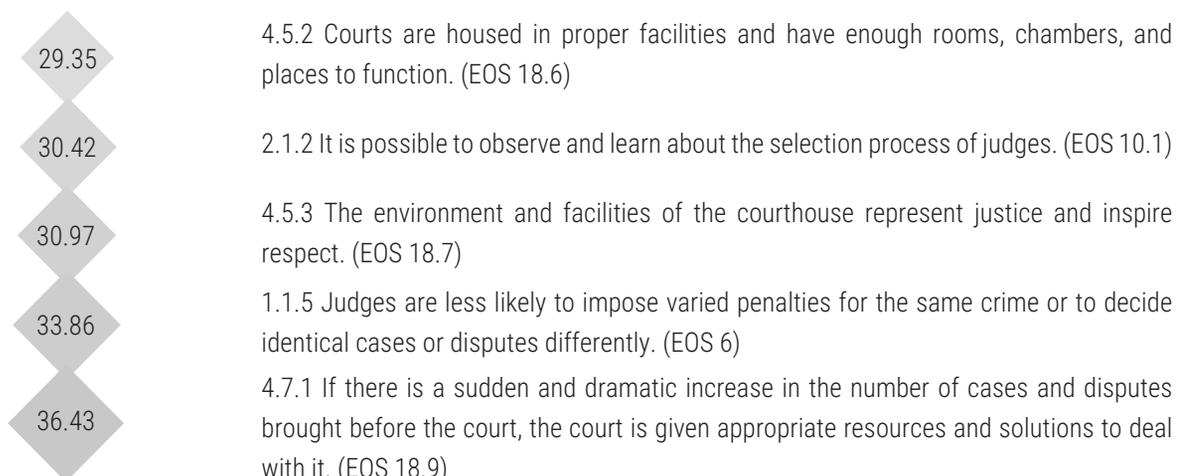


4.2 ANALYSIS OF THE EXPERT OPINION SURVEY

INDICATORS WITH THE HIGHEST SCORES IN THE EXPERT OPINION SURVEY



INDICATORS WITH THE LOWEST SCORES IN THE EXPERT OPINION SURVEY



EXPERT OPINION ON CORRUPTION-RELATED ISSUES

33.86

1.1.5 Judges are less likely to impose varied penalties for the same crime or to decide identical cases or disputes differently. (EOS 6)

49.66

1.4.2 Judicial independence is guaranteed by law and is de facto recognized at the political level. (EOS 4.5)

52.51

1.5.4 The judicial system is not affected by corruption. (EOS 3)

56.64

1.5.5 Judges decide cases and disputes without undue influence from government organizations, politicians, or any other individual or legal entity. (EOS 4.8)

63.82

1.5.7 There is no case of paying bribes to judges or court personnel in order to avoid prosecution, get a light sentence, or settle a case or dispute for one's own gain. (EOS 8)

4.3 PUBLIC OPINION SURVEY AND EXPERT OPINION SURVEY RESULTS IN COMPARISON

There are significant discrepancies between public perception and expert opinion on numerous issues when the findings of survey of public and expert opinion on the same issue are compared.

1. JUDICIAL POWER AND INDEPENDENCE

Sub-dimensions	POP	EP	Difference
1.1 Equality before law and courts	51.91	48.43	3.49
1.2 Judicial review of legislative power	58.06	56.65	1.41
1.3 Judicial review of executive power	62.16	62.95	-0.78
1.4 Judicial independence	55.51	47.83	7.68
1.5 The impartiality of judges	38.06	57.36	-19.30

2. JUDICIAL OPENNESS AND TRANSPARENCY

Sub-dimensions	POS	EOS	Difference
2.1 Selection of judges	75.62	30.42	45.20
2.3 Judicial reports and statistics	77.24	61.03	16.21
2.4 Court hearing	85.73	64.91	20.82
2.5 Court decisions	80.96	63.74	17.22
2.6 Reviewing case materials	91.29	80.22	11.07
2.7 Allocation of cases and claims	49.95	66.52	-16.57
2.9 Media coverage	51.69	36.91	14.78

3. PUBLIC CONFIDENCE IN THE JUDICIARY

Sub-dimensions	POS	EOS	Difference
3.1 Judicial system	50.13	56.76	-6.63
3.2 Integrity of the judge	55.74	58.32	-2.58
3.3 Behaviour of the judge	42.30	45.35	-3.05
3.4 Competence of the judge	63.94	55.31	8.63
3.6 Grounds for court decision	55.61	50.36	5.25

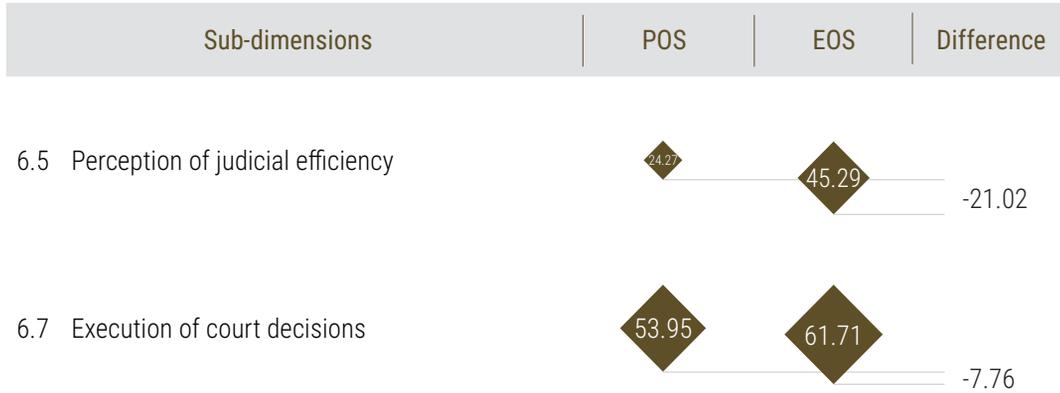
4. JUDICIAL INFRASTRUCTURE AND RESOURCES

Sub-dimensions	POS	EOS	Difference
4.1 Selection of judges	47.63	46.19	1.44
4.2 Competence of judges	36.59	56.27	-19.68
4.3 Remuneration of judges	67.96	45.90	22.06
4.5 Court premises	36.71	30.16	6.55

5. ETHICS AND ACCOUNTABILITY OF JUDGES

Sub-dimensions	POS	EOS	Difference
5.1 Performance of the judge	52.15	58.84	-6.69
5.2 Accountability system for judges	56.76	47.72	9.04
5.5 Judicial ethics	48.60	56.24	-7.64

6. EFFECTIVENESS OF THE JUDICIAL PERFORMANCE



Note: On the transparency of “2.1 selection of judges”, the experts' evaluations are lower than the public evaluations, with the biggest score difference, 45.20.

The general public, on the other hand, gave a lower score than experts for sub-dimension “6.5 Perceptions of Court Efficiency”, with a difference of 21.02.

4.4 ANALYSIS BASED ON ADMINISTRATIVE DATA

JUDICIAL BUDGET TRANSPARENCY

The entire text of the Court of Mongolia's 2021 year-end report was posted on the Judicial General Council's website on April 4, 2022¹⁹, and every year, the Judicial General Council issues a full report and informs the public

about the judiciary budget expenditure. However, due to the uncertainty of when the report would be published and the lack of consistency, this subscale was graded at 50%.

Table 8. Evaluation of indicator "2.8.1 Judiciary budget expenditure reports are regularly issued and disclosed to the public"

Description	Index score (0-100)
Reports are issued regularly and made available to the public (quarterly)	100
Reports are issued and made available to the public (at least 2 times a year)	75
Reports are issued occasionally and made available to public (once a year)	50
A report was issued and made public, although it was either incomplete or poorly detailed.	25
Reports are either not issued or are not made available to the public.	0

JUDGE RELATED COMPLAINT INFORMATION

On this sub-dimension, it was determined whether or not information about complaints against the judge and how such complaints are resolved is publicly available. Specifically, the following dimensions were used to determine whether petitions and complaints about judges'

ethical violations were registered and distributed, whether the Judicial Ethics Committee's decisions, meeting dates, and summaries, activity or case reports, and statistical information were made public.

Table 9. Evaluation of indicator "5.6.1 The public is thoroughly and transparently informed about the complaints submitted against the judge, their nature, and how the complaints were resolved"

Description	Index score (0-100)
On a regular basis, information is fully and transparently disclosed to the public	100
Information is fully and transparently disclosed to the public	75
Incomplete information is disclosed to the public	50
Information is rarely disclosed to the public and is difficult to obtain	25
Information is not publicly available	0

¹⁹ "Court Report of Mongolia 2021 has been published", 04.04.2022., http://www.judcouncil.mn/site/news_full/11991 [last visited: 2022.04.11]

The process of nominating and appointing members of the Judicial Ethics Committee was delayed in 2020. Due to the absence of members, complaints and disputes regarding judges could not be resolved. T. Munkh-Erdene, who was appointed by Presidential Decree No. 147 dated December 21, 2020, was nominated by the meeting of all members of the Judicial Ethics Committee to be the head of the committee which allowed the Committee to resume the operation.

