

Cross-Regional Court Performance Assessment – Country Report

📍 Mongolia



European Bank
for Reconstruction and Development

DENTONS



Key findings

Macro Data

Central Asia¹

EBRD region of operation

3,347,782 (2021)²

Population size

1,557,506.8³

Land area (sq.km.)

4,566.1 (2021)⁴

GDP per capita in USD

Mongolia has not achieved significant progress toward digital governance and, in particular, e-justice. Its performance is below the average score of 2 in all dimensions studied. Mongolia lacks a small claims procedure and hence is not assessed in this dimension.

Mongolia receives some of the lowest scores for **Policies and Infrastructure for E-Justice** among EBRD CoOs. The level of internet penetration is quite low in Mongolia (63%). While the legal framework and infrastructure are generally present, electronic documents and e-signatures are either not used or are used infrequently. The CMS “Irgen 2014” is used by all civil case courts up to the Supreme Court Chamber for Civil Cases in Mongolia. However, Mongolia receives very low scores for the level of digitization of court processes. There is no legislation governing e-filing and e-service in court proceedings. Mongolia has low scores for the indicator on stakeholder engagement.

Regarding **Commercial Dispute Resolution**, Mongolia displays a low level of commercial specialisation. There are

no specialised commercial courts or specialised commercial divisions or chambers in Mongolian courts. There are also no significant differences in general procedural rules between commercial and general civil cases. The inception and continuous training in commercial law for commercial judges is not provided consistently on a mandatory basis. In general, the legal basis for mediation is adequate. However, no online solutions for out-of-court settlement of disputes are available. Mongolia does not have disaggregated statistics on the effectiveness and efficiency of commercial litigation.



Mongolia performs below the average in the area of **Uncontested Procedures for Enforcing a Claim**. The country receives relatively low scores regarding the ease of filing of applications for uncontested procedures. At the same time, it has higher than average scores regarding the efficient processing of the claims. The timeline for pronouncement is 14 days (7 days to issue the writ and another 7 days to serve on debtor) and is largely complied with. Like with most other examined jurisdictions, the level of effective linkages between the uncontested procedure and the procedure following a statement of opposition is low. In Mongolia the fee due in a litigious procedure that follows a statement of opposition is

¹ See <https://www.ebrd.com/where-we-are.html>.

² See <https://data.worldbank.org/country/mongolia?view=chart>.

³ See <https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=MN>.

⁴ See <https://data.worldbank.org/country/mongolia?view=chart>.

of the same amount that would have been due if the litigious procedure was launched without using the uncontested claims procedure first. This may serve as a disincentive for creditors to try out the uncontested claims procedure first, before resorting to litigation.

As stated previously, Mongolia was not examined for **Small Claims Procedures** because the country's legislation does not provide for a small claims procedure. As an immediate area for improvement, Mongolia could consider introducing such procedure(s).

Overall, Mongolia displays a low level of readiness for the introduction of ODR. The introduction of a small claims procedure is an immediate area for improvement. Both the IT infrastructure for e-justice and the accompanying legal framework require major and targeted improvements. Mongolia should significantly strengthen its strategic approach to e-justice initiative implementation, as well as the onboarding of court users and other stakeholders to e-justice systems and tools.



