



Monitoring Report: Mongolian Domestic Violence Trials 2020



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Executive Summary

Throughout 2020, IDLO monitored domestic violence trials in Mongolian courts as part of its *Strengthening the Response to Gender-Based Violence Project* with support from the Government of Canada. The activity's design, implementation, findings, and recommendations are detailed in this report.

I. Design and Implementation

Section 1 introduces the activity, while its role within the broader project is detailed in **Section 2**. The activity's objectives are set out in **Section 3** and its conceptual framework, including its core, monitoring, and assessment principles, briefly described in **Section 4**. **Section 5** introduces the activity's trial monitoring program type and geographic and subject matter scopes.

For this activity, a detailed, customized Trial Monitoring Tool featuring a Victim Safety Assessment and Justice Sector Service Delivery Scorecard, together with a Companion Handbook and a Google Form, were created between February and May. These tools and their underlying methodologies are explained in **Section 6**. All these components were designed and implemented by two activity leads, as **Section 7** explains, with the guidance and support of a wide range of overall human resources. Above all, this included a nationwide trial monitoring team comprising 34 civil society representatives, lawyers, and law graduates.

Once the tools and methodology were finalized, the activity was piloted from June to July 2020, enabling testing and refinement of the tools and methodology in the monitoring of ultimately 10 cases. The pilot phase and its outcomes are briefly described in **Section 8**. With tools and methodology finalized, the activity was officially launched and the trial monitors trained, as **Annex G** details. Monitoring then ran from late August to November 2020, with the trial monitoring and review processes ultimately adopted in the final activity design described in **Section 9**.

II. Findings

A total of 57 (39 infringement and 18 criminal) cases were monitored during the pilot and official trial monitoring periods. They were heard at nine courts in districts of the capital, Ulaanbaatar, and in five *aimags* (provinces).

Data Limitations

While the methodology developed and refined through the pilot phase enabled the collection of data that was broadly valid, reliable, timely, precise, and possessing integrity, a small number of data limitations should nevertheless be noted prior to a discussion of the principal findings. As described in **Section 10**, these limitations involved sampling techniques, the cooperation model of this trial monitoring program, monitors' subjective assessments, the challenges posed by the COVID-19 pandemic which emerged after this activity was already underway, and case accessibility issues.

Case Profiles

Data gathered through the Trial Monitoring Tool with respect to the 57 monitored cases are analyzed in **Sections 11 to 15**.

Section 11 profiles the monitored cases. It details how cases were evenly distributed between Ulaanbaatar and *aimags*. Two-thirds involved infringements, the rest crimes, and all were first instance trials. They primarily involved only one charge, usually physical DV and especially the infringement of beating a person with family relationship or the crime of intentional minor harm/injury. Three victims died. Most cases were resolved in only one hearing at which victims attended infrequently and both accused but particularly victims were usually unrepresented.

Most victims were women, accused overwhelmingly men, and DV was likeliest to occur between people living together, often in a *ger*, and mostly in a spousal relationship. Victims and accused alike were likely to have a higher secondary school education, although accused charged with crimes were likelier to have only a middle school education. Two-thirds of employable accused and half of employable victims were indeed employed, while a slim majority of accused had no prior criminal record, including most of those facing a criminal charge.

Overall Justice Sector Service Delivery Scorecard Performance

Section 12 briefly overviews the monitored cases' overall Justice Sector Service Delivery performance. As it explains, the cases achieved a median scorecard grade of Very Good both for victims' and accused's rights overall and for each individual right examined.

Notwithstanding these strong overall results, however, concerns arose in several areas. These are hidden if the data is considered only in terms of overall Scorecard results, for three reasons. First, each component of an evaluated right was weighted equally whereas in reality, they are not all equally important. Second, Scorecard grades represented a range of scores, and cases frequently scored at the bottom of the range. Third, this report cited median grades and scores since dataset distributions were skewed, but as there were frequently large clusters of high or perfect scores, these masked the presence of small but significant populations of lower scores.

Ultimately therefore, it is important to consider Scorecard results alongside detailed analysis (in **Sections 13-15**) that can identify and explain nuances in the data.

Victims' Rights

Victim safety was the lowest scoring of the various victims' rights examined though still achieving a median of Very Good. As **Section 13.1** details, while police risk assessments were completed in virtually all cases, social workers' situational assessments were carried out in only a third of cases. Safety measures were occasionally imposed, usually at the alleged victim's request, but pre-trial psychological care was rare. Significantly, alleged victims were assessed as being safest when they did not attend court; the scorecard outcome for those that did fell to a Good grade. In court, separate entrances, security checks, and security escorts were rare, although security personnel were generally sufficient. Almost all victims shared the same waiting area as the accused. However, most victims were aware of security/support measures available, and in courtrooms, were seated separately from the accused. Even then, a quarter of victims were nevertheless subjected to retraumatizing treatment

including victim-blaming and reliance on gender stereotypes, even by some judges. Most victims and accused left simultaneously, with staggered departures rare, and no victims had a security escort when leaving.

Results for victims' right to relevant information concerning violations and reparation mechanisms were analyzed in **Section 13.2**. Despite a median Very Good grade, over a third of cases scored between Good and Poor. This seems to be because while most alleged victims received both information and an explanation of their rights and duties, several victims received information but no accompanying explanations. Overall, victims were best informed about their right to legal assistance and worst informed about their right to have a copy of the court decree on acquittal or sentencing.

Alleged victims appeared to enjoy a robust right to equal and effective access justice, and this was the strongest performing of all victims' rights, with all cases scoring Very Good. As **Section 13.3** explains, victims generally appeared to know hearing dates; to have had adequate opportunity to make requests and complaints; and to have avoided pressure about their testimony/statements. Most judgments adequately analyzed victims' arguments/evidence (although few victims presented any), and none contained harmful attitudes towards the victim. However, some victims were subject to inappropriate attitudes in court, such as victim-blaming and gender stereotypes.

Cases achieved a median grade of Very Good for victims' right to adequate, effective, and prompt reparation for harm despite few victims requesting reparations, as detailed in **Section 13.4**. In nearly a quarter of all cases without a victim's request for compensation, the victim appeared unaware of both compensable harms and available compensation. However, victims who requested compensation tended to cite physical injuries and economic loss, and most were compensated in full or even beyond, although 30 percent received no compensation despite the accused's conviction.

Accused's Rights at Trial

The accused's right to be tried by a competent, independent, and impartial tribunal established by law set out in **Section 14.1** was the third highest result among accused's rights at trial, with a median of Very Good. Almost all accused were informed of their procedural rights and few judges behaved intimidatngly towards them. Only once did an official (justifiably) leave during proceedings, although mobile phones were used in some courts, mostly by prosecutors and judges. Finally, monitors felt that certain deliberations were disproportionately short considering the severity of the charges.

In contrast, the accused's right to a public hearing analyzed in **Section 14.2** was the equal worst performing of all accused's rights at trial examined, while still achieving a median of Very Good. The poor performance owed to the fact that a slim majority of hearing dates/times were not publicly available – a problem that occurred in all nine monitored courts. Nevertheless, most cases were publicly accessible, with most visitors facing at least one form of security verification and monitors observing cases with express permission from court officials. Most cases took place in an adequately sized courtroom.

The other equal worst performer of the accused's rights at trial was the right to be presumed innocent and not to be compelled to testify or confess guilt detailed in **Section 14.3**, which still also achieved a median of Very Good. Notably, a few accused appeared in court handcuffed or shackled, which could have created a perception of their guilt. Accused were frequently informed of the component rights within this right but did not receive a tailored explanation. However, most exercised at least one of

these rights anyway. No prosecutors or judges appeared to draw negative conclusions where accused remained silent, although twice, court officials made a statement prior to delivery of the verdict that already suggested that the accused was guilty.

The accused's right to an objective and comprehensive evaluation of evidence, presented in **Section 14.4**, was the median performer among the seven accused's rights at trial, again with a median of Very Good. Most cases described case file contents and referred to accused's pre-trial statements, with seven accused contradicting those statements in court. No accused appeared disadvantaged in terms of evidence submitted, and most had a fair opportunity to present a defense. Testifying victims/witnesses mostly received information about and an explanation of their relevant rights and remained generally consistent in their account. One expert testified, who was properly informed of their rights and duties and testified within their scope of expertise.

The accused's right to equality of arms analyzed in **Section 14.5** – i.e., to the same procedural rights as all parties – achieved the highest results among the rights at trial, with a median of Very Good. Procedural irregularities vis-à-vis equality of arms were exceedingly rare and were limited to the fact that in two criminal cases (in different courts), the prosecution was situated closer to the judge inside the courtroom than the defense. Likewise, the defense was almost never denied their right to have the last word at trial.

Next best performing among the accused's rights at trial was the right to defend themselves in person or through counsel, overviewed in **Section 14.6**. Overall, monitors identified few obstacles to the accused's right to a defense, with irregularities in only three cases. Three accused were removed from courtrooms during hearings but for valid protection reasons, although only one could follow and participate in the proceedings for which he was absent. Nearly three-quarters of accused were unrepresented. Where there were defense lawyers, most were situated close to the accused in court; had few communication issues with their clients; and appeared to adequately explain issues or speak to the accused.

Finally, despite achieving a median of Very Good, the accused's right to a public judgment and a reasoned judgment detailed in **Section 14.7** was the second-worst performing of all accused's rights at trial. Nearly all cases made an official record of proceedings, with audio-video recordings occasionally omitted, although few courts explained parties' right to familiarize themselves with that record. Most of the citizens' representatives (quasi jurors) who participated in hearings were able to give an opinion proposing a verdict. The one acquitted accused was not informed of their right to compensation for the authorities' unlawful acts during proceedings, if any. The full judgment was read in court in only a third of cases. Written judgments fared considerably better and ultimately, monitors assessed virtually all judgments as sufficiently clear, understandable, and without confusion. However, full judgments were rarely made public and in nearly half the cases, no judgment or summary was available whatsoever. A wide range of additional (non-scoring) data on judgments is also discussed in this section.

Accused's Rights Pre-Trial and at All Stages

The accused's pre-trial right to liberty, to independence and impartiality, and to challenge the lawfulness of detention assessed in **Section 15.1** was the median performance among the accused's rights examined at the pre-trial stage or at all stages, achieving a median Very Good grade. Most accused were lawfully arrested and, where applicable, notified of decisions to investigate and

prosecute their cases. Where pre-trial measures of restraint were imposed, only a slim majority of accused were able to participate in the process of determining those measures.

With most of the monitored cases achieving a perfect score for the accused's pre-trial right to information and to access the outside world as **Section 15.2** describes, this right was the best performing of all accused's pre-trial rights monitored. Most accused arrested pre-trial were immediately given written notice and an explanation of their rights following their arrest and had their arrest notified in a timely manner to a family member. One accused was provided medical assistance at his request.

The accused's pre-trial right to legal counsel and to adequate time and facilities to prepare a defense analyzed in **Section 15.3** was the second-worst scoring of all rights monitored at this procedural stage, despite the monitored cases achieving a median grade of Very Good. While most accused were informed of relevant legal representation and defense rights immediately upon arrest and had sufficient pre-trial access to the case file, in a quarter of cases, accused either did not have such access or this information was unknown as it was not documented or discussed. Some accused also appeared to have insufficient time or facilities pre-trial to prepare a defense. Most accused declined their right to request a lawyer, although none appeared to be a category of defendant for whom legal representation was mandatory. However, among accused with lawyers, one accused was spoken to about the alleged crime after requesting a lawyer and before their lawyer arrived.

The accused's rights during pre-trial interrogations, set out in **Section 15.4**, were the worst-scoring of all pre-trial rights examined despite achieving a median grade of Very Good, with infringement cases performing considerably worse than criminal ones. While the overwhelming majority of accused had their rights explained to them prior to the interrogation, two accused who needed to have a lawyer present during their interrogation did not. Two accused were not provided with a copy of the interrogation record or had it read to them, and in a quarter of cases, it could not be determined based on the available information whether the accused had been given an opportunity to make corrections and include additional information in the interrogation record.

The best performing of all rights examined in this section was the one applicable at all stages – i.e., the right to humane conditions and freedom from torture, as **Section 15.5** shows. The median grade was Very Good and 52 cases achieved a perfect score – unsurprisingly, given that there was nothing in any monitored case to suggest that the accused may have been subject to inhumane conditions or torture.

III. Recommendations and Capacity-Building Outcomes

Based on the trial monitoring findings, the report presents a list of detailed data-driven recommendations for justice sector stakeholders on ways to improve justice outcomes in relation to DV cases in Mongolia. **Section 16.a** addresses victims' rights, while **Sections 16.b** and **16.c** address accused's rights at trial, and pre-trial and at all stages, respectively. These recommendations integrate relevant third cycle Universal Periodic Review (UPR) recommendations Mongolia has recently supported. Recommendations are also presented by stakeholder in **Annex A** to this report.

Finally, the report concludes with an overview of capacity-building outcomes achieved through the activity. As it notes, all monitors reported improving capacity through participation in the activity, noting

specific knowledge areas improved as set out in **Section 17.a** and professional skills deepened as described in **Section 17.b**. Monitors' own recommendations are also set out in the report's **Annex B**.

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Abbreviations and Defined Terms

CSO	Civil society organization
DV	Domestic violence
DV Law	<i>Law on Combatting Domestic Violence</i>
ICCPR	<i>International Covenant on Civil and Political Rights</i>
IDLO	International Development Law Organization
JGC	Judicial General Council of Mongolia
OSCE	Organization for Security and Co-operation in Europe
Project	IDLO's <i>Strengthening the Response to Gender-Based Violence Project</i> with support from the Government of Canada
UN	United Nations
UPR	Universal Periodic Review

About IDLO

IDLO is the only global intergovernmental organization exclusively devoted to promoting the rule of law and sustainable development. IDLO works to enable governments and empower people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity. Its programs, research and policy advocacy cover the spectrum of rule of law from peace and institution building to social development and economic recovery in countries emerging from conflict and striving towards democracy.

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Doreen Chen and Sarantuya Bolikhorloo led the trial monitoring activity, including by designing and developing the tools, methodology, trainings, and supporting the trial monitoring team.

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Part I. Design and Implementation



1. Introduction

Mongolia's National Statistics Office reports that most Mongolian women (57.9%) have experienced partner violence in their lifetime. 31.2% have experienced violence of a physical or sexual nature, and women are affected regardless of age, education, employment status, and geographic location.¹ Mongolian children frequently witness this violence, increasing their risk of developing behavioral problems and ultimately becoming a perpetrator or victim of domestic violence (DV) themselves.²

Following sustained advocacy, in December 2016, Mongolia enacted ground-breaking law reforms aimed at reducing DV. The resulting amendments to the *Law on Combatting Domestic Violence (DV Law)* criminalize physical, psychological, economic, and sexual violence for the first time.³ The amended DV Law came into effect in February 2017. Three years into the implementation, the Steering Committee for IDLO's *Strengthening the Response to Gender-Based Violence Project* sought to evaluate its impact, including through trial monitoring.

The trial monitoring described in this report sought to assess how much DV cases' treatment in the justice chain since the law reforms met procedural requirements, *i.e.*, due process or fair trial. It aimed to learn how the law reforms were being implemented in Mongolian courts; reform protection for DV victims through data-driven recommendations for systemic improvements; and strengthen the capacity of trial monitors involved. One stakeholder – the Judicial General Council of Mongolia (JGC) – further sought to assess whether there was a case for including DV within the jurisdiction of specialized family courts that it is considering establishing and that would address only civil matters.

The activity was designed from February to May 2020 and a detailed, customized Trial Monitoring Tool, Victim Safety Assessment and Justice Sector Service Delivery Scorecard created. In June and July, the activity was piloted, enabling tools and methodology to be finalized. In August, the activity was launched and 34 monitors, consisting of lawyers and civil society advocates, trained. Monitoring ran from August to November 2020 at four Ulaanbaatar district courts and five *aimag* (provincial) courts. Despite the challenges of the COVID-19 pandemic and two nationwide elections held during the activity, 57 cases were monitored, comprising 43 infringements and 14 criminal trials. Monitors reviewed both hearing proceedings and case files, which enabled them to evaluate each case's journey from initial inquiry through to final (initial) judgment. The activity's design, implementation, findings, and recommendations are detailed in this report.



Image 1: Official launch event, Ulaanbaatar, 11 August 2020, © Mongolian News Agency

¹ National Statistics Office of Mongolia, *Breaking the Silence for Equality* (Ulaanbaatar, National Statistics Office of Mongolia and United Nations Population Fund in Mongolia, 2018), pp. 13, 16.

² *Id.*, p. 15.

³ Asia Foundation, "Mongolia's Amended Law Makes Domestic Violence a Criminal Offence", 8 February 2017.

2. Role in the Project

The trial monitoring activity was a component of IDLO Mongolia's broader *Strengthening the Gender-Based Violence Response in Mongolia Project* (the **Project**) funded by the Government of Canada.

It was implemented alongside – and intentionally connected to – another component activity focused on research and known as the *Assessment of the Implementation of the Law on Domestic Violence and Application of a Victim-Centered Approach in Mongolia*.

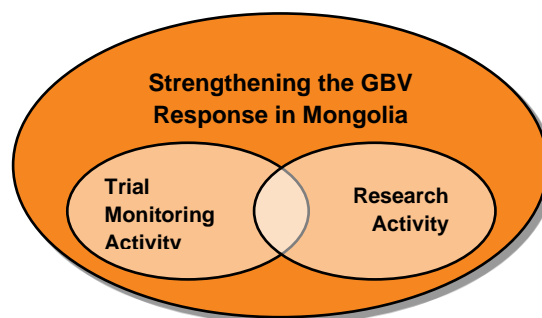


Figure 1: Activity's fit within broader project

In particular, the trial monitoring activity sought to contribute to one intermediate outcome of the project and is wholly responsible for three of its outputs:

Intermediate Outcome 1110	Improved response by the justice sector actors on domestic violence
Output 1111	Mongolian CSOs trained on trial observation techniques in domestic violence cases, with a focus on ensuring victim-centeredness
Output 1112	Domestic Violence Trial Observation Manual is developed and launched
Output 1113	Domestic violence trials are monitored for compliance with relevant legislation by CSOs

Finally, the trial monitoring activity team also intentionally created overlap with the research activity by adopting a nearly identical geographic scope, and by further adopting an entirely identical subject matter scope vis-à-vis the crimes monitored. The two activity teams also participated in common meetings, especially at the design phase, and provided periodic progress updates.

3. Objectives

The trial monitoring activity had three objectives:

1. Learn

Learn how domestic violence law reforms are being implemented in practice in Mongolian courts nationwide

First, the trial monitoring aimed to observe and gather empirical evidence on how justice in the DV context is being administered in Mongolian courts; the extent of compliance with the amended DV laws; and the extent of compliance with international legal standards.

All of this is particularly relevant given that stakeholders advised that the practical criminalization of DV in Mongolia is complex. Notably, the DV Law does not have direct application. Instead, its criminalization of DV needed to be reflected in amendments to the Infringement Law (which criminalizes petty offences), the Criminal Law (which criminalizes felony crimes), and the overarching criminal procedure laws applicable to infringements and crimes. Each of these laws have also been subject to recent amendments which entered into force in early 2020. Furthermore, these laws are subject to interpretative guidance which may be offered by the Supreme Court of Mongolia.

2. Reform

Reform DV legal protection in Mongolia by offering data-driven recommendations for systemic improvement

Second, based on the empirical evidence generated through the trial monitoring, the activity aimed to present a data-driven analysis of strengths and weaknesses in the administration of justice for DV cases in Mongolian courts. This has formed the basis of recommendations (set out below in **Section 16**) to justice sector stakeholders on measures that could improve the DV legal protection Mongolia affords to its people. Moreover, this objective has taken on greater significance in the wake of Mongolia's recent Universal Periodic Review (UPR) third cycle since Mongolia has supported several UPR recommendations that seek precisely to strengthen Mongolia's protections against DV.⁴

⁴ See e.g. UPR Recommendations **116.10**: "Further implement the law on combating domestic violence" (Israel); **116.11**: "Consider increasing the effectiveness of the law on combating domestic violence through the allocation of adequate resources and training programmes for the agents responsible for its implementation" (Peru); **116.123**: "Continue the progress made to combat violence against women, especially domestic and sexual violence, in terms of providing legal protection services by the State, availability of data and public outreach" (Chile); **116.124**: "Ensure full and effective implementation of the existing legislation aimed at fighting discrimination and violence against women, including domestic violence and sexual abuse" (Italy); **116.126**: "Strengthen protection measures for women and children against all forms of violence" (Senegal); **116.127**: "Continue taking necessary measures to combat domestic and sexual violence against women and girls" (India); **116.128**: "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services (Czechia); **116.129**: "Take further steps to combat violence against women, including by ensuring that policy officer are trained in how to conduct effective and victim-centred threat assessments" (Denmark); **116.130**: "Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as improving access to services and protection for survivors" (Canada);

3. Strengthen Build capacity of the monitors

Third, the activity aimed to serve as a capacity-building platform for its trial monitors. The monitors, drawn from professions already active on DV, gender-based violence (**GBV**), or human rights, and from among law graduates with an interest in these issues or in fair trial, criminal procedure, or family law. A secondary and related aim is that these monitors will remain engaged in the DV space and adjacent spaces, improve the holistic response that the justice sector can offer a victim of DV in the future, and further sustain this Project's impact.

116.132: "Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence" (Fiji);

116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims";

116.134: "Continue efforts to eliminate domestic and gender-based violence and discrimination against women and to further enhance the representation of women in the parliament and in decision-making positions" (Republic of Korea);

116.135: "Further strengthen mechanisms at the national level to prevent and protect all victims of domestic violence" (Kyrgyzstan); and

116.136: "Continue to take necessary measures to address domestic and gender-based violence" (Nepal).

4. Conceptual Framework

4.1. Core Principles

Three core, cross-cutting principles guided the overall development and implementation of the trial monitoring activity as shown in **Figure 2**. First and foremost, the trial monitoring activity's primary approach was victim-centered.⁵ This prioritizes the dignity, needs, concerns, and rights of victims (and/or survivors). It is non-judgmental. It is also trauma-sensitive and aims to safeguard victims against re-traumatization when encountering the project. This approach underpins not only the trial monitoring but the whole Project.

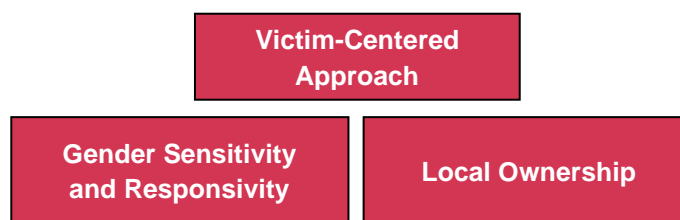


Figure 2: Activity's guiding principles

In addition, while the activity adhered to all IDLO's values,⁶ the two most relevant values bear emphasis here. For IDLO, the principle of **gender sensitivity** and **responsivity** requires that all aspects of a project be gender informed and be responsive to gender issues. Finally, the principle of **local ownership** seeks to align IDLO's assistance with local priorities and work closely with local partners. For this activity, this also meant an emphasis on Mongolian leadership over activities and key decisions, and reliance wherever possible on existing Mongolian resources and expertise, which also served to further sustain the activity's impact.

4.2. Monitoring Principles



Figure 3: Activity's monitoring principles

The trial monitoring activity's monitoring approach was principally modelled on the trial monitoring framework of the Organization for Security and Co-operation in Europe (OSCE). Accordingly, it incorporated the OSCE's monitoring principles into its methodology as depicted in

Figure 3. Thus, it sought to ensure non-intervention and non-interference in the independence of Mongolian courts' outcomes. It also aimed to guarantee objectivity by seeking to gather accurate,

⁵ The definition set forth references the US Department of Justice's conceptual framework. See Office for Victims of Crime, US Department of Justice, "Victim-Centered Approach".

⁶ IDLO, "About IDLO: Our Values", 2015.

impartial data and ensuring that monitoring is conducted neutrally. Finally, it operated in agreement with the JGC – which granted IDLO Mongolia ongoing access to courts, case files, data, and personnel – by respecting the rules it imposed on trial monitors' access.⁷

4.3. Assessment Principles

Given the trial monitoring's intention to assess how much DV cases' treatment in the justice chain since recent DV law reforms in Mongolia respected procedural requirements, the core principle that was adopted was that as far as possible, this assessment would only be made against legal standards that are binding on Mongolia both domestically and internationally. Thus, and as discussed further below in **Section 6.2**, the Trial Monitoring Tool's questions were divided into scoring questions that were used to render that assessment, and non-scoring questions which served to gather additional useful data. Great care was taken to ensure that all scoring questions had a foundation in a current legal provision in Mongolian law and/or Mongolia's existing obligations under international law.

Insofar as the trial monitoring focused on the accused's due process or fair trial rights, the main reference was Article 14 of the *International Covenant on Civil and Political Rights (ICCPR)* which is the core piece of international law in this regard. Mongolia has been a party to the ICCPR for nearly 50 years and it applies directly in Mongolia via Article 10 of Mongolia's Constitution. Furthermore, the United Nations (UN) Human Rights Committee has issued an instructive interpretation of Article 14 in the form of its *General Comment 32*.⁸ Therefore, the trial monitoring activity adopted the tenets of *General Comment 32* as its conceptual framework vis-à-vis due process or fair trial.

However, there is no binding international treaty in place governing victim's rights as at this stage. Instead, therefore, the activity has adopted as its conceptual framework the *Basic Principles on the Right to a Remedy for Victims of Gross Violations of International Human Rights Law and International Humanitarian Law*, which is part of a General Assembly resolution and the contents of which are drawn from other pieces of international law some of which are binding. Moreover, and considering Mongolia's commitment to improving victims' treatment in DV contexts as evidenced by its cooperation with this activity, with respect to victims' rights only, the activity has included limited assessments of the justice sector that are based on best rather than binding practices. This has been the case only in relation to the critical question of victims' safety.

⁷ OSCE, *Trial Monitoring: A Reference Manual for Practitioners*, revised ed. (Warsaw, OSCE, 2012), pp. 18-20.

⁸ UN Human Rights Committee, *General Comment No. 32: Article 14: Right to equality before courts and tribunals and to a fair trial*, UN Doc. No. CCPR/C/GC/32, 23 Aug 2007.

5. Scope

5.1. Program Type

This activity implemented **thematic trial monitoring program**⁹ since it exclusively monitored cases within a specific subject matter theme (DV). At the same time, it had a **systemic** monitoring component since it followed – to the extent possible within the temporal confines of the trial monitoring period – each monitored case on its journey through the justice chain. This program was conducted by **agreement** with Mongolia's JGC, which is a member of the broader Project's Steering Committee. The JGC duly facilitated the activity team's access to courtrooms, case files, audio-video recordings, statistics, and personnel, subject to an agreed access and confidentiality protocol.

5.2. Geographic Scope

In the initial Project design, the trial monitoring activity was intended to focus only on Ulaanbaatar. However, in the development of the activity, it was considered that the activity would be more representative and relevant if it also included *aimag* locations and aimed to achieve parity between cases examined in Ulaanbaatar and those in the *aimags*. The geographic distribution of monitored cases ultimately achieved is discussed below in **Section 11.1**.

Furthermore, the activity sought to mirror the geographic scope of the research activity with a view to creating a consistent data pool allowing for broader comparisons. In developing the geographic scope, the research activity team considered DV types and frequency; socio-economic conditions; good or challenging DV policy approaches; urban/rural geography; and demography, including ethnicity. Stakeholders in the Project's Steering Committee were also invited to comment on the geographic scope and they expressed preferences based on their perception of the trial monitoring and research activities as a form of foreign assistance, and a consequent desire to ensure that such assistance with fairly distributed across different regions in Mongolia.

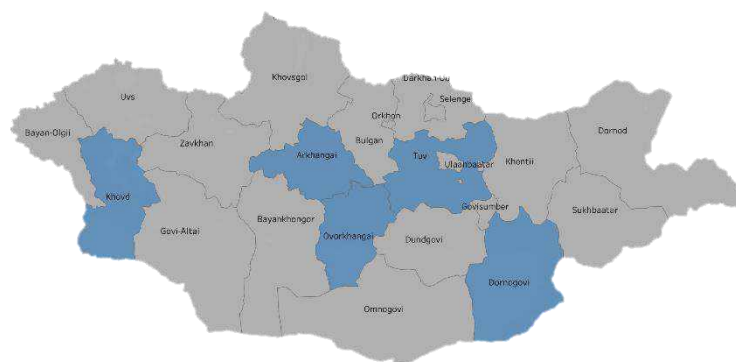
The trial monitoring activity was ultimately implemented in Bayanzürkh, Nalaikh, Songino-Khairkhan and Chingeltei districts of Ulaanbaatar as **Image 3** illustrates, and in Tuv, Arkhangai, Dornogovi, Khovd, and Övörkhangai *aimags* as shown in **Image 2**.

⁹ OSCE, *Trial Monitoring: A Reference Manual for Practitioners*, p. 21; United Nations Office of the High Commissioner for Human Rights, "Trial Observation and Monitoring the Administration of Justice", in *Human Rights Monitoring*, revised ed. (Geneva, United Nations, 2011), p. 3.

Image 3: Ulaanbaatar districts within activity's geographic scope (in blue)



Image 2: Aimags within activity's geographic scope (in blue)



This geographic scope respected the selection of the research team as revised by stakeholder preferences, although it also added Övörkhangai *aimag* in addition as this aimag is known for having many DV cases and it was thus thought to be a promising area in which to monitor.

5.3. Subject Matter Scope

As noted above, the amended DV law passed at the end of 2016 does not apply directly. DV crimes are instead set out in Mongolian criminal legislation. Petty offences are addressed in the *Infringement Law* under a specific article on DV (article 5.4) while felony crimes are set out in the *Criminal Law*. At felony level, not only is there a specific crime of DV (under *Criminal Law* article 11.7), but DV is also identified as an aggravating factor for several additional crimes.¹⁰ Cases to be monitored in this activity, classified by types of offenses, were as set out in **Table 1** below.

Cases to be monitored (by offense type)	Mandatory for all teams		Desirable	
	DV-specific infringements (petty offenses)	DV-specific crimes (felonies)	General crimes (felonies) with DV as an aggravating factor	General crimes with DV as relevant context

Table 1: Cases to be monitored (by offense type)

Specifically, and in consultation with the research activity team and with stakeholders who advised on the activity's design, 18 total offenses were targeted for potential monitoring as **Table 2** shows.

¹⁰ Mongolia, Criminal Law, arts. 10.1 (murder), 10.4 (inciting someone to commit suicide), 11.1 (intentional serious damage to someone's health), 11.4 (intentional less serious damage to someone's health), 11.5 (negligent infliction of minor harm to someone's health), 11.6 (intentional infliction of minor harm to someone's health), 12.1 (rape).

DV-specific infringements (<i>Infringement Code art.</i>)	Crimes		
	DV-specific crimes (<i>Criminal Code art.</i>)	General crimes with DV as aggravating factor (<i>Criminal Code art.</i>)	General crimes with DV as relevant context (<i>Criminal Code art.</i>)
<ul style="list-style-type: none"> Failing to notify DV (5.4.1) Entering a temporary shelter (5.4.2) Changing the purpose of a temporary shelter or using it for a different purpose (5.4.3) Beating a person with a family relationship (5.4.4.1) Forcing a person with a family relationship to do/not do something against their will (5.4.4.2) Restricting a person with a family relationship from communicating with others (5.4.4.3) Infringing a person with a family relationship's rights (5.4.4.4) 	<ul style="list-style-type: none"> Regularly infringing on a relative's property rights (11.7.1.3) Regularly subjecting a person with a family relationship to cruel treatment, aggressive behavior, and torture (11.7.1.2) Regularly infringing a person with family relationship's property rights (11.7.1.3) DV against a child, a pregnant woman, a senior citizen, or a person with a disability (11.7.2.1) DV by an officer of a care service institution (11.7.2.2) DV against a person trying to stop violence (11.7.2.3) 	<ul style="list-style-type: none"> Murder (10.1) Intentional serious damage to a person's health (11.1) Intentional infliction of less serious harm to a person's health (11.4) Infliction of minor harm/injury to a person's health (11.6) Rape (12.1) 	<ul style="list-style-type: none"> Causing a person to commit suicide (10.4) Satisfaction of sexual desire in an unnatural manner (12.2)

Table 2: All offense types included within activity scope

The scope of included offenses was intended to reflect the full range of potential DV offenses, including both physical and non-physical violence, and infringements through to the most serious crimes. The range of offences that were ultimately able to be monitored is discussed in detail below from **Section 11.2.2** to **Section 11.2.4**.

Finally, **Table 3** indicates the cases to be monitored, classified by stage of proceedings.