Article 6 of the Law on Procedures for Compliance with the Law on the Courts of Mongolia (revised edition), passed on January 15, 2021, states that "complaints and disputes about judges' ethical violations prior to the establishment of the Judicial Disciplinary Committee shall be resolved in accordance with the laws and regulations governing the relationship prior to the date of entry into force of the Law on the Courts of Mongolia (revised edition)." Therefore, the Judicial Ethics Committee continued to perform its functions.

The complaint hearing for the 2021 Judicial Ethics Committee, as well as all members' meetings, were announced and convened 9 times respectively.²⁰ The dates and agendas of Judicial Ethics Committee sessions, on the other hand, were not always made public. However, information on the Judicial Ethics Committee's first activity in 2021 was uploaded on the General Council of the Court's website on March 26, 2021,²¹ and there has been no information since. As a result, the 2021 year-end Court Report of Mongolia²² included statistical data on petitions and complaints made to the Court Ethics Committee, as well as their decisions.

The Judicial Ethics Committee's 2021 decisions was not published or made electronically accessible to the public so that it could be read in its entirety. Nevertheless, we gave appropriate points taking into account the situation, including the Judicial Ethics Committee's 2017–2019 decisions, the Administrative Court of Appeals' decisions, and the Supreme Court's decision, all of which were published and made available to the public, as well as the fact that the Judicial Ethics Committee did not function in 2020.

The Judicial Ethics Committee did not release information regarding the registration and distribution of the petitions and complaints it received. However, in the Court Report of Mongolia (2021), it is mentioned that a "Registration and Monitoring System," which enables the registration of complaints received by the Judicial Ethics Committee, the monitoring of the inspection procedure, and the opportunity for the judge to review and respond to complaints made against him, was developed in conjunction with the Asia Foundation and the Judicial General Council's Information Technology Department. It is further said that this technology has played a vital role in monitoring internal activities, compiling statistical data on petitions and complaints concerning judges' ethical violations, tracking how such complaints were resolved, and informing the public.²³

The index score of the sub-dimension "Judge related complaint Information" was calculated using the information provided above.

²⁰ Court report of Mongolia (2021). UB., 2022, p 102

²¹ https://www.judcouncil.mn/site/news_full/11190#

²² Court report of Mongolia (2021). UB., 2022, pp 100-104.

²³ Court report of Mongolia (2021). UB., 2022, p 99

Table 10. Evaluation of indicator “5.6.1 The public is thoroughly and transparently informed about the complaints submitted against the judge, their nature, and how the complaints were resolved”

Indicators	Index score (0-100)
Information on registration and distribution of petitions and complaints	0
Information on the Judicial Ethics Committee meeting date	0
Information on the overview of the Judicial Ethics Committee meeting	0
Access to the full text of the decision of the Judicial Ethics Committee	75
Publication of reports and statistics on the Judicial Ethics Committee’s operation	75
Average	30

NUMBER OF PENDING CASES AND RATE OF CASE RESOLUTION

Table 11 shows the number of pending cases and the percentage of cases resolved, both of which are sub-dimensions of the key dimension of Effectiveness of the Judicial performance, as well as their actual values and index scores. These sub-dimensions were evaluated for criminal, civil, administrative, and infringement proceedings heard in the first instance, appellate, and Supreme Courts between January 1, 2021, and December

31, 2021. For this purpose, administrative data for 2018-2020 were used to convert the actual values of the indicators into index scores, as indicated in section 2.4 of the report. The weight of each indicators in sub-dimensions is set to be identical (each level of the court is 33.33%). In sub-dimensions, the weight of each indicator is set to be equal (in each level of the court is 33.33%).

Table 11. Evaluation of sub-dimension “6.1 The number of pending cases”

№	Indicators	Actual value of the indicator				Actual value converted into index (0-100 points)			Index score (0-100)	
		2018	2019	2020	2021	0 points	50 points	100 points		
6.1.1.	The First Instance Courts	Criminal case	802	887	1,139	1,156	1,885	943	0	38.67
		Civil case	5,966	7,107	7,812	8,947	13,923	6,962	0	35.74
		Administrative case	746	717	775	810	1492	746	0	54.33
		Infringement case	25	27	37	40	59	30	0	32.2
6.1.2.	The Appellate Courts	Criminal case	86	104	169	138	239	120	0	42.26
		Civil case	135	148	294	183	385	192	0	52.22
		Administrative case	84	77	95	111	171	85	0	34.32
		Infringement case	6	11	9	19	17	9	0	0
6.1.3.	The Supreme Court	Criminal case	10	44	84	40	92	46	0	56.04
		Civil case	89	38	16	119	95	48	0	0
		Administrative case	22	41	36	15	66	33	0	76.92
									38.92	

Table 12. Evaluation of sub-dimension “6.2 Case resolution rate”

№	Indicators	Actual value of the indicators				Actual value converted into index (0-100 points)			Index score (0-100)
		2018	2019	2020	2021	0 points	50 points	100 points	
6.2.1.	The First Instance Courts	Criminal case	99.26	99.41	98.29	99.87	0%	110%	90.79
		Civil case	101.46	97.44	98.70	97.56	0%	115%	84.84
		Administrative case	87.88	101.69	95.55	98.77	0%	130%	75.98
		Infringement case	99.87	99.99	99.95	99.99	0%	110%	90.90
6.2.2.	The Appellate Courts	Criminal case	101.15	99.25	97.70	101.45	0%	110%	92.22
		Civil case	104.02	99.61	96.04	104.30	0%	110%	94.82
		Administrative case	99.93	100.42	98.82	98.98	0%	110%	89.98
		Infringement case	98.40	98.70	100.48	98.11	0%	110%	89.19
6.2.3.	The Supreme Court	Criminal case	102.90	96.46	96.59	105.09	0%	110%	95.54
		Civil case	103.65	103.98	102.03	96.27	0%	110%	87.52
		Administrative case	99.17	97.09	100.66	104.13	0%	110%	94.66
								89.92	

WORKLOAD OF JUDGES

The sub-dimension of workload of judges was determined using the number of normal caseloads per judge (criminal cases-75, civil cases- 200; administrative cases-42), which was mentioned in the "Judge Workload Determination Research Report"²⁴, and comparing the number of cases per judge in 2021 to the population within the respective court's jurisdiction.

Accordingly, once the index was calculated, the workload index scores of the judges who decided criminal, civil, and administrative cases and disputes at the first instance courts were 71.50, 53.40, and 80.51, respectively, for an average of 68.47. Please see the detailed data on the workload of judges from Appendix 4.

Table 13. Evaluation of sub-dimension "6.3 Workload of judges"

Nº	Indicators	Scope	Population	Population percentage	Normalized value of workload
6.3.1	Criminal Court of First Instance judge	Capital city	1,539,252	47%	60.64%
		21 aimags	1,770,767	53%	80.94%
		Total population	3,310,019		
	Index score				71.50
6.3.2	Civil Court of First Instance	Capital city	1,539,252	47%	31.88%
		21 aimags	1,770,767	53%	72.54%
		Total population	3,310,019		
	Index score				53.40
6.3.3	Administrative Court of First Instance judge	Capital city	1,539,252	58.10%	
		21 aimags	1,770,767	100%	
		Total population	3,310,019		
	Index score				80.51
	Average score				68.47

²⁴ Judicial General Council, Center for Development Initiatives and Policy Studies, Judge Workload Determination Research Report (UB: JGC, 2018)

STABILITY OF COURT DECISIONS

“6.4 The actual value was directly converted into the index score to evaluate the sub-dimension “6.4 Stability of court decisions.” For example, if 51% of decisions are reversed or overturned but 49% are sustained, the index score is automatically 49.00. According to the 2021 Court Report of Mongolia, 43.36% of first instance court decisions and

53.53% of appellate court rulings stay stable in all cases, with a total index score of 48.45

Although the index score for 2021 was not affected, the percentage of court decisions from 2018 to 2020 that were upheld is presented for comparison.

Table 14. Evaluation of sub-dimension “6.4 Stability of court decisions”

№	Indicators	Case type	The percentage of decisions and judgements that were upheld			
			2018	2019	2020	2021
6.4.1	The First Instance Court Decisions	Criminal case	40.1	41.5	41	43.1
		Civil case	43	44.5	45.1	43.9
		Administrative case	37.8	39	41.1	43.1
Index score						43.37
6.4.2	The Appellate Court Judgements	Criminal case	46.7	42.4	48.5	42.5
		Civil case	56.7	63.1	56.6	58.1
		Administrative case	66	66	68.4	60
Index score						53.53
Average score						48.45

EXECUTION OF COURT DECISIONS

The index score of the indicator to be evaluated using administrative data for the execution of court decision sub-dimension was calculated using the percentage of

judgments executed in criminal, civil, and administrative cases submitted to the court decision enforcement agency for compulsory execution in 2021.

Table 15. Evaluation of indicators “6.7.3-6.7.5 The execution of criminal, civil and administrative court decisions is satisfactory”.