Questionnaire

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 1. Policies and Infrastructure for E-Justice			
	Link to the strategy that covers e-justice (if any) and time-period of the strategy.		http://www.judcouncil.mn/site/status_page/stratek 1st stage: 2019 - 2022 2nd stage: 2023 -2026 In December 2022, the General Judicial Council of Mongolia updated the e-strategy. It is now named “A uniform policy for the introduction of new forms of information technology, court services and management in the courts”. The policy is planned to be implemented over 4 years. It still mentions the intention to introduce and implement ECP (electronic case proceeding) which will consist of e-filing, e-case management and e-courtroom. But the implementation plan does not seem to be very detailed.
	Which body is responsible for digitization of the judiciary?		The Judicial General Council of Mongolia
	Which body is responsible for digitization in public administration?		Ministry of Digital Development and Communications
	Is there a formal coordination mechanism for digitization projects in the judiciary and public administration? What is it?		N/A
	Does the Case Management System of the courts allow for auto-generation of parts of the judicial acts?		The Case Management System of the courts (Civil2014) does not allow for auto-generation of parts of the judicial acts.
	Can judges work remotely by accessing the Case Management System of the courts from a distance?		Remote access to the Case Management System is not possible.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.1. Level of Development of E-governance and E-infrastructure			
1.1.1.	Level of internet penetration	1	63% (as of 15 Sept 2022)
1.1.2.	Level of development of electronic signatures	2	The Law on Electronic Signature is in place. Available only in Mongolian at https://legalinfo.mn/mn/detail?lawId=16390355252531 There are at least 4 licensed providers of electronic signature (licenses are issued by the Ministry of Digital Development and Communications). The national news agency MONTSAME reported in May 2022, that only about 40 thousand citizens had acquired electronic signatures which were mainly used for submitting tax returns to tax authorities.
1.1.3.	Level of development of electronic documents	2	The Civil Code of Mongolia contains several provisions that recognize legal validity of electronic documents (e.g. Article 421). The Law on Civil Procedure mentions electronic documents as a form of permissible evidence. But the use of electronic documents in interactions with governmental/judicial authorities is extremely rare.
1.1.4.	Level of development of national electronic identification	3	Although the legislation pertaining to the national identification document (the Law on State Civil Registration and the Cabinet Regulation on National Identification Document) does not specifically use the word “electronic”, the actual ID is electronic, i.e. the ID card has a microchip that contains facial image, biometrical data, etc. The ID is indispensable to access administrative and/or other (e.g. banking) services and many banks and administrative agencies have chip card readers connected to the centralized civil registration system for online verification. However, the ID is not used as an electronic signature or for online services.
1.1.5.	Level of online access to administrative services	3	The portal site e-mongolia.mn provides access to more than 687 services provided by 63 government agencies and 1284 services by 21 local governments. The services include payment of various taxes and levies, obtaining electronic certificates, applying for issuance of passports, etc. It is also possible to e-file taxes and social insurance reports with the respective government agencies. To verify the user’s identity, the system sends a one-time passcode to the registered mobile phone number of the user. The alternative is to connect through internet banking log-in.
1.1.6.	Level of broadband internet access	1	47,95 MbPs (as of 15 Sept 2022)

