

2023 Questionnaire of the 1st Study Commission IAJ-UIM  
“The Effects of Remote Work on the Judicial Workplace and the  
Administration of Justice”

Questions:

1) Remote work of judges in your country

- a. Were judges permitted to work remotely in your country prior to and/or during the COVID-19 pandemic? If yes, please give examples (for example, studying cases at home; discussing cases with colleagues via videoconference applications or the telephone instead of personal meetings; holding hearings online via videoconferencing applications; etc.). Was technical equipment made available to the judges to enable them to work remotely?

**Answer:** In Mongolia, judges were permitted to work remotely during the COVID-19, because of the quarantine and stay-at-home Government rules, but were not been working remotely either prior to and during the pandemic. It was impossible for holding hearings online via videoconferencing applications, because of the technical equipment was not available to the judges, and court hearings must take place in legally established courthouse accommodations only. For the participants of cases and attorneys were permitted to attend trial via videoconferencing applications, but judges must hear trials in the courtroom.

- b. What is the status of remote work by judges in your country now? Do many judges still work remotely in your country, and to what extent? (for example, all or just a certain percentage of judges? Only in certain fields of law or for certain types of cases? Only in lower courts or higher courts? etc.)

**Answer:** Judges are not allowed to work remotely in Mongolia.

2) Effect on judicial work

- a. Did remote work change judicial work in general for better or worse – or both – in your country? Please give examples.

**Answer:** Videoconferencing experience was new to Mongolian judicial system in general. Some parties were unable to come to the courthouse during the pandemic, and lockdowns. Even after the pandemic, parties who are unable to attend trial due to health issues, or other respective reasons, are able to attend trials by videoconference applications.

- b. Does the remote work of judges have an impact on the judicial workplace in your country? Negative, positive or both? Please give examples.

**Answer:** Not applicable to answer.

- c. From your point of view, what future effects of remote work on the judicial workplace – negative, positive or both – can be expected?

**Answer:** In my point of view, it can be expected both ways, because if the judges work remotely, it could cause judicial system to lessen the public trust and there might be video leakage problems. But for positive effects, by developing the online court and e-filing system, overall caseload of judges may decrease.

3) Effects on the administration of justice

- a. What are the pros and cons of remote work on the administration of justice?

**Answer:** If the online court and e-filing procedure is developed systematically, then the remote work would be beneficial on the administration of justice. But the interdependently working process of judges with their assistants, and trial reporters may become difficult to organize.

- b. Does remote work have a positive or negative impact on the administration of justice in general in your country? Please give examples that include, but are not limited to, the quality of the administration of justice.

**Answer:** Not applicable to answer.

- c. Are you aware of the public's perceptions of remote work by judges? Please give examples of positive or negative perceptions.

**Answer:** In Mongolia, public's perception of remote work by judges are not in a positive way. Because evidences must be in original or a notarized copy in order to be evaluated by the court, and to maintain the order during trial by judge to the parties is crucial for the trial. It would be impossible for judges to maintain the order if parties conduct disorderly during trials via videoconferencing applications.

- d. d. What are the positive and/or negative effects of holding remote hearings/conferences?

**Answer:** Positive effect: Holding remote hearings gives parties who are unable to attend trial in person. Negative effect: Maintaining the order during trials for disorderly conduct made by parties.

4) Remote work and judicial independence

Do you see any positive or negative effects of remote work on judicial independence? If yes, please give examples.

**Answer:** Positive effect: Holding remote hearings gives parties who are unable to attend trial in person. Negative effect: Maintaining the order during trials for disorderly conduct made by parties.

5) Limits on remote work for judges

- a. Does your country place any limits on the remote work of judges (for example, limits on remote hearings in criminal cases)? If yes, please give examples.

**Answer:** Judges are not permitted to work remotely.

- b. Are there any proposals to change rules or statutes in your country either to permit more, or to limit, remote work by judges?

**Answer:** During the pandemic period, the online videoconferencing was regulated by the General council of Court in Mongolia.

- c. Should there be any changes of rules or statutes in your country either to permit more, or to limit, remote work for judges?

**Answer:** Not applicable to answer.

Proposal for 2024 topic: Please submit your proposals for possible topics to be treated in 2024 together with the answers to this questionnaire.

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