Case type	To be executed	Executed	Balance	Execution percentage	Index score (0-100)
Criminal case	7,358	4,279	3,079	58.1%	58.10
Civil case	26,135	13,868	12,267	53%	53.00
Administrative case	456	252	204	55.3%	55.30

APPENDICES

APPENDIX 1. THE CONSOLIDATED TABLE OF THE JUDICIAL INDEX RESULT

Nº	Indicators		Score	Source	Weight
JUDICIAL INDEX			51.94		
1	Judicial power and independence		51.60		16.67%
1.1	Equality before law and courts		50.52		14.29%
1.1.1	Everyone has the right to file a complaint and a petition in court, as well as to have their case and dispute resolved if they consider that, their rights and freedom under the Constitution or other laws have been violated.		60.62	POS 4.1	20.00%
1.1.2	Regardless of a person's wealth, income, social origin, position, political influence, religion, race, sexual orientation, or disability, courts are fair and impartial.		46.93	POS 4.2	20.00%
1.1.3	Judges are less likely to impose varied penalties for the same crime or to decide identical cases or disputes differently.		48.18	POS 17	20.00%
1.1.4	Regardless of a person's wealth, income, social origin, position, political influence, religion, race, sexual orientation, or disability, courts are fair and impartial.		62.99	EOS 4.1	20.00%
1.1.5	Judges are less likely to impose varied penalties for the same crime or to decide identical cases or disputes differently.		33.86	EOS 6	20.00%
1.2	Judicial review of legislative power		57.01		14.29%
1.2.1	Assume the State Great Khural passed legislation that clearly contravenes the Constitution. The Constitutional Court can stop this unlawful act of the State Great Khural.		58.06	POS 4.6	25.00%
1.2.2	Assume the State Great Khural passed legislation that clearly contravenes the Constitution. The Constitutional Court can stop this unlawful act of the State Great Khural.		71.29	EOS 4.2	25.00%
1.2.3	The Constitutional Court makes decisions without the interference of government authorities, politicians, or any individual or legal entity.		47.99	EOS 4.3	25.00%
1.2.4	The Constitutional Court has the authority to review the decisions of the State Great Khural and declare them invalid.		50.68	EOS 9	25.00%
1.3	Judicial review of executive power		62.68		14.29%
1.3.1	Assume an administrative body made an illegal decision, and citizens filed a claim with the court. In practice, a judge has the right to put a stop to this illegal conduct.		62.16	POS 4.7	33.33%
1.3.2	Assume an administrative body made an illegal decision, and citizens filed a claim with the court. In practice, a judge has the right to put a stop to this illegal conduct.		73.49	EOS 4.4	33.33%
1.3.3	The judiciary have the authority to review executive branch actions and deem them illegal.		52.40	EOS 14	33.33%

1.4	Judicial independence		49.75		14.29%
1.4.1	Even if the government and its agencies disagree with the court decision, they always comply with it.	◆	55.51	POS 4.5	25.00%
1.4.2	Judicial independence is guaranteed by law and is de facto recognized at the political level.	◆	49.66	EOS 4.5	25.00%
1.4.3	Even if the government and its agencies disagree with the court decision, they always comply with it.	◆	48.29	EOS 4.6	25.00%
1.4.4	The judiciary budget is sufficient and adequate.	◆	45.53	EOS 4.7	25.00%
1.5	The impartiality of judges		49.09		14.29%
1.5.1	There is no case of paying bribes to judges or court personnel in order to avoid prosecution, get a light sentence, or settle a case or dispute for one's own gain.	◆	39.13	POS 2	14.29%
1.5.2	The judicial system is not affected by corruption.	◆	28.11	POS 3	14.29%
1.5.3	Judges decide cases and disputes without undue influence from government organizations, politicians, or any other individual or legal entity.	◆	46.94	POS 4.3	14.29%
1.5.4	The judicial system is not affected by corruption.	◆	52.51	EOS 3	14.29%
1.5.5	Judges decide cases and disputes without undue influence from government organizations, politicians, or any other individual or legal entity.	◆	56.64	EOS 4.8	14.29%
1.5.6	The independence and power of judges are protected by law and enforced in practice.	◆	56.45	EOS 4.9	14.29%
1.5.7	There is no case of paying bribes to judges or court personnel in order to avoid prosecution, get a light sentence, or settle a case or dispute for one's own gain.	◆	63.82	EOS 8	14.29%
1.6	Judicial General Council		46.53		14.29%
1.6.1	The Judicial General Council operates independently of the President, the National Assembly, the Government, politicians, and anybody else.	◆	46.50	EOS 4.10	50.00%
1.6.2	The Judicial General Council performs its tasks of ensuring the independence of the judiciary and the impartiality of judges, as well as protecting judges' rights and interests, effectively.	◆	46.55	EOS 4.11	50.00%
1.7	Safety of courts and judges		45.62		14.29%
1.7.1	Appropriate mechanisms and resources have been established to guarantee the safety of courts and judges.	◆	50.54	EOS 4.12	50.00%
1.7.2	When necessary, the safety of the judge and his family members is ensured.	◆	40.70	EOS 5	50.00%
2	Judicial openness and transparency		62.30		16.67%
2.1	Selection of judges		53.02		11.11%
2.1.1	It is possible to observe and learn about the selection process of judges.	◆	75.62	POS 6.1	50.00%
2.1.2	It is possible to observe and learn about the selection process of judges.	◆	30.42	EOS 10.1	50.00%
2.2	Legislation		52.60		11.11%

2.2.1	The adopted court-related laws and regulations are open and transparent.		52.60	EOS 10.2	100.00%
2.3	Judicial report and statistics		69.14		11.11%
2.3.1	The reports and statistics of court activities are accessible.		77.24	POS 6.4	50.00%
2.3.2	The reports and statistics of court activities are accessible.		61.03	EOS 10.3	50.00%
2.4	Court hearing		75.32		11.11%
2.4.1	Judges permit the interested persons to observe open court hearings.		85.73	POS 6.2	50.00%
2.4.2	Judges permit the interested persons to observe open court hearings.		64.91	EOS 10.4	50.00%
2.5	Court decision		72.35		11.11%
2.5.1	The public has access to court decisions (in paper or electronic form) and can hold discussions about them.		80.96	POS 6.3	50.00%
2.5.2	The public has access to court decisions (in paper or electronic form) and can hold discussions about them.		63.74	EOS 10.6	50.00%
2.6	Reviewing case materials		85.76		11.11%
2.6.1	Participants in the case, their representatives, and attorneys are given full access to review the case materials from time to time.		91.29	POS 6.5	50.00%
2.6.2	Participants in the case, their representatives, and attorneys are given full access to review the case materials from time to time.		80.22	EOS 10.5	50.00%
2.7	Allocation of cases and claims		58.24		11.11%
2.7.1	It is not possible to have cases and disputes allocated to and decided by judges of your choice.		49.95	POS 10	50.00%
2.7.2	It is not possible to have cases and disputes allocated to and decided by judges of your choice.		66.52	EOS 11	50.00%
2.8	Judicial budget transparency		50.00		11.11%
2.8.1	Judiciary budget expenditure reports are regularly issued and disclosed to the public.		50.00	AD	100.00%
2.9	Media coverage		44.30		11.11%
2.9.1	The media objectively and truthfully informs the public about cases and disputes that are under investigation or in court.		51.69	POS 12	50.00%
2.9.2	The media objectively and truthfully informs the public about cases and disputes that are under investigation or in court.		36.91	EOS 12	50.00%
3	Public confidence in the judiciary		53.17		16.67%
3.1	Judicial system		53.45		16.67%
3.1.1	Criminal cases are decided properly and in conformity with the law.		49.36	POS 7.1	16.67%
3.1.2	Civil cases are decided properly and in conformity with the law.		51.55	POS 7.2	16.67%
3.1.3	Administrative cases are decided properly and in conformity with the law.		49.49	POS 7.3	16.67%
3.1.4	Criminal cases are decided properly and in conformity with the law.		57.53	EOS 13.1*	16.67%
3.1.5	Civil cases are decided properly and in conformity with the law.		55.42	EOS 13.2*	16.67%
3.1.6	Administrative cases are decided properly and in conformity with the law.		57.33	EOS 13.3*	16.67%

3.2	Integrity of the judge		57.03		16.67%
3.2.1	The First Instance Court judges decide cases and disputes fairly and in accordance with the law.	◆	54.98	POS 8.1	16.67%
3.2.2	The Appellate Court judges decide cases and disputes fairly and in accordance with the law.	◆	57.17	POS 8.2	16.67%
3.2.3	The Supreme Court judges decide cases and disputes fairly and in accordance with the law.	◆	55.07	POS 8.3	16.67%
3.2.4	The First Instance Court judges decide cases and disputes fairly and in accordance with the law.	◆	58.02	EOS 15.1*	16.67%
3.2.5	The Appellate Court judges decide cases and disputes fairly and in accordance with the law.	◆	57.64	EOS 15.2*	16.67%
3.2.6	The Supreme Court judges decide cases and disputes fairly and in accordance with the law.	◆	59.31	EOS 15.3*	16.67%
3.3	Morals of the judge		43.83		16.67%
3.3.1	Judges are ethical and can serve as role models for the rest of society.	◆	42.30	POS 9.1	50.00%
3.3.2	Judges are ethical and can serve as role models for the rest of society.	◆	45.35	EOS 16.1*	50.00%
3.4	Competence of the judge		59.63		16.67%
3.4.1	The judges' professional expertise and abilities are sufficient.	◆	63.94	POS 11	50.00%
3.4.2	The judges' professional expertise and abilities are sufficient.	◆	55.31	EOS 17*	50.00%
3.5	Satisfaction with the judicial process		52.08		16.67%
3.5.1	Regardless of which party the judge ruled in favor of, the court proceeding is carried out properly in accordance with the law.	◆	52.08	POS 9.2	100.00%
3.6	Grounds for court decision		52.99		16.67%
3.6.1	Judges write their decisions in a straightforward and well-reasoned form.	◆	55.61	POS 9.3	50.00%
3.6.2	Judges write their decisions in a straightforward and well-reasoned form.	◆	50.36	EOS 16.2*	50.00%
4	Judicial infrastructure and resources		44.47		16.67%
4.1	Selection of judges		46.91		14.29%
4.1.1	Judges are appointed based solely on their expertise, skills, and ethics.	◆	47.63	POS 13.1	50.00%
4.1.2	Judges are appointed based solely on their expertise, skills, and ethics.	◆	46.19	EOS 18.1	50.00%
4.2	Competence of judges		49.71		14.29%
4.2.1	Judges have the professional skills and legal knowledge required to appropriately resolve cases and disputes.	◆	36.59	POS 13.2	33.33%
4.2.2	Judges have the professional skills and legal knowledge required to appropriately resolve cases and disputes.	◆	56.76	EOS 18.2	33.33%
4.2.3	Every year, judges receive adequate training to improve their knowledge and skills.	◆	55.77	EOS 16.3	33.33%
4.3	Remuneration of judges		60.60		14.29%
4.3.1	The judge's remuneration is sufficient to earn a living without relying on other sources of income, and it is sufficient to recruit and keep qualified judges.	◆	71.60	POS 9.4	33.33%