Cases to be monitored (by proceeding stage)	Mandatory for all teams		Desirable	
	(First instance) trials		Appeals	
	Infringements	Crimes	Appellate courts (Infringements or crimes)	Supreme Court (Infringements or crimes)

Table 3: Cases to be monitored (by proceeding stage)

6. Monitoring Tools and Methodology

6.1. Monitoring Process

Trial monitors gathered raw data via a six-step process illustrated in **Figure 4** below.

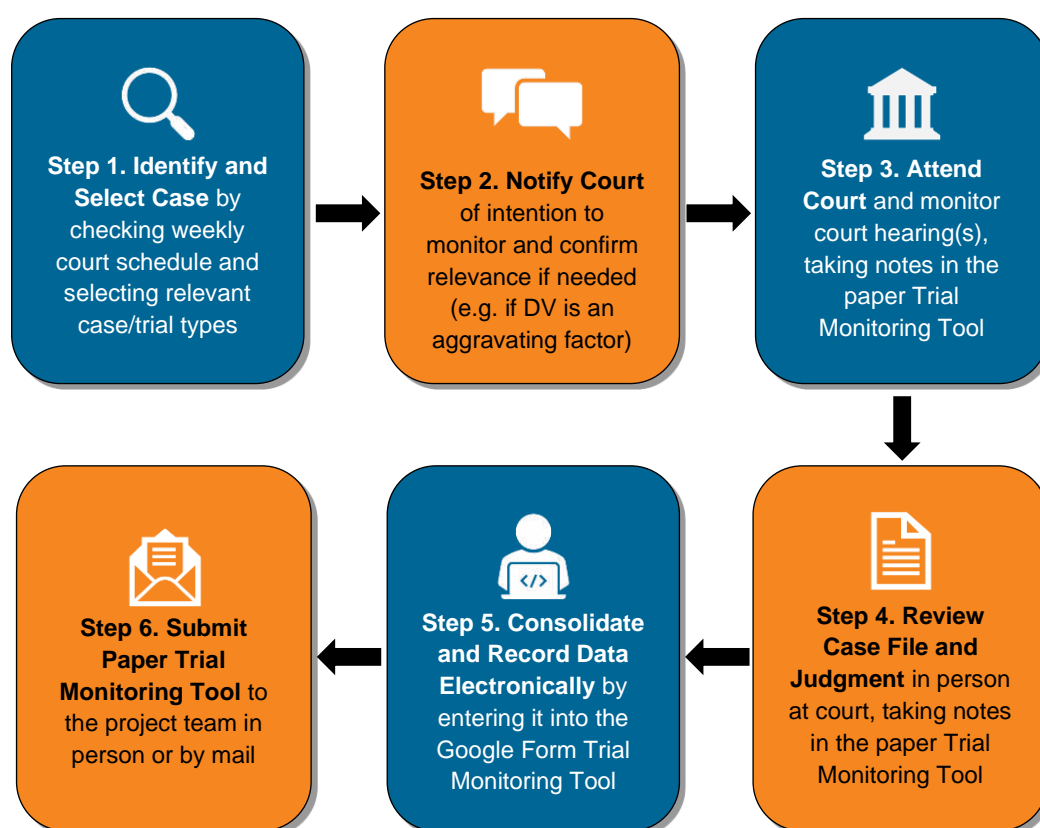


Figure 4: Trial monitoring process

The different components described in **Figure 4** are described further immediately below.

6.2. Trial Monitoring Tool

6.2.1. Approach

Consistent with commitments set out in the broader Project's design, a tool was developed for use in the trial monitoring activity that assessed various procedural rights and contained a Victim Safety

Assessment as well as a Justice Sector Service Delivery Scorecard. Together, these are referred to as the Trial Monitoring Tool, which is set out in full in **Annex C**.

While based on existing examples,¹¹ the Trial Monitoring Tool was fully customized to the Mongolian context to accommodate the specificities of Mongolian law and the international treaties to which Mongolia is a party. As also discussed above in **Section 4.3**, the tools have also been designed so as to collect data on each case's treatment *vis-à-vis* both legal obligations and non-binding practices, given the opportunity through this activity to gather a rich dataset regarding DV trials. Consistent with this approach, the Justice Sector Service Delivery Scorecard – which officially grades each case's performance – only assesses data on legal obligations.

Monitors were to complete the Trial Monitoring Tool in paper during hearings and initial evaluations of case files. They were then required to input this data into an electronic, cloud-based Google Form (discussed below at **Section 6.6**) that would centrally capture all data across the sample population. However, ultimately it was determined that to minimize error, a single data entry person would be hired to enter all paper-based Trial Monitoring Tools into the Google Form.

6.2.2. Contents

The Trial Monitoring Tool includes five sections:

- **I – Basic Information**, which gathers identifying information and basic data about the case generally;
- **II – Victim's Rights**, which gathers and assesses information about victim's experiences in the case from the pre-trial stage to final judgment;
- **III – Accused's Rights (Trial & Appeal)**, which gathers and assesses information about the accused person's experiences during the trial and appeal stages;
- **IV – Accused's Rights (Pre-Trial and at All Stages)**, which gathers and assesses information about the accused person's experiences during the pre-trial stage and at all stages of the case; and
- **V – Justice Sector Service Delivery Scorecard**, which assesses the case based on scoring data gathered in the preceding sections.

The five sections were further divided into 19 parts, each assessing a different procedural right afforded to alleged victims or accused. Monitors were generally required to complete all questions in a part. However, some parts of the Trial Monitoring Tool included questions that were only to be completed if the circumstances of the case fit. Guidance notes were included above those optional questions indicating the circumstances in which monitors should complete those questions as set out in the example in **Image 4** below.

¹¹ In particular, the Trial Monitoring Tool draws upon the Organization for Security and Co-operation in Europe's and United Nations High Commissioner for Human Rights' existing trial monitoring tools; the Victim Safety Assessment looks to widespread best practice worldwide in this regard; and the Justice Sector Service Delivery Scorecard draws upon the methodology of the World Justice Project's annual Rule of Law Index.

COMPLETE IF AT LEAST ONE VICTIM ATTENDED THE COURT HEARINGS: / ХОХИРОГЧ (БАГАДАА НЭГ ХОХИРОГЧ) ШҮҮХИЙН ХЭЛЭЛЦҮҮЛЭГ ОРЛОЦСОН БОЛ
БӨГЛӨНӨ
SECTION B: VICTIM'S ACCESS TO JUSTICE IN COURT / ХЭСЭГ Б: ШҮҮХ ДЭЭР ХҮҮЛЬ ЗҮЙН ТУСЛАЛЦАА АВАХ ХОХИРОГЧИЙН ЭРХ

Image 4: Guidance for an optional part in the Trial Monitoring Tool

6.2.3. Question Formats

The Trial Monitoring Tool contained open and closed questions. Closed questions required monitors to select only one response from a defined range of possible responses.

2.11. Security Checks / Аюулгүй байдлын шалгалт	Were there security checks performed on all parties arriving at the court, including weapons screening? / Шүүх дээр ирж буй бүхий л талуудыг аюулгүй байдлын шалгалтаар, мөн зэвсгийн зүйлийн шалгалтаар оруулсан уу?	<input type="checkbox"/> Yes [2 points] / Тийм [2 оноо]	<input type="checkbox"/> There are checks, but no weapons screening [1 point] / Аюулгүй байдлын шалгалт хийгдсэн гэхдээ зэвсгийн чанартай зүйл шалгаагүй [1 оноо]	<input type="checkbox"/> No [0 points] / Үгүй [0 оноо]
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Image 5: A closed question from the Trial Monitoring Tool

“Not applicable” was occasionally an option proposed for closed questions when deemed necessary. If so, the response attracted full points on the basis that the justice sector’s performance should not be penalised by the inapplicability of a procedural requirement. However, its inclusion was limited as far as possible due both to the possibility that this could skew the ensuing data (which did occur and is discussed below in **Section 12**) and that where monitors were unsure, they might simply select “not applicable” as the path of least resistance even if another option was more appropriate.

Open questions, such as the one in **Image 6**, required monitors to provide a long-form response. They were intended to capture further detail particularly where there were infinite possible responses or to justify a subjective assessment, enabling proper comprehension, review, and analysis of data.

If the court took sufficient steps or some insufficient steps to prevent or punish such behavior, describe what occurred: / Шүүхийн зүгээс арга хэмжээ авсан эсвэл үүнээс сэргийлэхээр авсан арга хэмжээ нь хангалтгүй байсан бол юу болсон тухай тайлбарлан бичнэ үү:	
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Image 6: An open question in the Trial Monitoring Tool

[illegible]

Image 7: First page of the Victim Safety Assessment

The Victim Safety Assessment included in Part 2 of the Trial Monitoring Tool, and the first page of which is set out in **Image 4** above, took as its basis the provisions of the DV Law, and the relevant criminal procedural laws, vis-à-vis victim's protection. Where there were lacunae it drew, as discussed above in **Section 4.3**, on best practice. This included Europe's Istanbul Convention, officially known as the *Convention on Preventing and Combating Violence Against Women and Domestic Violence*, and expertise from civil society and academics around the world. The ensuing Victim's Safety Assessment, set out in **Annex C**, evaluates:

- **Victim safety generally**, including vis-à-vis risk and situational assessments, safety measures, and harm to the victim;
- **Pre-trial safety**, including confidentiality of information, psychological care, pre-trial retraumatization and its prevention or punishment, and victim attendance;
- **Victim safety when arriving at court**, including separate entrances, security checks, security escorts, building security, waiting areas, support persons, dependents, and security information;
- **Victim safety during the trial**, including testifying from a separate room, courtroom seating, eye contact, retraumatization in court and its prevention and punishment, answering questions about family members, and violating measures of restraint; and

- Downloaded from <http://ajph.org/> on November 10, 2015

[illegible]

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	52
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Each issue was only scored once. Therefore, where there was a follow-up question asking for additional information about an issue, such questions would not be scored, as **Image 10** shows.

10.4. Requests in Court / Шүүхэд хүсэлт гаргах	<p>Was anything said during the hearing, or did anything happen, to suggest that the defense or prosecution was denied the opportunity to make requests in court? / Хэлэлцүүлгийн үеэр яллах болон өмгөөлөх талын зүгээс шүүхэд хүсэлт гаргах эрхийг хязгаарласан гэх зүйл яригдсан эсвэл тохиолдсон уу?</p> <p>What was said or what happened: / Юу гэж тайлбарласан, юу тохиолдсон:</p>	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо)	<input type="checkbox"/> Yes (select which parties had this opportunity denied): (0 points) / Тийм (Хүсэлтээ хязгаарлуулсан талыг сонгоно уу): (0 оноо) <input type="checkbox"/> Prosecutor / Яллах тал <input type="checkbox"/> Defense / Өмгөөлөгчийн өмгөөлөгч	<input type="checkbox"/> 2 <input type="checkbox"/> 0
<p>Select all that apply: / Хамаарах хариулыг сонгоно уу:</p> <p><input type="checkbox"/> The judge announced that one or more parties would not have such opportunity or did not provide such opportunity / Шүүгчийн зүгээс аль нэг талд энэхүү боломж хаалттай хэмээн зарласан эсвэл тухайн боломжийг хангах өгөөгүй</p> <p><input type="checkbox"/> A party's application to make a request was denied / Хүсэлт гаргах талын хүсэлтийн хангааргүй</p> <p><input type="checkbox"/> A party commented on the inability to make requests / Оролцогч талын зүгээс хүсэлт гаргах боломжгүй буй талаар тайлбар гаргасан</p> <p><input type="checkbox"/> Other – please specify / Бусад – дурдана уу:</p>				

Image 10: Follow-up non-scoring questions in the Trial Monitoring Tool

Each Trial Monitoring Tool part with scoring questions concluded with a final section which asked monitors to calculate the overall score given in that Part. Detailed instructions were provided as to how these scores should be calculated, especially where there are multiple sections in the Part, and where only some of these sections may be completed depending on the circumstances of the case. This was demonstrated below in **Image 11**.

Mongolian DV Trial Monitoring Tool (Logbook) / Монгол улс дэхь ГБХ-ийн эсргийн шүүх журалдааны шалтгааныг хэрэглэгдэхүүн (Бүртгэлийн хуудас)		Case Code / Хэрэглэгч	Team Code / Тиймийн код
JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШУЛАРГА БСНЫ ТИЛЧИЛГЭЭНИЙ ТНЭЛЭЭНИЙ ОНООНЫ ХАРТЫН ТООЦООЛЖ			
Victim's Right to Equal and Effective Access to Justice / Хууль, шүүхийн байгууллагад тэгш бөгөөд үр нөлөөтэй хандах эрх			
If the victim did not attend the court hearing, complete only Score A. If the victim attended the court hearing, complete Score A and Score B. / Хэрэв хохирогч нь шүүх хуралдаанд оролцогчгүй бол зөвхөн Оноо А-г бөглөнө. Хэрэв хохирогч шүүх хуралд оролцсон бол Оноо А болон Б-г бөглөнө.			
Score A / Оноо А Section A: Victim's Access to Justice Generally (All Cases) / Хэсэг А: Хууль, шүүхийн байгууллагад хандах хохирогчийн эрх (Бүх хэрэг дээр) (out of 16): / (Нийт 16 оноо):	Score B / Оноо Б Section B: Victim's Access to Justice in Court / Хэсэг Б: Шүүх дээр шуларга бсны үйлчилгээ авах хохирогчийн эрх (out of 24): / (Нийт 24 оноо):	<input type="checkbox"/> Not applicable / Хамаарахгүй	
If the victim attended the court hearing, complete Option 1. If the victim did not attend the court hearing, complete only Option 2. / Хэрэв хохирогч шүүхийн хэлэлцүүлгээ оролцсон бол Сонголт 1-ийг бөглөнө. Хэрэв хохирогч шүүхийн хэлэлцүүлгээ биечлэн оролцогчгүй бол зөвхөн Сонголт 2-ийг бөглөнө.			
OPTION 1: TOTAL SCORE / СОНГОЛТ 1: НИЙТ ОНОО YES, VICTIM(S) DID ATTEND COURT / ТИЙМ, ХОХИРОГЧ ШҮҮХ ХУРАЛД ОРОЛЦСОН			
Total Score = A + B / Нийт оноо = А + В (out of 40): / (Нийт 40 оноо):	Grade: / Үнэлгээ: <input type="checkbox"/> Very Good / Маш сайн (31-40 points / оноо) <input type="checkbox"/> Good / Сайн (21-30 points / оноо) <input type="checkbox"/> Poor / Муу (11-20 points / оноо) <input type="checkbox"/> Very Poor / Маш муу (0-10 points / оноо)		
OPTION 2: TOTAL SCORE / СОНГОЛТ 2: НИЙТ ОНОО NO, VICTIM(S) DID NOT ATTEND COURT / ҮГҮЙ, ХОХИРОГЧ ШҮҮХ ХУРАЛД ОРОЛЦОГЧҮЙ			
Total Score = A / Нийт оноо = А (out of 16): / (Нийт 16 оноо):	Grade: / Үнэлгээ: <input type="checkbox"/> Very Good / Маш сайн (12-16 points / оноо) <input type="checkbox"/> Good / Сайн (9-12 points / оноо) <input type="checkbox"/> Poor / Муу (5-8 points / оноо) <input type="checkbox"/> Very Poor / Маш муу (0-4 points / оноо)		

Image 11: Calculating Justice Sector Service Delivery scores in a part with optional sections

Once monitors calculated a total score, they were required to indicate the grade that the case received for that part. A four-point rating scale was used in the grading process for each procedural right measured in the Justice Sector Service Delivery Scorecard with the options Very Good, Good, Poor, and Very Poor. The grade assigned to a particular right was automatically awarded as a function of the total score calculated, with the overall possible score for each right being divisible by 4, and each of the four grades representing a quarter of the available scores. For instance, in the example below in **Image 12**, a score of 27 points would amount to a “Good” grade since it falls between 21-30 points.

Total Score = A+B / Нийт оноо = A + Б (out of 40): / (Нийт 32 оноо):	27	Grade: / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (31-40 points / оноо)	<input checked="" type="checkbox"/> Good / Сайн (21-30 points / оноо)	<input type="checkbox"/> Poor / Мүү (11-20 points / оноо)	<input type="checkbox"/> Very Poor / Маш мүү (0-10 points / оноо)
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Image 12: Calculating a grade in the Justice Sector Service Delivery Scorecard

The Justice Sector Service Delivery Scorecard also produced an overall grade for all victim's rights assessed, and an overall grade for all accused's rights assessed. These grades were produced automatically as a function of the grades awarded to each individual right assessed throughout the Trial Monitoring Tool. This is illustrated below in **Image 13** with respect to victim's rights.

VICTIM'S RIGHTS / ХОХИРОГЧИЙН ЭРХ						
Part / Хэсэг	Right / Эрх	Overall Grade Achieved / Нийт авсан үнэлгээ				Score/ Оноо (1-4)
		Very Good / Маш сайн (4 points/ оноо)	Good / Сайн (3 points/ оноо)	Poor / Мүү (2 points/ оноо)	Very Poor / Маш мүү (1 point/ оноо)	
2	Safety Assessment / Аюулгүй байдлын үнэлгээ	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3
3	Right to Relevant Information Concerning Violations and Reparation Mechanisms / Хэрэг шалгах явц дахь зөрчил болон арга хэмжээний механизмуудын талаарх мэдээлэл авах хохирогчийн эрх	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4
4	Right to Equal and Effective Justice / Хууль зүйн туслацгаа авах эрх	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3
5	Right to Adequate, Effective, and Prompt Reparation for Harm Suffered / Учирлагдсан хохирлыг хангалттай хэмжээнд, үр дүнтэй арга замаар, яаралтай нөхөн төлүүлэх эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
Total Score (out of 16) / Нийт оноо (нийт 16)						12
OVERALL GRADE: / Нийт оноо VICTIM'S RIGHTS / ХОХИРОГЧИЙН ЭРХ		<input type="checkbox"/> Very Good / Маш сайн (13-16 points/оноо)	<input checked="" type="checkbox"/> Good / Сайн (9-12 points/оноо)	<input type="checkbox"/> Poor / Мүү (5-8 points/оноо)	<input type="checkbox"/> Very Poor / Маш мүү (0-4 points/оноо)	

Image 13: Calculating the overall Justice Sector Service Delivery score for victim's rights

6.5. Companion Handbook

A Companion Handbook in Mongolian was distributed to monitors to complement the training sessions. This comprised an explanation of the monitoring methodology and tools; a reminder list of key issues to be monitored (set out in **Annex D**); a note-taking template (set out in **Annex E**); a monitors' code of conduct (set out in **Annex F**); and extracts of relevant international laws. These laws included the ICCPR Article 14 and the UN Human Rights Committee's *General Comment 32* interpreting ICCPR Article 14.

In addition, monitors received physical copies of the Trial Monitoring Tool to use, which were exclusively in Mongolian.



Image 14: Companion handbook and list of key issues to be monitored

6.6. Google Form

Image 15: Extract of the Google Form

A Google Form was developed that mirrored the content of the paper Trial Monitoring Tool and set it out in an electronic, cloud-based format. The Google Form was intended to centrally capture all data across the sample population, facilitating analysis of and comparison across the whole dataset. Once monitors completed the paper Trial Monitoring Tool, they submitted it and a data entry person then entered all paper Trial Monitoring Tools' data into the Google Form, following up with trial monitoring teams on the data they had recorded where needed.

The Google Form's design features enabled the addition of certain design features that better ensured data validation. In particular, the ability to designate mandatory questions and indicate conditional questions to be answered depending on the satisfaction of certain

conditions better ensured data retention and avoided data loss and data entry errors. Its electronic format further eased data updates when necessary.

All Trial Monitoring Tool questions and all closed answer options were listed bilingually on the Google Form, enabling use of the ensuing data by the activity team that minimized the need for translation, avoiding time delays and potential data loss through inaccurate translations. Open question responses were subsequently translated by a bilingual data entry person.

Unfortunately, Google Forms' design limitations meant that it was not possible to build the entire Trial Monitoring Tool in one form. Ultimately, therefore, the complexity and length of the Trial Monitoring Tool led to the creation of five Google Forms.

7. Activity Team

Trial Monitors

IDLO selected 34 monitors on a competitive basis from two groups: civil society representatives; and lawyers, practitioners (including e.g. unlicensed lawyers) and law graduates. Trial monitors were selected in accordance with the advertised selection criteria set out below in **Table 4**.

CSO Representatives	Lawyers, Practitioners, and Law Graduates
---------------------	---

<ul style="list-style-type: none"> • Be from an engaged, registered CSO operating for 3 or more years in GBV/DV or related areas and with sufficient staff capacity to participate • Have at least 2 years' experience in GBV/DV or related areas • Be available to undertake 20 working days' work (total) to analyze 4 cases between May and November and attend court at specified times 	<ul style="list-style-type: none"> • Have a first-level law degree from a Mongolian or international university • Have a demonstrated interest in GBV/DV, human rights, or criminal law or procedure • Be available to undertake 20 working days' work (total) to analyze 4 cases between May and November and attend court at specified times • Have clinical legal education (desirable)
--	--

Table 4: Selection criteria for trial monitors

The overall team consisted of 15 lawyers/practitioners; two recent law graduates (chosen for their IT skills and English fluency, and one also due to his Kazakh identity which could enable him to monitor trials involving Kazakhs and Kazakh language interpretation); 17 representatives of the civil society organizations chosen for their significant expertise in DV/gender-based violence (**GBV**) and/or criminal law. The distribution of monitors' professional backgrounds is set out in **Figure 5** below, with additional information about the gender distribution per profession.

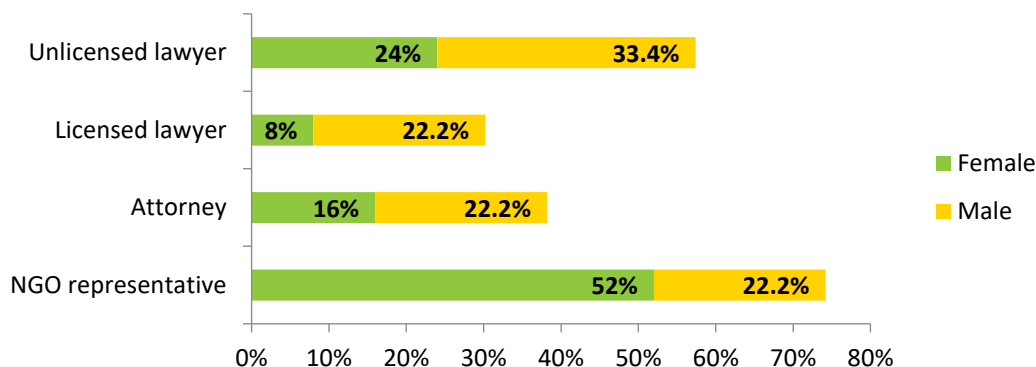


Figure 5: Trial monitors by profession and gender

Under the initial activity design, additional reserve trial monitors were intended to be recruited and be available to be deployed if appointed monitors became unavailable or performed unsatisfactorily. However, this proved unattainable given the decision to remunerate trial monitors fairly and the budget limitations that applied, together with the logistical challenge of staging a competitive recruitment process for such a wide pool of candidates and the difficulty in attracting sufficient available candidates with appropriate experience, particularly in the *aimags*. Accordingly, all 34 trial monitors (who can be seen in **Image 16** below) were expected to be operational and no reserves were available.



Image 16: Official trial monitoring team with activity staff

Monitors were divided into 17 teams of two members, with one member being a civil society representative and the other holding a law degree. Efforts were made to ensure representation within the team, including through diversity of experience and background, as detailed above. **Figure 6** below illustrates the configuration of trial monitoring teams for the activity nationwide.

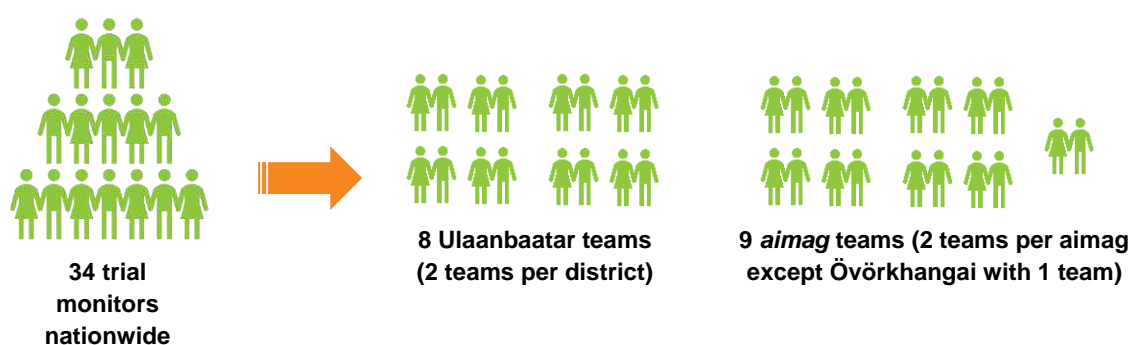


Figure 6: Trial monitoring team configurations

In terms of gender balance, there were far more women among qualified candidates and the project team, leading to a team of 25 women and nine men. Half were under 40 years old, with the rest aged between 41 and 60. This is reflected in **Figure 7** below.

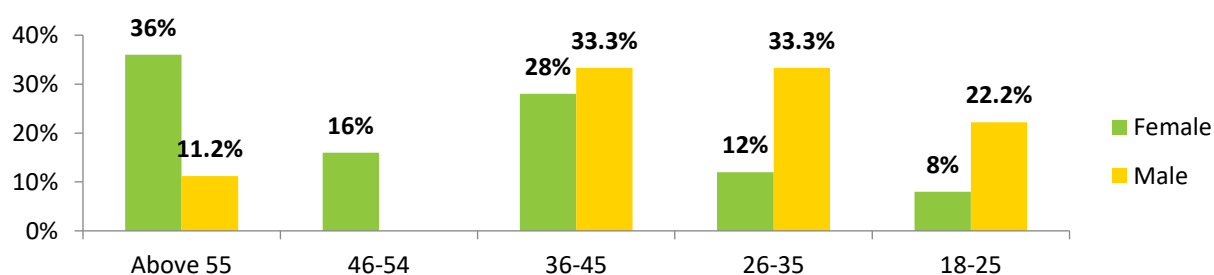


Figure 7: Trial monitors by age and gender

Among the 34 monitors, 44 percent had a university degree, with 50 percent also achieving a master's degree or equivalent, and 6 percent with PhD or equivalent. The distribution of trial monitors by highest education level and gender is depicted in **Table 5** below.

	Highest level of education achieved							
	High School	Bachelor or equivalent		Master or equivalent		PhD or equivalent		
Degree Type		Law	Other	Law	Other	Law	Other	Total
Gender								
Female	0	6	4	5	8	2	0	25
Male	0	4	1	2	2	0	0	9
Subtotal	0	10	5	10	7	2	0	34
Grand total	0 (0%)	15 (44%)		17 (50%)		2 (6%)		

Table 5: Trial monitors by highest education level and gender

8. Pilot Phase

8.1. Rationale

Since the monitoring tools and methodology were uniquely customized and therefore untested, a pilot phase was conducted as a test run. The pilot was intended to enable design adjustments to be made to the monitoring tools and methodology and the training methodology to maximize the ultimate validity, reliability, timeliness, precision, and integrity of the official data collection.

8.2. Scope

Three courts within the activity's overall scope participated in the pilot: Bayanzürkh and Nalaikh district courts in Ulaanbaatar, and Tuv Aimag Court. They were selected based on the rationale in **Table 6**.

Geographic representation	The selected courts reflected the activity's dual focus on courts in Ulaanbaatar as well as the <i>aimags</i> (provinces).
Strong cooperation	The pre-existing relationships between IDLO and officials at the pilot courts (some of whom are IDLO trainers) influenced the courts' selection, consistent with the activity's guiding principle of operating with the agreement with participating institutions. ¹²

¹² See e.g. Organization for Security and Co-operation in Europe, *Trial Monitoring: A Reference Manual for Practitioners*, revised ed. (Warsaw, OSCE, 2012), pp. 18-20.

Demography	Selection of these courts enabled coverage of several demographic specificities within the overall scope, including economic advantage and disadvantage, and the presence of ethnic minorities – with Nalaikh district containing a significant Kazakh population.
Practical/budget considerations	Since the selected courts are all relatively close to IDLO’s office in Ulaanbaatar, their inclusion facilitated project staff and monitors’ repeat travel there and enabled frequent in-person pilot team meetings.

Table 6: Rationale for selection of pilot courts

The pilot team consisted of eight monitors selected from among the broader candidate pool for all trial monitors and retained throughout the remaining activity period to serve as official trial monitors as well. From 15 June 2020 until early July (with one trial concluding in early August), the team monitored infringements and criminal trials in the pilot courts. Due to access challenges and courts’ limited DV caseloads, two cases were monitored remotely via review of trial video footage rather than via hearing attendance.



Image 17: Pilot team and trainers

The pilot scope excluded appellate hearings due to the additional time that would have been required to develop sufficient cooperation with appellate courts. It was likewise impossible to ensure that the monitored cases covered the full spectrum of DV offenses within the activity’s scope. This owed partly to the sheer number of DV offenses included in the scope, and more importantly to all three pilot courts dramatically reducing the size of their DV case dockets during the pilot period, apparently due to the conduct of parliamentary elections at the same time as the pilot.

8.3. Training

Pilot monitors participated in a preparatory training on 2-3 June 2020 in Ulaanbaatar. Although the official trial monitoring training was designed to span three days, the pilot training was only two days. This owed to time constraints; the pilot team’s relative expertise; and the pilot’s inherent nature, which aimed to refine not only the monitoring tools but also the preparatory training methodology itself.

The preparatory training aimed to provide monitors with a common understanding of GBV and DV and establish an agreed victim-centered, gender-responsive approach sensitive to stereotypes likely to arise in a Mongolian DV context. It explored the role of law enforcement and the judiciary in combatting DV. It enabled monitors to analyze the tool’s terminology, scoring criteria, and legal foundation, and not only agree on how to interpret it but also provide feedback so it could begin to be refined. It also required monitors to map the entire criminal justice chain – again, to ensure a uniform understanding but also to develop training material to eventually be distributed to all 34 official trial monitors.

The pilot training followed adult learning methodologies and emphasized monitors' expertise through a co-teaching approach. Specific training methods used included teamwork, group discussions, mini-lectures, independent work, voting, note-reading, and Q&As. An IDLO trainer with a PhD in education provided overall facilitation alongside the Lead National Consultant. Four experts facilitated modules: a human rights lawyer; the head of the police DV department; a prosecutor; and a chief judge from one pilot court. Among the seven trainers and facilitators, five were women and two were men. The training was conducted entirely in Mongolian, with a training video and documents from the International Expert being translated from English in advance.



Image 18: Pilot preparatory training workshop, Ulaanbaatar, 2 June 2020

8.4. Pilot Methodology

The project leads and monitors paid courtesy visits to court officials at each pilot court prior to commencing monitoring. Monitors attempted to select cases via online court schedules but were ultimately forced, due to a lack of information, to communicate regularly with courts. Some monitors also visited pilot courts speculatively on courts' usual infringement hearing days. Importantly, however, despite courts assisting in informing monitors of case scheduling, they did not influence monitors' decision as to which case to monitor.



Image 19: Courtesy visit to Tuv Aimag Court

Monitors' first contact with cases was at the hearing. Once judgments were issued, monitors received physical access at courts to case files and video footage for remotely monitored cases.

For the pilot, each monitor completed a bilingual Mongolian/English paper Trial Monitoring Tool logbook. Each team of two also compared notes to agree on a common response. After each round of observation, monitors convened for in-person Peer Group Discussions facilitated by the overall training facilitator and Lead National Consultant. These enabled monitors to exchange experiences, advice, and feedback; revise responses to ensure consistent evaluation methods; and suggest amendments to tools and methodologies following their field testing. The tools and methodology were then updated immediately, retested on the next cases observed, and further revised in subsequent Peer Group Discussions. Once all cases were monitored and tool revisions agreed and implemented, monitors entered data for all cases into the Google Form.



Image 20: Peer Group Discussion during the pilot phase

The International Expert undertook a first quality control review of the pilot dataset to identify clear or suspected errors. Monitors then met to discuss them with the Lead National Consultant and provided her their logbooks so that she could enter all necessary corrections into the Google Forms. She also simultaneously undertook a second quality control review, correcting additional errors. The Lead National Consultant and International Expert jointly undertook a third round of review when some further data entry anomalies were observed during the analysis of the data.

In addition to ad hoc feedback provided during the pilot process, each pilot team member provided written reflection on the pilot and utility of the tools at the pilot's conclusion. In addition, they completed detailed feedback on each training module using the IDLO TIMS training assessment tool.

8.5. Outcomes

8.5.1. Monitoring Targets

Despite challenges in cases being scheduled for hearings (owing to national assembly elections taking place while the pilot was ongoing), monitors succeeded in monitoring 10 cases – six infringements and four crimes. This exceeded the target of eight. Excellent cooperation was observed within each monitoring team and between teams and officials at each of the pilot courts.