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.2. Overall level of development of justice system digitalisation			
1.2.1.	Status of e-Justice strategy	2	The country's e-justice strategy as identified above, does not set forth many time specific targets. The only milestone with a time target is to increase percentage of e-filings from 0 in 2018 to 10 percent in 2022 and to 30 percent in 2026, which is currently seems to be not implemented. Other general milestones such as introduction of e-filing, enabling online participation in court hearings, enabling electronic payment of court fees, moving civil and administrative court proceedings to online format seem to be not yet achieved.
1.2.2.	Case management system (CMS) deployment rate	2	There is a case management system called "Irgen 2014" ("Civil 2014") used in Mongolian civil case courts. There is no formal data about its deployment rate, however an interview with a judge and a court IT professional indicated that the actual deployment rate must be close to 100%.
1.2.3.	Level of integration of the Case Management System	2	The case management system "Irgen 2014" is used by all civil case courts up to the Supreme Court Chamber for Civil Cases in Mongolia. However, CMS for administrative case courts and criminal case courts are separate. A score of 2 is provided because criminal cases are in a separate system.
1.2.4.	Official information about the justice system available over the internet	3	<ol style="list-style-type: none"> Contact information of all first instance and appellate courts may be found on the Supreme Court website at: http://www.supremecourt.mn/home?page=pages&id=66&pr=61&tp=list&h=0 and http://www.supremecourt.mn/home?page=pages&id=67&pr=61&tp=list&h=0 schedules of court hearings of all or most courts can be found on https://live.shuukh.mn/ and/or on the websites of the respective courts ; Many, if not most court websites contain forms that can be used by citizens and businesses for various filings with the court. Examples can be found at http://103.11.195.37/app/dashboard/dashboard_ctrl/court_invoice or https://www.civilcourt.gov.mn/tand01/ or https://baganuurshuukh.mn/740. But these forms and samples are not formally endorsed and are for indicative purposes only.
1.2.5.	Publication of court judgments and free online access to them	3	Almost all judgements of all courts of all instances are available at https://shuukh.mn/ upon a simple and free-of-charge registration. Keyword searches in the texts of the judgments are available.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.3. Digitisation of court processes			
1.3.1.	Availability and use of e-filing	1	There is no legislation governing submission of a case to courts by electronic means.
1.3.2.	Availability and use of electronic service of process (e-service)	1	There is no legislation governing e-service in court proceedings and/or there is no adequate infrastructure (e.g., websites, online forms, dedicated e-mail addresses) for e-service.
1.3.3.	Possibility to check case files and track case progress remotely	2	Parties can track progress of the case and key procedural events remotely through the website http://live.shuukh.mn/site/live . However, parties do not have access to the entire digitized case file (there is no digitized case file) and the updating of the case progress seems to be not always timely on the http://live.shuukh.mn/site/live . This is also confirmed in a quarterly report by the General Judicial Council.
1.3.4.	Possibility to hold online / videoconference hearings (for any type of case)	2	It is possible to question certain participants in the proceedings from a distance in almost all types of cases and there is adequate infrastructure (mostly Zoom, audio-visual devices and systems) but holding hearings entirely online is done rarely. Online hearings were held more frequently during the Covid19 lockdowns in 2020 and 2021. The legal basis for holding online hearings is found in the Regulation on Letting Online or Remote Participation in Court Proceedings issued by the General Judicial Council on 31 March 2022. The regulation can be found at https://www.judcouncil.mn/site/decision_full/132 .
1.3.5.	Court fees	1	There are no “official” online court fee calculators. However, there are a couple of online court fee calculators on the following websites: http://www.supremecourt.mn/home?page=calc&id=131&pr=0&tp=list http://103.11.195.37/app/dashboard/dashboard_ctrl/court_temdegt/tuv/8 and these are often referenced to on most of the court websites. There are no electronic payment means for court fees. The main reason for that is that court filing requires submission of an official payment proof of court fees which is usually the transaction documents issued by bank branches with official stamp on it. However, recently there are payment kiosks set up in the lobbies of some courts through which court fees can be made using credit/debit cards or cash.
1.3.6.	Ability to initiate enforcement based on electronic enforceable titles	1	There is no legislation governing electronic enforceable titles and enforcement can only be initiated based on an enforceable title presented on paper.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.4. Stakeholder engagement			
1.4.1.	Existence of an obligation for professional court users to interact with the court only electronically	1	There is no legislation governing the obligation for any types of professional court users to interact with the court only electronically.
1.4.2.	Availability of monetary incentives for conducting certain court actions electronically	1	There are no monetary incentives for conducting certain court actions electronically.
1.4.3.	Availability of user guides, help desk and guidance in the e-filing system	1	As there is currently no e-filing system (either in law or practice) in Mongolia, there are no user guides, help desks and other types of guidance for such system.
1.4.4.	Whether court user surveys are conducted by the courts/ the judicial system on a regular basis	3	Court user surveys are conducted by the judicial system on a regular basis. A survey called “Trust of citizens in courts” is conducted annually. However, it seems like it was not conducted in some years (conducted at least annually in 2017, 2018, 2019, no data for 2020 and 2021). Key areas for improvement identified though the surveys are generally addressed in the strategic planning process of courts, and the vision of the strategy is named as “Strengthening public trust in judiciary”.

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 2. Commercial Dispute Resolution			
	What is the definition of commercial case for the purposes of determining the jurisdiction of the commercial courts/divisions/chambers (if available in the country)?		There is no formal definition of a “commercial case” and there are no commercial courts/divisions/chambers in the country.
	Have significant reforms of commercial dispute resolution been introduced in the previous three years in the country (e.g., changes to the practice and procedure of commercial litigation and/or related alternative dispute resolution (ADR))? Briefly describe the nature and impact of the reforms.		No significant reforms of commercial dispute resolution have been introduced in the country in the previous three years.
	What has been the impact of the COVID-19 pandemic on commercial litigation in the country, e.g. introducing more electronic interactions?		The main impact of the COVID-19 pandemic on civil/commercial litigation in the country was more electronic interactions, i.e. some of the court hearings, especially during lockdowns, were conducted using Zoom.
	Number of female/male judges in the country.		Female 251/ Male 128
	Number of female/male first-instance commercial judges in the country.		As there are no “commercial” courts in Mongolia, such disaggregation is not available.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.1. Level of specialisation of commercial dispute resolution			
2.1.1.	Availability of a specialised commercial court or specialised commercial divisions in courts	1	There are no specialised commercial courts or specialised commercial divisions or chambers in courts.
2.1.2.	Modifications of the general procedural rules in respect of commercial cases as compared to general civil cases	1	There are no special modifications of the general procedural rules in respect of what could be classified as “commercial cases” either in law or in practice.
2.1.3.	Inception training in commercial law for commercial judges	1	There is no mandatory or voluntary training in commercial law provided to commercial judges upon entry/appointment.
2.1.4.	Continuous (regular) commercial law training for commercial judges	1	Only voluntary training in commercial law has been attempted to be provided to judges with support of EBRD in 2013 and 2015.
2.1.5.	Capacity building for commercial judges’ judicial assistants or for other types of specialised judicial clerks engaged in commercial justice (e.g., rechtspflegers)	2	Judges have judicial assistants or other specialised legal clerks, but they receive no specialized commercial law training

