

IMPROVING THE PERFORMANCE OF THE MONGOLIAN JUDICIARY



CONTEXT

Over the past 25 years, the Mongolian judiciary has undergone a comprehensive reform process aimed to curb corruption and to firmly embedding an efficient judicial system of a democratic society. In all, there are 90 courts of first instance with a total of 369 judges. Additionally, there are 420 court and judicial clerks responsible for assisting the judges and for completing case related administrative duties. As yet, there is no systematic training and re-training for clerks. The only training newly employed clerks receive is a 90-day preparatory course, which provides limited skills and qualifications for the important duties and responsibilities placed on them. Therefore, is to set up a designated training system for the clerks necessary.

The limited number of staff in the Mongolian judiciary leads first and foremost to very lengthy proceedings, especially in criminal cases. In 2018, the “e-Justice” IT system was launched at all police stations, courts, public prosecutors’ offices and court decisions enforcement units. Increasing use of this system should significantly speed up criminal proceedings by enabling the relevant institutions to promptly exchange and/or transfer case related data and information by means of a secure channel. The “e-Justice” system therefore potentially offers significant reductions in the duration of criminal justice proceedings.

Better qualified staff and greater technical competence at the courts, plus the creation of a stable legal framework form the basis for an efficient judiciary. However, the Mongolian Government does not have sufficient resources necessary to provide the above. Given the challenge described above, despite the progress already accomplished in implementing legal and judicial reforms there is still room for improvement in the performance and efficiency of the judicial system.



Mr. Kh. Nyambaatar, Minister of Justice and Home Affairs welcomes the working group to set up a training center for judicial clerks

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| Project region | Mongolia |
| Lead executing agency: | Ministry of Justice and Home Affairs (MoJHA) |
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OBJECTIVE AND FIELD OF ACTIONS OF THE PROJECT

Objective: The capacity of the judicial system shall be improved. The Project is working in three fields of action:

- Increase in professional competence in the judiciary, especially among judges and court and judicial clerks
- Digitalisation of the judicial system
- Creating the core conditions for legal reform, i.e. improving and refining civil and economic (business) laws.



Government Palace



Cooperation in mining law



FIRST FIELD OF ACTION:

- A designated unit for training and retraining qualified court and judicial clerks at the intermediate judiciary level is established. It is anticipated that the unit shall conduct courses consisting of theoretical and practical modules.
- Gender equality in the human resources policies of the courts through the integration of gender-sensitive approaches into training in the judiciary is promoted.
- Expertise in the the judiciary, especially among judges is increased.



Training of Trainers for the judges training



SECOND FIELD OF ACTION:

- A joint IT unit networked with authorities outside the judiciary is established.
- System shall furthermore include a citizens' portal which shall provide easier access to legal information for the public without legal knowledge. In this way, the portal makes procedures more transparent, faster, and easier to understand.



Mr Roman Poseck, President of Higher Regional Court, Frankfurt am Main welcomes the delegation of the General Judicial Council of Mongolia



THIRD FIELD OF ACTION:

- The commercial law projects indicated in the government's action plan have been implemented with the input of business community and of the public.
- The relevant laws are adapted to the constitutional amendment.
- The expertise of the relevant partner institutions in international contract and investment law in mining has improved.
- Measures to fight corruption in the Mongolian judiciary- in close coordination with the BMZ project "Governance Fonds" have been implemented.



e-Justice

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