4.3.2	The judge's remuneration is reasonable.		64.31	POS 14	33.33%
4.3.3	The judge's remuneration is sufficient to earn a living without relying on other sources of income, and it is sufficient to recruit and keep qualified judges.		45.90	EOS 18.3	33.33%
4.4	Court administration officer		44.77		14.29%
4.4.1	Nowadays, court administrative assistants are knowledgeable and skilled.		42.78	EOS 18.4	50.00%
4.4.2	Judges have adequate human resource support to carry out their duties.		46.76	EOS 18.5	50.00%
4.5	Court premises		32.34		14.29%
4.5.1	The environment and facilities of the courthouse represent justice and inspire respect.		36.71	POS 13.3	33.33%
4.5.2	Courts are housed in proper facilities and have enough rooms, chambers, and places to function.		29.35	EOS 18.6	33.33%
4.5.3	The environment and facilities of the courthouse represent justice and inspire respect.		30.97	EOS 18.7	33.33%
4.6	Court information technology		40.54		14.29%
4.6.1	Courts have adequate information technology equipment and devices.		40.54	EOS 18.8	100.00%
4.7	Risk management system		36.43		14.29%
4.7.1	If there is a sudden and dramatic increase in the number of cases and disputes brought before the court, the court is given appropriate resources and solutions to deal with it.		36.43	EOS 18.9	100.00%
5	Ethics and responsibility of judges		45.17		16.67%
5.1	Performance of the judge		55.50		16.67%
5.1.1	Performance of the judge is satisfactory.		52.15	POS 5	50.00%
5.1.2	Performance of the judge is satisfactory.		58.84	EOS 7	50.00%
5.2	Accountability system for judges		50.73		16.67%
5.2.1	Judges who commit misconduct are very likely to be held accountable (dismissed or subject to other types of disciplinary sanctions).		56.76	POS 4.4	33.33%
5.2.2	An impartial and transparent system for investigating and resolving judge misconduct has been established.		41.81	EOS 18.10	33.33%
5.2.3	Judges who commit misconduct are very likely to be held accountable (dismissed or subject to other types of disciplinary sanctions).		53.62	EOS 19	33.33%
5.3	Disciplinary procedures for judges		42.11		16.67%
5.3.1	In every case where the law allows it, disciplinary proceedings are initiated against a judge.		43.69	EOS 18.11	50.00%
5.3.2	The disciplinary proceedings for judicial misconduct are carried out impartially and independently.		40.52	EOS 18.12	50.00%
5.4	Disciplinary sanctions		39.01		16.67%
5.4.1	Appropriate sanctions are imposed on judges as a result of the disciplinary proceeding for their misconduct..		39.01	EOS 21	100.00%
5.5	Judicial ethics		53.69		16.67%

5.5.1	Judges always adhere to the code of ethics.		48.60	POS 18	33.33%
5.5.2	Judges always adhere to the code of ethics.		60.09	EOS 20	33.33%
5.5.3	Judges are always provided with instructions, advice, and procedures for avoiding disciplinary violations and adhering to the code of ethics.		52.38	EOS 22	33.33%
5.6	Judge related complaint information		30.00		16.67%
5.6.1	The public is thoroughly and transparently informed about the complaints submitted against the judge, their nature, and how the complaints were resolved.		30.00	AD	100.00%
6	Effectiveness of the judicial performance		54.93		16.67%
6.1	Number of pending cases		38.92		14.29%
6.1.1	The number of pending cases in the First instance courts is low.		40.24	AD	33.33%
6.1.2	The number of pending cases in the Appellate courts is low.		32.20	AD	33.33%
6.1.3	The number of pending cases in the Supreme Court is low.		44.32	AD	33.33%
6.2	Case resolution rate		89.92		14.29%
6.2.1	The case resolution rate in the First instance courts is high.		85.63	AD	33.33%
6.2.2	The case resolution rate in the Appellate courts is high.		91.55	AD	33.33%
6.2.3	The case resolution rate in the Supreme Court is high.		92.57	AD	33.33%
6.3	Workload of judges		68.47		14.29%
6.3.1	A judge's workload at a Criminal court of first instance is normal.		71.50	AD	33.33%
6.3.2	A judge's workload at a Civil court of first instance is normal.		53.40	AD	33.33%
6.3.3	A judge's workload at an Administrative court of first instance is normal.		80.51	AD	33.33%
6.4	Stability of court decisions		48.45		14.29%
6.4.1	The percentage of revisions and overturning of first instance court decisions is low.		43.37	AD	50.00%
6.4.2	The percentage of revisions and overturning of first instance court decisions is low.		53.53	AD	50.00%
6.5	Perception of judicial efficiency		34.78		14.29%
6.5.1	Courts decide cases and disputes within a reasonable amount of time.		24.27	POS 16	50.00%
6.5.2	Courts decide cases and disputes within a reasonable amount of time.		45.29	EOS 2	50.00%
6.6	Court administration services		47.54		14.29%
6.6.1	In the last 24 months, I have been satisfied with the service of the judiciary.		47.54	POS 1	100.00%
6.7	Execution of court decisions		56.41		14.29%
6.7.1	Court decisions are always executed.		53.95	POS 15	20.00%
6.7.2	Court decisions are always executed.		61.71	EOS 23	20.00%
6.7.3	The execution of criminal court decisions is satisfactory.		58.10	AD	20.00%
6.7.4	The execution of civil court decisions is satisfactory.		53.00	AD	20.00%
6.7.5	The execution of administrative court decisions is satisfactory.		55.30	AD	20.00%

* The sub-dimension of public confidence in the judiciary was calculated by deducting the responses of judges to the expert opinion survey.

APPENDIX 2. PUBLIC OPINION SURVEY EVALUATION

Question number	Indicators	Score (0-100)
POS 1	6.6.1 In the last 24 months, I have been satisfied with the service of the judiciary.	47.54
POS 2	1.5.1 There is no case of paying bribes to judges or court personnel in order to avoid prosecution, get a light sentence, or settle a case or dispute for one's own gain.	39.13
POS 3	1.5.2 The judicial system is not affected by corruption.	28.11
POS 4.1	1.1.1 Everyone has the right to file a complaint and a petition in court, as well as to have their case and dispute resolved if they consider that their rights and freedom under the Constitution or other laws have been violated.	60.62
POS 4.2	1.1.2 Regardless of a person's wealth, income, social origin, position, political religion, sexual orientation, or disability, courts are fair and impartial.	46.93
POS 4.3	1.5.3 Judges decide cases and disputes without undue influence from government organizations, politicians, or any other individual or legal entity.	46.94
POS 4.4	5.2.1 Judges who commit misconduct are very likely to be held accountable (dismissed or subject to other types of disciplinary sanctions).	56.76
POS 4.5	1.4.1 Even if the government and its agencies disagree with the court decision, they always comply with it.	55.51
POS 4.6	1.2.1 Assume the State Great Khural passed legislation that clearly contravenes the Constitution. The Constitutional Court can stop this unlawful act of the State Great Khural.	58.06
POS 4.7	1.3.1 Assume an administrative body made an illegal decision, and citizens filed a claim with the court. In practice, a judge has the right to put a stop to this illegal conduct.	62.16
POS 5	5.1.1 Performance of the judge is satisfactory.	52.15
POS 6.1	2.1.1 It is possible to observe and learn about the selection process of judges.	75.62
POS 6.2	2.4.1 Judges permit the interested persons to observe open court hearings	85.73
POS 6.3	2.5.1 The public has access to court decisions (in paper or electronic form) and can hold discussions about them.	80.96
POS 6.4	2.3.1 The reports and statistics of court activities are accessible.	77.24
POS 6.5	2.6.1 Participants in the case, their representatives, and attorneys are given full access to review the case materials from time to time.	91.29
POS 7.1	3.1.1 Criminal cases are decided properly and in conformity with the law	49.36
POS 7.2	3.1.2 Civil cases are decided properly and in conformity with the law.	51.55