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.2. Use of mediation/ADR tools			
2.2.1.	Availability of mediation in civil/commercial disputes	3	There is legislation governing mediation in civil/commercial disputes (the Law on Mediation) and there are procedures/ projects implementing court-annexed mediation (article 741 of the Law on Civil Procedure)
2.2.2.	Availability of an official register of mediators accessible online	2	Accreditation of mediators is required according to the Law on Mediation and there is an official registry of mediators which is not publicly available online. The latest list of mediators found online was from 2015: https://court26.kho.gov.mn/news/39-.html .
2.2.3.	Availability of incentives for mediation	3	There are the following incentives for the use of mediation in commercial disputes after the filing of a claim in court: (1) reduction of court fees upon successful settlement (in accordance with article 74.5 of the Civil Procedure Code, court fees reduced to 50 percent); (2) one or more free mediation session(s) (Article 29.2 of the Law on Mediation states that mediation costs shall be borne by the state); (3) requirement for attempting mediation before litigating some types of disputes (divorce cases under Article 6.).
2.2.4.	Enforceability of mediation settlement agreements	2	A mediation settlement agreement is directly enforceable and has the legal force of a court judgment, subject to the approval of the competent court. (Article 741.8 of the Civil Procedure Code)
2.2.5.	Availability and use of online solutions for out-of-court settlement	1	No online solutions for out-of-court settlement of disputes are available.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.3. Efficiency and effectiveness of commercial litigation (to be assessed only if statistical disaggregation of commercial cases is available)			
2.3.1.	Clearance rate of first-instance commercial cases for the latest year for which statistics is available	N/A	No statistical disaggregation of commercial cases is available.
2.3.2.	Disposition time of 1st instance commercial cases as compared to CoE median for first-instance civil/commercial cases	N/A	
2.3.3.	Disposition time of commercial cases as compared to the disposition time of general 1st instance civil cases in the latest year for which statistics is available	N/A	
2.3.4.	Dynamic of commercial cases disposition time over a 3-year period (the latest 3 years for which data is available)	N/A	

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 3. Uncontested Procedures for Enforcing a Claim			
	What is the name of the procedure (e.g., order for payment, issuance of a writ of execution based on document, other)? If there are several such procedures, please, describe each of them.		The procedure is named “Court approval of arbitration awards, notary deeds, etc.” in the Article 184 of the Civil Procedure Court. It should be noted that there is no procedure similar to European Order of Payment in Mongolian law. Usual monetary claims can go through this uncontested claims procedure only if they are based on a notary deed. Even though the law on bills of exchange has a provision on uncontested enforcement, the practice is that they have to go through the usual litigious procedure in Mongolia. It seems like the main reason is that the bills of exchange are not listed in Article 184 of the Civil Procedure Code. Theoretically this should not be a valid reason because there is the Law on Bills of Exchange, but judges seemed reluctant to admit this logic.
	Which authority is entrusted with examining claims that may be uncontested by the debtor?		Courts have the authority to examine claims that may be uncontested by the debtor.
	If the courts are competent to examine such claims, do the general rules of territorial jurisdiction apply to them or is the process centralized?		Yes, the general rules of territorial jurisdiction apply to them.
	What claims is the procedure applicable to (i.e., only claims based on certain trustworthy documents such as checks, bills of exchange, notary deeds, utility claims, or also all types of civil and commercial monetary claims)?		The procedure is only applicable to the documents listed in the Article 184 which include arbitration awards, notary deeds and administrative fines. Bills of exchange are not included in this article.
	Is there a monetary threshold for applying the uncontested claims procedure?		There is no monetary threshold for this procedure.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.1. Ease of filing			
3.1.1.	Effective self-representation	3	Self-representation is allowed and the process is simple enough so that most creditors do not engage a lawyer.
3.1.2.	Availability and use of forms for filing the claim	1	There are no standard forms for filing the claim and creditors are free to choose a format in which to do it.
3.1.3.	Availability and use of online filing	1	The claim cannot be filed online.
3.1.4.	Level of court fees for filing a claim	3	The fee to be paid for examining arbitration award by a court (and issuing an execution writ) is 0.1 percent of the claim amount. Issuing writs of execution for other documents such as notary deeds or administrative fines requires no fees.
3.1.5.	Simplified rules on attachment of evidence to the claim	1	The Civil Procedure Code requires the attachment of the document enforcement of which is being sought (such as the notary deed).