8.5.2. Tools and Methodology

Piloting the tools enabled four design adjustments to be made to them:

1. **The Mongolian language translation** of the tool was thoroughly revised, including by an expert reviewer, addressing not only legal terminology issues but revising sentence structure to make questions more comprehensible.
2. **Infringement procedural law** was incorporated. The law's existence had not been noted by stakeholders during the design phase and it appears to be something of an afterthought, given that many (but not all) provisions of the criminal procedure law also apply to infringements.
3. **“Not applicable”** options were added, at monitors' requests, to several additional questions, but only where monitors could demonstrate that a situation could be truly inapplicable to a case. The challenge of “not applicable” options is discussed further above at **Section 6.2.3**.
4. **Tool design was streamlined**. For instance, pilot monitors used an unwieldy bilingual logbook for monitoring (which appears at **Annex C**); this was adapted for practicality and ease of comprehension into an exclusively Mongolian language one for official monitoring. Likewise, the Trial Monitoring Tool's design was revised to include clearer signaling of where certain questions were optional questions that should only be filled in during certain circumstances.



*Image 21: Revising tools during a pilot phase
Peer Group Discussion*

Five methodological adjustments were also introduced due to the pilot experience:

1. **Monitors were urged to visit courts to identify cases** where online schedules did not provide the relevant information. To facilitate this, it was also determined that each team would not only pay a courtesy visit to each court at the outset of monitoring but that court officials would be invited to an official launch event on the first day of official monitor training in part to establish a rapport and understanding between them and the team.
2. **Monitors were required to develop a workplan** during official training and designate a liaison to provide updates. This was to ensure that monitors efficiently used the limited time available and exercised all avenues to identify and secure cases to monitor. It responded to the observation that some pilot monitors did not contact courts when no cases could be identified but adopted a wait and see approach, leading to delays.
3. **Monitors would be supervised** by the Lead National Consultant, who would more actively follow up and support teams.
4. **Monitors' data entries would be reviewed** by the Lead National Consultant once they had submitted their logbooks to her.
5. **Monitors would undertake practice monitoring** at their designated courts ahead of actual monitoring, due to pilot monitors' feedback that the pilot played an important role in reinforcing their knowledge of the activity's rationale and methodology.

However, two proposed methodological adjustments were not made:

1. **Advance case file access.** Some pilot monitors approached court officials on their own initiative to request such access, but this was rightly declined since the cases were still active and such access could give rise to the perception of monitors' interference in the case.
2. **Making questions where "not applicable" was selected a non-scoring question.** This proposal would indeed have been an appropriate way to avoid any possible inflation in case performance vis-à-vis the Justice Sector Service Delivery Scorecard (as discussed above in **Section 6.2.3** and further below in **Section 12**), but it would have meant that each section in the Trial Monitoring Tool would have had fluid possible total scores depending on which questions applied. This would have been too complex given the types of tools available to use in the activity, and – given the errors already observed in terms of identifying when to answer a question and in arithmetic – would likely have led to serious data validity challenges.

9. Monitoring and Review Processes

9.1. Trial Monitoring Process



Image 22: Courtesy visit to Khovd Aimag Court

9.1.1. Cooperation with Courts

The JGC specifically instructed target courts to assist monitors as needed and this assistance was overwhelmingly provided, which was critical to the activity's success.

To facilitate this cooperation, the project lead and assigned monitors paid courtesy visits to court officials at each court prior to commencing monitoring. These meetings served to strengthen

relationships built with court officials during the project launch event and enabled agreement on any assistance that would be required. The monitoring teams introduced and finalized the draft work plans with the court administrators developed during the launch event (discussed above in **Annex G**). Each court then appointed a contact person, who was instructed to provide the information requested by the monitoring team about the cases set for hearing and take necessary measures to ensure monitors' access to hearings. Some monitors, though not all, were able to undertake pilot observation of DV trials during the courtesy visits.

Finally, it must be noted that while most monitors reported strong ensuing cooperation with court officials, a minority of officials reportedly created difficulties for monitors. For instance, they refused to allow monitors to access case files or insisted that, despite JGC instructions, certain authorities needed to provide additional authorization for monitors to be able to carry out certain actions.

9.1.2. Monitors' Role

As discussed in **Section 4.2**, a core monitoring principle was to respect the independence of the judicial process. The role of the monitors was to observe and note observations prior to and during the court hearing. After the court hearing, the monitors filled in a trial monitoring logbook for each hearing. For this purpose, monitors were also granted access to case files and court records. Each team was obliged to monitor one criminal and two infringement DV trial hearings. Certain teams also sought to identify appellate-level cases to monitor, but they were unable to identify these during the trial monitoring period.

9.1.3. Monitoring Period

Although the initial duration for trial monitoring was from the end of August until the end of November, monitors were ultimately advised to conclude monitoring if possible by November 1. This owed to lessons learned from pilot monitoring, in which national assembly elections appeared to impact court scheduling, resulting in unusual periods of non-activity at the courts. Local parliamentary elections took

place in October 2020 and it was thought that these, and the challenges of the COVID-19 pandemic, could similarly affect monitors' ability to secure cases to monitor. Monitors ultimately observed 92 percent of planned observation between 26 August and 11 November, which was when a COVID-19-related lockdown started in Mongolia.

9.1.4. Case Selection

Monitors attempted to select criminal cases via online court schedules to preserve the independence of the activity as far as possible. However, of the 57 cases monitored, this was ultimately possible in only 6 cases (10.5 percent). In a further 7 cases (12.2 percent), monitors relied on court schedules, but also consulted with court officials in deciding to select a case to monitor. In addition, it should be noted that among the cases where schedules were consulted, these schedules were online in only three cases: one each at Bayanzürkh, Chingeltei and Nalaikh courts, all of which are Ulaanbaatar district courts. In the nine other cases, the only available and current schedule was physically on display at the courthouse.

№	Цаг	Хяналтгүйн Бүлэгчдийн Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг
1	10:00	Г.Ганзориг Г.Ариунзаяа М.Мөнхсайхан	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг
2	10:30	Г.Ганзориг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг
3	11:00	Г.Ганзориг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг	Хяналтгүйн Хүрээ Төг

Image 23: Sample court schedule from Songino-Khairkhan district in Ulaanbaatar

Moreover, irrespective of whether monitors consulted a court schedule in selecting cases, almost all monitors reported nevertheless consulting with a court official, at least in part, to select cases to monitor (in 51 cases or 89.5 percent). Indeed, in 40 cases (70.2 percent), case selection was based exclusively on information from such court officials. Most often, the official providing the relevant case information was a court officer (in 47 cases, or 82.4 percent). However, judges also did so in three cases (5.3 percent), and a participating CSO advocate in one case (1.8 percent).

For criminal cases, communication with court officials was required for two reasons:

1. To determine if cases were open or closed to the public; due to confidentiality as well as protection reasons, monitors were unable to monitor closed cases.
2. There were a wide variety of court schedule formats, and some lacked sufficient information about which precise charge was being pursued. This resulted in monitors needing to meet judges' assistants to obtain additional information and determine whether the case related to DV or not.

For infringement hearings, the need to consult officials owed to the fact that specific infringement hearing schedules did not exist whatsoever. Instead, courts usually had designated infringement hearing days. Therefore, it was impossible to determine the scheduling of an infringement case without consulting court officials. Monitors did try; teams occasionally visited courts speculatively in the hopes of monitoring trials on courts' usual infringement hearing days, meaning that they had to travel sometimes up to nearly 100km each way only to learn that no relevant hearings were being held. Monitors also inquired with police and prosecutors' departments regarding DV infringement or criminal cases under way or by going those places to catch infringement hearings by chance.

Importantly, however, despite courts assisting in informing monitors of case scheduling, they did not influence monitors' decision as to which case to monitor.

Since the trial monitoring activity was victim centered, monitors were advised to observe trials where the victims participated. However, this was challenging because there was limited choice in cases to monitor, and in the sample population only two in every five victims (26 or 42.6 percent) attended all hearings in their case. Ultimately, monitors had to observe whatever cases they found.

The trial monitoring scope included appellate hearings, and as such, the Lead National Consultant was in contact with the Chief Judge of the Appellate Criminal Court in Ulaanbaatar and his assistant. However, there were no open DV appeal hearings for criminal cases during the trial monitoring period. Unfortunately, it transpired that there were a limited number of infringement appeals during the same period.

9.2. Review Process

9.2.1. Collaboration and Supervision



Image 24: Monitors' Facebook group page

At the official monitoring training, the monitors proposed and the PIU duly facilitated the creation of a closed Facebook group that would enable ongoing communications between all monitors. Although this group had not been anticipated in the project design, it became the primary platform for the Lead National Consultant, PIU, and monitoring teams to exchange information, share weekly progress, and, e.g. notify monitors of revisions to the Trial Monitoring Tool or of upcoming meetings.

In addition to this platform for facilitating collaboration, the Lead National Consultant supervised all trial monitoring teams, maintaining regular contact via phone, email, and the Facebook group, and with the teams' agreed workplans as her frame of reference. This was effective in most cases. However, it remained a challenge to coordinate certain teams' participation usually due to low engagement by one of the two team members.

9.2.2. Peer Group Discussions

Regular Peer Group Discussions such as the one depicted in **Image 25** had been anticipated in the project design and would be successfully convened throughout the official monitoring period, just as they had been during the pilot phase. These discussions were facilitated by the Lead National Consultant in conjunction with chief training facilitator Dr. Tuya.



Image 25: Peer group discussion during official monitoring period

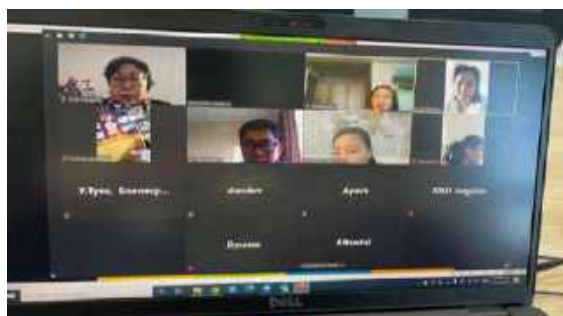


Image 26: Peer group discussion over Zoom

As with the Facebook group, the Peer Group Discussions enabled monitors to share experiences about hearing observations and on completing the Trial Monitoring Tool paper logbook. They also enabled monitors to share their observations with the project team e.g. regarding translation errors in the logbook that were able to be corrected, and to collectively discuss and present feedback e.g. on monitors' recommendations regarding the conduct of DV cases in light of their experiences. To overcome the logistical and budgetary challenges of convening monitors in person across Mongolia's vast

geography and in the context of the COVID-19 pandemic, Peer Group Discussions also took place online via Zoom.

9.2.3. Submission, Review and Processing of Logbooks

Upon completion of the paper logbooks, monitors supplied them to the Lead National Consultant for review and approval before they would be permitted to enter the data into the Google Form. She reviewed them, and upon finding any errors, she returned logbooks to the teams for updates. The main errors that arose were score calculations errors or the selection of incorrect options which caused miscalculations overall.

Unfortunately, all teams had errors in their logbooks. Accordingly, the Lead National Consultant had concerns that there might be a lot of data entry anomalies in the Google Form if monitors entered the data directly. To minimize this risk, a data entry person was ultimately hired with a sociological background and experience in data entry and review. Thus, once monitors had revised their logbooks following feedback from the Lead National Consultant, she checked the logbooks a final time and then supplied all of them to the data entry person.

9.2.4. Final Review

The final stage of data review was carried out by the International Expert who reviewed the data entered in the Google Form while analyzing it for the preparation of this report. Where anomalies appeared in the data or there was a need for further clarificatory information to better understand the circumstances in a case, she notified the data entry person and the Lead National Consultant. They in turn contacted the teams involved to seek clarification or the needed additional information, before updating the teams' entries in the Google Form.

Part II. Findings



10. Data Limitations

10.1. Sampling

This activity's data is based on a relatively limited sample of 57 cases, including 39 infringement trials and 18 criminal trials. To give an example for context, despite the activity's difficulties in identifying cases to monitor, the 39 infringement trials monitored apparently represent only 0.18 percent of all 20,885 infringement trials resolved in the nine monitored courts in 2020.¹³

The small sample size increases the inherent variability of the data and accordingly limits its value. For instance, monitors were able to follow only 18 criminal trials, and only 11 trials involving non-physically violent forms of DV. Furthermore, despite negotiations with the JGC, monitors were unable to gain access to cases heard in closed hearings due to confidentiality or protection reasons. Given this activity's particular interest in victim safety, the lack of access to closed hearings means that the dataset likely omits hearings of interest, e.g. where there were alleged victims or accused from particularly vulnerable groups. Similarly, despite efforts to do so, monitors were unable to monitor appeal hearings as discussed above in **Section 9.1.4**. This resulted in the dataset reflecting only court decisions at first instance and not following final review.

10.2. Cooperation Model

All monitoring was undertaken with participating courts' cooperation and in the knowledge that the JGC had sanctioned the conduct of the trial monitoring activity. Thus, in every case monitored, justice sector stakeholders participating in monitored hearings were aware of monitors' presence and objectives, with each court given a copy of the Trial Monitoring Tool. This may result in data validity challenges as such awareness could have affected officials' conduct in court and impacted on a trial's substantive outcome, e.g. by encouraging stakeholders to show greater procedural compliance than they might normally. In addition, some courts were actively involved in notifying monitors when there were potential cases to monitor. This gives rise to the risk of an underlying selection bias.

10.3. Subjective Assessments

The trial monitoring activity intentionally hired trial monitors who were already active in DV advocacy, human rights or related fields. This was intended to ensure that the learnings from the trial monitoring would have the highest likelihood of being reinvested in the same fields and thus indirectly strengthen responses to DV in Mongolia. However, this also meant that monitors inevitably brought pre-existing opinions and biases to the activity due to their prior relevant experience. The activity design sought to

¹³ Internal data provided by the JGC to the project team from its annual statistics regarding court caseloads.

mitigate the risk of data corruption by limiting monitors' need to provide subjective responses in the Trial Monitoring Tool; by regularly debriefing monitors through Peer Group Discussions; and by having third parties enter and review monitoring data. Inevitably, however, the nuances of human experience necessitated a minor degree of subjective assessment. Therefore, it is possible that monitors' personal biases could have marginally influenced data collection.

10.4. COVID-19

Importantly, the entire trial monitoring activity was conducted during the global COVID-19 pandemic. This resulted in disruptions to court activity e.g. temporary court closures and more restrictive court access. It also meant that Mongolians, like people all over the world, were subject to stricter movement restrictions, temporary homeschooling of children, potential changes to employment, and additional stressors including constant uncertainty. The pandemic had significant impact on the occurrence and nature of DV, and thus may limit the data's representativeness of the general experience of DV in Mongolia.

10.5. Case Accessibility

Monitors frequently found it difficult to identify hearings to monitor as there were none scheduled. During the pilot period in June and July 2020, this appeared to coincide with the timing of a parliamentary election. However, the phenomenon of limited hearings occurred again during official monitoring from August to November and did not have an obvious cause, although it may relate to the impact of COVID-19 on usual logistical arrangements. In any event, these variables too could thus limit the extent to which the data gathered through this activity could be considered representative of DV cases and trials generally.

11. Case Profiles

The following five sections of this report present this activity's findings through the undertaken trial monitoring. The data presented below fulfils the activity's first objective, as discussed above in **Section 3** (set out again immediately below):

1. Learn

Learn how domestic violence law reforms are being implemented in practice in Mongolian courts nationwide

Results from two other objectives of this activity are addressed from **Section 16**.

The immediate section below profiles the 57 cases monitored. It details the underlying offenses, reported reasons for DV, case jurisdictions, and hearing characteristics. It further sets out a demographic profile of victims and accused, detailing gender and age, relationships, housing,

education, employment, and, for accused, prior criminal records. The section is based on data collected through Part 1 of the Trial Monitoring Tool Part 1 (see **Annex A**).

As explained below, cases were evenly distributed between Ulaanbaatar and *aimags*. Two-thirds involved infringements, the rest crimes, and all were first instance trials. They primarily involved only one charge, usually physical DV and especially the infringement of beating a person with family relationship or the crime of intentional minor harm/injury. Three victims died. Most cases were resolved in only one hearing at which victims attended infrequently and both accused but particularly victims were usually unrepresented. Most victims were women, accused overwhelmingly men, and DV was likeliest to occur between people living together, often in a *ger*, and mostly in a spousal relationship. Victims and accused alike were likely to have a higher secondary school education, although accused charged with crimes were likelier to have only a middle school education. Two-thirds of employable accused and half of employable victims were indeed employed, while a slim majority of accused had no prior criminal record, including most of those facing a criminal charge.

11.1. Jurisdictions

All 57 cases monitored were first instance trials, i.e., the initial trial held to adjudicate the charges brought against the accused person. However, it should be noted that as at the time of writing, at least four of the monitored cases had continued on appeal to the Supreme Court of Mongolia, although none of the appellate proceedings were able to be monitored in the activity timeframe.

Monitors achieved near parity between the number of cases monitored in the capital of Ulaanbaatar and those monitored in *aimags* (provinces). 31 cases (54.4 percent) were in Ulaanbaatar, and 26 (45.6 percent) in *aimags*.

Within Ulaanbaatar, cases were heard at four Ulaanbaatar district first instance courts: Bayanzürkh (13 cases), Nalaikh (8), Songino-Khairkhan (5) and Chingeltei (5). In the *aimags*, all cases were heard at the inter-*soum* first instance courts, which aggregate cases from individual *soums* (districts) within an *aimag* and are situated in each *aimag's* capital. *Aimag* courts were monitored in Tuv (8 cases), Arkhangai (5), Dornogovi (5), Khovd (5), and Övörkhangai (3).

11.2. Offenses

Nearly a third of the monitored cases (18 cases or 31.6 percent) involved crimes charged under the *Criminal Code*. The remaining 39 cases (68.4 percent) involved more minor offenses (infringements) under the *Infringement Code*.

11.2.1. Forms of Domestic Violence

Trial monitors sought to sample a broad range of DV offenses encompassing both physical and non-physical violence, to reflect the breadth of DV or DV-related crimes under the law. However, monitored cases primarily dealt with only charges of alleged physical violence – accounting for 46 cases, or 80.7 percent of all cases. In contrast, 10 cases (or 17.5 percent) involved allegations of non-physical DV.

These related to economic violence e.g. destruction, theft or confiscation of property, or psychological violence e.g. threats or restricting communication with others. Prosecutors typically exclusively pursued charges of either physical or non-physical forms of violence in a case. A combination of both physical and non-physical forms of DV was prosecuted in only one monitored case (1.8 percent).

11.2.2. Types of Charges

In total, the trial monitoring activity sought to monitor 20 different types of DV offenses. It succeeded in monitoring 12 types (60 percent). **Table 7** details the types of charges for which trials were able to be monitored, and the number of trials able to be monitored for each type of charge.

Relevant law	Type of charge	Article in relevant law	Specific crime/infringement	Number of trials monitored
<i>Infringement Code</i>	DV-specific infringements	5.4.1	Failure to notify DV	1
		5.4.4.1	Beating a person with a family relationship	29
		5.4.4.2	Forcing a person with a family relationship to do/not do something against their will	5
		5.4.4.3	Restricting a person with a family relationship from communicating with others	2
		5.4.4.4	Infringing on a person with a family relationship's property rights	3
<i>Criminal Code</i>	DV-specific crimes	11.7.1.1	Regularly beating a person with a family relationship	3
		11.7.1.2	Regularly subjecting a person with a family relationship to cruel treatment, aggressive behavior and torture	2
		11.7.2.1	DV against a child, pregnant woman, senior citizen or person with a disability	2
	General crimes with DV as an aggravating factor	10.1	Murder	2
		11.1	Intentional serious damage to a person's health	2
		11.4	Intentional less serious harm to a person's health	2
		11.6	Minor harm or injury to a person's health	14

Table 7: *Types of crime and infringement prosecutions successfully monitored for the activity*

The successfully monitored infringements are set out in **Figure 8** below, and the crimes in **Figure 9**, with references in each case to the relevant article under the *Infringement Code* or *Criminal Code*.

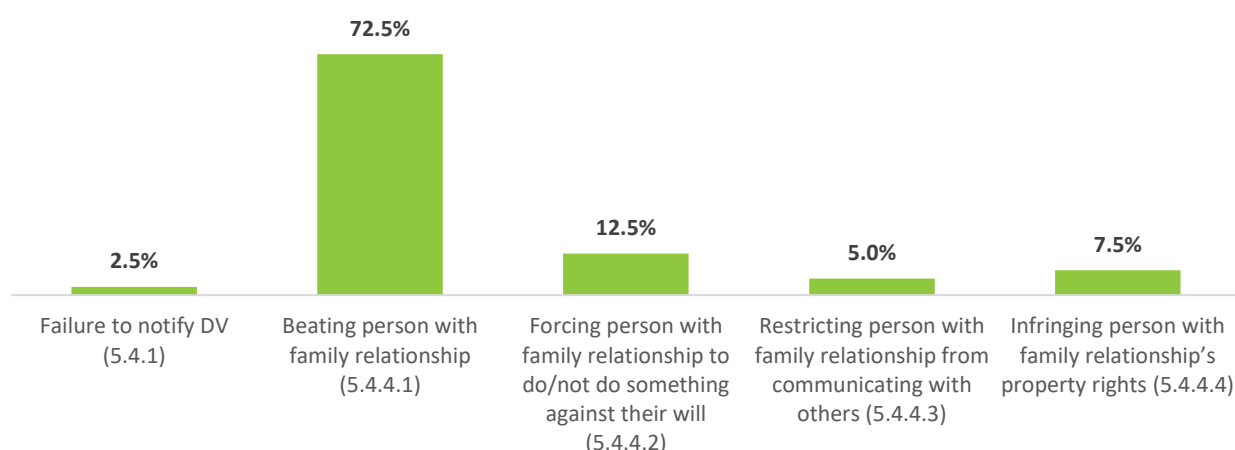


Figure 8: Types of infringement charges monitored

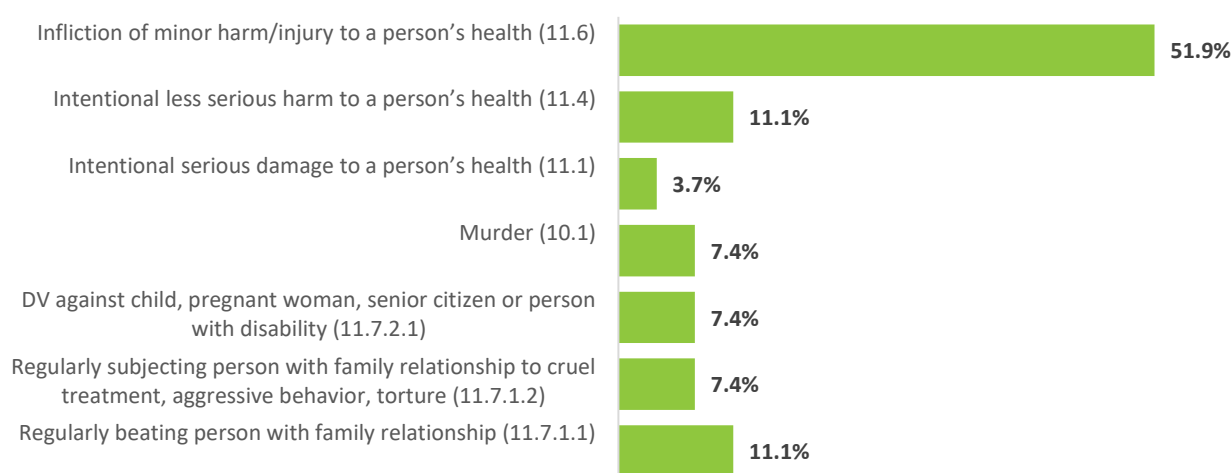


Figure 9: Types of criminal charges monitored

Despite their best efforts to sample broadly, monitors were unable to monitor eight types of crimes and infringements included in the original activity scope. These omitted charges are set out in **Table 8**.

DV-specific infringements (<i>Infringement Code art.</i>)	Crimes		
	DV-specific crimes (<i>Criminal Code art.</i>)	General crimes with DV as aggravating factor (<i>Criminal Code art.</i>)	General crimes with DV as relevant context (<i>Criminal Code art.</i>)
<ul style="list-style-type: none"> Entering a temporary shelter (5.4.2) Changing the purpose of a temporary shelter or using it for a different purpose (5.4.3) 	<ul style="list-style-type: none"> Regularly infringing on a relative's property rights (11.7.1.3) DV by an officer of a care service institution (11.7.2.2) 	<ul style="list-style-type: none"> Rape (12.1) 	<ul style="list-style-type: none"> Causing a person to commit suicide (10.4) Satisfaction of sexual desire in an unnatural manner (12.2)

DV-specific infringements (<i>Infringement Code art.</i>)	Crimes		
	DV-specific crimes (<i>Criminal Code art.</i>)	General crimes with DV as aggravating factor (<i>Criminal Code art.</i>)	General crimes with DV as relevant context (<i>Criminal Code art.</i>)
	<ul style="list-style-type: none"> DV against a person trying to stop violence (11.7.2.3) 		

Table 8: Targeted types of crimes and infringements unable to be monitored

11.2.3. Number of Charges

68 charges were prosecuted across the 57 cases, including one charge for a crime outside the trial monitoring scope. In most cases (50 cases or 87.7 percent), only one crime or infringement was prosecuted. There were only eight cases in which multiple charges were prosecuted. Among these, most (7 cases, or 87.5 percent) involved crimes, while only one involved infringements.

11.2.4. Common Charges

The DV-specific infringement of beating a relative was by far the most common charge prosecuted in the monitored cases. It accounted for 42.6 percent of all charges prosecuted, was charged in over half (50.8 percent) of all cases monitored in the sample and represented 72.5 percent of all infringement charges monitored in the activity as indicated above in **Figure 8**. The next most common charge was the criminal offense of minor harm or injury to a person's health, for which a DV context is identified as an aggravating factor. This charge accounted for 20.6 percent of all charges prosecuted in the cases monitored and 52 percent of all criminal charges monitored as noted in **Figure 9** above. The remaining 10 types of charges prosecuted in the monitored cases were each prosecuted relatively rarely, in between 1 and 5 cases each (1.8 percent to 8.8 percent).

11.3. Reported Reasons for DV

Monitors recorded the reasons that victims reported for the alleged DV based on victims' police statement on the case file and/or hearing testimony. Victims frequently reported multiple reasons – with 75 reasons recorded across the 61 alleged victims – and monitors recorded all reasons identified. The range of victims' responses is detailed in **Figure 10**.

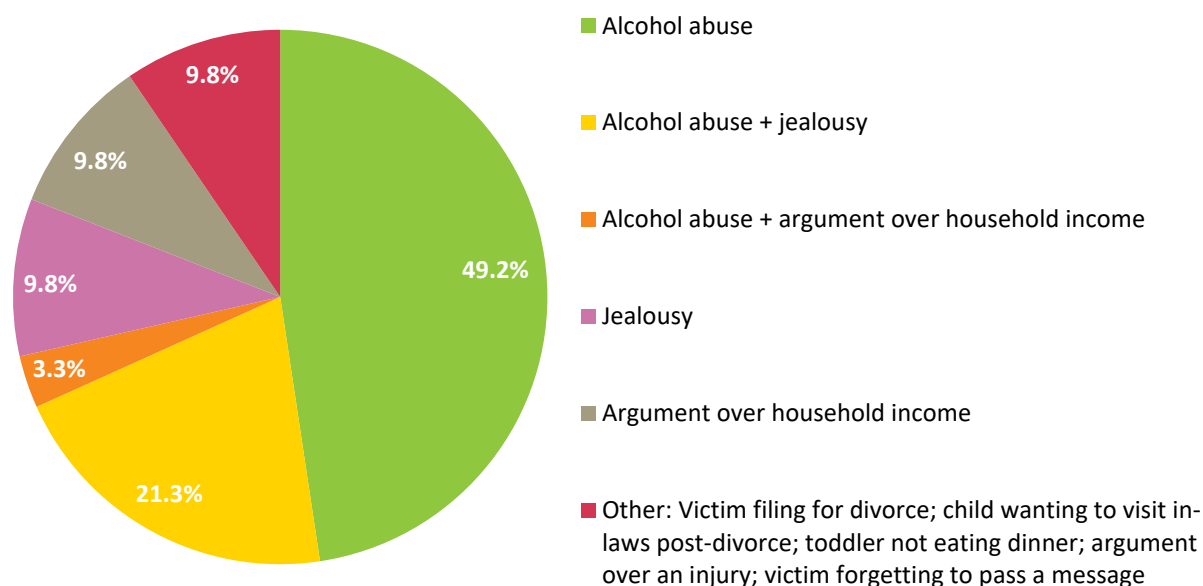


Figure 10: Victim-reported reasons for DV

Alcohol abuse was by far the most common reported reason for DV. Nearly half of all victims (49.2 percent) reported it as, in their view, the sole reason for the alleged DV. Altogether, nearly three-quarters of all 61 alleged victims reported it as at least one of the reasons for the alleged DV (45 people or 73.8 percent of all victims). Alcohol abuse was also the most prevalent reason cited for DV crimes, being identified by 15 of the alleged victims (75 percent).

Jealousy was the next most common reason cited for the DV. Nearly one-third of victims (19 individuals or 31.1 percent) cited jealousy. Among these, 13 victims (21.3 percent) reported a combination of alcohol abuse and jealousy as the reason for the DV. In addition, almost one in 10 victims (six victims or 9.8 percent) attributed DV, at least in part, to an argument over household income. For six other victims (9.8 percent), DV was attributed to another type of dispute. These were the victim filing for divorce from the accused; a daughter asking to visit her father's family after her parents' recent divorce; a toddler not eating his dinner; an argument over the wife having been injured via hot oil burns; and a niece not passing her uncle a message that her grandmother's medication had run out.

11.4. Hearing Technicalities

11.4.1. Number of Hearings

Most cases (50, or 87.7 percent) were adjudicated in only one hearing. Of the seven cases that required multiple hearings to be concluded, six (10.5 percent) were resolved in two hearings, with half of these cases being criminal cases and half being infringements. Only one (criminal) case required three hearings. This case involved the accused throwing his elderly mother to the ground, with her physical condition deteriorating progressively during the trial until she ultimately died.

11.4.2. Duration and Timing

There was significant variance in total hearing time across all trials monitored. The shortest infringement trial lasted a total of nine minutes, which was nine times shorter than the longest infringement trial spanning 81 minutes. The shortest criminal trial lasted 24 minutes (despite the accused contesting the charge in that case), while the longest was 18 times longer at 7 hours and 13 minutes (433 minutes). The latter hearing appeared to be an outlier, however, as the next longest criminal trial lasted half that time, at 3 hours and 37 minutes (217 minutes). The median trial hearing time was 25 minutes for infringements and 1 hour and 43.5 minutes (103.5 minutes) for crimes.

Monitors also recorded hearings' start and finish times. It is noteworthy in this regard that three cases finished hearings at 6.25pm, 7.40pm, and 8.55pm, far exceeding likely ordinary hearing hours.

11.4.3. Hearing Postponements

In all seven cases in which there were multiple hearings in a case, the multiple hearings owed to a party or official successfully obtaining a postponement during the first hearing, with the case requiring three hearings being postponed after the first two hearings. Postponements were requested by judges, prosecutors, accused and their lawyers for diverse reasons:

- absence of the victim;
- absence of the defense lawyer;
- a request for a lawyer;
- two requests to conduct additional analyses, experiments or examinations (one initiated by the court, one by the defense lawyer);
- the defense proposing to compensate damage; and
- two accused attending court in their respective cases while still inebriated.

Hearings were postponed for between 5 and 58 days. In one case, postponements were far greater than those in any other monitored case: 58 days after the first hearing and 42 days after the second. In that instance, the first postponement owed to the court's determination that the prosecution required additional information and evidence to proceed to trial. The alleged victim then died prior to the second hearing, prompting a request at the second hearing for an autopsy to be carried out before proceeding further. Excluding that outlier, the median length of postponement granted was seven days.

The two postponements involving accused attending court while inebriated owed to the court ordering the accused to spend 24 hours at a detoxication unit prior to the next hearing.

11.5. Hearing Attendees

11.5.1. Victims

Two in every five victims (26 or 42.6 percent) attended all hearings in their case. Among the 57.4 percent of victims absent (35 victims), three had died – two women and one boy – with the courts

establishing in all three cases that the respective accused were responsible for their deaths. Victims' attendance and absence is discussed in more detail in **Section 13.1** below.

11.5.2. Judges

Almost all cases (52 cases or 91.2 percent) were adjudicated by a single judge. The remaining five cases (8.8 percent) were criminal cases heard by a full bench of three judges. Male judges were the norm: nearly two-thirds of the 66 judges (41 judges or 62.1 percent) monitored in the sample were male, with 25 female judges (37.9 percent). Indeed, over half of the monitored cases were heard by a single male judge (35 cases or 61.4 percent). In addition, there were no female judges adjudicating any of the monitored cases in nearly half (44.4 percent) of all courts monitored – namely in courts in Chingeltei, Songino-Khairkhan, and Nalaikh districts of Ulaanbaatar and in Khovd *aimag*.