Question number	Indicators	Score (0-100)
POS 7.3	3.1.3 Administrative cases are decided properly and in conformity with the law.	49.49
POS 8.1	3.2.1 The first instance court judges decide cases and disputes fairly and in accordance with the law.	54.98
POS 8.2	3.2.2 The appellate court judges decide cases and disputes fairly and in accordance with the law.	57.17
POS 8.3	3.2.3 The Supreme court judges decide cases and disputes fairly and in accordance with the law.	55.07
POS 9.1	3.3.1 Judges are ethical and can serve as role models for the rest of society.	42.30
POS 9.2	3.5.1 Regardless of which party the judge ruled in favor of, the court proceeding is carried out properly in accordance with the law.	52.08
POS 9.3	3.6.1 Judges write their decisions in a straightforward and well-reasoned form.	55.61
POS 9.4	4.3.1 The judge's remuneration is sufficient to earn a living without relying on other sources of income, and it is sufficient to recruit and keep qualified judges.	71.60
POS 10	2.7.1 It is not possible to have cases and disputes allocated to and decided by judges of your choice.	49.95
POS 11	3.4.1 The judges' professional expertise and abilities are sufficient.	63.94
POS 12	2.9.1 The media objectively and truthfully informs the public about cases and disputes that are under investigation or in court.	51.69
POS 13.1	4.1.1 Judges are appointed based solely on their expertise, skills, and ethics.	47.63
POS 13.2	4.2.1 Judges have the professional skills and legal knowledge required to appropriately resolve cases and disputes.	36.59
POS 13.3	4.5.1 The environment and facilities of the courthouse represent justice and inspire respect.	36.71
POS 14	4.3.2 The judge's remuneration is reasonable.	64.31
POS 15	6.7.1 Court decisions are always executed.	53.95
POS 16	6.5.1 Courts decide cases and disputes within a reasonable amount of time.	24.27
POS 17	1.1.3 Judges are less likely to impose varied penalties for the same crime or to decide identical cases or disputes differently.	48.18
POS 18	5.5.1 Judges always adhere to the code of ethics.	48.60

APPENDIX 3. EXPERT OPINION SURVEY EVALUATION

Question numbers	Indicators	Score (0-100)
EOS 2	6.5.2 Courts decide cases and disputes within a reasonable amount of time.	45.29
EOS 3	1.5.4 The judicial system is not affected by corruption.	52.51
EOS 4.1	1.1.4 Regardless of a person's wealth, income, social origin, position, political influence, religion, sexual orientation, or disability, courts are fair and impartial.	62.99
EOS 4.2	1.2.2 Assume the State Great Khural passed legislation that clearly contravenes the Constitution. The Constitutional Court (Tsets) can stop this unlawful act of the State Great Khural.	71.29
EOS 4.3	1.2.3 The Constitutional Court makes decisions without the interference of government authorities, politicians, or any individual or legal entity.	47.99
EOS 4.4	1.3.2 Assume an administrative body made an illegal decision, and citizens filed a claim with the court. In practice, a judge has the right to put a stop to this illegal conduct.	73.49
EOS 4.5	1.4.2 Judicial independence is guaranteed by law and is de facto recognized at the political level.	49.66
EOS 4.6	1.4.3 Even if the government and its agencies disagree with the court decision, they always comply with it.	48.29
EOS 4.7	1.4.4 The judiciary budget is sufficient and adequate.	45.53
EOS 4.8	1.5.5 Judges decide cases and disputes without undue influence from government organizations, politicians, or any other individual or legal entity.	56.64
EOS 4.9	1.5.6 The independence and power of judges are protected by law and enforced in practice.	56.45
EOS 4.10	1.6.1 The Judicial General Council operates independently of the President, the National Assembly, the Government, politicians, and anybody else.	46.50
EOS 4.11	1.6.2 The Judicial General Council performs its tasks of ensuring the independence of the judiciary and the impartiality of judges, as well as protecting judges' rights and interests, effectively.	46.55
EOS 4.12	1.7.1 Appropriate mechanisms and resources have been established to guarantee the safety of courts and judges.	50.54
EOS 5	1.7.2 When necessary, the safety of the judge and his family members is ensured.	40.70
EOS 6	1.1.5 Judges are less likely to impose varied penalties for the same crime or to decide identical cases or disputes differently.	33.86
EOS 7	5.1.2 Performance of the judge is satisfactory.	58.84

Question numbers	Indicators	Score (0-100)
EOS 8	1.5.7 There is no case of paying bribes to judges or court personnel in order to avoid prosecution, get a light sentence, or settle a case or dispute for one's own gain.	63.82
EOS 9	1.2.4 The Constitutional Court has the authority to review the decisions of the State Great Khural and declare them invalid.	50.68
EOS 10.1	2.1.2 It is possible to observe and learn about the selection process of judges.	30.42
EOS 10.2	2.2.1 The court-related rules and laws that have been adopted are open and transparent.	52.60
EOS 10.3	2.3.2 The reports and statistics of court activities are accessible.	61.03
EOS 10.4	2.4.2 Judges permit the interested persons to observe open court hearings.	64.91
EOS 10.5	2.6.2 Participants in the case, their representatives, and attorneys are given full access to review the case materials from time to time.	80.22
EOS 10.6	2.5.2 The public has access to court decisions (in paper or electronic form) and can hold discussions about them.	63.74
EOS 11	2.7.2 It is not possible to have cases and disputes allocated to and decided by judges of your choice.	66.52
EOS 12	2.9.2 The media objectively and truthfully informs the public about cases and disputes that are under investigation or in court.	36.91
EOS 13.1*	3.1.4 Criminal cases are decided properly and in conformity with the law.	57.53
EOS 13.2*	3.1.5 Civil cases are decided properly and in conformity with the law.	55.42
EOS 13.3*	3.1.6 Administrative cases are decided properly and in conformity with the law.	57.33
EOS 14	1.3.3 The judiciary have the authority to review executive branch actions and deem them illegal.	52.40
EOS 15.1*	3.2.4 The First instance court judges decide cases and disputes fairly and in accordance with the law.	58.02
EOS 15.2*	3.2.5 The Appellate Court judges decide cases and disputes fairly and in accordance with the law.	57.64
EOS 15.3*	3.2.6 The Supreme Court judges decide cases and disputes fairly and in accordance with the law.	59.31
EOS 16.1*	3.3.2 Judges are ethical and can serve as role models for the rest of society.	45.35
EOS 16.2*	3.6.2 Judges write their decisions in a straightforward and well-reasoned form.	50.36
EOS 16.3	4.2.3 Every year, judges receive adequate training to improve their knowledge and skills.	55.77

Question numbers	Indicators	Score (0-100)
EOS 17*	3.4.2 The judges' professional expertise and abilities are sufficient.	55.31
EOS 18.1	4.1.2 Judges are appointed based solely on their expertise, skills, and ethics.	46.19
EOS 18.2	4.2.2 Judges have the professional skills and legal knowledge required to appropriately resolve cases and disputes.	56.76
EOS 18.3	4.3.3 The judge's remuneration is sufficient to earn a living without relying on other sources of income, and it is sufficient to recruit and keep qualified judges.	45.90
EOS 18.4	4.4.1 Nowadays, court administrative assistants are knowledgeable and skilled.	42.78
EOS 18.5	4.4.2 Judges have adequate human resource support to carry out their duties.	46.76
EOS 18.6	4.5.2 Courts are housed in proper facilities and have enough rooms, chambers, and places to function.	29.35
EOS 18.7	4.5.3 The environment and facilities of the courthouse represent justice and inspire respect.	30.97
EOS 18.8	4.6.1 Courts have adequate information technology equipment and devices.	40.54
EOS 18.9	4.7.1 If there is a sudden and dramatic increase in the number of cases and disputes brought before the court, the court is given appropriate resources and solutions to deal with it.	36.43
EOS 18.10	5.2.2 An impartial and transparent system for investigating and resolving judge misconduct has been established.	41.81
EOS 18.11	5.3.1 In every case where the law allows it, disciplinary proceedings are initiated against a judge.	43.69
EOS 18.12	5.3.2 The disciplinary proceedings for judicial misconduct are carried out impartially and independently.	40.52
EOS 19	5.2.3 Judges who commit misconduct are very likely to be held accountable (dismissed or subject to other types of disciplinary sanctions).	53.62
EOS 20	5.5.2 Judges always adhere to the code of ethics.	60.09
EOS 21	5.4.1 Appropriate sanctions are imposed on judges as a result of the disciplinary proceeding for their misconduct.	39.01
EOS 22	5.5.3 Judges are always provided with instructions, advice, and procedures for avoiding disciplinary violations and adhering to the code of ethics.	52.38
EOS 23	6.7.2 Court decisions are always executed.	61.71

* The sub-dimension of public confidence in the judiciary was calculated by deducting the responses of judges to the expert opinion survey.