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.2. Efficient processing			
3.2.1.	Predictability of the timelines for pronouncement	3	The timelines for pronouncement on applications under the procedure are set in the law and are complied with across the country. The judge must make a decision within 7 day from receiving the application.
3.2.2.	Length of timelines for pronouncement	3	As mentioned above in 3.2.2. the timeline (7 days to issue the writ and another 7 days to serve on debtor) is set in the law and is largely complied with.
3.2.3	Availability of options for service to the debtor without proof of receipt	3	<p>The rules do not require proof of receipt by the debtor for the issuance of an enforceable title. However, the practice is not uniform, and interviews with some representatives of judiciary reveal that in some cases, e.g. examination of arbitration awards, courts do require that debtor is notified.</p> <p>Bailiffs do service of process. They are under the Ministry of Justice.</p> <p>According to Article 77 of the Civil Procedure Code of Mongolia, If the person to whom a writ is addressed is not found at his place of residence or work, then the writ is served on an adult, the addressee lives with, or on a Governor (governor's office) of soum, bag, khoroo (Territorial administrative units) or on administration of place of work of the addressee against a signed acknowledgement.</p>
3.2.4.	Ease of debtor's objection	1	When objecting to the claim, i.e. for the procedure to be moved to the regular litigious procedure, debtors need to give justification thereof.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.3. Effective linkages between the uncontested procedure and the procedure following a statement of opposition			
3.3.1.	Consequence of debtor's lack of objection	2	If the debtor does not object or objects partially, an enforceable title is issued for the entire claim.
3.3.2.	Launching the litigious stage of the procedure	1	If the debtor lodges a statement of opposition, the uncontested procedure is terminated and the claimant wishing to pursue the claim may file it under the general procedure.
3.3.3.	Link between the fees due in the uncontested claims procedure and in the litigious procedure	1	The fee due in a litigious procedure that follows a statement of opposition is of the same amount that would have been due if the litigious procedure was launched without using the uncontested claims procedure first.
3.3.4.	Management of statements of opposition	1	The jurisdiction does not track claims that continue as litigious procedures (either by reason of objection or for any other reason).

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 4. Small Claims Procedures (this dimension is to be evaluated only in case a small claims procedure is available)			
	What is the name of the procedure (e.g., small claims procedure, simplified procedure, written procedure, fast-track procedure, other)? If there are several such procedures, please, describe each of them.		No small claims procedure is available in the Mongolian civil procedure.
	Is there a special small claims court or a special court division examining small claims?	No procedure	
	What is the monetary threshold for the applicability of the procedure?	No procedure	
	What claims is the procedure applicable to?	No procedure	

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 4.1. Ease of filing			
4.1.1.	Effective self-representation	No procedure	
4.1.2.	Existence of forms for filing the claim	No procedure	
4.1.3.	Availability and use of online filing	No procedure	
4.1.4.	Guidance to self-represented litigants	No procedure	

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 4.2. Availability of meaningful procedural simplifications of the small claims procedure			
4.2.1.	Statutory timelines in the small claims procedure	No procedure	
4.2.2.	Simplified evidentiary rules	No procedure	
4.2.3.	Simplified rules on hearings	No procedure	
4.2.4.	Special rules on encouraging conciliation or mediation	No procedure	
4.2.5.	Simplified content of the judgment	No procedure	
4.2.6.	Modifications to the rules on appealing the judgment in the small claims procedure	No procedure	

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