11.5.3. Prosecutors

Nearly half of all 57 cases monitored (27 cases or 47.4 percent) had a different prosecutor at trial than the one who investigated the case initially. This occurred in over a third of all criminal cases monitored (7 out of 18, or 38.9 percent); in over half of all infringement cases (20 cases or 51.3 percent); and at all but one of the nine courts monitored (the exception being Övörkhangai). Therefore, it appears to be an accepted practice nationwide. However, dividing prosecutorial duties between investigation and trial is noteworthy as it risks undermining the justice delivered in a case if the trial prosecutors do not have adequate time to familiarize themselves with the case before litigating it in court. Indeed, monitors noted that this sometimes appeared to be the case, with prosecutors (and in turn, judges) appearing not to consider aspects of cases that could potentially have affected their outcome.

A total of 86 prosecutors were involved in the 57 cases monitored, at either the pre-trial or trial stage or both. Two-thirds of prosecutors were female, with 60 female prosecutors and 26 males. Female prosecutors were involved in DV cases at either trial or investigative stages at most of the courts monitored nationwide (8 courts or 88.9 percent). The only court in which exclusively male prosecutors were involved in the monitored DV cases was in Arkhangai *aimag*.

11.6. Legal Representation

11.6.1. Victims' Representatives

Alleged victims were overwhelmingly unrepresented by a lawyer (at a rate of 86.9 percent). Only eight of the 61 alleged victims had a lawyer, usually in criminal rather than infringement cases (as for seven out of the eight represented victims). Victims' lawyers were equally as likely to be male as female.

There were also five instances where the victims had a legal representative other than a lawyer (e.g. a guardian), and three instances where they had a representative from the Child Protection Agency. However, it should be noted that having a lawyer also increased the likelihood that the victim had another type of representative as well: four of the five victims who had a non-lawyer legal representative also had a lawyer. In contrast, four out of every five victims (80.3 percent) had neither a lawyer nor any other type of representative supporting them in the case. Thus, victims tended either to have a range of representatives assisting them, or far more likely, none whatsoever.

11.6.2. Defense Lawyers

While nearly three-quarters of all accused were unrepresented (71.9 percent), accused were more likely than victims to have legal representation. Defense lawyers represented 16 of the 57 accused (28.1 percent), with two accused persons who were both facing criminal charges having two lawyers each. Three-quarters of defense lawyers (12 lawyers or 75 percent) were hired by the accused and/or their family, while four were appointed for them. Defense lawyers were twice as likely to be male rather than female, with 12 male defense lawyers and 6 females.

11.7. Demographic Profile of Victims and Accused

11.7.1. Gender and Age

The typical alleged DV victim in the sample was a woman. Indeed, victims were overwhelmingly female, representing 91.8 percent of all 61 alleged victims (or 56 individuals). The ages of the 56 alleged female victims varied widely. Three were girls aged 8, 9 and 13, and five women were over 60, with the eldest aged 84. However, most adult female alleged victims' ages were clustered between 20 and 39, with the median age for all female alleged victims being 33.5 years old. Overall, two out of every five victims were aged between 30 and 39, as set out below in **Figure 11**.

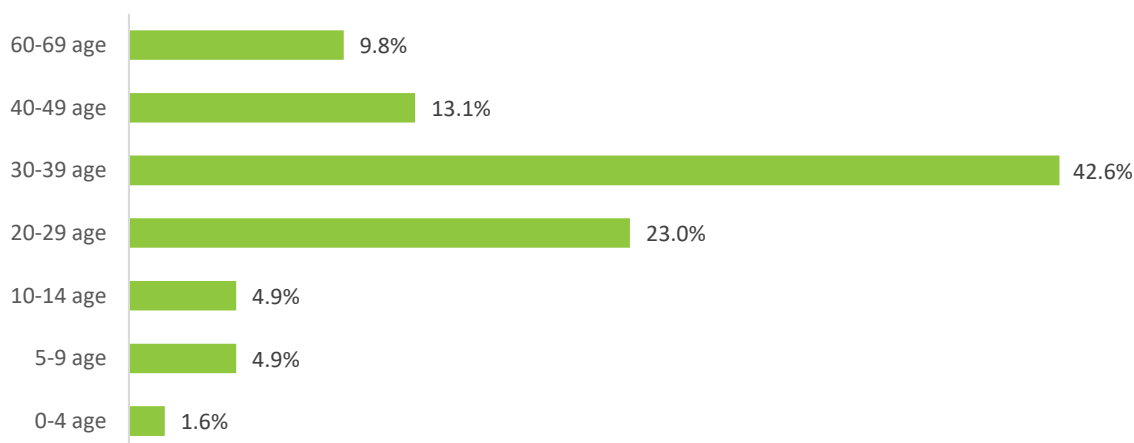


Figure 11: Alleged victims by age

The five remaining alleged victims were male and predominantly children (at a rate of 80 percent or four victims), the youngest being a boy of 3 years, 11 months who died due to the DV he sustained. The sole man among alleged victims was 67. The gender of all victims is set out in **Figure 12**.

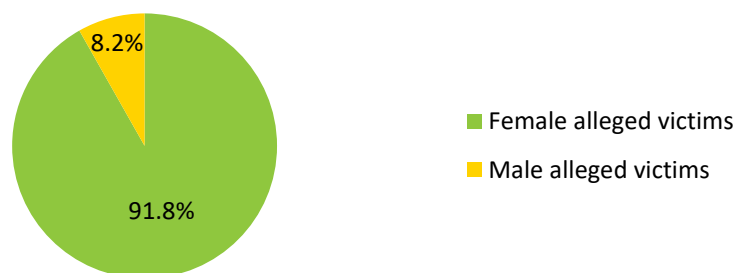


Figure 12: Alleged victims by gender

All accused were adults aged from 19 to 65. While the median age of all accused was 35 years old, nearly half of all accused were aged between 25 and 34 years old as indicated below in **Figure 13**.

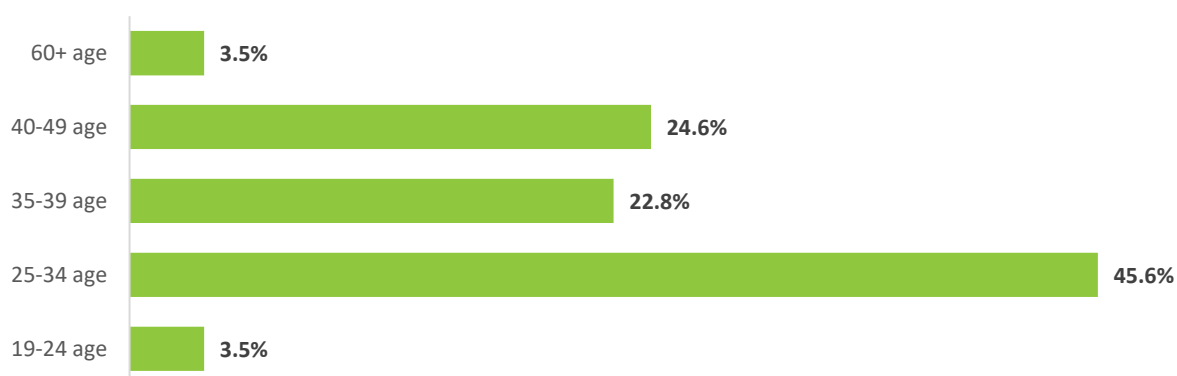


Figure 13: Accused by age

Moreover, and as set out in **Figure 14**, all but one accused person (56 individuals or 98.2 percent) was male, the sole female accused being a woman charged with assaulting her 8-year-old daughter.



Figure 14: Accused by gender

11.7.2. Relationship

Alleged victims were by far most likely to experience DV perpetrated by their own spouse (43 victims or 70.5 percent), which included their *de facto* partners. All sampled couples appeared to be heterosexual in sexual orientation. Victims were next most likely to be the accused's child or parent (6

victims each or 9.8 percent each). Beyond these relationship paradigms, the remaining alleged victims were either the accused's former spouse, intimate partner, or sibling (each category representing 1.6 percent of total alleged victims). There were also two cases in which the victim and accused appeared to be partnered although it could not be determined based on the available information whether this was as legal spouses, *de facto* partners, or intimate partners.

11.7.3. Housing

The vast majority of the alleged 61 victims lived with the accused at the time of the incident (55 victims or 90.2 percent).



Figure 15: *Living arrangement between alleged victim and accused at time of incident*

Among the victims co-habiting with the accused, two-thirds (37 victims or 67.3 percent) lived in *ger* districts. Additionally, victims in the sampled population were far more likely to live in *ger* districts if they also lived in an *aimag*. Nearly all alleged victims in the *aimags* who lived with their accused at the time of the incident resided in a *ger* district (24 of the 27 alleged victims, or 88.9 percent). This compared with only 13 of 34 alleged victims living in Ulaanbaatar (39.2 percent). Other than *ger* districts, apartments were the next most common form of housing (12 victims or 21.8 percent), followed by houses (5 victims, or 9.1 percent).

Living in a house appeared to correlate with being involved in a more minor DV incident: only one in five of the cases involving victims and accused who lived in houses involved a serious crime charged. There were no other notable correlations between type of housing and severity of charge.

11.7.4. Education

Among victims and accused for whom education level was able to be identified via the available information, the median highest education level of both the 56 adult alleged victims and all of the accused persons was higher secondary school. Higher secondary school was also the median highest education level among the median group of victims – women victims – and the median group of accused – men. In contrast, the sole adult male victim, aged 67, had a university education, while the sole adult female accused person had a middle school education.

There was an inverse relationship between the accused's education and severity of crime charged. In other words, the more serious the charge against an accused, the less educated they were likely to be. Thus, while the median highest education level among accused charged with infringements was higher secondary school, this decreased to middle school level among accused charged with crimes. On the other hand, the victim's education level appeared to have no bearing on the severity of the crime they

suffered; the median remained higher secondary school regardless of whether the offense was an infringement or a crime.

11.7.5. Employment

The trial monitoring activity determined the employable subset within the sample population based on the Mongolian legal minimum age of employment, which is currently 16 years old or 15 with parental consent,¹⁴ and the retirement age, which is currently determined on a sliding scale depending on a person's year of birth and gender.¹⁵ On this basis, the population of legally employable individuals within the sample was 48 victims (78.7 percent) and 55 accused (96.5 percent). Seven victims were too young to be employed, and six victims and two accused had attained retirement age.

Precisely half of all adult alleged victims of employable age were employed at the time of the incident (24 individuals). Accused were more likely to be employed than victims, with two-thirds of legally employable accused being employed (37 accused, or 67.3 percent).

There was a positive correlation between a victim's employment and the severity of DV they experienced. In other words, employed victims were likelier to have experienced DV qualified as a crime (at a rate of 53.3 percent of all criminal victims of employable age) rather than an infringement (at a rate of 45.4 percent of all infringement victims of employable age). In contrast, an accused's employment status did not appear to significantly affect the severity of crime they were alleged to have perpetrated: among accused of employable age, 64.7 percent were charged with a criminal offense, while a similar 66.7 percent were charged with an infringement.

Considering the inverse situation of unemployment, however, it should be noted that 22.8 percent of all cases monitored (13 cases) involved couples in which the victim and accused were simultaneously unemployed and living together at the time of the alleged DV. Indeed, if a victim of employable age was unemployed, they were more likely than not living with, and subject to DV perpetrated by, their equally unemployed spouse (at a rate of 54.2 percent of all unemployed victims). Furthermore, in all couples where this was the case, the alleged victim was a woman while the accused was a man.

It should also be noted that the unemployment rate for both the alleged victims and accused persons in the sampled population was far higher than that of the Mongolian general population. The general unemployment rate is 6.6 percent,¹⁶ whereas in the study, it was 50 percent for alleged victims and 33.7 percent for accused persons. Thus, both the accused and victims involved in the alleged instances of DV monitored in this activity were far more likely to be unemployed than the average Mongolian.

11.7.6. Criminal Record

Monitors were able to establish whether an accused had a prior criminal record in 51 cases. Accused were slightly more likely than not to have a prior criminal record, with 49.1 percent of accused being identified as having a criminal record and 40.4 percent not, as depicted in **Figure 16**.

¹⁴ *Labour Code*, arts. 108.1 and 108.2.

¹⁵ *Law on Pensions and Benefits Paid from Social Insurance Funds*, art. 2.

¹⁶ National Statistics Office of Mongolia.

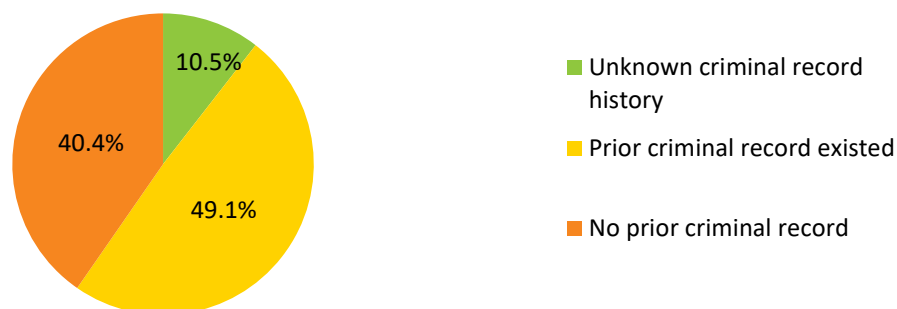


Figure 16: Criminal record history of accused

In one case, the accused had been previously detained for intoxication 32 times, while in another, the accused had just completed a sentence for a DV infringement a month prior to the incident charged in the monitored case. On the other hand, monitors noted one case in which the accused, who did not have a criminal record, was facing his first police investigation for alleged DV despite the victim (his wife) and their children already being allegedly subject to DV by the accused multiple times.

Although it might be presumed that those accused of the most serious crimes would be likeliest to have a prior criminal record, the opposite was in fact true. That is, within the sample population, there was an inverse relationship between an accused having a prior criminal record and the severity of charge they faced. Thus, accused with a prior criminal record were more likely to be charged with an infringement (accounting for 58.8 percent of accused in infringement cases) rather than a crime (accounting for 47 percent of accused in criminal cases). Indeed, the majority of accused persons facing a criminal charge (52.9 percent) did not have a prior criminal record.

During consultations for the design of the trial monitoring activity, anecdotal accounts suggested that the Supreme Court of Mongolia has instructed that convictions for (felony) DV-specific crimes require three prior convictions for an analogous DV infringement. For instance, a conviction for the crime of regularly beating a person with family relationship should be preceded by at least three prior infringement convictions for beating a person with family relationship.

The monitored cases suggest that this is indeed the prevailing practice. The accused's criminal record history could be determined for four of the five cases monitored that involved DV-specific crimes. The majority of these (three cases or 75 percent) involved an accused with a prior criminal record, although the available data does not enable confirmation of whether the prior convictions were for analogous infringements. Conversely, there was one criminal case in Övörkhangaï in which an accused without a prior criminal record appears to have been nevertheless convicted for the DV-specific offense of DV against a vulnerable person (a child, pregnant woman, senior citizen, or person with a disability).

12. Overall Justice Sector Service Delivery Performance

Three of the Trial Monitoring Tool's five sections were devoted to measuring each case's compliance against due process requirements: one section on the victim's rights (**Section II**), one on the accused's rights at trial (**Section III**), and one on the accused's rights pre-trial and at all stages (**Section IV**). Each of those sections consisted of several parts each of which assessed the case's performance vis-à-vis a specific protected right of victims or accused. For example, **Section II**, Part IV of the Trial Monitoring Tool assessed the victim's right to equal and effective access to justice.

Individual grades were calculated for each right evaluated within the Trial Monitoring Tool. The Justice Sector Service Delivery Scorecard (set out in Section V of the Trial Monitoring Tool) then aggregated these individual grades to calculate the overall grades achieved in a case. Two overall grades were calculated: one for respect for the victim's rights, and another for respect for the accused's rights, which aggregated the accused's treatment at trial and pre-trial and at all stages.

This section of the report focuses on the grades awarded for the cases' aggregate performance on victims' rights and accused's rights. Individual grades for each component right are discussed in greater detail separately later in this report.

On victims' rights, the median overall grade achieved across the sample of 57 monitored cases was Very Good. Indeed, the cases overwhelmingly achieved the highest possible overall grade of Very Good (53 cases or 93 percent), with the remaining four cases achieving a grade of Good (representing 7 percent of all cases). Similarly, all areas in which victims' rights were measured achieved a median Very Good grade for that specific right. It should also be noted that while the Justice Sector Service Delivery Scorecard measured grades ranging from Very Good to Very Poor, the lowest grade awarded to any of the cases for one of the victims' rights was Poor.

Likewise, all 57 monitored cases achieved a Very Good median Justice Sector Service Delivery Scorecard result in terms of accused's rights overall and each individual area in which accused's rights were measured. In addition, and as with victim's rights, the lowest grade awarded to any of the cases for a component right within accused's rights was Poor.

Notwithstanding these strong overall results, however, concerns arose in several areas across both victims' and accused's rights. These tended to be hidden if the data were considered only in terms of overall Justice Sector Service Delivery Scorecard grades. There appear to be four factors contributing to this masking effect, both rooted in the methodology for grade calculations as discussed below.

The first is that a grade for an individual right was calculated based on many component factors. For the purposes and within the constraints of the trial monitoring activity, each component was weighted equally with a numeric score assigned to its most through to least compliant outcomes. However, this ultimately results in an imprecise instrument for assessing the extent to which a right was respected. This is because in reality, components are not all equally important. Therefore, weighting them equally results in overvaluing and undervaluing certain circumstances in a case. For example, if an accused were tortured in a case yet was informed about all their procedural rights to seek redress, the Trial Monitoring Tool would grade this case as Good, even though torture is one of the gravest human rights violations and should have been graded as Very Poor. At the same time, overcoming this limitation

would have required assigning different weight to each question in the Tool which would have been far too complex and time-consuming to be able to be carried out within the scope of this activity.

Secondly, there were frequently scoring questions posed in the Trial Monitoring Tool which were inapplicable to a certain case. As much as possible, the Trial Monitoring Tool asked monitors to complete questions only when relevant to the circumstances of their case. However, it was feared that presenting monitors with too many considerations regarding when to complete certain questions might lead to confusion and error – a fear borne out in monitors' experience and in the data errors observed. To minimize this risk, the tool design occasionally included scoring questions where monitors were given the option to answer them as "not applicable". When the answer was "not applicable", a full score was awarded for that question. While this approach appeared to avoid monitor error on this front, the cost was that it tended to inflate grades and scores when these were considered in isolation of detailed written analysis of the data.

The third, related reason is that each of the Scorecard grades represented a range of scores. Thus, while a case might have achieved a Very Good grade, it may have scored at the lower end of the Very Good score range (and in fact, often did) due to due process failures in a handful of areas.

Finally, this report has discussed overall results with reference to median grades and scores rather than the mean (average). This is consistent with best practice where the distribution of data is skewed, as in this activity. However, it was frequently the case that each set of results, while skewed to the right with a cluster of high or perfect scores, often also had a small but nonetheless significant population of lower scores, which the use of medians also tended to mask.

Ultimately therefore, while the Justice Sector Service Delivery Scorecard results are important and commendable, it is important that they be considered alongside detailed analysis that can identify and explain nuances within the data. This is the focus of **Sections 13 to 15** below.

13. Victims' Rights

This section presents findings on the alleged victims that were involved in the monitored cases. It examines victims' right to safety, to access relevant information concerning violations and reparation mechanisms, to access equal and effective access to justice, and to receive adequate, effective, and prompt reparation for harm suffered. It is based on data collected through Trial Monitoring Tool Section II (see **Annex C**).

Victim safety was the lowest scoring of the various victims' rights examined though still achieving a median of Very Good. As **Section 13.1** details, while police risk assessments were completed in virtually all cases, social workers' situational assessments were carried out in only a third of cases. Safety measures were occasionally imposed, usually at the alleged victim's request, but pre-trial psychological care was rare. Significantly, alleged victims were assessed as being safest when they did not attend court; the scorecard outcome for those that did fell to a Good grade. In court, separate entrances, security checks, and security escorts were rare, although security personnel were generally sufficient. Almost all victims shared the same waiting area as the accused. However, most victims were aware of security/support measures available, and in courtrooms, were seated separately from the accused. Even then, a quarter of victims were nevertheless subjected to retraumatizing treatment including victim-blaming and reliance on gender stereotypes, even by some judges. Most victims and accused left simultaneously, with staggered departures rare, and no victims had a security escort when leaving.

Results for victims' right to relevant information concerning violations and reparation mechanisms were analyzed in **Section 13.2**. Despite a median Very Good grade, over a third of cases scored between Good and Poor. This seems to be because while most alleged victims received both information and an explanation of their rights and duties, several victims received information but no accompanying explanations. Overall, victims were best informed about their right to legal assistance and worst informed about their right to have a copy of the court decree on acquittal or sentencing.

Alleged victims appeared to enjoy a robust right to equal and effective access justice, and this was the strongest performing of all victims' rights, with all cases scoring Very Good. As **Section 13.3** explains, victims generally appeared to know hearing dates; to have had adequate opportunity to make requests and complaints; and to have avoided pressure about their testimony/statements. Most judgments adequately analyzed victims' arguments/evidence (although few victims presented any), and none contained harmful attitudes towards the victim. However, some victims were subject to inappropriate attitudes in court, such as victim-blaming and gender stereotypes – including even from judges.

Cases achieved a median grade of Very Good for victims' right to adequate, effective, and prompt reparation for harm despite few victims requesting reparations, as detailed in **Section 13.4**. In nearly a quarter of all cases without a victim's request for compensation, the victim appeared unaware of both compensable harms and available compensation. However, victims who requested compensation tended to cite physical injuries and economic loss, and most were compensated in full or even beyond, although 30 percent received no compensation despite the accused's conviction.

13.1. Victims' Safety Assessment

This section is based on data collected through Trial Monitoring Tool Section II, Part 2 (Safety Assessment) (see **Annex C**).

13.1.1. Justice Sector Service Delivery Performance

Among the four victims' rights assessed in the Trial Monitoring Tool, victim safety achieved the lowest Justice Sector Service Delivery Scorecard results. While still nevertheless achieving the highest possible grade of Very Good overall, the median score for victim safety was at the bottom end of the scoring range for the Very Good grade (at 76.4 percent).

Alleged victims were safest when they did not attend their hearing, as in the majority (55.6 percent) of cases in the sample. When victims were absent from court, their median safety grade and score was Very Good and 87.5 percent. When victims attended their hearing, this fell to a Good grade and decreased 20 percentage points to a score of 65.4 percent.

Curiously, victims were assessed as being marginally safer overall if they were alleged victims of a crime rather than an infringement. The median grade and score for alleged victims of crimes was Very Good, and 76.9 percent, while for alleged victims of infringements, it was Good and 71.2 percent. At the same time, victims of crimes who attended their hearing were the most unsafe subset of all. They had a median safety grade of Good and a score at the low end of the scoring range, at 55.8 percent – a full 30 percentage points lower than victims of crime who did not attend their hearing (who scored Very Good and score of 87.5 percent).

13.1.2. Victim Safety Generally

The DV Law prescribes certain circumstances in which police should complete DV risk assessments and social workers should complete situational assessments. Monitors sought to assess whether and when these were in fact so completed. They found that police completed victim risk assessments to evaluate possible risks to life, health, and the security of the alleged victim(s) in virtually all cases (55 cases or 96.5 percent). However, of the two cases in which the police did not do so, one was a criminal (murder) case in which the accused beat his spouse to death in front of their children, one of whom was also injured in the event. This case would therefore have seemed to be one in which the need for such a risk assessment would have been obvious.

In most cases (32 cases or 56.1 percent), social workers did not conduct situational assessments to assess the risk of DV, other violence, or other negative consequences, either because there was a low or medium risk level or because the victim did not permit it. This was consistent with the DV Law's requirements. However, monitors further identified six cases (10.5 percent) in which situational assessments were not conducted despite there being a high risk level in those cases, where the DV Law would have necessitated such an assessment. Nevertheless, situational assessments were conducted in one-third of all cases (19 cases or 33.3 percent).

Figure 17 details the 11 instances where safety measures were imposed in a case for the protection of the alleged victim(s). 10 of those measures were the result of the victims' request. These measures primarily involved limiting the accused's actions by detaining them pre-trial, which occurred in seven cases (63.6 percent). Other pre-trial safety measures included placing the victim in a temporary shelter or otherwise relocating the victim. At trial, there was one case where the victim obtained an order prohibiting the accused from seeing her during the trial by keeping her whereabouts confidential. In another case, the judge on his own initiative issued a warning to the accused at the hearing that "the victim probably should not fear retaliation or harm in any way again".

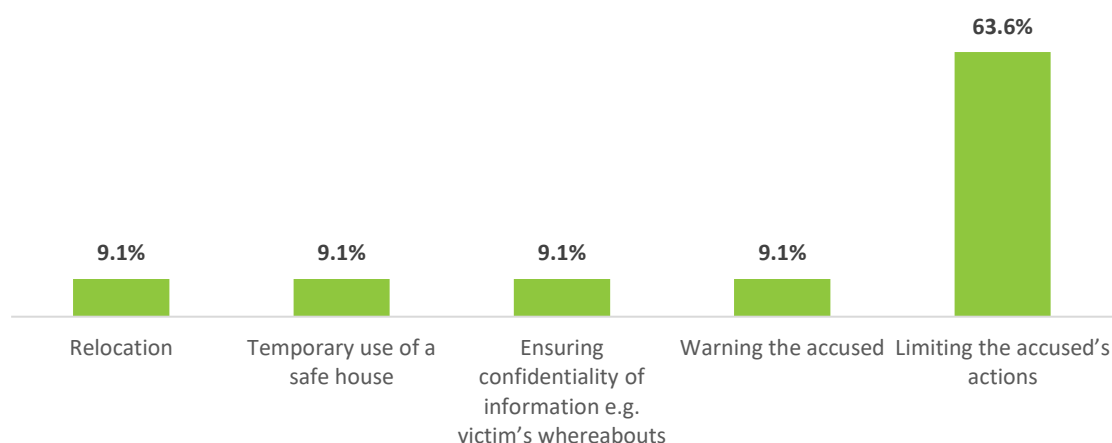


Figure 17: Safety measures imposed for alleged victims' safety

On the other hand, monitors identified eight cases (17.5 percent) where no pre-trial safety measures were imposed despite monitors' view that there was a possible threat to the victim(s). Fortunately, monitors ultimately reported that nothing occurred in any monitored cases to suggest that the victim(s) had suffered actual or attempted harm by the accused or an associate of the accused.

13.1.3. Pre-Trial Safety

Monitors identified four cases where the alleged victims and accused lived separately but where the accused could nevertheless have had potential access to confidential information on the victim's whereabouts at the pre-trial stage. Monitors did not specify the suspected means of access, but this would likely have been via insufficiently restricted case file access.

As detailed below in **Figure 18**, in two in every five cases (24 cases or 42.1 percent), monitors noted that victims' receipt of pre-trial psychological care was an inapplicable consideration. This may have owed to monitors' assessment that the victim experienced nothing retraumatizing in any of those cases necessitating such care, although the question had focused on preventative psychological care rather than remedial care for actual trauma suffered. Monitors only identified three cases (5.3 percent) where such psychological care appeared to have been provided, e.g. in the form of a prosecutor warning the victim that they might experience adverse reactions when seeing the accused. In the remaining 52.6 percent of cases, no pre-trial psychological care was provided whatsoever.

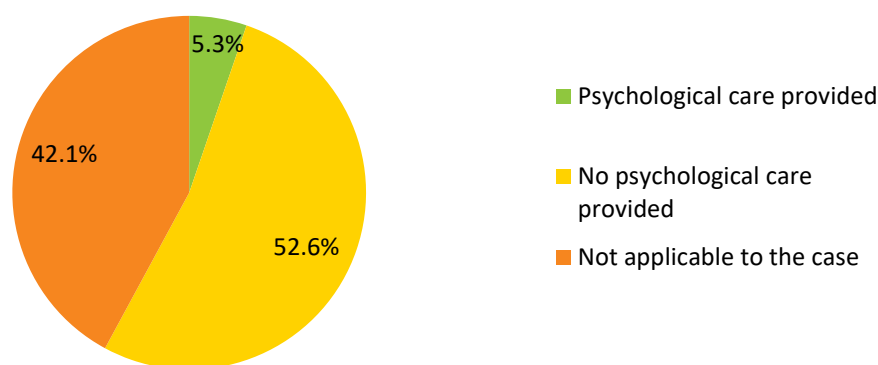


Figure 18: Provision of pre-trial psychological care to alleged victims

Pre-trial retraumatization was reported in only one case. In it, the accused's friends were alleged to have repeatedly demanded money from the alleged victim. Monitor reported that it did not appear that the relevant authorities became involved to prevent or punish this.

13.1.4. Victim Safety When Arriving at Court

Sections 13.1.4 to 13.1.6 focus only on the cases where alleged victims attended hearings. There were 24 such cases out of the 57 cases sampled (42.1 percent), and as some cases had multiple victims, there were 26 victims in total who attended court.

Of the 24 cases where victims attended hearings, there were only two (8.3 percent of all such cases) where victims could enter the court building via a specialized entrance to which the accused did not appear to have access, in Dornogovi and Övörkhongai *aimags*. In a quarter of cases, the courts had a separate entrance only for accused who arrived at court directly from pre-trial detention as opposed to those who were at liberty prior to the trial (six cases or 25 percent). The remaining two-thirds of all victims (66.7 percent) did not have access to such a specialized entrance and were therefore presumably forced to enter and exit the court via the same entrance and exit as the accused.

Security checks were relatively rare, conducted upon arrival in fewer than half of all cases where victims attended the hearing (10 cases or 41.7 percent). Even when they were conducted, monitors noted that in three of these instances (12.5 percent), the security check did not involve a weapons screening. Moreover, in most cases where victims attended the hearing (14 cases or 58.3 percent), no security check was conducted whatsoever. This is set out in **Figure 19** below.

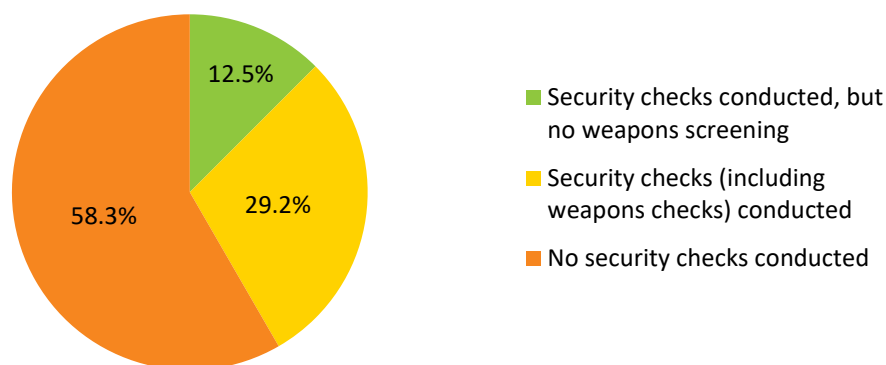


Figure 19: Security checks upon alleged victims' arrival at court buildings

In five cases (20.8 percent) – located in Övörkhangai, Tuv and Dornogovi *aimags* and Ulaanbaatar's Nalaikh district – alleged victims appeared to have a security escort to and from the courtroom. In two more cases (8.3 percent), they did not, but they did have the option to request one. Nevertheless, security escorts were rare, and in over two-thirds of cases (17 cases or 70.8 percent) spread across Ulaanbaatar districts and *aimags*, victims did not have one.

Monitors generally assessed that there were sufficient police or security personnel in a court building to be able to interrupt contact between the victim(s) and the accused persons if necessary (in 13 cases or 54.2 percent). In a further six cases (25 percent), monitors noted that such personnel were present but insufficient in number. However, in the remaining cases, monitors did not register the presence of any security personnel whatsoever (five cases or 20.8 percent).

Five in every six victims who attended the hearing used the same waiting area as the accused (in 20 cases or 83.3 percent). Only 16.7 percent of cases appeared to have separate waiting rooms available, in Övörkhangai *aimag* and Ulaanbaatar's Songino-Khairkhan district.

It was also rare for the victim to attend court with a support person other than a lawyer. This occurred in only five cases (20.8 percent), and where monitors were able to identify them, they indicated that these support people appeared to be friends or relatives. Monitors further noted that in one case where a support person was present, the accused person was detained, which monitors presumed was to minimize possible security risks.