APPENDIX 4. DETAILED DATA ON THE WORKLOAD OF JUDGES

CASELOAD OF THE JUDGES OF THE DISTRICT CRIMINAL COURTS OF FIRST INSTANCE

Nº	Courts	Average number of criminal cases per judge	Number of cases in excess of the acceptable workload (75)	Population (2021)	District population (as a percentage of the capital's population)	Workload excess
1.	Criminal Court of First Instance of Bayanzurkh District	118.7	43.7	383,892	25%	41.73
2.	Criminal Court of First Instance of Sukhbaatar District	105.6	30.6	144,542	9%	59.20
3.	Criminal Court of First Instance Chingeltei District	95.9	20.9	150,548	10%	72.13
4.	Criminal Court of First Instance Bayangol District	78.3	3.3	236,385	15%	95.60
5.	Criminal Court of First Instance Khan-Uul District	104	29	209,524	14%	61.33
6.	Criminal Court of First Instance Songino-Khairkhan District	116.7	41.7	341,540	22%	44.40
7.	Criminal Court of First Instance Baganuur District	33	0	29,433	2%	100.00
8.	Criminal Court of First Instance Baga-Khangai District	17	0	4,459	0%	100.00
9.	Criminal Court of First Instance Nalaikh District	63.7	0	38,929	3%	100.00

CASELOAD OF THE JUDGES OF THE INTER-SOUM CRIMINAL COURTS OF FIRST INSTANCE

№	Courts	Average number of criminal cases per judge	Number of cases in excess of the acceptable workload (75)	Population /2021/	Aimag population (as a percentage of 21 aimag population)	Workload excess
1.	Inter-soum Civil Court of First Instance of Arkhangai aimag	101	26	94,205	5.32%	65.33
2.	Inter-soum Civil Court of First Instance of Bayan-Ulgii aimag	52	0	112,836	6.37%	100.00
3.	Inter-soum Civil Court of First Instance of Bayankhongor aimag	110.3	35.3	89,043	5.03%	52.93
4.	Inter-soum Civil Court of First Instance of Bulgan aimag	97.4	22.4	61,943	3.50%	70.13
5.	Inter-soum Civil Court of First Instance of Gobi-Altai aimag	45	0	57,818	3.27%	100.00
6.	Inter-soum Civil Court of First Instance of Gobi-Sumber	32	0	18,150	1.02%	100.00
7.	Inter-soum Civil Court of First Instance of Darkhan-Uul aimag	68.2	0	107,751	6.08%	100.00
8.	Inter-soum Civil Court of First Instance of Dorno-Gobi aimag	59.3	0	71,457	4.04%	100.00
9.	Inter-soum Civil Court of First Instance of Dornod aimag	131.7	56.7	83,757	4.73%	24.40
10.	Inter-soum Civil Court of First Instance of Dundgobi aimag	50.8	0	46,920	2.65%	100.00
11.	Inter-soum Civil Court of First Instance of Zavkhan aimag	52	0	72,731	4.11%	100.00

Nº	Courts	Average number of criminal cases per judge	Number of cases in excess of the acceptable workload (75)	Population /2021/	Aimag population (as a percentage of 21 aimag population)	Workload excess
12.	Inter-soum Civil Court of First Instance of Orkhon aimag	86.4	11.4	108,713	6.14%	84.80
13.	Inter-soum Civil Court of First Instance of Umnu-Gobi aimag	48	0	71,720	4.05%	100.00
14.	Inter-soum Civil Court of First Instance of Uvurkhangai aimag	66	0	115,732	6.54%	100.00
15.	Inter-soum Civil Court of First Instance of Sukhbaatar aimag	90.2	15.2	64,662	3.65%	79.73
16.	Inter-soum Civil Court of First Instance of Selenge aimag	99.4	24.4	108,878	6.15%	67.47
17.	Inter-soum Civil Court of First Instance of Tuv aimag	98.9	23.9	93,468	5.28%	68.13
18.	Inter-soum Civil Court of First Instance of Uvs aimag	61.7	0	84,095	4.75%	100.00
19.	Inter-soum Civil Court of First Instance of Khovd aimag	61.7	0	91,127	5.15%	100.00
20.	Inter-soum Civil Court of First Instance of Khuvsgul aimag	86.1	11.1	136,794	7.73%	85.20
21.	Inter-soum Civil Court of First Instance of Khentii aimag	162.3	87.3	78,967	4.46%	16.40

Scope	Population	Population percentage	Normalized value of the workload
9 district	1,539,252	47%	60.64%
21 aimag	1,770,767	53%	80.94%
Total population	3,310,019		
Index score			71.50

CASELOAD OF THE JUDGES OF THE DISTRICT CIVIL COURTS OF FIRST INSTANCE

№	Courts	Average number of criminal cases per judge	Number of cases in excess of the acceptable workload (75)	Population /2021/	District population (as a percentage of the capital's population)	Workload excess
1.	Civil Court of First Instance of Bayanzurkh District	346	146	383,892	24.94%	27.00
2.	Civil Court of First Instance of Sukhbaatar District	341.4	141.4	144,542	9.39%	29.30
3.	Civil Court of First Instance of Chingeltei District	363.2	163.2	150,548	9.78%	18.40
4.	Civil Court of First Instance of Bayangol District	277.7	77.7	236,385	15.36%	61.15
5.	Civil Court of First Instance of Khan-Uul District	387.9	187.9	209,524	13.61%	6.05
6.	Civil Court of First Instance of Songino-Khairkhan District	353.6	153.6	341,540	22.19%	23.20
7.	Civil Court of First Instance of Baganuur District	133	0	29,433	1.91%	100.00
8.	Civil Court of First Instance of Baga-Khangai District	61	0	4,459	0.29%	100.00
9.	Civil Court of First Instance of Nalaikh District	174.5	0	38,929	2.53%	100.00

CASELOAD OF THE JUDGES OF THE INTER-SOUM CIVIL COURTS OF FIRST INSTANCE

№	Courts	Average number of criminal cases per judge	Number of cases in excess of the acceptable workload (75)	Population /2021/	Aimag population (as a percentage of 21 aimag population)	Workload excess
1.	Inter-soum Civil Court of First Instance of Arkhangai aimag	241	41	94,205	5.32%	79.5
2.	Inter-soum Civil Court of First Instance of Bayan-Ulgii aimag	264.3	64.3	112,836	6.37%	67.85
3.	Inter-soum Civil Court of First Instance of Bayankhongor aimag	300.4	100.4	89,043	5.03%	49.8
4.	Inter-soum Civil Court of First Instance of Bulgan aimag	326.2	126.2	61,943	3.50%	36.9
5.	Inter-soum Civil Court of First Instance of Gobi-Altai aimag	246.4	46.4	57,818	3.27%	76.8
6.	Inter-soum Civil Court of First Instance of Gobi-Sumber aimag	59.7	0	18,150	1.02%	100
7.	Inter-soum Civil Court of First Instance of Darkhan-Uul aimag	360.5	160.5	107,751	6.09%	19.75
8.	Inter-soum Civil Court of First Instance of Dorno-Gobi aimag	116	0	71,457	4.04%	100
9.	Inter-soum Civil Court of First Instance of Dornod aimag	243.5	43.5	83,757	4.73%	78.25
10.	Inter-soum Civil Court of First Instance of Dundgobi aimag	179	0	46,920	2.65%	100
11.	Inter-soum Civil Court of First Instance of Zavkhan aimag	173	0	72,731	4.11%	100
12.	Inter-soum Civil Court of First Instance of Orkhon aimag	353	153	108,713	6.14%	23.5

№	Courts	Average number of criminal cases per judge	Number of cases in excess of the acceptable workload (75)	Population /2021/	Aimag population (as a percentage of 21 aimag population)	Workload excess
13.	Inter-soum Civil Court of First Instance of Umnu-Gobi aimag	137.3	0	71,720	4.05%	100
14.	Inter-soum Civil Court of First Instance of Uvurkhangai aimag	239.6	39.6	115,732	6.54%	80.2
15.	Inter-soum Civil Court of First Instance of Sukhbaatar aimag	174.5	-25.5	64,662	3.65%	112.75
16.	Inter-soum Civil Court of First Instance of Selenge aimag	197.9	-2.1	108,878	6.15%	101.05
17.	Inter-soum Civil Court of First Instance of Tuv aimag	242.1	42.1	93,468	5.28%	78.95
18.	Inter-soum Civil Court of First Instance of Uvs aimag	266.5	66.5	84,095	4.75%	66.75
19.	Inter-soum Civil Court of First Instance of Khovd aimag	266.4	66.4	91,127	5.15%	66.8
20.	Inter-soum Civil Court of First Instance of Khuvsgul aimag	255.2	55.2	136,794	7.73%	72.4
21.	Inter-soum Civil Court of First Instance of Khentii aimag	241.8	41.8	78,967	4.46%	79.1

Scope	Population	Population percentage	Normalized value of the workload
9 district	1,539,252	47%	31.38%
21 aimag	1,770,767	53%	72.54%
Total population	3,310,019		
Index score			53.40