In nearly two-thirds of all cases where alleged victims attended hearings, the victims appeared to have information about the different security and support measures available to them (14 cases or 58.3 percent). In two of these cases (8.3 percent), monitors assessed that this information did not appear to have been systematically distributed and was instead available to victims only if they happened to have visited a one-stop center or had CSO or legal support. However, for the remaining 10 cases (41.7 percent), the victims did not appear to be informed whatsoever about the different security and support measures available. This is detailed in **Figure 20** below.

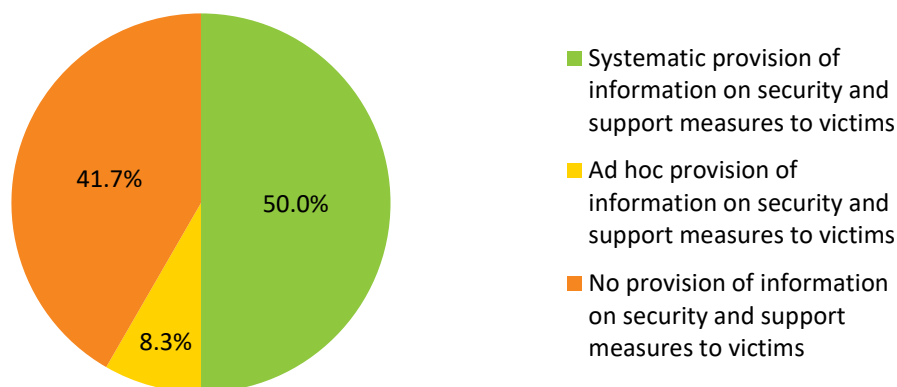


Figure 20: Provision of information on security and support measures to alleged victims

13.1.5. Victim Safety During the Trial

Inside the courtrooms themselves, monitors assessed that in most cases, it was inapplicable or unnecessary to inform the alleged victim about the possibility of testifying in a separate room to the accused (in 15 cases or 62.5 percent). Victims were only so informed in six cases (25 percent). In any event, no victims did testify in a separate room. Instead, in over half of the cases (15 cases or 62.5 percent), alleged victims who attended court were seated in such a way as to create separation from the accused. Half the time, there was a security officer between them or next to the victim, or the victim sat directly next to the prosecutors. More broadly, monitors typically noted that there was a considerable distance between the victim and the accused. Overall, monitors assessed that in slightly over half of all cases where alleged victims were present in court (13 cases or 54.2 percent), the seating plan made it impossible or difficult for the accused to stare at or intimidate the victim.

Despite various precautions, as many as a quarter of all victims who attended court (in 6 cases or 25 percent) were subject to retraumatizing treatment, as indicated in **Figure 21** below.

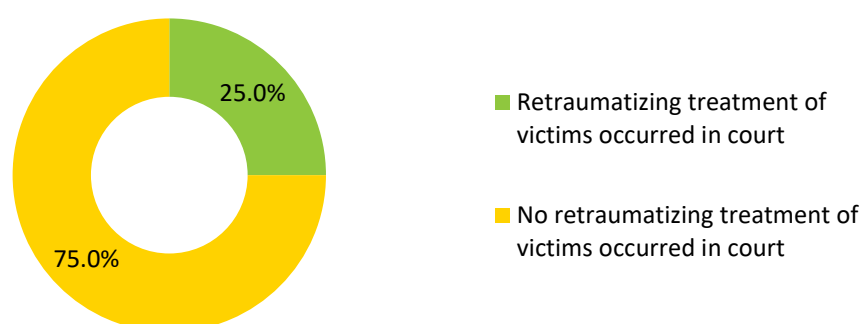


Figure 21: Retraumatizing treatment of alleged victims in court

In every instance where monitors provided further details, this potential retraumatization took the form of blaming the victim for what occurred and invoking gender stereotypes regarding appropriate

behavior. Significantly, it was not simply the accused who partook in victim-blaming, although at least two accused did explicitly accuse the victim of sharing blame for what occurred. Legal and judicial personnel likewise blamed victims based on failure to conform to gender stereotypes in at least three cases (12.5 percent). In one case, a lawyer blamed the victim for drinking despite being a woman. In another, a prosecutor said that the victim was responsible for the domestic violence due to her having left home to conduct business. In a third, a judge said that it was the woman's responsibility to cook food.

Judges generally intervened to prevent such behavior, including by imposing order in the courtroom, citing the rules of procedure, and allowing victims to testify in writing. However, there was no judicial intervention in the case in which the judge himself had blamed the victim for failing to cook.

Most victims were informed of their right not to testify against family members, parents, children, or relatives (in 20 cases or 83.3 percent). However, given that all relationships between victims and accused fit within these relationship paradigms as discussed above at **Section 11.7.2**, it is unclear why not all victims received such advice when attending court.

In the few cases in which measures of restraint were involved, all but one of the 10 victims were informed of the legal penalties for violating the measures imposed.

13.1.6. Victim Safety When Leaving Court

A quarter of all victims who attended court could leave the hearing separately from the accused thanks to arrangements made by the court (six cases or 25 percent), as **Figure 22** reflects.

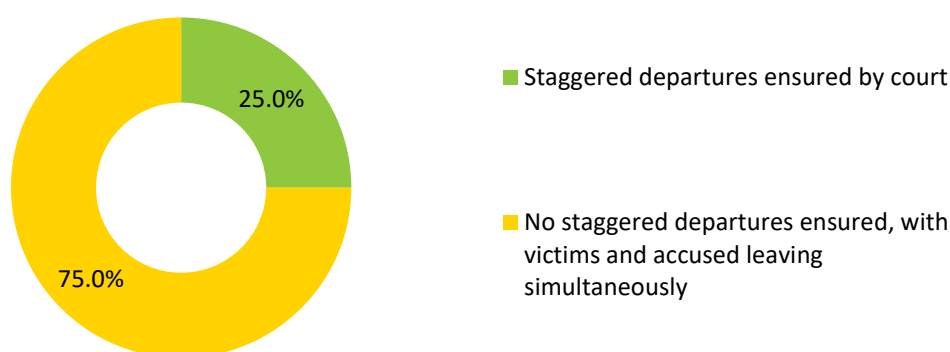


Figure 22: *Staggered departures of court by alleged victims and accused*

However, only in one of those cases was best practice observed, with the accused waiting 15 minutes or longer, enabling the victim to have left and be unlikely to be followed. In three of the five cases, the accused waited less than 15 minutes, while in two cases, the accused was in fact the person to leave first, which is not recommended practice from a safety perspective since it enables accused to wait to confront victims when they leave. Furthermore, only in three of the five cases did court personnel supervise the parties to ensure compliance with instructions regarding departures.

In the four cases that monitors considered to be high risk, they noted that none of the victims in those cases had a security escort provided when leaving the courtroom.

Finally, it is noted that Mongolian courts previously had a marshal service in place which was able to provide security escorts to alleged victims but which had been abolished by the time that the trial monitoring activity was undertaken. Given that the trial monitoring activity's outcomes are based only upon the data gathered through monitoring, this report is not in a position to provide information on whether victim safety has improved or deteriorated since the abolition of the marshal service.

13.2. Victims' Right to Relevant Information Concerning Violations and Reparation Mechanisms

This section is based on data collected through Trial Monitoring Tool Section II, Part 3 (Right to Relevant Information Concerning Violations and Reparation Mechanisms) (see **Annex C**).

13.2.1. Justice Sector Service Delivery Performance

Reflecting the overall strong performance of all victims' rights measured under the Trial Monitoring Tool, victims' right to relevant information concerning violations and reparation mechanisms recorded the second-lowest performance of all victims' rights evaluated yet achieved a median Justice Sector Service Delivery Scorecard grade of Very Good (90 percent). Indeed, just over half the cases (52.6 percent) achieved a Very Good grade and an underlying score of between 90 and 100 percent. At the same time, a significant 20 cases (35.1 percent) had a result within the Good grade range and with scores clustering at the lower end of that range, at 60 percent. In addition, three cases achieved results in the Poor grade range, with scores between 35 and 50 percent.

Viewed by crime type, criminal cases performed better than infringement cases. Although both types of cases achieved a Very Good grade, criminal cases scored at a median of 92.5 percent whereas infringements achieved an 80 percent median. In addition, all three cases which achieved an overall score of Poor, and 70 percent of those who achieved a Good grade were infringements.

13.2.2. Victims' Rights

Monitors were required to consider whether victims had received information regarding eight of their core legal rights and duties. These were the rights to:

- receive legal assistance;
- present evidence, review investigative actions, review evidence, and review all relevant case file materials;
- participate in court hearings, including by questioning the accused, witnesses, and experts;
- request actions and decisions be made by an inquiry officer, investigator, prosecutor and court;
- challenge the judge, prosecutor, investigator, translator, interpreter, expert, or court officer;
- have a copy of the court decree on acquittal or sentencing;
- request compensation connected to either the crime committed or illegal actions conducted by the authorities during court proceedings; and

- speak in their mother tongue or testify in another language with the use of a translator/interpreter.

The Trial Monitoring Tool also required monitors to record, for each right, the degree of information victims received; that is, whether they received full information and an explanation tailored to their understanding; whether they were merely informed about the right without also receiving a tailored explanation; or whether they received neither information nor an explanation. Findings on these indicators are set out in **Figure 23** below.

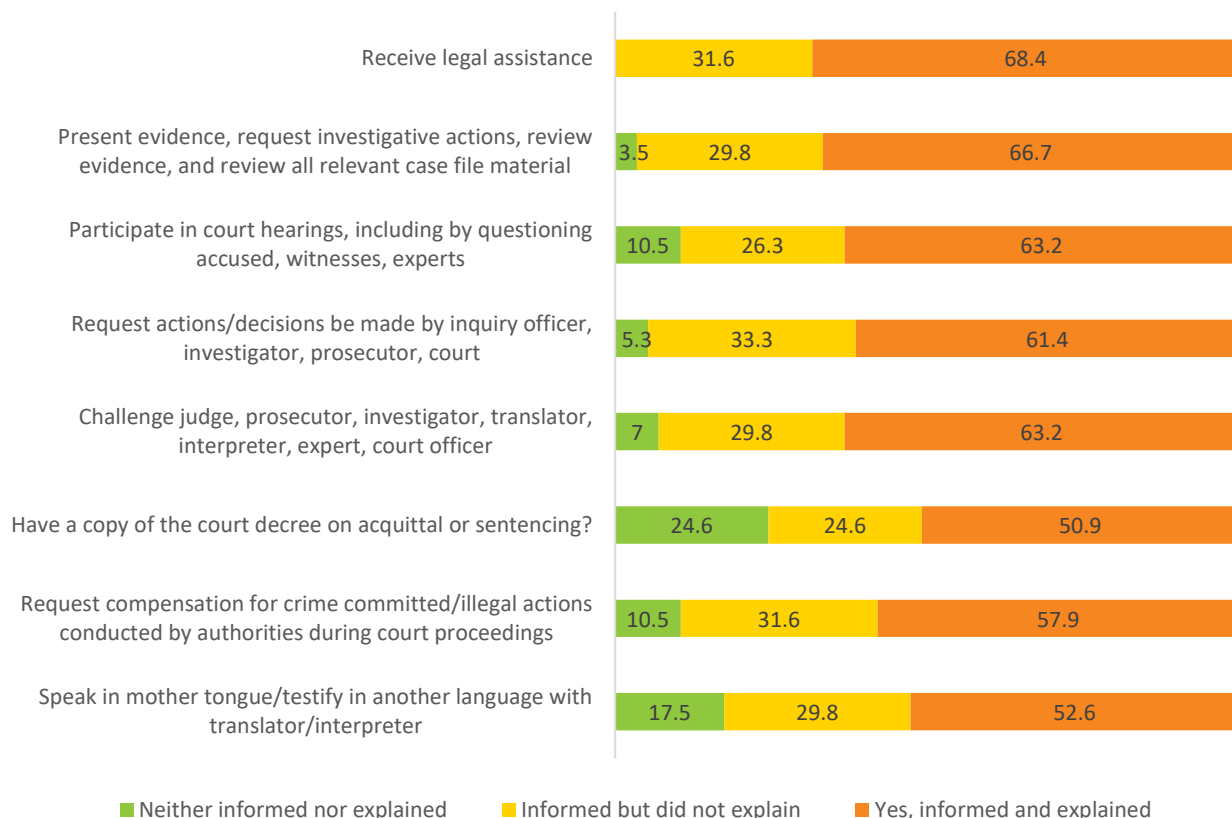


Figure 23: Information about and explanation of alleged victims' rights and duties

Monitors found that most victims received both information and an explanation about each of their rights and duties. Results for each of the rights ranged from 50.8 percent to 68.4 percent for the different rights and duties across the 57 cases within the sample. A sizeable number of victims also tended to receive at least information, if not an explanation, about their rights and duties, garnering results ranging from 24.6 percent to 33.3 percent.

For all remaining rights and duties, there was at least a small number of victims who received no information or explanation about the right/duty whatsoever. This ranged from only 3.5 percent (2 victims) for the right to present evidence, request investigative actions, review evidence, and review all relevant case file materials at the higher end of the results to as much as 24.6 percent (14 victims) for the right to have a copy of the court decree on acquittal or sentencing.

Victims were best informed overall about their right to receive legal assistance. Comparing all eight rights, victims received both information and an explanation about this right in the greatest number of cases (39 cases or 68.4 percent). Furthermore, all victims in the sample received at least some information if not an explanation about this right (in the remaining 18 cases or 31.6 percent). Victims were worst informed overall about their right to have a copy of the court decree on acquittal or sentencing. Victims received information and an explanation about this right in the fewest cases, and this was also the right which had the highest number of cases where victims received neither information nor an explanation.

As noted in **Section 13.2.1** above, three cases in the sample achieved an overall result of Poor, two in Bayanzürkh district in Ulaanbaatar and one in Arkhangai *aimag*. In all three cases, the low score owed to a failure to provide the alleged victim with adequate information or an explanation of their applicable rights and duties. In two of those three cases (those in Bayanzürkh district), the victim failed to receive any information about between four and five of their eight rights and duties. In all three cases, most of the times in which victims did receive information, they received only basic information without a specific explanation tailored to their understanding.

13.2.3. Victims' Access to Information

Monitors reported no issues vis-à-vis victims' access to information in any of the monitored cases. Specifically, there was nothing to suggest that the opportunity to review the case file in whole or in part was denied to any of the alleged victims. Likewise, there was no indication that victims or their lawyers were not provided with a copy of some or all the case file, or with an opportunity to make copies of the case file without limitation as to volume.

13.3. Victims' Right to Equal and Effective Access to Justice

This section is based on data collected through Trial Monitoring Tool Section II, Part 4 (Right to Equal and Effective Access to Justice) (see **Annex C**).

13.3.1. Justice Sector Service Delivery Performance

Alleged victims appeared to enjoy a robust right to equal and effective access justice, and this was the strongest performing of all victims' rights assessed. All 57 cases achieved a Very Good Justice Sector Service Delivery grade for this right. Indeed, the median score was a perfect Scorecard score of 100 percent, indicating a case's full compliance with all relevant procedural requirements in terms of access to justice. 66.7 percent of cases (38 cases) achieved a perfect score. Furthermore, no individual case scored lower than 80 percent, which remains within the Very Good range. Neither the victim's attendance of the hearing nor the severity of the offense involved appeared to have a notable bearing on these results: the median remained 100 percent when victims attended, when they did not, and for infringement cases, while criminal cases achieved a median score of 97.9 percent.

13.3.2. Victims' Access to Justice Generally

In most cases (53 cases or 93 percent), there was nothing to suggest victims did not know about hearing dates. Only in four instances (7 percent) were there possible indications of this. In two cases monitors indicated that victims would not be so informed for infringement trials, although given that it appears that victims were informed in other infringement trials, this would appear inaccurate. Furthermore, in another case, monitors reported that a court administrator informed them that the victim would not be attending the hearing because the presiding judge in that case had said that “victims say too many things, talk too much, or postpone hearings”. This suggests that the court may have deliberately chosen not to inform the victim of the hearing’s scheduling.

Likewise, there was virtually nothing to suggest that alleged victims or their lawyers were denied the opportunity to make requests and complaints at any stage of the case. In the sole instance in which this was reported, monitors noted that the victim could not have validly made the desired request/complaint. Nor was there any suggestion that alleged victims were pressured, coerced, or influenced by anyone to present either their in-court testimony or their statements at the inquiry/investigation stage in a particular way.

Figure 24 sets out monitors’ assessment vis-à-vis the quality of analysis of victims’ arguments and evidence (regardless of whether they had been presented in court) judgments. As it shows, five in every six judgments included adequate such analysis. However, there were a small number of cases where the victims’ arguments and evidence were inadequately addressed, and one where they were omitted from the analysis entirely.

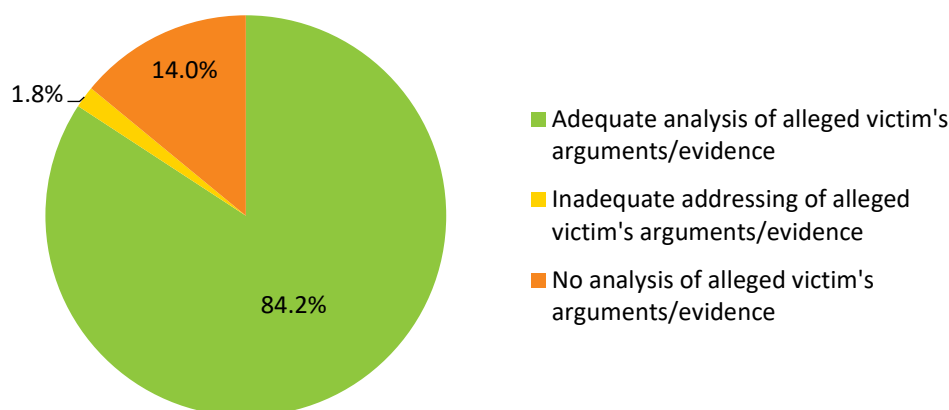


Figure 24: *Judgments' analysis of alleged victims' arguments and evidence*

None of the judgments contained harmful attitudes or language towards the victim, such as reliance on gender stereotypes or victim-blaming. However, as noted in **Section 13.1.5** above and further discussed in **Section 13.3.3** below, such attitudes did emerge in a few trials, including at least once from the presiding judge himself. It can therefore be presumed that at least in that case, these attitudes may have implicitly affected the judgment’s contents.

Whereas none of the accused in the sample population appeared to require an interpreter or translator, monitors indicated that in two cases, alleged victims appeared to have a lack of fluency in Mongolian

or a visual, hearing, or speaking disability. In one of these cases, they were provided with full written translations, whereas in the other, they received only partial written translations despite requests for more. Neither of these victims appeared to need to communicate in another language or through an interpreter or translator, however.

13.3.3. Victims' Access to Justice in Court

For the alleged victims who attended hearings in 24 of the cases, monitors reported that most cases (21 cases or 87.5 percent) appeared to present no obstacles limiting victims' opportunity to fully present their case in court. However, one victim had their questions/arguments interrupted or cut short (4.2 percent), while two other cases (8.3 percent) featured judges who exhibited inappropriate attitudes. One of these cases involved a judge explaining that women's role was to cook, and men were entitled to drink occasionally (also discussed at **Section 13.1.5**); the other, a judge using words that monitors reported as victim-blaming. Monitors duly further reported both cases as the two examples of judges making discriminatory comments, especially by citing gender stereotypes.

Nevertheless, monitors assessed that overall, no victims were denied a reasonable opportunity to present evidence or arguments, noting that in one case (4.2 percent), the victim sought a legally unavailable or unreasonable opportunity to do so. Similarly, monitors reported that unethical statements or behavior towards alleged victims either did not occur (in 18 cases or 75 percent) or was effectively prevented during hearings (in six cases or 25 percent). However, this assessment appears overly generous towards the discriminatory comments made by judges and discussed immediately above, which could arguably be considered unethical.

Even where alleged victims attended hearings, in two-thirds of these cases (16 cases or 66.7 percent) the victims' participation in the determination of justice in their case appeared limited as the victims offered no arguments as to the desirable outcome, as shown in **Figure 25** below.

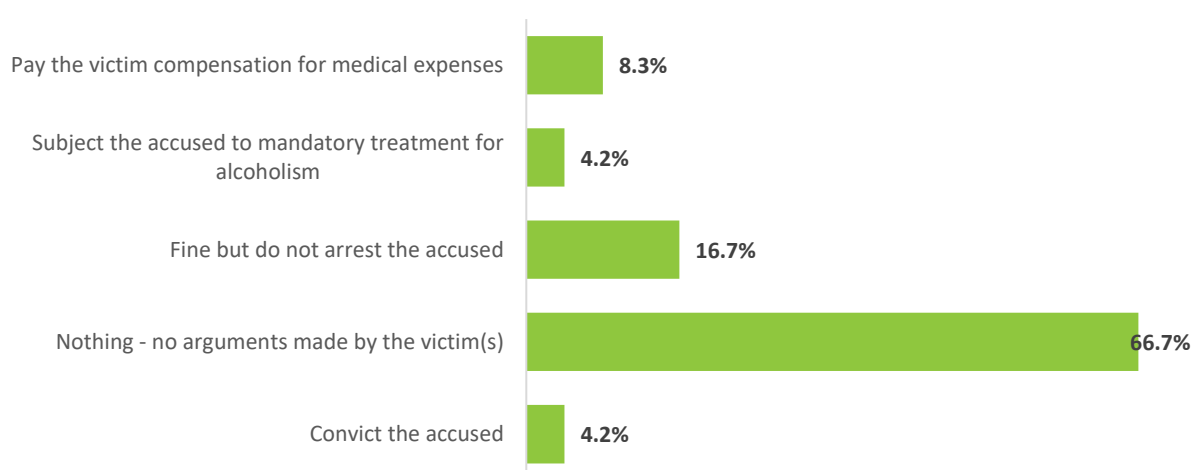


Figure 25: Alleged victims' arguments regarding desired outcome of cases

In cases where victims did make an argument as to outcome, most (4 cases or 16.7 percent) sought only to fine the accused. Only one victim sought the accused's conviction and presumably the imposition of a custodial sentence (4.2 percent). Another victim requested that the accused undergo

mandatory alcohol treatment, while two other victims requested reparations for medical expenses incurred due to the alleged DV.

According to monitors, judges overwhelmingly did explain the substance of the verdict to victims (in 23 cases or 95.8 percent), although on three occasions monitors deemed this explanation insufficient (12.5 percent). On one occasion, no explanation of the judgment or verdict was offered to the victim at all. Similarly, there was only one reported case where the judge failed to explain the appeal process to the victim (4 percent), and one other where monitors deemed the explanation insufficient (4 percent). In all other instances, sufficient explanations were provided or inapplicable since the victim had won.

In terms of general communications with the alleged victims, only in one case did monitors report that communication between the alleged victim and their lawyer was restricted during the hearing. The restriction owed in that instance to the fact that the victim's lawyer did not attend court. Apart from this, monitors generally assessed that judicial personnel exhibited kindness and compassion towards victims. However, there were exceptions observed across one-third of the cases where victims attended hearings (8 cases or 36 percent). These were:

- one prosecutor and one judge who were said to have been rude;
- a prosecutor, two judges, and defense lawyer who were said to have exhibited gender stereotypes towards the victim(s);
- one prosecutor, two judges, two defense lawyers and one court officer who were said to have blamed the victim(s); and
- one prosecutor who was said to have shown indifference to the victim.

13.4. Victims' Right to Adequate, Effective, and Prompt Reparation for Harm Suffered

This section is based on data collected through Trial Monitoring Tool Section II, Part 5 (Right to Adequate, Effective, and Prompt Reparation for Harm Suffered) (see **Annex C**).

13.4.1. Justice Sector Service Delivery Performance

The median grade and score for victims' right to adequate, effective, and prompt reparation for harm suffered was Very Good and 100 percent. The average score was a lower 87.9 percent, which remains within the Very Good range.

Overall, this was the second-highest result of all victims' rights assessed despite few victims in fact requesting reparations, widely referred to in the relevant Trial Monitoring Tool questions (and therefore in the below analysis) as compensation. There appear to be two reasons for this outcome. First, the assessment focused in part on victims' awareness of this right rather than their exercise of it. Second, the part that evaluated actual attempts to seek compensation did not deduct points from a case where a victim did not make such an attempt, on the basis that the Mongolian justice sector's performance should not be penalized by victims not seeking to exercise their right. Thus, since most victims did not

request compensation, their cases retained full scores for the questions relating to actual attempts to do so and had their overall scores inflated as a result.

It should also be noted that these strong overall results were influenced by a skewed distribution in individual case results, with a cluster of 36 cases (63.2 percent of all cases) achieving a perfect score. This cluster effectively masked within the overall results the fact that over one quarter of cases (16 cases or 28.1 percent) performed distinctly worse, achieving results of between Good (19.3 percent of cases) and Poor (8.8 percent of cases). These lower outcomes did not appear to be a function of severity of crime; location of crime (i.e. Ulaanbaatar or *aimag*); whether or not compensation was requested; or whether a victim had representation from a lawyer or other type of legal representative. Rather, they seem to be a product primarily of alleged victims' ignorance of the full range of harms for which they could claim compensation and the types of compensation they could claim.

13.4.2. Compensation to the Victim

Only in one in six cases (10 cases or 17.5 percent) did alleged victims request any sort of compensation for the DV suffered. Their claims frequently cited physical injuries (70 percent), with half noting economic loss such as funeral expenses, medical or psychological treatment, and loss of income due to temporary incapacity to work. Only one victim cited psychological harm. Indeed, even among these victims actively seeking compensation, at least two appeared unaware of all types of harm or damage for which they could have been compensated, with monitors specifically citing a lack of discussion of psychological harm. Three victims also appeared unaware of all types of compensation they could have requested, including one who asked whether medical expenses could be reimbursed.

Monitors moreover reported that among the 47 cases where victims made no compensation requests at all, in nearly a quarter of those (11 cases or 23.4 percent) the victims appeared unaware of both the full range of harms for which they could be compensated and the types of compensation they could have sought. While monitors sometimes attributed this to ignorance or the victim's non-participation, in some cases victims appeared to actively signal their refusal to seek compensation. For example:

- Two victims refused medical examinations that would have established the relevant harm;
- One victim's family appeared to have pressured her not to make a compensation claim;
- One victim paid the accused's fine for him and did not seek to have this sum reimbursed;
- One victim said she had no complaints; and
- One victim said that compensation was unnecessary.

The outcomes of victims' 10 requests for compensation are set out in **Figure 26** below.

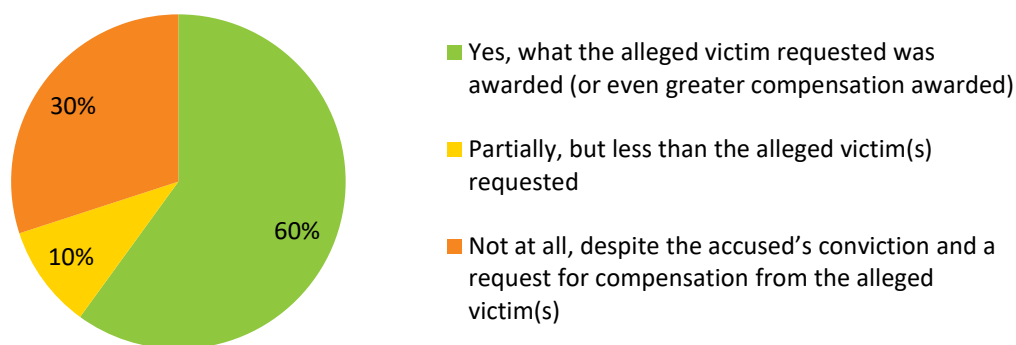


Figure 26: *Outcome of alleged victims' requests for compensation*

Victims were ultimately compensated to the full extent of their request or even beyond in a slim majority of cases (60 percent). However, in nearly a third of cases (3 cases), victims received no compensation whatsoever despite the accused's conviction and their request for compensation. In the final case, the victim received only partial compensation. Monitors mostly assessed judgments vis-à-vis these compensation decisions to be clear, understandable, without confusion, and consistent with the reasoning given. The exception was two of the cases in which compensation was denied and in which monitors reported that, even if the compensation decision itself was reasonable and consistent, the judge failed to explain it sufficiently in one of the cases, or at all in the other case. Details of compensation awards are set out below in **Section 14.7.3**.

14. Accused's Rights at Trial

This section presents findings on the accused persons in the monitored cases. It examines accused's right to a trial in all infringement and criminal trials examined. It focuses on the following rights: to a trial by a competent, independent, and impartial tribunal established by law; to a public hearing; to be presumed innocent, and not be compelled to testify or confess guilt; to objective and comprehensive evaluation of evidence; to equality of arms; to defend oneself in person or through counsel; and to a public judgment and a reasoned judgment. It is based on data collected through Trial Monitoring Tool Section III (see **Annex C**).

This section also contained a part on the right to an interpreter and to translation, but no accused in the monitored cases required such language support and therefore there was no available data in this regard. In addition, the rights in this section could theoretically apply equally to accused at appellate stages. However, all the monitored cases were first instance trials.

The accused's right to be tried by a competent, independent, and impartial tribunal established by law set out in **Section 14.1** was the third highest result among accused's rights at trial, with a median of Very Good. Almost all accused were informed of their procedural rights and few judges behaved intimidatingly towards them. Only once did an official (justifiably) leave during proceedings, although mobile phones were used in some courts, mostly by prosecutors and judges. Finally, monitors felt that certain deliberations were disproportionately short considering the severity of the charges.

In contrast, the accused's right to a public hearing analyzed in **Section 14.2** was the equal worst performing of all accused's rights at trial examined, while still achieving a median of Very Good. The poor performance owed to the fact that a slim majority of hearing dates/times were not publicly available – a problem that occurred in all nine monitored courts. Nevertheless, most cases were publicly accessible, with most visitors facing at least one form of security verification and monitors observing cases with express permission from court officials. Most cases took place in an adequately sized courtroom.

The other equal worst performer of the accused's rights at trial was the right to be presumed innocent and not to be compelled to testify or confess guilt detailed in **Section 14.3**, which still also achieved a median of Very Good. Notably, a few accused appeared in court handcuffed or shackled, which could have created a perception of their guilt. Accused were frequently informed of the component rights within this right but did not receive a tailored explanation. However, most exercised at least one of these rights anyway. No prosecutors or judges appeared to draw negative conclusions where accused remained silent, although twice, court officials made a statement prior to delivery of the verdict that already suggested that the accused was guilty.

The accused's right to an objective and comprehensive evaluation of evidence, presented in **Section 14.4**, was the median performer among the seven accused's rights at trial, again with a median of Very Good. Most cases described case file contents and referred to accused's pre-trial statements, with seven accused contradicting those statements in court. No accused appeared disadvantaged in terms of evidence submitted, and most had a fair opportunity to present a defense. Testifying victims/witnesses mostly received information about and an explanation of their relevant rights and

remained generally consistent in their account. One expert testified, who was properly informed of their rights and duties and testified within their scope of expertise.

The accused's right to equality of arms analyzed in **Section 14.5** – *i.e.* to the same procedural rights as all parties – achieved the highest results among the rights at trial, with a median of Very Good. Procedural irregularities vis-à-vis equality of arms were exceedingly rare and were limited to the fact that in two criminal cases (in different courts), the prosecution was situated closer to the judge inside the courtroom than the defense. Likewise, the defense was almost never denied their right to have the last word at trial.

Next best performing among the accused's rights at trial was the right to defend themselves in person or through counsel overviewed in **Section 14.6**. Overall, monitors identified few obstacles to the accused's right to a defense, with irregularities in only three cases. Three accused were removed from courtrooms during hearings but for valid protection reasons, although only one could follow and participate in the proceedings for which he was absent. Nearly three-quarters of accused were unrepresented. Where there were defense lawyers, most were situated close to the accused in court; had few communication issues with their clients; and appeared to adequately explain issues or speak to the accused.

Finally, despite achieving a median of Very Good, the accused's right to a public judgment and a reasoned judgment detailed in **Section 14.7** was the second-worst performing of all accused's rights at trial. Nearly all cases made an official record of proceedings, with audio-video recordings occasionally omitted, although few courts explained parties' right to familiarize themselves with that record. Most of the citizens' representatives (quasi jurors) who participated in hearings were able to give an opinion proposing a verdict. The one acquitted accused was not informed of their right to compensation for the authorities' unlawful acts during proceedings, if any. The full judgment was read in court in only a third of cases. Written judgments fared considerably better and ultimately, monitors assessed virtually all judgments as sufficiently clear, understandable, and without confusion. However, full judgments were rarely made public and in nearly half the cases, no judgment or summary was available whatsoever. A wide range of additional (non-scoring) data on judgments is also discussed in this section.

14.1. Accused's Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law

This section is based on data collected through Trial Monitoring Tool Section III, Part 6 (Right to a Trial by a Competent, Independent and Impartial Tribunal) (see **Annex C**).

14.1.1. Justice Sector Service Delivery Performance

The median Justice Sector Service Delivery Scorecard grade and score for the accused's right to be tried by a competent, independent, and impartial tribunal established by law was Very Good and 95 percent, which was the third highest result among accused's rights at trial. Criminal cases fared marginally better than infringements, with the median score increasing to 100 percent. However, 12.3

percent of cases achieved results within only the Good range, with median scores of between 65 and 75 percent. These tended to be cases where the court failed to adequately explain to the accused certain rights at their disposal and were mostly located in Ulaanbaatar's districts.

14.1.2. Composition of the Court

None of the accused challenged the composition of presiding judges. Nevertheless, their right to do so was explained in every case, except during seven infringement trials, six of which were heard at Bayanzürkh District Court.

14.1.3. Judicial Conduct

As **Figure 27** shows, accused were informed of their procedural rights in almost all cases (98.2 percent). Moreover, nearly two-thirds of accused (37 accused or 64.9 percent) were not only formally informed of their procedural rights but received explanations from judges in that regard. Monitors further considered that where accused did receive both information and an explanation, in all but two of those cases (*i.e.* 61.4 percent of all cases) judges had adequately considered the accused's age, capacity, and condition in determining the nature of the explanation offered. However, one accused (1.8 percent) was neither informed of his rights nor received a tailored explanation.

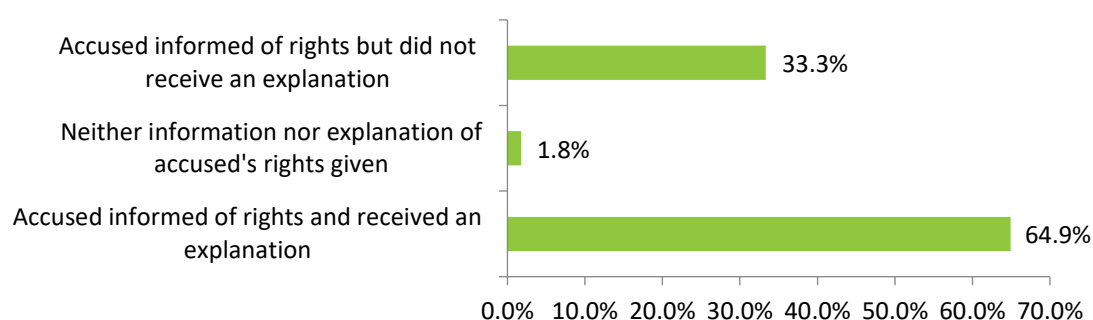


Figure 27: Courts' notification of accused's overall procedural rights

Monitors reported that judges behaved in an intimidating manner towards the accused in only three cases (5.3 percent). Otherwise, no judge made discriminatory or biased comments about the accused, or permitted themselves or others to make unethical comments, in any of the cases observed.

Only once did a judge, court officer or prosecutor leave the courtroom while proceedings were ongoing although monitors reported that this was for a justifiable reason. However, and as **Figure 28** below shows, mobile phones were reported to have been used in 5 cases (8.8 percent). In most of those cases (80 percent), it was prosecutors and judges reportedly on their phones.

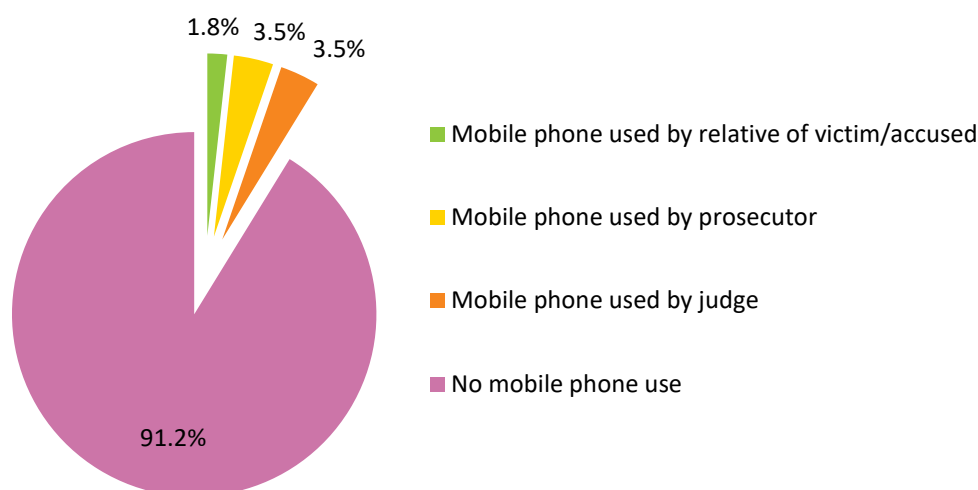


Figure 28: Mobile phone use in court

In six cases (10.5 percent), monitors assessed that the length of deliberations did not appear to be proportionate to the severity of the charge(s) being considered. Five of these cases were infringements, of which four ran for between 14 and 15 minutes – significantly shorter than the median length of 25 minutes for infringement trials sampled for this activity. The final case where deliberations were reportedly inadequate was a criminal trial which ran for 55 minutes, which was only half the length of the median criminal trial length of 1 hour and 43.5 minutes.

14.2. Accused's Right to a Public Hearing

This section is based on data collected through Trial Monitoring Tool Section III, Part 7 (Right to a Public Hearing) (see **Annex C**).

14.2.1. Justice Sector Service Delivery Performance

While still achieving a median Justice Sector Service Delivery Scorecard grade of Very Good, the accused's right to a public hearing was the equal worst performing of all accused's rights examined for the trial monitoring activity (together with the right to be presumed innocent and not to be compelled to testify or confess guilt). The median score overall was 83.3 percent. Curiously, whereas it might have been assumed that infringement trials would outperform criminal trials for this right since the latter would be likelier to have closed hearings, the reverse was true. The median Scorecard score for criminal trials in terms of the right to public hearings was 100 percent, whereas this decreased over 30 percentage points to 66 percent and downgraded to a Good grade for infringement trials. Indeed, 10 infringement cases (17.5 percent of all cases monitored) achieved a grade of Poor. The principal contributing factor to these weaker results was the unavailability of court hearing schedules.

14.2.2. Right to a Public Hearing

As **Figure 29** depicts, a slim majority of cases (52.6 percent) did not make the monitored hearing's date and time publicly available either on a website or on physical display at the courthouse. Of these, there were 26 cases (45.6 percent) where this information was simply unavailable. In four other cases (7 percent), the information was theoretically available but the platform for its delivery (e.g. a website or noticeboard) was not updated, delayed, unavailable or incomplete.

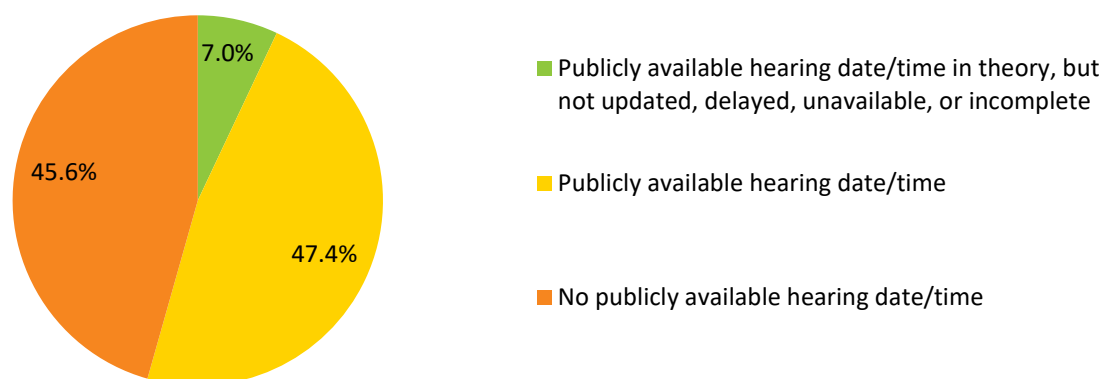


Figure 29: Public availability of courts' hearing schedules

The failure to make hearing dates and times public never appeared to be systematic, as monitors confirmed the public availability of hearing dates and times for cases in all nine of the monitored courts. However, the reported unavailability of hearing dates and times nevertheless occurred repeatedly in all four Ulaanbaatar district courts monitored and in every *aimag* court except for Övörkhangaï. Thus, it may be that there is some unreliability in the platform or methodology used to deliver this information.

Nevertheless, and as set out in **Figure 30**, most cases (51 cases or 89.5 percent) were publicly accessible if one could identify that its hearing was taking place. In the remaining six cases, certain limits were imposed, as monitors learned either from information provided by court administrators or their own observations. In two of these six cases, relatives or friends of the accused were denied access for privacy reasons, as reported to trial monitors by court administrators. There were two additional cases that were theoretically closed to all outside parties but for trial monitors due to alleged victims' concerns, there appeared to be no requests from third parties to attend. Finally, there were two more cases that were not publicly accessible, even to monitors, due to the COVID-19 pandemic, although monitors were able to follow these cases via audio-video means.

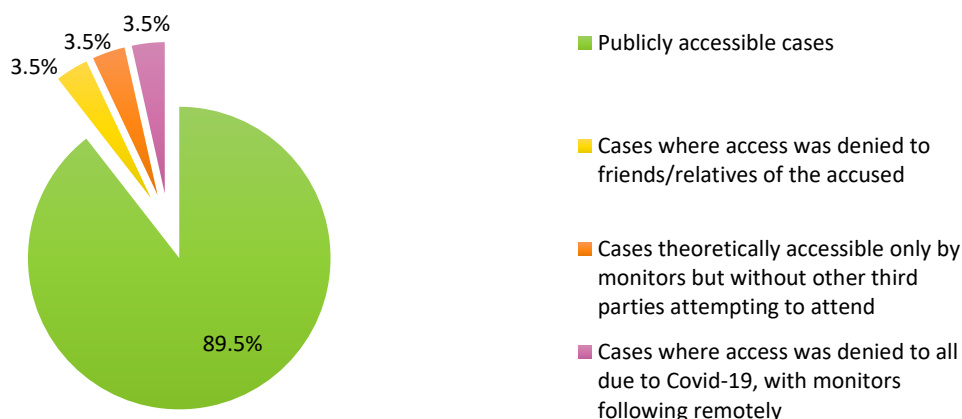


Figure 30: Limits imposed on public access to hearings

Monitors reported that in all but one of the six cases in which limits were imposed on persons accessing the hearing, this imposition had a valid legal basis. This was either because the case involved state, organizational, or personal secrets, or generally in the interests of the parties' private lives or in the interests of justice. However, there was one case (1.8 percent of all cases) where persons were denied access and monitors were unable to ascertain the basis on which this occurred.

To determine security measures imposed on accessing hearings, the activity measured monitors' own experiences. In over half the cases (52.7 percent), visitors were subject to one form of verification: either an identification check (in 36.4 percent of all cases) or being required to enter their identifying particulars into a visitors' logbook (in 16.4 percent of cases). In most of the remaining cases, visitors were subject to both an identification check and the requirement to complete a visitors' logbook (in 45.4 percent of cases). In one further case, monitors reported that visitors were required to undergo a security check as well as the identification check and logbook steps.

Since the trial monitoring activity was conducted with cooperation from the JGC, the protocol was that monitors would seek express permission prior to entry to courtrooms as discussed above in **Section 9.1.4**. Monitors reported that they obtained such permission most often from both judges and court officers (58.2 percent), or otherwise from only the court officer (21.8 percent) or the judge (20 percent).

According to monitors' assessments, nearly four out of every five cases' hearings (78.9 percent) took place in a courtroom of adequate size. However, there were a further 7 cases (12.3 percent) where some hearings took place in a courtroom that was too small, and 5 cases (8.8 percent) where all hearings took place in a courtroom that was too small.

14.3. Accused's Right to be Presumed Innocent, and Not to be Compelled to Testify or Confess Guilt

This section is based on data collected through Trial Monitoring Tool Section III, Part 8 (Right to Be Presumed Innocent, and Not to be Compelled to Testify or Confess Guilt) (see **Annex C**).

14.3.1. Justice Sector Service Delivery Performance

The median Justice Sector Service Delivery Scorecard grade and score for the accused's right to be presumed innocent and not to be compelled to testify or confess guilt was Very Good and 83.3 percent. However, a sizeable 16 cases achieved an overall result of Good, with scores ranging between 55.5 percent and 72.2 percent. Indeed, despite the median of Very Good, this right was the equal worst-performing of all accused's rights measured at the trial stage (together with the right to a public hearing). Poorer results were most strongly correlated to limited information being provided to accused persons regarding their specific rights in this regard, such as the right against self-incrimination, the right not to be bound by pre-trial statements, and the right to remain silent.

14.3.2. Accused's Appearance

Most cases (93 percent) did not exhibit any signs from the accused's appearance in court that could create a perception of their guilt. Nevertheless, this did occur in four cases (7 percent) – three criminal cases and one infringement. All four accused in these cases appeared in court while handcuffed or shackled. One of them was also wearing a prison uniform.

14.3.3. Accused's Rights

As **Figure 31** indicates, in two out of every five cases (*i.e.* between 40.4 and 45.6 percent of the time), accused were only informed but not given a tailored explanation of the rights which comprise their overall right to be presumed innocent and not to be compelled to testify or confess guilt. These component rights are the right against self-incrimination and against testifying against close relatives; the right not to be bound by a pre-trial statement; and the right to remain silent. Of the three rights, accused appeared least well-informed about their right not to be bound by a pre-trial statement; indeed, over a quarter of all accused (28.1 percent) were not advised of this right whatsoever.

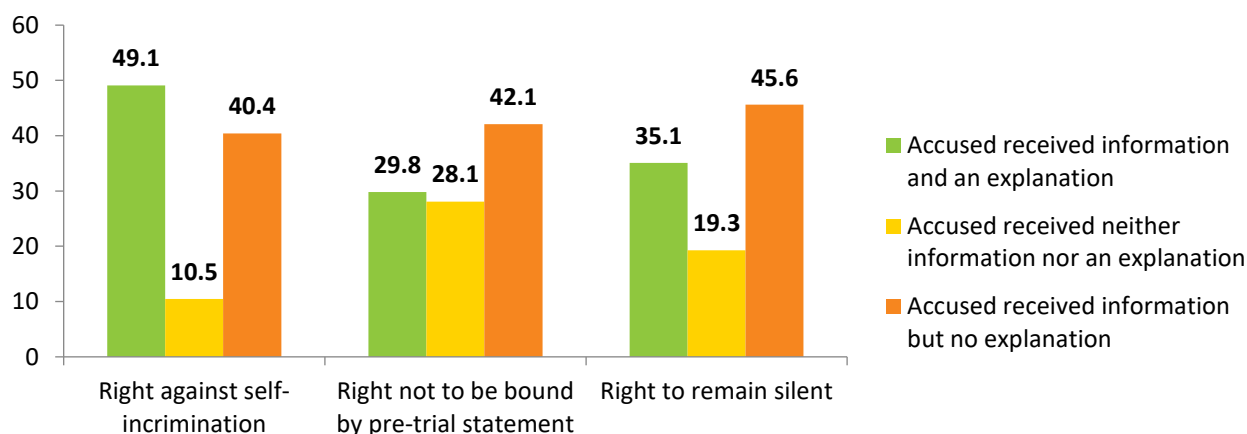


Figure 31: Courts' notification of accused's rights related to the presumption of innocence

Strikingly, despite courts' mixed record in notifying accused of their rights within the overall right to be presumed innocent and not to be compelled to testify or confess guilt, 57.9 percent of accused nevertheless exercised at least one of these rights in court. Most commonly, accused relied on their right against self-incrimination or testifying against close relatives (in 16 cases or 28 percent), followed by their right to remain silent (in 13 cases or 22.8 percent). Notably, less than half the accused who

exercised these rights (43.7 percent) had a defense lawyer. Therefore, whether the rights were exercised did not appear to be dependent on whether accused had received legal advice, which might have been assumed to be the case.

14.3.4. Treatment of Accused

No prosecutors or judges appeared to draw negative conclusions about accused because of their decision to remain silent. However, in six cases (10.5 percent), monitors observed that accused were pressured during questioning, including through aggressive questioning. This was most commonly carried out by prosecutors but also by judges, and victims' lawyers or legal representatives. Indeed, in one case, a judge or prosecutor appeared to suggest that the accused should plead guilty to make the proceedings run faster or reduce the punishment imposed.

14.3.5. Personal Opinions on Accused's Guilt

There were reportedly two cases (3.5 percent) in which judges, the court or a public official made a statement prior to delivery of the verdict that suggested that the accused was guilty, although there were no such suggestions made after the accused were ultimately acquitted.

14.4. Accused's Right to Objective and Comprehensive Evaluation of Evidence

This section is based on data collected through Trial Monitoring Tool Section III, Part 9 (Right to Objective and Comprehensive Evaluation of Evidence) (see **Annex A**).

14.4.1. Justice Sector Service Delivery Performance

The overall Justice Sector Service Delivery Scorecard results for the accused's right to an objective and comprehensive evaluation of evidence were the median outcome of all seven accused's rights at trial examined for this activity. It scored a median grade and score of Very Good and 91.7 percent. The median remained virtually equal regardless of whether the cases involved infringements or crimes. The median also remained Very Good and 91.7 percent when at least one witness and/or victim attended the hearing. However, results decreased marginally to Very Good and 89.3 percent when no witnesses, victims, or experts participated in court. Conversely, they fell further still to a grade of Good and an overall score of 75 percent in the one case in which both witnesses and experts testified.

14.4.2. Treatment of Evidence

The contents of the case files were described in court in all 57 cases monitored, though in most cases (54.4 percent) in only a brief way. Likewise, cases universally presented evidence as to whether the crime scene investigation, identification of persons, investigatory expertise, acquisition of samples for examination, and commissioning of experts was performed according to established procedures.

The accused's pre-trial statement was referred to in most cases (93 percent), although in nearly half of all cases, monitors assessed that it was discussed in only a selective and misrepresentative way (in

49.1 percent of all cases). Moreover, in four cases (7 percent), the accused's pre-trial statement was not referenced at all. In addition, and significantly, where the contents of the accused's pre-trial statement was not made public in full or at all, monitors assessed that there was usually no legitimate protection or public order reason for withholding this information (in 13 cases or 22.8 percent).

Seven accused (12.3 percent) contradicted their pre-trial statement at trial, as set out below in **Figure 32**. Monitors assessed that most contradictions ranged from minor to moderate in nature, and generally seemed to involve accused acknowledging a greater degree of culpability during their trial testimony than they did in their pre-trial statement.

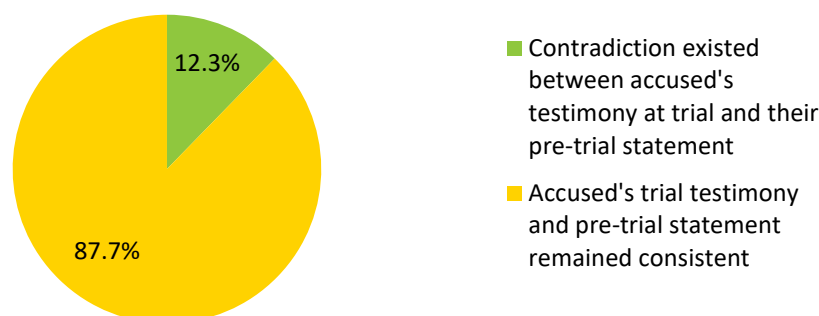


Figure 32: Contradictions between accused's trial testimony and pre-trial statements

No accused appeared to have been placed at a disadvantage compared with the prosecutor in terms of the evidence that each side was able to submit, and no defense complaints were submitted in this regard. Similarly, courts were not reported to have failed to introduce, consider, or admit any relevant evidence, although in two cases, monitors did report that the court failed to consider relevant questions. In one of these cases (in Tuv *aimag*), it appeared that relevant defense questions were not considered, and it is also noteworthy that this was the same case where monitors reported that the judges and prosecutors had pressured the accused during questioning. In the other case in Songino-Khairkhan district, monitors reported conversely that relevant prosecution questions were not considered.

In over half the monitored cases (32 cases or 56.1 percent), there was reportedly at least one attempt by a party to present irrelevant or inadmissible evidence. Furthermore, in over half of these cases, monitors reported that courts took either no steps or insufficient steps to prevent this evidence from being heard (17 cases or 53.1 percent of all cases featuring irrelevant or inadmissible evidence).

There were no suggestions in any monitored case of evidence being obtained via psychological or physical coercion, torture, ill treatment, duress, threats, deceit, or other unlawful treatment.

14.4.3. Right to Present a Defense

As **Figure 33** shows, most defendants had a fair opportunity to present a defense, consisting of the rights to rebut the findings of the prosecution (in 64.9 percent of cases); comment on written and oral examinations, question and cross-examine witnesses/victims and experts (59.6 percent); and especially to present evidence (87.7 percent) and present the defense case overall (87.7 percent). However, it should also be noted that according to monitors, one in every five to six accused (between

12.3 and 21.1 percent of all cases) did not have the constituent rights of their right to present a defense properly respected.

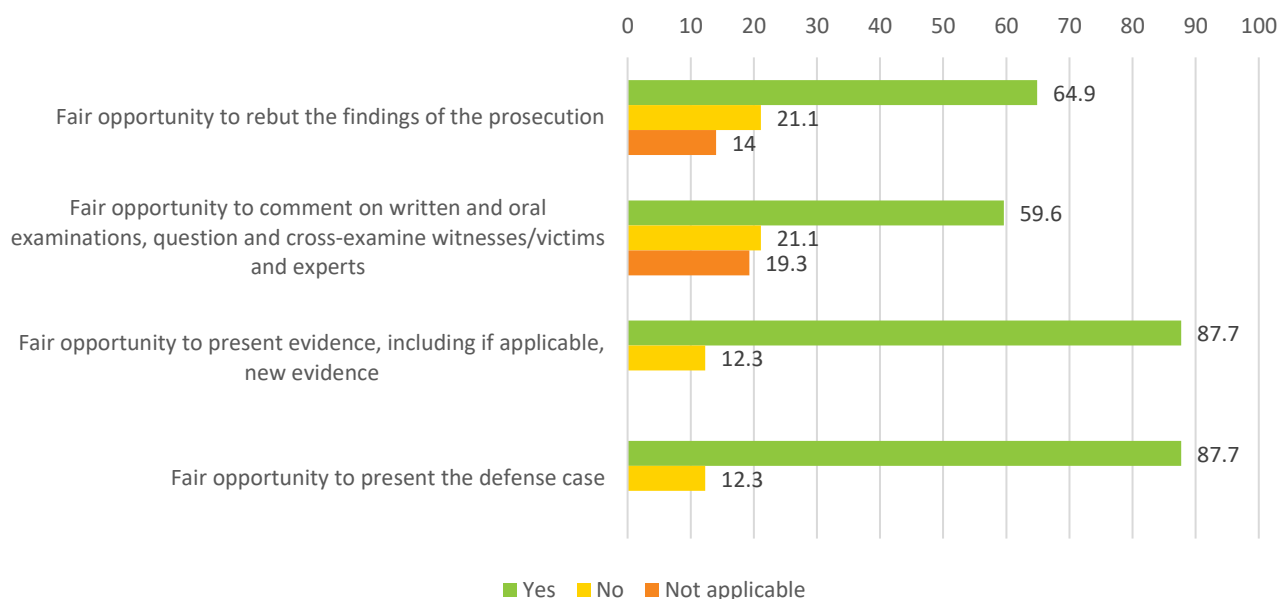


Figure 33: Fair opportunity for the accused to present a defense

14.4.4. Examination of Witnesses and/or Victims

This part of the Trial Monitoring Tool considered procedural fairness with respect to the examination of alleged victims' and/or witnesses' testimony in court. As discussed above, alleged victims appeared in court in 24 cases or 42.1 percent of all monitored cases. Witnesses appeared even more rarely, in only eight monitored cases or 14 percent of all cases. Witnesses typically appeared in cases where victims also appeared, although there were two additional cases (3.5 percent) where witnesses appeared although alleged victims did not. Alleged victims and witnesses who appeared in court overwhelmingly testified in those cases. However, there was one criminal trial in which the victim attended court but did not testify. Altogether, therefore, there were a total of 25 cases (43.9 percent of all cases) in which alleged victims and/or witnesses were examined (i.e. testified) in court.

In the 10 cases in which multiple individuals testified (either multiple victims or a combination of victims and witnesses), a majority of six were examined in the absence of other individuals who had not yet been examined. However, there were three cases in which all testifying individuals were present for the others' testimony, and one case where some individuals were present during others' testimony.

Most testifying victims and/or witnesses received both information about and an explanation of their rights in connection with testifying (in 17 cases or 68 percent of all cases in which victims and/or witnesses testified). However, seven individuals (28 percent) received only information but no tailored explanation, while one victim received neither information nor an explanation (4 percent). Similarly, most received information and an explanation of the criminal responsibility associated with giving false testimony (in 19 cases or 76 percent). Again, however, there were some who received only information

but no explanation (in 4 cases or 16 percent) and three cases where the individuals received neither information nor an explanation (12 percent).

Monitors reported that, of the cases where alleged victims and/or witnesses testified, there was only one case in which those individuals faced pressure during their examination to answer questions in a certain way or to make or refrain from making certain arguments. In the case in question, the testifying individual was a victim, who faced pressure from the judge in the form of victim-blaming.

Finally, while most victims and/or witnesses who testified remained consistent in their account of events (in 20 cases or 80 percent), monitors reported that five individuals – all victims – had minor to moderate contradictions. These included two cases where the victims recanted their previous statements that they had been beaten, with one testifying in court that this was perhaps an error, and the other claiming that rather than being beaten and strangled, she had been pushed and embraced.

14.4.5. Examination of Experts

An expert – a forensic expert – testified in only one of the 57 monitored cases (1.8 percent), which was a case in which the alleged victim's condition deteriorated after the DV and she ultimately died. Monitors reported that the expert was informed and received an explanation of their rights and responsibilities in connection with providing their expert opinion, and that the accused in turn was informed and received an explanation of his right to challenge the expert. The expert offered opinions only on matters within their scope of expertise. Following the expert's testimony – which took place in a hearing two days after the victim had died – the court approved a request from the victim's lawyer to appoint a pathologist to autopsy the victim's body.

14.5. Accused's Right to Equality of Arms

This section is based on data collected through Trial Monitoring Tool Section III, Part 10 (Equality of Arms) (see **Annex C**).

Equality of arms requires that “the same procedural rights are to be provided to all the parties unless distinctions are based on law and can be justified on objective and reasonable grounds, not entailing actual disadvantage or other unfairness to the defendant.”¹⁷ It is evaluated as an accused's right within the Trial Monitoring Tool since the tool considers only the position of accused persons and alleged victims, but equality of arms is in fact also a prosecution right.

14.5.1. Justice Sector Service Delivery Performance

Of all the accused's rights at trial which were monitored for this activity, the accused's right to equality of arms achieved the highest results. The median Justice Sector Service Delivery Scorecard grade and score was Very Good and 100 percent; all cases received a Very Good grade (the only one of the accused's rights at trial to achieve this result); and all but three cases attained a perfect score.

¹⁷ United Nations Human Rights Committee, *General Comment 32: Article 14: Right to equality before courts and tribunals and to a fair trial*, UN Doc. No. CCPR/C/GC/32, 23 Aug 2007, para. 13.

14.5.2. Defense and Prosecution Rights

Procedural irregularities vis-à-vis equality of arms were exceedingly rare and were limited to the fact that in two criminal cases (in different courts), the prosecution was situated closer to the judge inside the courtroom than the defense. Apart from this, monitors did not observe any disadvantage on the part of the accused as compared to the prosecution with respect to the right to:

- present evidence or arguments;
- question witnesses, victims and/or experts (where applicable);
- review the case file in whole or part;
- make requests in court;
- file requests or complaints at the pre-trial stage; or
- make closing remarks in court.

14.5.3. Defense Rights

Likewise, the defense was almost never denied their right to have the last word at trial. As depicted in **Figure 34** below, this right was only violated once (1.8 percent of all cases), in an infringement case, where the judge was observed cutting the defense off as they attempted to make closing remarks.

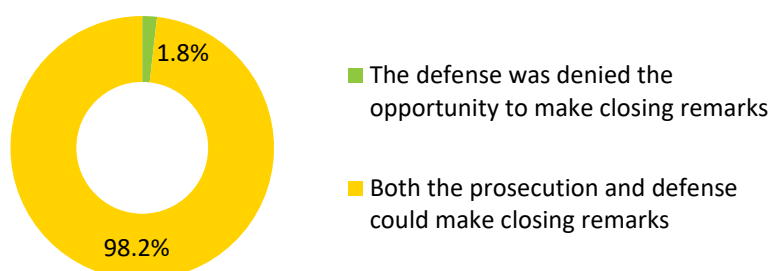


Figure 34: Opportunity to make closing remarks at trial

14.6. Accused's Right to Defend Oneself in Person or Through Counsel

This section is based on data collected through Trial Monitoring Tool Section III, Part 11 (Right to Defend Oneself in Person or Through Counsel) (see **Annex C**).

14.6.1. Justice Sector Service Delivery Performance

The median Justice Sector Service Delivery Scorecard grade and score for the accused's right to defend themselves in person or through counsel was Very Good and 100 percent. However, this result was influenced a significant cluster of perfect scores, which masked the existence of a second cluster of nine cases which achieved lower Good grades and a tenth case with a Poor grade. Nevertheless,

overall, the accused's right to defend themselves in person or through counsel recorded the second-best Scorecard performance of all the accused's rights at trial.

While the severity of crime appeared to have no impact on the right to a defense (with the median remaining Very Good and 100 percent either way), the Scorecard performance worsened whenever accused had defense lawyers. This contradicts the possible assumption that legal representation would improve the accused's rights protection. In fact, the median score for accused with lawyers was 87.5 percent compared to 100 percent for accused without lawyers. Scores deteriorated further for accused who had defense lawyers and were removed from the courtroom during ongoing proceedings; the median for these three accused decreased to Good and 66.7 percent.

14.6.2. General Right to a Defense

Overall, monitors identified few obstacles to the accused's right to a defense. Accused attended all hearings, except for three cases (5.3 percent) where the accused participated with consent via audio-video link. All three were infringement hearings in Ulaanbaatar's Songino-Khairkhan district in which the victim did not attend the hearing.

As **Figure 35** below illustrates, all accused received at least some information about their case. For most (87.7 percent), the information received was adequate and timely, although for seven accused (12.3 percent), the access was either limited or late.

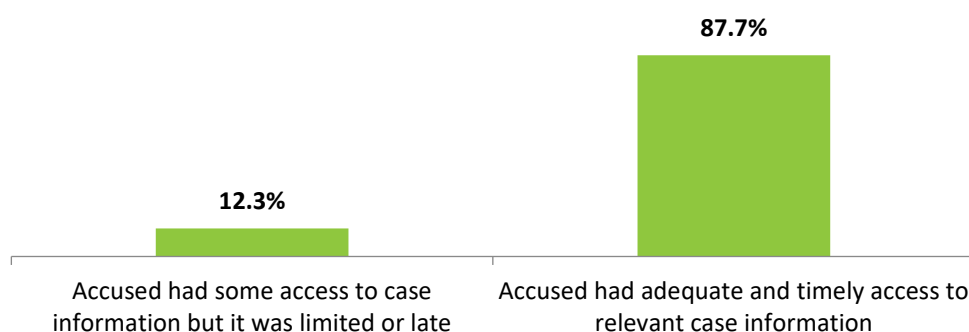


Figure 35: Accused's access to relevant case information

All but three accused (54 accused or 94.7 percent) appeared to face no obstacles to fully presenting their defense. For the three that did face obstacles, monitors reported them to be as follows.

Obstacles to a full presentation of a defense according to trial monitors	Relevant details of the trial
<ul style="list-style-type: none"> The court appeared to predetermine the accused's guilt 	<ul style="list-style-type: none"> Criminal trial for murder with DV as an aggravating factor Victim was a child aged 3 years and 11 months who was beaten to death for allegedly refusing to eat his dinner Monitors described that the court "was a little violent with the defendant" Case was heard before a full bench of three judges Accused received a sentence of life imprisonment (the most severe sentence meted out in the monitored cases)

Obstacles to a full presentation of a defense according to trial monitors	Relevant details of the trial
	<ul style="list-style-type: none"> Trial lasted 1 hour and 42 minutes (30 seconds less than the median hearing time for criminal trials in the monitored cases)
<ul style="list-style-type: none"> The court appeared to predetermine the accused's guilt The trial was too rushed and too short 	<ul style="list-style-type: none"> Infringement trial for beating a person with family relationship Accused had a prior DV conviction Monitors noted that there was a backlog of cases needing to be resolved that hearing day, which may have contributed to rushed proceedings Trial lasted 15 minutes (9 minutes less than the median hearing time of 24 minutes for infringement cases)
<ul style="list-style-type: none"> The trial was too rushed and too short 	<ul style="list-style-type: none"> Infringement trial for beating a person with family relationship Monitors noted that there was a backlog of cases needing to be resolved that hearing day, which may have contributed to rushed proceedings Trial lasted 11 minutes (less than half the median hearing time of 24 minutes for infringement cases)

Table 9: Obstacles accused faced in attempting to present a proper defense

While all accused appeared to have some opportunity to obtain and comment on observations filed or evidence submitted by the prosecution, monitors noted that in four cases (7 percent), this opportunity was insufficient.