CASELOAD OF THE JUDGES OF THE ADMINISTRATIVE COURTS OF FIRST INSTANCE

№	Courts	Average number of criminal cases per judge	Number of cases in excess of the acceptable workload (75)	Population /2021/	Aimag population (as a percentage of 21 aimag population)	Workload excess
1.	Administrative Court of First Instance of Arkhangai aimag	24.5	0	94,205	2.85%	100
2.	Administrative Court of First Instance of Bayan-Ulgii aimag	26.8	0	112,836	3.41%	100
3.	Administrative Court of First Instance of Bayankhongor aimag	11.7	0	89,043	2.69%	100
4.	Administrative Court of First Instance of Bulgan aimag	15	0	61,943	1.87%	100
5.	Administrative Court of First Instance of Gobi-Altai aimag	26	0	57,818	1.75%	100
6.	Administrative Court of First Instance of Gobi-Sumber aimag	14	0	18,150	0.55%	100
7.	Administrative Court of First Instance of Darkhan-Uul aimag	6.7	0	107,751	3.26%	100
8.	Administrative Court of First Instance of Dornogobi aimag	5	0	71,457	2.16%	100
9.	Administrative Court of First Instance of Dornod aimag	12	0	83,757	2.53%	100
10.	Administrative Court of First Instance of Dundgobi aimag	31.5	0	46,920	1.42%	100
11.	Administrative Court of First Instance of Zavkhan aimag	15.7	0	72,731	2.20%	100

№	Courts	Average number of criminal cases per judge	Number of cases in excess of the acceptable workload (75)	Population /2021/	Aimag population (as a percentage of 21 aimag population)	Workload excess
12.	Administrative Court of First Instance of Orkhon aimag	10	0	108,713	3.28%	100
13.	Administrative Court of Umni-gobi aimag	5.7	0	71,720	2.17%	100
14.	Administrative Court of First Instance of Uvurkhangai aimag	5.7	0	115,732	3.50%	100
15.	Administrative Court of First Instance of Sukhbaatar aimag	9.7	0	64,662	1.95%	100
16.	Administrative Court of First Instance of Selenge aimag	7	0	108,878	3.29%	100
17.	Administrative Court of First Instance of Tuv aimag	15.3	0	93,468	2.82%	100
18.	Administrative Court of First Instance of Uvs aimag	41.5	0	84,095	2.54%	100
19.	Administrative Court of First Instance of Khovd aimag	10.7	0	91,127	2.75%	100
20.	Administrative Court of First Instance of Khuvsgul aimag	22	0	136,794	4.13%	100
21.	Administrative Court of First Instance of Khentii aimag	10.5	0	78,967	2.39%	100
22.	Administrative Court of First Instance of Capital city	59.6	17.6	1,539,292	46.50%	58.10

Scope	Population	Population percentage	Normalized value of the workload
Capital	1,539,252	47%	58.10%
21 aimag	1,770,767	53%	100%
Total population	3,310,019		
Index score			80.51

APPENDIX 5. EXPERT OPINION SURVEY QUESTIONNAIRE



JUDICIAL INDEX

EXPERT OPINION SURVEY

1. Employment status:

- 1. Judge
- 2. Prosecutor
- 3. Attorney
- 4. Other lawyer

2. Which of the following statements do you agree with the most?

- 1. Courts decide cases and disputes within a reasonable amount of time.
- 2. Courts take far too long to resolve cases and disputes.
- 3. Do not know.

3. To what extent do you believe corruption influences our country's legal system? On a scale of 0 to 10, rate.

0	1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	---	----

4. Do you agree with the following statement?

Statements	Strongly agree	Agree	Somewhat agree	Disagree	Strongly disagree	Do not know
4.1. Regardless of a person's wealth, income, social origin, position, political influence, religion, race, sexual orientation, or disability, courts are fair and impartial.	1	2	3	4	5	6
4.2. Assume the State Great Khural passed legislation that clearly contravenes the Constitution. The Constitutional Court (Tsets) can stop this unlawful act of the State Great Khural.	1	2	3	4	5	6
4.3. The Constitutional Court makes decisions without the interference of government authorities, politicians, or any individual or legal entity.	1	2	3	4	5	6

4.4. Assume an administrative body made an illegal decision, and citizens filed a claim with the court. In practice, a judge has the right to put a stop to this illegal conduct.	1	2	3	4	5	6
4.5. Judicial independence is guaranteed by law and is de facto recognized at the political level.	1	2	3	4	5	6
4.6. Even if the government and its agencies disagree with the court decision, they always comply with it.	1	2	3	4	5	6
4.7. The judiciary budget is sufficient and adequate.	1	2	3	4	5	6
4.8. Judges decide cases and disputes without undue influence from government organizations, politicians, or any other individual or legal entity.	1	2	3	4	5	6
4.9. The independence and power of judges are protected by law and enforced in practice.	1	2	3	4	5	6
4.10. The Judicial General Council operates independently of the President, the State Great Khural the Government, politicians, and anybody else.	1	2	3	4	5	6
4.11. The Judicial General Council performs its tasks of ensuring the independence of the judiciary and the impartiality of judges, as well as protecting judges' rights and interests, effectively.	1	2	3	4	5	6
4.12. Appropriate mechanisms and resources have been established to guarantee the safety of courts and judges.	1	2	3	4	5	6

5. To what extent is the safety of judges and their families ensured when necessary?

1. Always
2. Usually
3. Sometimes
4. Very rarely
5. Never
6. Do not know

6. How likely are judges to impose various penalties for the same type of crime, or to decide differently on similar cases or disputes?

1. Very unlikely
2. Somewhat likely
3. Likely
4. Very likely
5. Don't know

7. How would you rate the performance of our country's judges, on a scale of 0 to 10? (0- worst, 10-best)

0	1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	---	----

8. In your opinion, how often do people offer bribes to judges or court officials in order to avoid prosecution, get a light sentence, or settle a case or dispute for one's own gain.

1. Always
2. Usually
3. Sometimes
4. Very rarely
5. Never
6. Don't know

9. Which of the following statements best fits your conclusion?

- a. The Constitutional Court has the authority to review the decisions of the State Great Khural and declare them invalid.
- b. The Constitutional Court (Tsets) reviews the decisions of the State Great Khural but avoids political issues as much as possible.
- c. The Constitutional Court's power to review the State Great Khural's decisions is not particularly effective.
- d. The Constitutional Court does not effectively review the decisions of the State Great Khural.
- f. Don't know.

10. In your opinion:

Statements	Always	Often	Sometimes	Seldom	Never	Do not know
10.1. To what extent is it possible to learn about and observe the process of selecting a judge?	1	2	3	4	5	6
10.2. How open and transparent the court-related rules and regulations?	1	2	3	4	5	6
10.3. How easily can reports and statistics from judicial proceedings be accessed?	1	2	3	4	5	6
10.4. How often do judges allow interested parties to sit in and observe open court?	1	2	3	4	5	6
10.5. To what extent are the participants in the case, their representatives, and attorneys given full and regular access to the case file?	1	2	3	4	5	6
10.6. To what extent is it possible for the public to get access to court decisions (whether in print or electronic form) and to engage in discussions about court decisions?	1	2	3	4	5	6

11. Do you think is it possible for someone to have a case or dispute assigned to and decided by a judge of their choice?

- a. Absolutely possible
- b. Possible
- c. Somewhat possible
- d. Impossible
- e. Absolutely impossible
- f. Don't know

12. In your opinion, how accurately and objectively do the media report information concerning cases and issues that are being investigated or litigated?

1. Very accurately
2. Accurately
3. Sometimes accurately, sometimes inaccurately
4. Occasionally inaccurately
5. Never accurately

13. Please rate whether cases and disputes are resolved fairly and in accordance with the law on a scale of 0 to 10. (0-very dissatisfied, 10- very satisfied)

13.1. Criminal cases	0	1	2	3	4	5	6	7	8	9	10
13.2. Civil cases	0	1	2	3	4	5	6	7	8	9	10
13.3. Administrative cases	0	1	2	3	4	5	6	7	8	9	10

14. Which of the following statements best fits your conclusion?

- a. The judiciary has the authority to review the decisions of the executive power and deem them illegal.
- b. The judiciary reviews the decisions of the executive power but avoids political issues as much as possible.
- c. The judiciary power to review the decisions of the executive power is not particularly effective.
- d. The judiciary does not effectively review the activities of the executive power.
- f. Don't know

15. Please rate whether the judges in our country decide cases and disputes fairly and in accordance with law on a scale of 0 to 10. (0-extremely unfair, 10-extremely fair)

15.1 First instance court judges	0	1	2	3	4	5	6	7	8	9	10
15.2 Appellate court judges	0	1	2	3	4	5	6	7	8	9	10
15.3 Supreme court judges	0	1	2	3	4	5	6	7	8	9	10

16. Do you agree [with the following]?

Statements	Strongly agree	Agree	Somewhat agree	Disagree	Strongly disagree	Do not know
16.1. Judges in our country are ethical and can serve as role models for the rest of society.	1	2	3	4	5	6
16.2. Judges write their decisions in a straightforward and well-reasoned form.	1	2	3	4	5	6
16.3. Every year, judges receive adequate training to improve their knowledge and skills.	1	2	3	4	5	6

17. How would you rate the professional expertise and skills of judges in our country on a scale of 0 to 10. (0-very poor, 10-excellent)

0	1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	---	----

18. Do you agree [with the following statements]?

Statements	Strongly agree	Agree	Somewhat agree	Disagree	Strongly disagree	Not sure
18.1. Judges are appointed based solely on their expertise, skills, and ethics.	1	2	3	4	5	6
18.2. Judges have the professional skills and legal knowledge required to appropriately resolve cases and dispute	1	2	3	4	5	6
18.3. The judge's remuneration is sufficient to earn a living without relying on other sources of income, and it is sufficient to recruit and keep qualified judges.	1	2	3	4	5	6
18.4. Nowadays, court administrative assistants are knowledgeable and skilled.	1	2	3	4	5	6
18.5. Judges have adequate human resource support to carry out their duties.	1	2	3	4	5	6
18.6. Courts are housed in proper facilities and have enough rooms, chambers, and places to function.	1	2	3	4	5	6
18.7. The environment and facilities of the courthouse reflect justice and inspire respect.	1	2	3	4	5	6
18.8. Courts have adequate information technology equipment and devices.	1	2	3	4	5	6
18.9. If there is a sudden and dramatic increase in the number of cases and disputes brought before the court, the court is given appropriate resources and solutions to deal with it.	1	2	3	4	5	6
18.10. An impartial and transparent system for investigating and resolving judge misconduct has been established.	1	2	3	4	5	6
18.11. In every case where the law allows it, disciplinary proceedings are initiated against a judge.	1	2	3	4	5	6
18.12. The disciplinary proceedings for judicial misconduct are carried out impartially and fairly.	1	2	3	4	5	6

19. How likely is that a judge who commits misconduct to be held accountable (dismissed or subjected to other types of disciplinary sanctions)?