14.6.3. Right to be Present

Monitors reported that three accused (5.3 percent of all accused) were removed from the hearing for the valid legal reason of protecting the testifying victims/witnesses. All three accused faced criminal charges. However, only one of the accused was able to follow the proceedings in full via audio-video link from another location; consult with their lawyer about the victim/witness before leaving the courtroom; and put questions to the victim/witness. The other two did not enjoy any of these rights, and did not receive a summary of the testimony. Furthermore, one of the three accused was also removed from the courtroom during the deliberation of the three judges in that case.

14.6.4. Right to a Defense Through Legal Counsel

As discussed above in **Section 11.6.2**, nearly three-quarters of all accused were unrepresented (71.9 percent), with defense lawyers representing 16 of the 57 accused (28.1 percent), although one defense lawyer did not attend the trial. In two-thirds of instances where accused had legal representation (11 cases or 68.7 percent), defense lawyers were hired by the accused or their family members. In the remaining 5 cases, accused's lawyers were appointed for them. Most defense lawyers (in 62.5 percent of cases) represented their client from the beginning of the pre-trial stage. However, three defense lawyers were hired only after the pre-trial investigation (18.7 percent) had started and three others commenced either at the end of that investigation or at the start of the trial (18.7 percent).

In courtrooms, most defense lawyers (in 62.5 percent of cases) were situated close to the accused. Monitors reported few observable communication issues between defense lawyers and their clients. However, in one case, monitors noted that the courtroom appeared to be too small for the defense lawyer to speak to the accused privately.

Asked to assess lawyers' performance in court, monitors determined that in all but one case (93.7 percent), defense lawyers appeared to adequately explain issues to the accused or speak in a way that the accused could understand. In the one exception, monitors reported that the defense lawyer's explanation of issues was inadequate. In terms of communication, monitors assessed that all defense lawyers showed kindness and compassion for their clients – although in one case, the lawyer and the accused reportedly did not communicate with each other at all. Furthermore, monitors also noted that in five cases, the lawyers appeared to inadequately seek their clients' instructions or to simply tell their clients what to do, which would indicate a lack of sufficient respect.

14.7. Accused's Right to a Public Judgment and a Reasoned Judgment

This section is based on data collected through Trial Monitoring Tool Section III, Part 12 (Right to a Public Judgment and a Reasoned Judgment) (see **Annex A**).

14.7.1. Justice Sector Service Delivery Performance

Despite achieving a median Justice Sector Service Delivery Scorecard grade of Very Good and a median score of 84.4 percent, the accused's right to a public judgment and a reasoned judgment was the second-worst performing of all accused's rights at trial. Indeed, unlike several other accused's rights at trial which produced large clusters of cases with perfect scores, only three cases were able to achieve this feat for the right to a public judgment and a reasoned judgment. Thus, a limited number of procedural irregularities vis-à-vis judgments were commonplace rather than anomalous. It should also be noted that infringement cases performed more poorly than criminal cases in this regard. While the median score for the right to a public judgment and a reasoned judgment was 90.6 percent in criminal cases, it was nearly ten percentage points lower for infringements, at 81.2 percent.

14.7.2. Record of the Trial

In all but one of the monitored cases, an official record was made of the full proceedings via computer or typewriter (98.2 percent), with three of these cases (5.3 percent) also producing supplementary handwritten notes. The one exception was an infringement case in which monitors reported that only a partial record was made on a computer. Audio-video recordings of hearings were likewise prevalent, occurring in 93 percent of cases (53 cases). However, in four cases, no such audio-video recording was made. For two of these cases – infringement trials in Khovd – monitors reported that equipment was either not available or available but not used. The two other cases were infringement trials in Tuv for which monitors were advised that such recordings were not made in infringement trials.

No party raised concerns about the official record's contents, although courts only explained parties' right to familiarize themselves with the official record in less than a third of cases (31.6 percent).

14.7.3. Verdict and its Pronouncement

Five cases, all involving criminal charges, featured the participation of citizen's representatives. Citizen's representatives are ordinary people who participate in the adjudication process in certain cases to "strengthen the principles of judicial transparency and establish community oversight on the adjudication process".¹⁸ Permitted to participate in analyzing evidence during first instance criminal hearings, including by questioning parties, they are further empowered to deliver a non-binding opinion on the suggested verdict in a case.¹⁹

Of the five citizen's representatives who attended hearings, four offered an opinion on the verdict, with all recommending that the accused be convicted. Likewise, the prosecution argued either for the accused's conviction and imprisonment or at least the imposition of a sanction in all 57 cases. On the defense side, only three accused (5.3 percent) argued that they were not at all guilty. Nearly half of all accused pointed to mitigating circumstances (49.1 percent), while nearly two in every five accused (22 accused or 38.6 percent) admitted guilt for some/all offenses or expressed remorse.

Ultimately, virtually all accused in the monitored cases were convicted. The conviction rate in the sampled population was 98.2 percent or 56 of 57 cases. As **Figure 36** shows, nearly nine in every 10 accused (89.5 percent) were duly convicted of all infringements or crimes charged; one was convicted for only some of the charges (1.8 percent); and four were convicted for different crimes than those charged (7 percent). Only one accused was acquitted, for a non-physically violent offense of forcing a person with a family relationship to do or not do something against their will.

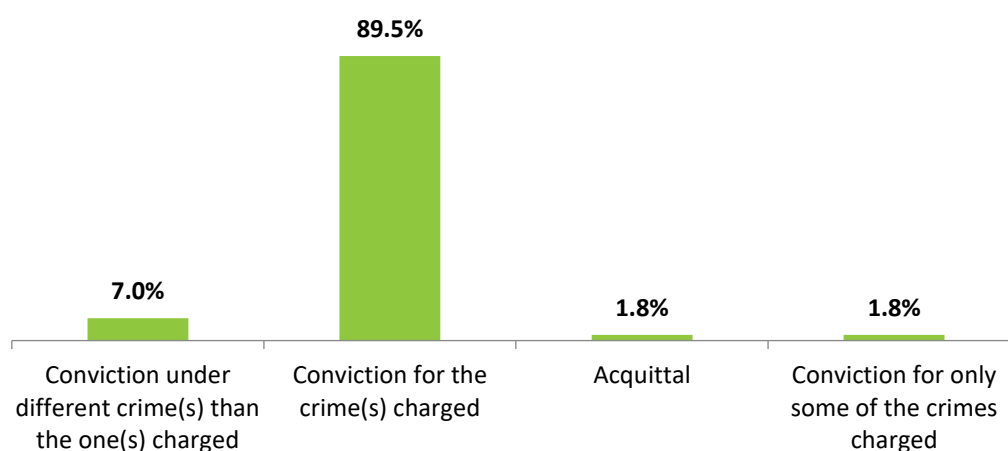


Figure 36: *Verdicts rendered in the monitored cases*

During consultations on this activity's design, some stakeholders indicated that many if not most victims who testified in court tended to recant previous statements implicating accused persons. It was reported that many victims in court sought to absolve accused of blame, perhaps due to fear of repercussions from the accused or from the change in circumstances that might result, such as the

¹⁸ *Mongolian Criminal Procedure Law*, article 1.4.1.33.

¹⁹ *Mongolian Criminal Procedure Law*, article 3.4.2.

imprisonment of the family breadwinner. A specific question (question 12.9, see **Annex C**) was therefore included in the Trial Monitoring Tool to assess this possible phenomenon.

Monitors ultimately reported that 11 alleged victims (18 percent) recanted statements confirming the accused's crimes, requested the accused's acquittal, or generally made no arguments concerning the desired outcome of the case. This indeed represented a significant proportion of nearly one in every five victims, and while it is far less than the anecdotal accounts suggested, it may be that some of the many victims who were absent from court hearings also sought to effectively recant by not participating in proceedings. In any event, however, **Figure 37** below shows that most courts (in 7 cases or 63.6 percent) did not take alleged victims' recantation into account. Nevertheless, monitors assessed that three courts did take the recantation into account to some extent, and one to a significant degree, although that court nevertheless convicted the accused.

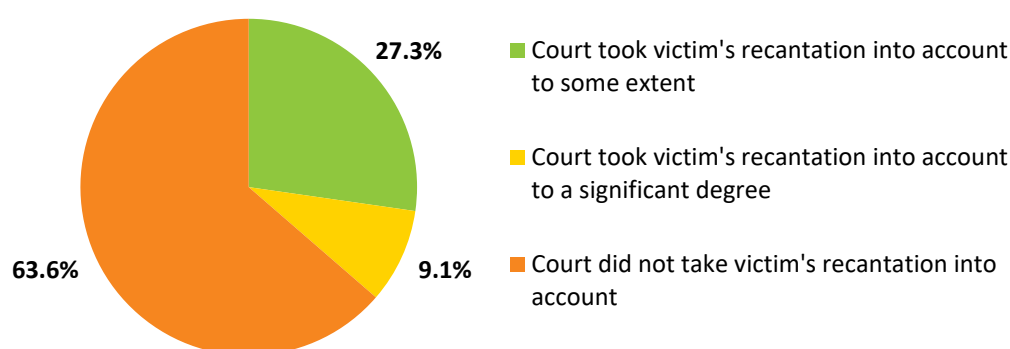


Figure 37: *Victims' recantation or requests for acquittal*

Monitors also reported on aggravating circumstances that judges considered in reaching their verdicts, which occurred in 12 cases overall (21.1 percent of all cases). In four cases, judges considered the fact that the context of DV as an aggravating factor as they are obligated to do under the *Criminal Code* with respect to certain crimes that are not DV-specific, e.g. murder. Apart from this, judges most considered the accused's intoxication (in four cases) to be aggravating; followed by the fact that the accused had assaulted someone or had a past criminal record (in three cases each); the accused's cruel treatment of the victim (in two cases); or the fact that the accused had been treated for the offending behavior in the past (in one case).

Judges also took account of mitigating circumstances in nine cases (15.8 percent). Among these, the most common was the accused's family situation or personal circumstances, e.g. health conditions or the accused being the only available person to perform certain family duties (in four cases). In three cases, courts considered the fact that the accused was a first-time offender or the victim was a first-time victim to be mitigating. Twice, judges were moved by the accused's expression of remorse, and on one occasion each, judges took account of the victim's proposal for sanction or the lack of physical harm caused to the victim.

In the one case where the accused was acquitted, monitors reported that the judge failed to inform the accused of their right to compensation for unlawful acts by the authorities conducted during infringement or criminal proceedings, or to explain this right to them.

Figure 38 and **Table 10** below describe the types, ranges and details of sanctions that were imposed on those accused who were ultimately convicted.

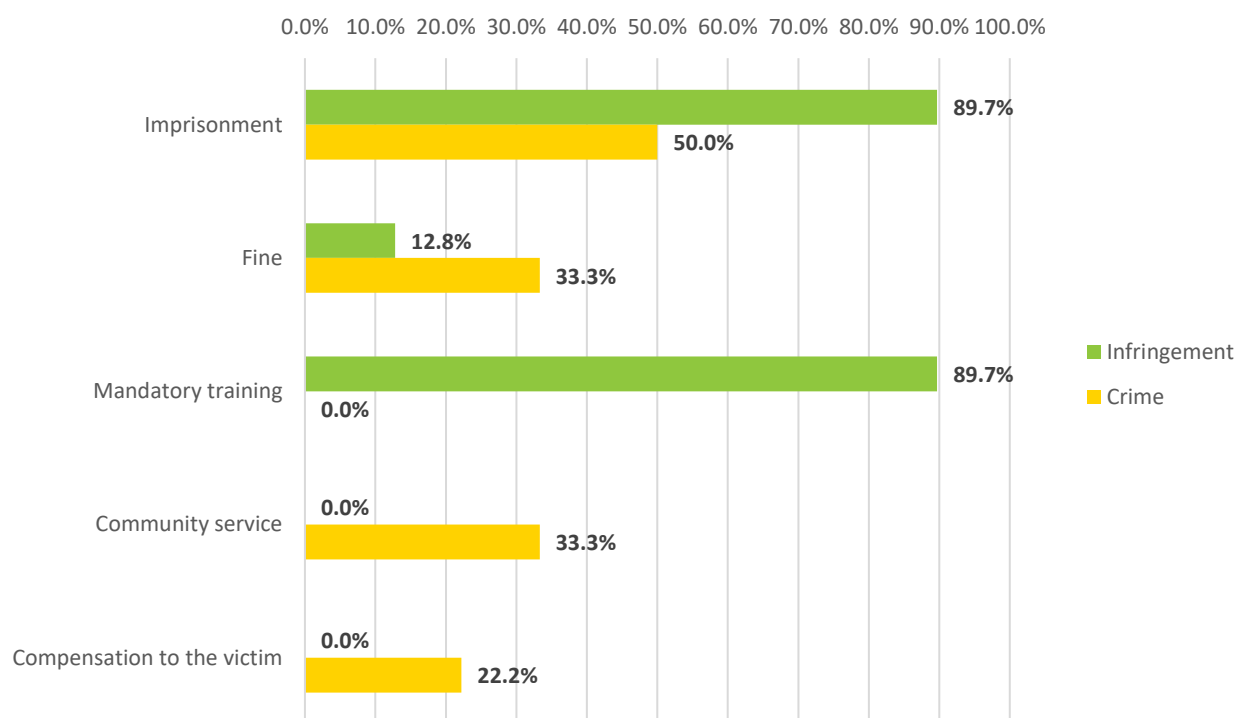


Figure 38: Types of sanctions imposed on convicted accused

Sanction Type	Infringements			Crimes		
	No. Cases Where Sanction Imposed	Range of Sanctions Imposed	Median	No. Cases Where Sanction imposed	Range of Sanctions Imposed	Median
Imprisonment	34	7 days to 156 days	10 days	9	7 months to life imprisonment	3.5 years
Fine	5	100,000 MNT (~35 USD) to 300,000 MNT (~105 USD)	100,000 MNT (~35 USD)	6	500,000 MNT (~175 USD) to 1,200,000 MNT (~420 USD)	790,000 MNT (~275 USD)
Mandatory training	34	10 hours to 60 hours	15 hours	--	--	--
Community Service	--	--	--	6	240 hours to 720 hours	500 hours
Compensation to the Victim	--	--	--	4	750,000 MNT (~263 USD) to 2,871,336 MNT (~1,006 USD)	1,894,202 MNT (~664 USD)

Table 10: Types, ranges, and details of sanctions imposed on convicted accused

As **Figure 38** and **Table 10** indicate, most persons convicted of infringements were ordered to undergo mandatory behavioral training combined with imprisonment (89.7 percent of all convicted persons). The median training period was 20 hours while the median imprisonment term was 10 days. There was no discernible pattern to the training hours and terms of imprisonments imposed, with wide variations between the sampled cases. Notably, most training orders (30 of the 34 cases or 88.2 percent) violated the Ministry of Justice and Home Affairs' decree that perpetrators undertake 23-56 hours of training.²⁰ In 29 cases, insufficient training (of 10-21 hours) was ordered, while in one case, the 60 hours exceeded the prescribed limit. The remaining persons convicted of infringements (12.8 percent) were sentenced to pay a fine instead or in addition to mandatory training or imprisonment.

In contrast with safety measures imposed at the pre-trial stage as discussed at **Section 13.1.2** above, no accused was sentenced upon final conviction to restrictions of travel rights or restriction from meeting or communicating with certain persons nor to deprivation from the conduct of certain professional activities or to the restriction of other rights. In addition, no accused was obliged to undergo compulsory psychiatric or medical treatment (to the extent that this is currently available in Mongolia).

Precisely half of all accused convicted of crimes were sentenced to imprisonment, with sentences of between 7 months to life imprisonment and a median sentence of 3.5 years. A third (33.3 percent) received a fine, with the median at 790,000 MNT, or were ordered to perform community service, the median being 500 hours. Only those convicted of crimes were required to compensate their victims, and then only rarely (in 22.2 percent of cases). Compensation awarded varied dramatically and was, on average, 1,894,202 MNT.

The full judgment was read in court in only a third of cases (33.3 percent). In most cases (59.6 percent), only a summary was read, featuring brief reasons, while in 7 percent of cases, only the verdict itself was announced, with no reasons given. This is set out in **Figure 39** below.

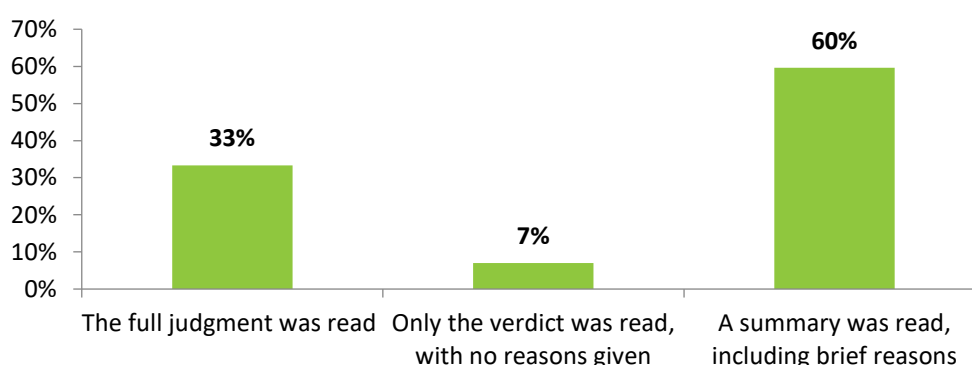


Figure 39: *Extent to which judgment was pronounced in court*

Nevertheless, in nearly two-thirds of cases (63.2 percent), monitors assessed that judges followed up the verdict with a sufficient explanation of its substance to the accused. Notwithstanding this, in nearly a third of cases, monitors also deemed these explanations insufficient (33.3 percent) and in two cases,

²⁰ See Ministry of Justice and Home Affairs' Decree No. A/73 (3 April 2017), Annex 2, art. 9.2, regarding mandatory training on influencing perpetrator's behavior.

no explanation was given whatsoever. Judges reportedly adequately explained the appeal case to the accused in two-thirds of cases (66.7 percent), insufficiently in 31.6 percent of cases, and not at all in another case (which was not the one case where the accused was acquitted).

14.7.4. Written Judgment

Written judgments fared considerably better than their oral counterparts. All but one judgment (98.2 percent) satisfied Mongolian legal requirements to include a description of the criminal act and its means of commission. Furthermore, every judgment included reference to the relevant law under which the accused was charged and eventually convicted or acquitted. Ultimately, and as **Figure 40** below illustrates, monitors considered most written judgments adequate in terms of analyzing all arguments and evidence presented by both prosecution and accused. Of the four cases (7 percent) which were inadequate in this regard, monitors assessed that three failed to sufficiently consider the prosecution case while one failed to sufficiently consider the defense case.

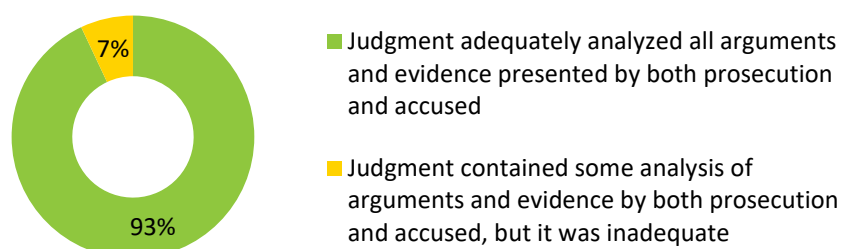


Figure 40: Adequacy of judgments' analysis of parties' arguments and evidence

Ultimately, monitors assessed virtually all judgments (96.5 percent) as sufficiently clear, understandable, and without confusion. They indicated two cases where this was not so, explaining that in one of those cases (an infringement trial), the judgment contained a different sentence than the one announced during the trial. Monitors also assessed judgments as overwhelmingly containing verdicts consistent with their reasoning (in 96.5 percent of cases). In two cases, however, monitors indicated that the reasoning was either only partially consistent or inconsistent. Monitors noted in one of those cases that the accused had a significant history of past DV which presumably they believed the court had not sufficiently considered in imposing a relatively light sentence.

Full judgments were only made public in over a third of cases (36.8 percent). For seven percent of cases, summaries were made available due to a valid protection reason. In another seven percent of cases, summaries were available, but no valid protection reason was given. Moreover, in nearly half the cases (49.1 percent), neither the full judgment nor a summary was available whatsoever. Finally, while most judgments (93 percent) were released to the parties within the legal time limits, in four cases (7 percent) they were not.

15. Accused's Rights Pre-Trial and at All Stages

This section presents findings on the accused persons in the monitored cases. It examines accused's right to a trial in all infringement and criminal trials examined. It focuses on the following rights that apply at the pre-trial stage: to liberty, to independence and impartiality, and to challenge the lawfulness of detention; to information and to access the outside world; to legal counsel, and to adequate time and facilities to prepare a defense (at the pre-trial stage); and during interrogation. In addition, this section examines the accused's right to humane conditions and freedom from torture, which applies at all stages of proceedings. It is based on data collected through Trial Monitoring Tool Section IV (see **Annex C**). Due to the trial monitoring methodology which identified cases to monitor at the trial stage, monitors obtained data for this section via the case file and through discussion at the hearings.

The accused's pre-trial right to liberty, to independence and impartiality, and to challenge the lawfulness of detention assessed in **Section 15.1** was the median performance among the accused's rights examined at the pre-trial stage or at all stages, achieving a median Very Good grade. Most accused were lawfully arrested and, where applicable, notified of decisions to investigate and prosecute their cases. Where pre-trial measures of restraint were imposed, only a slim majority of accused were able to participate in the process of determining those measures.

With most of the monitored cases achieving a perfect score for the accused's pre-trial right to information and to access the outside world, as **Section 15.2** describes, this right was the best performing of all accused's pre-trial rights monitored. Most accused arrested pre-trial were immediately given written notice and an explanation of their rights following their arrest and had their arrest notified in a timely manner to a family member. One accused was provided medical assistance at his request.

The accused's pre-trial right to legal counsel and to adequate time and facilities to prepare a defense analyzed in **Section 15.3** was the second-worst scoring of all rights monitored at this procedural stage, despite the monitored cases achieving a median grade of Very Good. While most accused were informed of relevant legal representation and defense rights immediately upon arrest and had sufficient pre-trial access to the case file, in a quarter of cases, accused either did not have such access or this information was unknown as it was not documented or discussed. Some accused also appeared to have insufficient time or facilities pre-trial to prepare a defense. Most accused declined their right to request a lawyer, although none appeared to be a category of defendant for whom legal representation was mandatory. However, among accused with lawyers, one accused was spoken to about the alleged crime after requesting a lawyer and before their lawyer arrived.

The accused's rights during pre-trial interrogations set out in **Section 15.4** were the worst-scoring of all pre-trial rights examined despite achieving a median grade of Very Good, with infringement cases performing considerably worse than criminal ones. While the overwhelming majority of accused had their rights explained to them prior to the interrogation, two accused who needed to have a lawyer present during their interrogation did not. Two accused were not provided with a copy of the interrogation record or had it read to them, and in a quarter of cases, it could not be determined based on the available information whether the accused had been given an opportunity to make corrections and include additional information in the interrogation record.

The best performing of all rights examined in this section was the one applicable at all stages – i.e. the right to humane conditions and freedom from torture, as **Section 15.5** shows. The median grade was Very Good and 52 cases achieved a perfect score – unsurprisingly, given that there was nothing in any monitored case to suggest that the accused may have been subject to inhumane conditions or torture.

15.1 Accused's Right to Liberty, to Independence and Impartiality, and to Challenge the Lawfulness of Detention

This section is based on data collected through Trial Monitoring Tool Section IV, Part 14 (Right to Liberty, to Independence and Impartiality, and to Challenge the Lawfulness of Detention) (see **Annex C**). It should be noted that while similar, this section differs from the data discussed above in **Section 14**, which was gathered in Trial Monitoring Tool Section III, Part 6 (Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law). Specifically, that data focuses on the trial stage, whereas the data examined immediately below focuses on the pre-trial stage.

It should also be noted that for the purposes of readability and consistency, this section continues to refer to the relevant rights holder as the accused. However, it should be noted that Section IV, Part 14 of the Trial Monitoring Tool refers to the rights holder as the suspect. This reflects their proper legal status prior to the formal decision to charge and prosecute them and was intended to ensure clarity of understanding by monitors.

15.1.1 Justice Sector Service Delivery Performance

Among the five examined accused's rights at the pre-trial stage and at all stages, the accused's pre-trial right to liberty, to independence and impartiality, and to challenge the lawfulness of detention was the median performance, with a median Justice Sector Service Delivery Scorecard grade of Very Good and score of 100 percent. However, this result was influenced by the presence of a cluster of 38 cases all of which achieved a perfect score. These masked 19 other cases where scores varied from Good to the lower end of Very Good. Lower scores correlated to the accused being either detained or subject to pre-trial measures of restraint: in those instances, the average score remained in the Very Good range but decreased over 10 percentage points to 87.5 percent.

15.1.2 Liberty

20 accused were arrested pre-trial. Among these, all but one was lawfully arrested (95 percent). As **Figure 41** illustrates, those lawfully arrested were either presented with a warrant (12 cases or 60 percent) or were validly arrested without one (7 cases or 35 percent) due to the arrest occurring during or immediately after the alleged crime or following notification from the alleged victim or a witness that a crime had been committed. However, in one infringement case (5 percent), the accused was not presented with a copy of the arrest warrant and should have been.

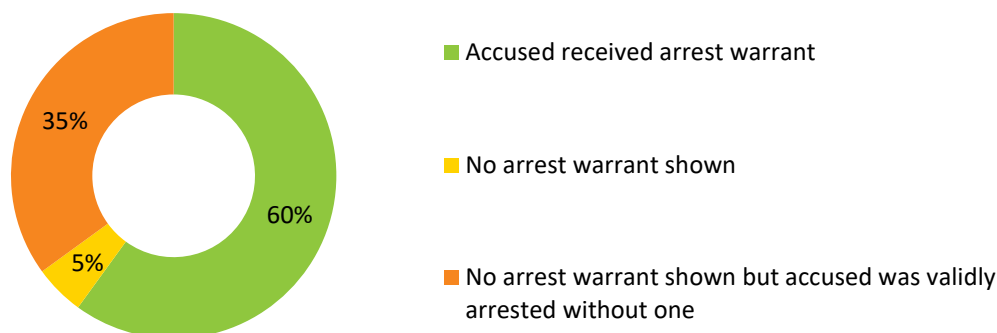


Figure 41: *Presentation of arrest warrants to accused arrested pre-trial*

In Mongolian criminal (as opposed to infringement) cases, the prosecution is required to make two decisions: to proceed to investigate and to proceed to prosecute. Monitors were accordingly asked to record the dates on which these decisions were made so that prosecutorial case development could be observed. In one-third of criminal cases (six cases), accused were arrested immediately after the alleged offense – either the same day or the following day and the decision to investigate tended to occur immediately thereafter. It then took between 31 and 128 days, with a median of 62 days, for the subsequent decision to prosecute to be made.

In most criminal cases, however (66.7 percent or 12 cases), the accused were not arrested after the alleged offense. In most of these cases (44.4 percent of all criminal cases or eight cases), the case file appeared to note only the date of the decision to prosecute, which occurred between 14 days and 173 days after the alleged offense, with a median of 51 days. Thus, this lapse of time could be assumed to generally owe to the time required to investigate. However, in four cases, monitors noted separate dates for the initial decision to investigate and the subsequent decision to prosecute. In these cases, the decision to investigate occurred 20-70 days after the alleged offense, with prosecutors then requiring between 17 and 64 days to investigate and confirm their decision to prosecute.

Mongolian law further requires that the accused be notified of the prosecutor's decree to investigate and proceed with a prosecution within 48 hours after arrest. In most criminal cases (11 cases or 61.1 percent), this did occur. In five cases, it did not, as the accused was not arrested. In one case (5.6 percent), notification was not provided, and in the last case, this information was not known. Whenever decrees to investigate and prosecute were given, monitors recorded that accused were given either access to it, a copy of it, or an opportunity to make a copy of it.

15.1.3 Independence and Impartiality

Under Mongolian law, judges may become involved in cases at the pre-trial stage, e.g. to approve warrants, determine detention, hear complaints or requests from the parties, or to determine to bring a case to trial following the prosecution's decision to prosecute. Monitors were therefore asked to assess whether there appeared to be any suggestion that any judges involved in the case at the pre-trial stage exhibited signs of discrimination or bias. It was universally reported that this either did not occur or was inapplicable to the monitored case. However, it was reported in one infringement case and one criminal case that there had been what appeared to be inappropriate contact between the judge and one of the parties at the pre-trial stage.

15.1.4 Challenging Lawfulness of Detention; Measures of Restraint

Among the 57 accused monitored across the activity, over one-third (20 accused or 35.1 percent) were subject to pre-trial measures of restraint. These measures were imposed in a total of 12 infringement cases, i.e. 30.7 percent of all infringement cases monitored, and in 8 criminal cases, i.e. 44.4 percent of all criminal cases monitored. It should be noted that although a wide range of pre-trial measures of restraint are available (e.g. sureties, bail, travel restrictions, surveillance by military authorities where the accused is a member of the military), the only ones prescribed in the sample population were restrictions on the accused's actions or official functions including the confiscation of documents, or the imposition of pre-trial detention. It should further be noted that while there were 12 infringement and 8 criminal cases where such measures were imposed, several accused were subject to multiple types of sanctions. Details of the measures imposed are set out in **Table 11** below.

Sanction Type	Infringements		Crimes	
	No. of accused subject to the sanction	Period of restraint	No. of accused subject to the sanction	Period of restraint
Restraining actions or official functions, including confiscating documents	7	Where known, between 1 day and 15 days	2	Unknown
Pre-trial detention	9	Between 1 day (including in a detoxication unit) and 14 days (Median: 1 day)	7	Between 34 days and 299 days (Median: 149 days)

Table 11: Pre-trial measures of restraint imposed on accused

As **Table 11** shows, slightly over half of all 12 persons accused of infringements who were subject to pre-trial measures of restraint faced restrictions on their actions or official functions. Furthermore, three-quarters (9 accused) were subject to pre-trial detention, typically lasting one day (24 hours). Given the prevalence of alcohol abuse as a reason reported by alleged victims for DV (as discussed in **Section 11.3** above), and the practice of holding accused persons in detoxication units overnight for a period of 24 hours, it is likely that many of these accused were held in detoxication units, although monitors did not always specify this and the Trial Monitoring Tool was not adapted to record this specific possibility. As for those accused of crimes, these individuals were overwhelmingly held in pre-trial detention (87.5 percent or 7 cases) for a median of 149 days or nearly five months.

Monitors also sought to determine the extent of participation by the accused or their lawyer in the process of determining pre-trial measures of restraint. They were able to do so in only 12 of the 20 cases. In those cases, monitors assessed that most accused (nine accused or 75 percent) were heard, either directly or through their lawyer, in this process, although three (25 percent) were not. Moreover, for the three who were not heard in the process of determining measures of restraint, monitors further recorded that the court or authorized official also failed to provide sufficient reasons for its decision to impose measures of restraint. However, sufficient reasons were provided for 12 cases where measures of restraint were imposed (60 percent of all such cases), and some but insufficient reasons provided for four other cases (20 percent).

15.2 Accused's Right to Information and to Access the Outside World

This section is based on data collected through Trial Monitoring Tool Section IV, Part 15 (Right to Information and to Access the Outside World) (see **Annex C**).

15.2.1 Justice Sector Service Delivery Performance

With most of the monitored cases (49 cases or 86 percent) achieving a perfect score for the accused's pre-trial right to information and to access the outside world, this right was the best performing of all accused's pre-trial rights monitored. The median Justice Sector Service Delivery Scorecard grade was Very Good and only six cases scored less than this: five Good and one Poor.

It should be noted that the significant cluster of cases achieving a perfect score for this right included many instances where the accused was not arrested, whereas the assessed rights trigger only upon an accused's arrest. However, and as discussed above in **Section 12**, all monitors had to complete this section irrespective of whether the accused was arrested, to simplify the design of the Trial Monitoring Tool and limit monitor confusion and error. Thus, many perfect scores simply reflected the fact that the assessed rights were inapplicable to those cases since the accused was not arrested.

15.2.2 Information

20 accused were arrested pre-trial (as discussed above in **Section 15.1.2**). Most of this group (12 accused or 60 percent) were immediately given written notice and an explanation of their rights following their arrest. However, two were not (10 percent), and in a further six cases, monitors marked that this procedural right was inapplicable to the monitored case. It is understood that at least some of the six cases where this was so involved accused whose arrest took place in a police detoxification unit. Therefore, it may be that accused are not systematically presented with a copy of their rights in at least some of these units despite this being a form of arrest.