1. Highly unlikely
2. Somewhat likely
3. Likely
4. Highly likely
5. Not sure

20. How well do you think our country's judges adhere to ethical standards?

1. Always
2. Usually
3. Sometimes
4. Seldom
5. Never
6. Not sure

21. As a result of disciplinary proceedings, judges are subject to the following disciplinary sanctions:

1. Too lenient
2. Lenient
3. Appropriate
4. Serious
5. Very serious
6. Not sure

22. How well do you think judges are provided with instructions, advice, and procedures for avoiding disciplinary violations and adhering to the code of ethics?

1. Always
2. Usually
3. Sometimes
4. Seldom
5. Never
6. Not sure

23. How well do you think court decisions are executed?

1. Always
2. Usually
3. Sometimes
4. Seldom
5. Never
6. Not sure

THANK YOU FOR PARTICIPATING IN THE SURVEY.

APPENDIX 6. PUBLIC OPINION SURVEY QUESTIONNAIRE



JUDICIAL INDEX

PUBLIC OPINION SURVEY

1. In the last 24 months, how satisfied have you been with the services provided by the judiciary? Please rate your level of satisfaction on a scale of 0 to 10. How many points would you give between 0 to 10, if 0 means very dissatisfied and 10 means very satisfied.

0	1	2	3	4	5	6	7	8	9	10	99
---	---	---	---	---	---	---	---	---	---	----	----

99 - Has not received any court service in the last 24 months

0 - very dissatisfied

10 - very satisfied

2. In your opinion, how often do people offer bribes to judges or court officials in order to avoid prosecution, get a light sentence, or settle a case or dispute for one's own gain.

Almost always	1
Very frequently	2
Occasionally	3
Rarely	4
Very rarely	5
Not sure (do not read to)	98

3. How much do you think the judicial system is affected by corruption? Please rate on a scale of 0 to 10. (0-corruption has no effect; 10-corruption has a significant effect.)

0	1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	---	----

4. How much do you agree with the statements below? Do you strongly agree, agree, somewhat agree, disagree, or strongly disagree?

Statements	Strongly agree	Agree	Somewhat agree	Disagree	Strongly disagree	Not sure
4.1. Everyone (in our country) has the right to file a complaint and a petition in court, as well as to have their case and dispute resolved if they consider that their rights and freedom under the Constitution or other laws have been violated.	1	2	3	4	5	98
4.2. Regardless of a person's wealth, income, social origin, position, political influence, religion, race, sex or disability, courts are fair and impartial.	1	2	3	4	5	98
4.3. Judges decide cases and disputes without undue influence from government organizations, politicians, or any other individual or legal entity.	1	2	3	4	5	98
4.4. For misconduct, judges may be dismissed or face other disciplinary sanctions.	1	2	3	4	5	98
4.5. Even if the government and its agencies (ministries, agencies, secretariat offices, local administration etc.) disagree with the court decision, they always respect and comply with it.	1	2	3	4	5	98
4.6. Assume the State Great Khural passed legislation that clearly contravenes the Constitution. The Constitutional Court can stop this unlawful act of the State Great Khural.	1	2	3	4	5	98
4.7. Assume an administrative body made an illegal decision, and citizens filed a claim with the court. In practice, a judge has the right to put a stop to this illegal conduct.	1	2	3	4	5	98

5. How would you rate the performance (quality, productivity) of our country's judges, on a scale of 0 to 10? How is their performance? (0-very poor, 10-excellent)

0	1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	---	----

6. Do you think that citizens can do the following if they want to?

	Yes	No	Do not know
6.1. Can citizens learn about and observe the judge selection process?	1	2	98
6.2. Can citizens attend open court sessions as observers?	1	2	98
6.3. Can citizens access a court ruling of interest (in paper or electronic form)?	1	2	98
6.4. Can citizens obtain information and statistics on judicial activities?	1	2	98
6.5. Can citizens access their court files?	1	2	98

7. Please rate whether cases and disputes are resolved fairly and in accordance with the law on a scale of 0 to 10. (0-extremely unfairly, 10-extremely fairly)

7.1. How fairly are criminal cases resolved? Please rate on a scale of 0 to 10.	0	1	2	3	4	5	6	7	8	9	10
7.2 How fairly are civil disputes resolved? Please rate on a scale of 0 to 10.	0	1	2	3	4	5	6	7	8	9	10
7.3 How fairly are disputes between citizens and administrative bodies resolved? Please rate on a scale of 0 to 10.	0	1	2	3	4	5	6	7	8	9	10

8. Please rate whether the judges of all levels of courts in our country decide cases and disputes fairly and in accordance with the law on a scale of 0 to 10. How fairly do you think they resolve cases? (0-extremely unfairly, 10-extremely fairly, 98- don't know)

8.1 First instance court judges	0	1	2	3	4	5	6	7	8	9	10	98
8.2 Appellate court judges	0	1	2	3	4	5	6	7	8	9	10	98
8.3 Supreme court judges	0	1	2	3	4	5	6	7	8	9	10	98

9. How much do you agree with the statements below? Do you strongly agree, agree, somewhat agree, disagree, or strongly disagree?

Statements	Strongly agree	Agree	Somewhat agree	Disagree	Strongly disagree	Do not know
9.1 Judges in our country are ethical and can serve as role models for the rest of society	1	2	3	4	5	98
9.2 Regardless of which party the court ruled in favor of, the court proceeding is carried out properly in accordance with the law.	1	2	3	4	5	98
9.3 Judges write their decisions in a straightforward and well-reasoned form.	1	2	3	4	5	98
9.4 The judge's remuneration is sufficient to earn a living without relying on other sources of income, and it is sufficient to recruit and keep qualified judges.	1	2	3	4	5	98

10. Do you think is it possible for someone to have a case or dispute assigned to and decided by a judge of their choice?

1. Absolutely possible
2. Possible
3. Somewhat possible
4. Impossible
5. Absolutely impossible
98. Don't know (do not read to)

11. How would you rate the professional expertise and skills of judges in our country on a scale of 0 to 10? How knowledgeable and competent do you believe they are? (0- very poor, 10- excellent 98- do not know/ do not read to)

0	1	2	3	4	5	6	7	8	9	10	98
---	---	---	---	---	---	---	---	---	---	----	----

12. In your opinion, how accurately and objectively do the media report information concerning cases and issues that are being investigated or litigated?

- 1. Very accurately
- 2. Accurately
- 3. Sometimes accurately, sometimes inaccurately
- 4. Occasionally inaccurately
- 5. Never accurately
- 98. Don't know /do not read to

13. How much do you agree with the statements below?

Statements	Strongly agree	Agree	Somewhat agree	Disagree	Strongly disagree	Do not know
13.1 Judges are appointed based solely on their expertise, skills, and ethics.	1	2	3	4	5	98
13.2 Judges have the professional skills and legal knowledge required to appropriately resolve cases and disputes.	1	2	3	4	5	98
13.3 The environment and facilities of the courthouse reflect justice and inspire respect.	1	2	3	4	5	98

14. In your opinion, remuneration of judges is:

- 1. Extremely low
- 2. Low
- 3. Appropriate
- 4. High
- 5. Extremely high
- 98. Don't know (don't read to)

15. How well do you think court decisions are executed?

- 1. Always
- 2. Usually
- 3. Sometimes
- 4. Seldom
- 5. Never

98. Not sure (don't read to)

16. Which of the following statements do you agree the most?

1. Courts decide cases and disputes within a reasonable amount of time.
2. Courts take far too long to resolve cases and disputes.
98. Not sure

17. What do you think? How likely are judges to impose various penalties for the same type of crime, or to decide differently on similar cases or disputes?

1. Very unlikely
2. Somewhat likely
3. Likely
4. Quite likely
5. Highly likely
98. Don't know (don't read it)

18. How well do you think the judges in our country adhere to ethical standards (during working and non-working hours)?

1. Very well
2. Well
3. Moderately
4. poorly
5. very poor
98. Don't know (don't read it)

THANK YOU FOR PARTICIPATING IN THE SURVEY.