Additional questions were asked in this section about whether accused were informed in a language they understood and informed of right to an interpreter/translator, but there were no cases monitored where language barriers presented themselves.

15.2.3 Access to the Outside World

Most arrested accused (17 or 85 percent) had their arrests notified to a family member within the legal time limit. One person, who was arrested on a criminal charge, did not, while in two cases, monitors recorded this as being inapplicable.

One accused, who was held overnight in the police detoxification unit, was provided medical aid following the accused's request.

15.3 Accused's Right to Legal Counsel, and Adequate Time and Facilities to Prepare a Defense

This section is based on data collected through Trial Monitoring Tool Section IV, Part 16 (Right to Legal Counsel, and to Adequate Time and Facilities to Prepare a Defense) (see **Annex C**). It should be noted that while similar, this section differs from the data discussed above in **Section 14.6**, which was gathered in Trial Monitoring Tool Section III, Part 11 (Right to Defend Oneself in Person or Through Counsel). Specifically, that data focuses on the trial stage, whereas the data examined immediately below focuses on the pre-trial stage.

15.3.1 Justice Sector Service Delivery Performance

The accused's pre-trial right to legal counsel and to adequate time and facilities to prepare a defense was the second-worst scoring of all rights monitored at this procedural stage, despite the monitored cases achieving a median Justice Sector Service Delivery Scorecard grade and score of Very Good and 100 percent. This performance was affected by a cluster of 31 cases for which perfect scores were achieved. However, eight cases achieved lower grades of Good with scores between 62.5 and 75 percent, while nearly a third of all monitored cases (18 cases or 31.6 percent) scored 87.5 percent, which was in the middle of the Very Good range. The lower scores did not appear affected significantly by whether the accused had a lawyer or not, or by the severity of charge; instead, they reflected a wide range of procedural failings.

15.3.2 Basic Rights

As **Figure 42** sets out below, among the 20 arrested accused, 85 percent (17 accused) were immediately given written notice and an explanation of their right to legal assistance, and 85 percent (17 accused) were similarly informed of their right to remain silent and/or not to testify against themselves. Three accused were not informed of each right (a different three accused for each right) or this was not known as it was not documented or discussed in the case.

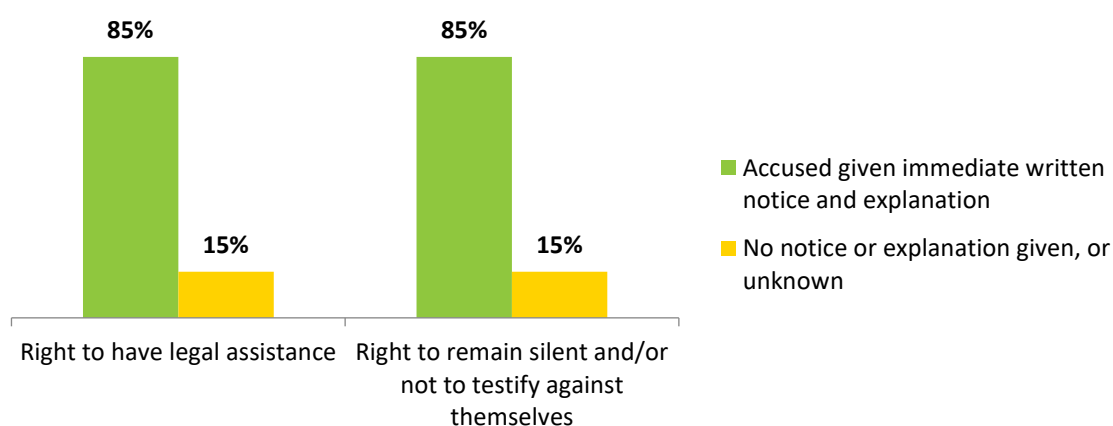


Figure 42: Information on defense rights given to accused upon their arrest

15.3.3 Adequate Time and Facilities for a Defense

With respect to all accused and not just those who were arrested pre-trial, monitors reported that all but three accused, or their lawyers, were able to read and/or make notes from the case file at the pre-trial stage (94.7 percent). In the three remaining cases, monitors reported that the accused either were not or this information was unknown as it was not documented or discussed. Three-quarters of accused (43 accused or 75.4 percent) were provided with a copy of some or all of the case file or the opportunity to make copies of it without limitation as to volume, but there were 14 accused (24.6 percent) where again, they were not or this information was unknown as it was not documented or discussed.

Monitors assessed that the accused overwhelmingly (in 91.2 percent of cases) appeared to have adequate time or facilities to prepare a defense at the pre-trial stage considering the complexity of the case, the seriousness of the charges, and the volume of material to be reviewed. However, there were five cases where this did not appear to be the case.

15.3.4 Accused Without Lawyers Pre-Trial

Most accused (32 accused or 56.1 percent) were reported to have declined their right to request a lawyer. Among these, nearly half (15 accused or 46.9 percent) appeared to be informed of their right to have a lawyer for free if they were unable to afford one, but declined a lawyer nonetheless. 13 (40.6 percent) were not eligible for a free lawyer, e.g. if they had sufficient means. The remaining four appeared not to know about this opportunity (12.5 percent), with monitors reporting a lack of information and officials' failure to propose this option to the accused. However, none of the 32 accused who declined a lawyer appeared to be in a category of defendant for whom a free lawyer was mandatory due to a particular vulnerability or the severity of the charges.

Among the six accused without lawyers, 67 percent declined to exercise their right to a lawyer, while for the remainder, this could not be determined based on the information in the case file or at the hearing. All were either inapplicable for legal aid or appeared to have been informed of their eligibility prior to declining representation. Moreover, none of the six unrepresented accused were reported to be among the categories of persons for whom legal representation was mandatory.

15.3.5 Accused With Lawyers Pre-Trial

Vis-à-vis the accused with defense lawyers, it was reported in one instance that it appeared that the accused had spoken to someone about the alleged crime after requesting a defense lawyer and yet prior to the lawyer's arrival. There did not otherwise appear to be any difficulties among the represented accused in having confidential meetings with their lawyers.

15.4 Accused's Rights During Interrogation

This section is based on data collected through Trial Monitoring Tool Section IV, Part 17 (Rights During Interrogation) (see **Annex C**).

15.4.1 Justice Sector Service Delivery Performance

The accused's rights during pre-trial interrogations were the worst-scoring of all pre-trial rights examined, despite achieving a median Justice Sector Service Delivery Scorecard grade of Very Good. The median score overall was 85.7 percent, with 28 cases scoring at the lower end of the Very Good range, achieving scores of between 78.6 percent and 85.7 percent. Infringement cases performed considerably worse than criminal cases with respect to rights during interrogation. While both achieved median grades of Very Good, the median score for criminal cases was 92.9 percent, which dropped over 10 percentage points to 78.6 percent for infringement cases.

15.4.2 Rights During Interrogation

The overwhelming majority of accused (98.2 percent) had their rights explained to them prior to the interrogation: only one accused, facing criminal charges, did not. In addition, during the interrogation, over half of all accused (31 accused or 54.4 percent) exercised their right to remain silent or not to testify against themselves, and therefore not to answer questions.

As **Figure 43** below depicts, only 10 accused (17.5 percent) had a defense lawyer present during the interrogation. A further two accused (3.5 percent) did not, despite a lawyer being required to have been present. According to monitors, this owed in one case to the accused being a minor. In the other, which involved an accused in Nalaikh district, to the accused not being fluent in Mongolian language, although the language barrier did not appear to be significant enough in that case for monitors to assess that the accused needed an interpreter/translator. The remaining three-quarters of all accused (45 accused or 78.9 percent) were interrogated without lawyers present and were legally permitted to proceed with the interrogation in this manner.

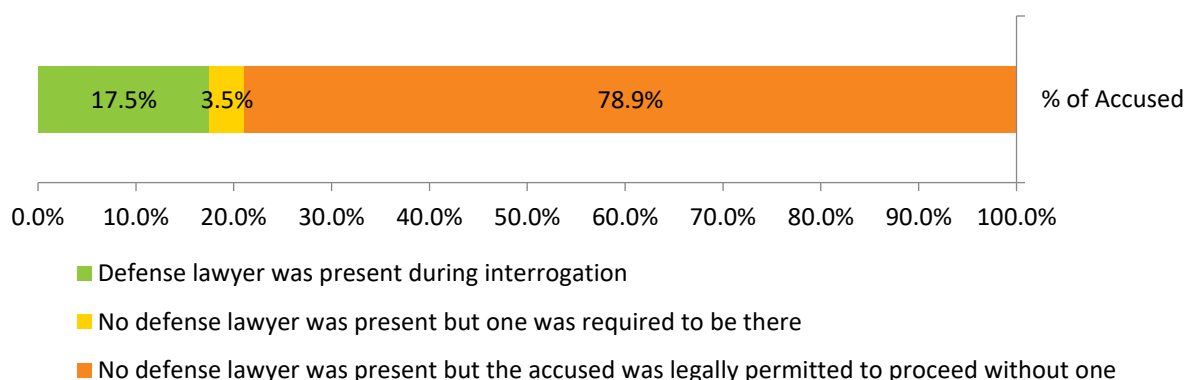


Figure 43: Presence of defense lawyer during accused's pre-trial interrogation

Only two accused (20 percent) had a defense lawyer present during the interrogation. However, this conformed with legal requirements, as these were the only two accused for which the presence of an accused was necessary since those two accused faced potential sentences of life imprisonment.

All cases respected the legal time limits for interrogations. As **Figure 44** shows, interrogations for infringement cases lasted between 10 minutes and 90 minutes, with the median interrogation time being 25 minutes and interrogation lengths clustered between 10 and 30 minutes. Interrogations for criminal cases had a median length of 45 minutes. However, there was significant variation observed

between criminal interrogation lengths, with the shortest being 10 minutes and the longest being over 20 times longer at 236 minutes (3 hours and 56 minutes).

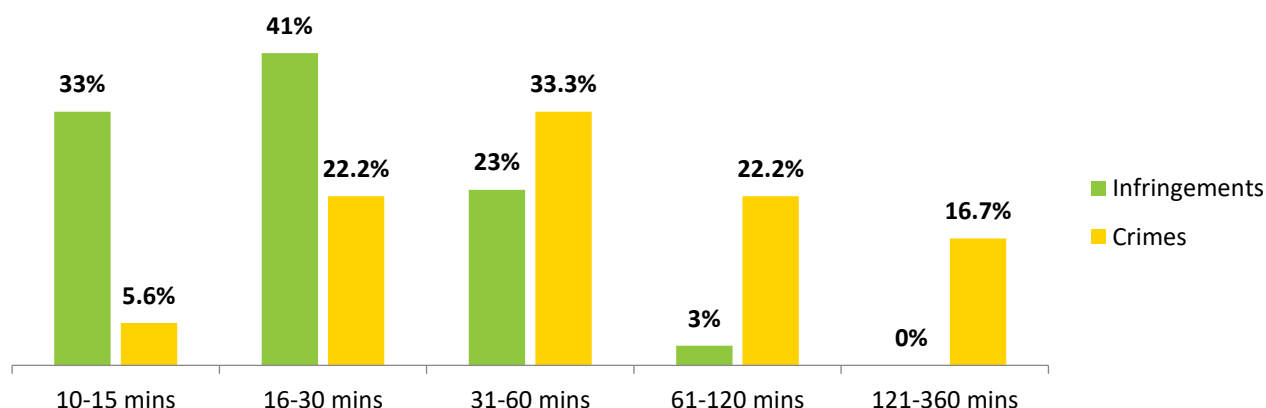


Figure 44: Length of interrogations

There were no indications in any of the monitored cases that threats, violence, and/or torture were used to force the accused into confessing to the alleged crime. In all but two cases, the accused was provided with a copy of the interrogation record to read, or the record was otherwise read to them. In just over half the cases (32 cases or 56.1 percent), it was confirmed that the accused had an opportunity to make corrections and include additional information in the interrogation record. However, in the remaining cases (25 cases or 43.9 percent), this was unknown as it was not documented in the case file or otherwise discussed.

15.5 Accused's Right to Humane Conditions, and Freedom from Torture

This section is based on data collected through Trial Monitoring Tool Section IV, Part 18 (Right to Humane Conditions, and Freedom from Torture) (see **Annex C**).

15.5.1 Justice Sector Service Delivery Performance

The accused's right at all stages of the proceedings to humane conditions, and freedom from torture, was the second-best performing of all accused's rights examined at the pre-trial stage and at all stages. The median Justice Sector Service Delivery Scorecard grade and score was Very Good and 100 percent. Indeed, 52 cases achieved a perfect score, and only five cases scored less than Very Good – with two achieving Good results (and a score of 75 percent), and three assessed as Poor (with a score of 50 percent). Most of the cases (4 cases or 80 percent) were infringement cases.

15.5.2 Humane Conditions, and Freedom from Torture

There was nothing in any of the 57 monitored cases to suggest that the accused may have been subject to psychological or physical coercion, torture, ill-treatment, duress, threats, deceit, or other unlawful treatment at any point while held in custody in connection with the case.

Among the five cases that achieved less than a perfect score, the common feature was that none of the accused in those cases had been informed at the pre-trial stage of their right to file a complaint regarding conditions of custody or ask if the accused would exercise this right. Two of these accused were also not informed of such a right at the trial stage. However, as noted above, given the lack of indication that such conditions had occurred, this may have explained the courts' omission in those cases. No other procedural irregularities were recorded vis-à-vis the accused's right to humane conditions and freedom from torture.

Part III. Recommendations and Capacity-Building Outcomes



16. Recommendations (by Theme)

Note: This section sets out recommendations arising from the project data organized by theme. For recommendations arising from the project data but organized by stakeholder, see **Annex A**. In addition, trial monitors have provided recommendations based on their personal observations and views. These are set out in **Annex B**.

This activity's second objective, as discussed above in **Section 3**, was as follows:

2. Reform

Reform DV legal protection in Mongolia by offering data-driven recommendations for systemic improvement

Accordingly, set out below are a series of recommendations for systemic improvement that draw directly from the data gathered through this activity and as analyzed immediately above. In addition, these recommendations mention, where relevant, UPR recommendations from Mongolia's recent third cycle review for which Mongolia has indicated its support and intention to implement.

One of the activity's stakeholders – the JGC – requested that this activity provide feedback on the prospect of the establishment of specialized family courts in Mongolia. This is addressed to some extent in the below recommendations. However, it proved beyond the scope of this activity to thoroughly evaluate this prospect, which arguably requires a separate and likely comparative study of different family court models. Moreover, the data gathered through this activity, with its focus on due process or fair trial, was of limited relevance in addressing the question of whether a separate or integrated model of family court would provide better justice outcomes. Therefore, the recommendations below are unable to offer a conclusion on this point. However, the recommendations do indicate where the data gathered may be relevant to the question of specialized family courts.

Finally, it should also be noted that during their evaluation of this activity, trial monitors discussed their monitoring experience for this activity, on systemic improvements that could be considered. Monitors offered 13 broad recommendations and their detailed feedback, comments and recommendations are, as noted above, set out in **Annex B** and contain rich, useful insights particularly into the practical realities of DV cases. However, since monitors' feedback was based on individual, anecdotal experiences whereas the agreed activity design agreed to put forward data-driven recommendations, the recommendations below are based on the data analysis elaborated in this report. Nevertheless, monitors' feedback in **Annex B** may provide law and policy makers with additional ideas.

a. Victim's Rights

Report section containing data underlying recommendation	Recommendations for the treatment of DV cases based on monitoring data
Victim's Safety Assessment (Section 13.1)	<p>To police:</p> <ul style="list-style-type: none"> Complete DV risk assessments in every case in which it is required, and consistent with supported UPR recommendations 116.129-116.130 and 116.132,²¹ undertake capacity-building training where relevant on conducting effective victim-centered threat assessments <p>To social workers:</p> <ul style="list-style-type: none"> Complete DV situational assessments in all high-risk cases, and consistent with supported UPR recommendation 116.133,²² undertake capacity-building training where relevant on conducting effective victim-centered threat assessments <p>To associated support services:</p> <ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,²³ strengthen capacity to provide pre-trial psychological care to alleged victims <p>To judges, prosecutors, victims' lawyers, and/or police:</p> <ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,²⁴ inquire about whether safety measures should be imposed for the protection of the alleged victim where appropriate, especially if the alleged victim has not raised this but the case appears to be high risk Consistent with supported UPR recommendation 116.131,²⁵ prevent accused from accessing case file information about the alleged victim (e.g. their current address) in high risk cases

²¹ **UPR Recommendation 116.129:** "Take further steps to combat violence against women, including by ensuring that police officers are trained in how to conduct effective and victim-centred threat assessments" (Denmark).

UPR Recommendation 116.130: "Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors" (Canada).

UPR Recommendation 116.132: "Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence" (Fiji).

²² **UPR Recommendation 116.133:** "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

²³ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

²⁴ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

²⁵ **UPR Recommendation 116.131:** "Establish a legal environment protecting the privacy of the victims of sexual abuse, and set up a system for professional and safe facilities for victim rehabilitation" (Estonia).

Report section containing data underlying recommendation	Recommendations for the treatment of DV cases based on monitoring data
	<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,²⁶ refer alleged victims to pre-trial psychological care services where appropriate Refrain from victim-blaming and reliance on gender stereotypes, and consistent with UPR recommendation 116.132,²⁷ undertake capacity-building training where relevant on victim-blaming and gender stereotypes <p>To judges:</p> <ul style="list-style-type: none"> Prevent victim-blaming and use of gender stereotypes in court, and where relevant and consistent with UPR recommendation 116.132,²⁸ undertake capacity-building training on victim-blaming and gender stereotypes Inform all alleged victims of their right not to testify against family members Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,²⁹ ensure alleged victims leave courtrooms 15 minutes before accused in high risk cases and monitor that this is respected <p>To the JGC:</p> <ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,³⁰ separate court building entrances for alleged victims and accused or, at a minimum, require staggered departures of victims and accused Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,³¹ separate waiting areas for alleged victims and accused

²⁶ **UPR Recommendation 116.128:** “Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services” (Czechia).

UPR Recommendation 116.133: “Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims” (Philippines).

²⁷ **UPR Recommendation 116.132:** “Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence” (Fiji).

²⁸ **UPR Recommendation 116.132:** “Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence” (Fiji).

²⁹ **UPR Recommendation 116.128:** “Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services” (Czechia).

UPR Recommendation 116.130: “Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors” (Canada).

UPR Recommendation 116.133: “Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims” (Philippines).

³⁰ **UPR Recommendation 116.128:** “Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services” (Czechia).

UPR Recommendation 116.130: “Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors” (Canada).

UPR Recommendation 116.133: “Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims” (Philippines).

³¹ **UPR Recommendation 116.128:** “Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services” (Czechia).

Report section containing data underlying recommendation	Recommendations for the treatment of DV cases based on monitoring data
	<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,³² systematically provide all alleged victims with information about security and support measures available to them Study whether, and if so how, specialized family courts might provide better outcomes to alleged victims in terms of ensuring their safety and in the guarantee of victims' procedural rights at all stages Study whether victim safety in courts has improved or diminished since the abolition of the marshal service in courts <p>To the JGC and police:</p> <ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,³³ universally conduct security checks, including weapons screenings Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,³⁴ ensure sufficient presence of security personnel in court buildings Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,³⁵ provide security escorts for alleged victims in and around court buildings in high-risk cases
Right to Relevant Information Concerning	To judges:

UPR Recommendation 116.130: "Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors" (Canada).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

³² **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.130: "Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors" (Canada).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

³³ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

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UPR Recommendation 116.130: "Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors" (Canada).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

³⁵ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

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UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Report section containing data underlying recommendation	Recommendations for the treatment of DV cases based on monitoring data
Violations and Reparation Mechanisms (Section 13.2)	<ul style="list-style-type: none"> Consistent with supported UPR recommendation 116.133,³⁶ inform all alleged victims of their core legal rights and duties and provide associated explanations of these rights and duties tailored to the victim's capacity, not only in criminal but also infringement cases
Right to Equal and Effective Access to Justice (Section 13.3)	<p>To judges and court administrators:</p> <ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,³⁷ inform all alleged victims of hearing dates <p>To judges:</p> <ul style="list-style-type: none"> Adequately address alleged victims' arguments/evidence in all judgments Consistent with supported UPR recommendations 116.128 and 116.133,³⁸ ensure alleged victims have a full opportunity to participate in court Encourage victims to present views on a desirable outcome in a case Consistent with supported UPR recommendations 116.128 and 116.133,³⁹ adequately explain the substance of judgments to all alleged victims Consistent with supported UPR recommendations 116.128 and 116.133,⁴⁰ adequately explain the appeals process to alleged victims <p>To judges, prosecutors, lawyers, representatives, and/or police:</p> <ul style="list-style-type: none"> Treat alleged victims with kindness and compassion, and where relevant and consistent with UPR recommendation 116.132,⁴¹ undertake capacity-building training on the specific needs and vulnerabilities of DV victims
Right to Adequate, Effective, and Prompt Reparation for Harm Suffered (Section 13.4)	<p>To victims' lawyers and representatives, police, prosecutors, and judges:</p> <ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁴² inform alleged victims of their right to file claims for reparation

³⁶ **UPR Recommendation 116.133:** "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

³⁷ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

³⁸ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

³⁹ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁴⁰ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁴¹ **UPR Recommendation 116.132:** "Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence" (Fiji).

⁴² **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Report section containing data underlying recommendation	Recommendations for the treatment of DV cases based on monitoring data
	<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁴³ inform alleged victims of all types of harm for which they can claim compensation Consistent with supported UPR recommendations 116.128 and 116.133,⁴⁴ inform alleged victims of all types of compensation which they can claim <p>To judges:</p> <ul style="list-style-type: none"> Adequately address alleged victims' arguments/evidence regarding claims for reparation in all judgments

b. Accused's Rights at Trial

Report section containing data underlying recommendation	Recommendations for the treatment of DV cases based on monitoring data
Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law (Section 14.1)	<p>To judges:</p> <ul style="list-style-type: none"> Inform all accused of their procedural rights and provide associated explanations of these rights tailored to the accused's capacity Refrain from and prevent others from intimidating accused or making discriminatory, biased, or unethical comments about them Prevent mobile phone use by any party in court Ensure deliberations are proportionate in length to the severity of charges and complexity of cases <p>To judges, prosecutors, lawyers, representatives, court administrators, victims, and accused:</p> <ul style="list-style-type: none"> Refrain from using mobile phones in court <p>To the JGC:</p> <ul style="list-style-type: none"> Study whether, and if so how, specialized family courts might ensure better outcomes in terms of the independence and impartiality of courts considering DV cases and in the guarantee of accused's procedural rights at trial

⁴³ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁴⁴ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Report section containing data underlying recommendation	Recommendations for the treatment of DV cases based on monitoring data
Right to a Public Hearing (Section 14.2)	<p>To court administrators:</p> <ul style="list-style-type: none"> • Make court schedules systematically available in a timely fashion on court websites and on display in courthouses, not only in criminal but also infringement cases <p>To judges:</p> <ul style="list-style-type: none"> • Ensure that persons are denied access to hearings only on valid legal bases <p>To the JGC:</p> <ul style="list-style-type: none"> • Ensure courtrooms are of adequate size
Right to be Presumed Innocent, and Not to be Compelled to Testify or Confess Guilt (Section 14.3)	<p>To judges:</p> <ul style="list-style-type: none"> • Prevent accused from appearing in court in a manner which may create a perception of their guilt, e.g. in shackles or a prison uniform • Inform all accused of their rights within their right to be presumed innocent and not to be compelled to testify or confess guilt, and provide associated explanations of these rights tailored to the accused's capacity • Refrain from making public statements prior to verdicts suggesting the accused is guilty <p>To judges, prosecutors, lawyers, and representatives:</p> <ul style="list-style-type: none"> • Refrain from pressuring accused to plead guilty during questioning
Right to Objective and Comprehensive Evaluation of Evidence (Section 14.4)	<p>To prosecutors:</p> <ul style="list-style-type: none"> • Adequately discuss the contents of the case file in all cases • Adequately and representatively discuss the accused's pre-trial statement in court, if any, unless a legitimate protection or public order reason prevents this <p>To judges:</p> <ul style="list-style-type: none"> • Consider all relevant questions from all parties • Prevent irrelevant or inadmissible evidence from being heard • Prevent victims, witnesses, and experts testifying in the presence of other victims, witnesses, and experts who have not yet testified in the case • Inform all testifying victims, witnesses, and experts of their rights in connection with testifying, and provide associated explanations of these rights tailored to their capacity <p>To judges and defense lawyers:</p> <ul style="list-style-type: none"> • Ensure that accused have a fair opportunity to present a defense
Right to Equality of Arms (Section 14.5)	<p>To judges:</p> <ul style="list-style-type: none"> • Afford all accused the opportunity to make closing remarks and have the last word at trial

Report section containing data underlying recommendation	Recommendations for the treatment of DV cases based on monitoring data
<p>Right to Defend Oneself in Person and Through Counsel (Section 14.6)</p>	<p>To prosecutors, police, and judges:</p> <ul style="list-style-type: none"> • Ensure that all accused receive adequate and timely access to relevant information about their case <p>To judges:</p> <ul style="list-style-type: none"> • Refrain from prejudging the accused's guilt or innocence • Afford all accused a sufficient opportunity to obtain and comment on observations filed or evidence submitted by the prosecution • Where accused are removed from the court for valid protection reasons during testimony of a victim, witness, or expert, ensure that the accused has an opportunity to learn and respond to the contents of that testimony and question the person <p>To the JGC:</p> <ul style="list-style-type: none"> • Ensure that courts have sufficient time to conduct all trials <p>To defense lawyers:</p> <ul style="list-style-type: none"> • Maintain ongoing communication with accused during trials • Adequately seek the accused's instructions
<p>Right to a Public Judgment and a Reasoned Judgment (Section 14.7)</p>	<p>To the JGC:</p> <ul style="list-style-type: none"> • Ensure that all courts have ongoing audio-video recording capabilities for all trials • Study whether, and if so how, specialized family courts might ensure better outcomes in terms of the substantive justice obtained by all parties in DV cases <p>To judges:</p> <ul style="list-style-type: none"> • Inform alleged victims and accused of their rights to familiarize themselves with the official record and raise concerns in its regard, and provide associated explanations of these rights tailored to their capacity • Afford all participating citizen's representatives with an opportunity to offer their opinion as to the proper outcome of a case • Where alleged victims recant prior statements implicating the accused in a DV offence, make inquiries to be satisfied that this does not owe to fear of repercussions • In rendering a verdict in a DV case, do not assign significant weight to victim's recantation of prior statements implicating the accused in a DV offence • Inform acquitted accused of their right to compensation for unlawful acts by the authorities conducted during infringement or criminal proceedings, and provide associated explanations of these rights tailored to their capacity • Read at least a summary of the judgment (providing reasons) in court • Adequately address the prosecution and defense cases in written judgments • Maintain consistency between the verdict announced in the oral judgment and that contained in the written judgment • Ensure that all written judgments are released to the public unless there are valid legal protection reasons preventing this • Ensure that written judgments are released to the parties within the time limits

c. Accused's Rights Pre-Trial and at All Stages

Report section containing data underlying recommendation	Recommendations for the treatment of DV cases based on monitoring data
<p>Right to Liberty, to Independence and Impartiality, and to Challenge the Lawfulness of Detention (Section 15.1)</p>	<p>To police:</p> <ul style="list-style-type: none"> Ensure that all arrested accused are presented with an arrest warrant unless this is legally unnecessary <p>To judges:</p> <ul style="list-style-type: none"> Refrain from having any contact with parties during the pre-trial stage that might be perceived as being inappropriate Provide adequate reasons for decisions regarding the imposition of pre-trial measures of restraint <p>To judges and defense lawyers:</p> <ul style="list-style-type: none"> Where there are procedures to impose pre-trial measures of restraint on accused, ensure that the accused has an opportunity to be heard in the determination process <p>To the JGC:</p> <ul style="list-style-type: none"> Study whether, and if so how, specialized family courts might ensure better outcomes in terms of the independence and impartiality of courts considering DV cases and in the guarantee of accused's procedural rights at trial
<p>Right to Information and to Access the Outside World (Section 15.2)</p>	<p>To police:</p> <ul style="list-style-type: none"> Immediately inform all accused of their rights following arrest, and provide associated explanations of these rights tailored to their capacity Within the legal time limit, notify all accused's arrest to either a family member, a defense lawyer, or for foreign accused, the accused's diplomatic mission <p>To detoxification units:</p> <ul style="list-style-type: none"> Ensure that all accused held in a detoxification unit are informed of their rights following arrest, and provide associated explanations of these rights tailored to their capacity
<p>Right to Legal Counsel, and to Adequate Time and Facilities to Present a Defense (Section 15.3)</p>	<p>To police:</p> <ul style="list-style-type: none"> Immediately inform all accused of their rights to legal assistance and to remain silent, and provide associated explanations of these rights tailored to their capacity Prevent any accused who has requested a defense lawyer from speaking to anyone about the alleged offense until the defense lawyer has arrived <p>To police, prosecutors, and defense lawyers:</p> <ul style="list-style-type: none"> Ensure all accused have a sufficient opportunity to read, make notes from, or make unlimited copies of their case file at the pre-trial stage <p>To judges, prosecutors, and defense lawyers:</p> <ul style="list-style-type: none"> Ensure all accused have adequate time and facilities to prepare a defense at the pre-trial stage considering the complexity of the case, seriousness of the charges, and volume of material to be reviewed

Report section containing data underlying recommendation	Recommendations for the treatment of DV cases based on monitoring data
Rights During Interrogation (Section 15.4)	<p>To police:</p> <ul style="list-style-type: none"> • Inform all accused of their rights in connection with interrogation, and provide associated explanations of these rights tailored to their capacity • Prevent any accused being interrogated without a lawyer where the accused is legally required to have legal representation • Provide all accused with a copy of the interrogation record to read, or read it to them • Afford all accused with an opportunity to make corrections and include additional information into the interrogation record, not only in criminal but also infringement cases
Right to Humane Conditions, and Freedom from Torture (Section 15.5)	<p>To the Judicial General Council of Mongolia:</p> <ul style="list-style-type: none"> • Consistent with supported UPR recommendations 116.4 and 116.53-116.55,⁴⁵ ensure that investigations of any allegations of torture are appropriately linked to the future independent procedure to investigate complaints of torture as provided for in the <i>Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment</i> <p>To police and judges:</p> <ul style="list-style-type: none"> • Inform all accused at the pre-trial stage of their right to file a complaint regarding conditions of custody and inquire about whether accused will exercise this right, not only in criminal but also infringement cases, and, subject to implementation, inform accused as appropriate about the linked independent complaint procedure to be established under supported UPR recommendations 116.4 and 116.53-116.55⁴⁶

⁴⁵ **UPR Recommendation 116.4:** “Accelerate the implementation of the national mechanism for the prevention of torture, and establish an independent and effective procedure to investigate complaints of torture, particularly against persons deprived of their liberty, as provided for in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment” (Mexico).

UPR Recommendation 116.53: “Continue its efforts in the fight against torture so that the legislative framework will enable independent complaints mechanisms and the prompt and impartial investigation of alleged cases of torture” (Romania).

UPR Recommendation 116.54: “Put in place an effective and independent complaints mechanism to investigate allegations of torture” (Spain).

UPR Recommendation 116.55: “Strengthen and ensure the effectiveness of the mechanisms for submission and investigation of complaints of torture” (Botswana).

⁴⁶ **UPR Recommendation 116.4:** “Accelerate the implementation of the national mechanism for the prevention of torture, and establish an independent and effective procedure to investigate complaints of torture, particularly against persons deprived of their liberty, as provided for in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment” (Mexico).

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UPR Recommendation 116.55: “Strengthen and ensure the effectiveness of the mechanisms for submission and investigation of complaints of torture” (Botswana).

17. Capacity-Building Outcomes

Finally, this report revisits this activity's third objective, which was discussed above in **Section 3** and was as follows:

3. Strengthen Build capacity of the monitors

In this regard, it is noted that the activity achieved strong outcomes through its official monitor training. As discussed in greater detail in **Section 1.2.3** above.

- median overall satisfaction with the training was 4.64/5;
- monitors rated satisfaction of 4.3/5 or above for every aspect of course design;
- at least 73 percent of monitors identified each module as being very valuable; and
- monitors self-assessed that they had improved knowledge/skills for each topic by 57 percent.

Supplementing this feedback, trial monitors were asked during a Peer Group Discussion to provide feedback on their learnings, if any, during the activity. This question was posed in an open-ended way so as to not limit or influence monitors' possible responses. 33 out of the 34 monitors provided responses. Monitors universally reported that their participation in the activity had developed their capacity both in terms of knowledge and professional skills.

a. Extended Knowledge

The areas in which monitors identified extending their knowledge are set out below in **Figure 45**.

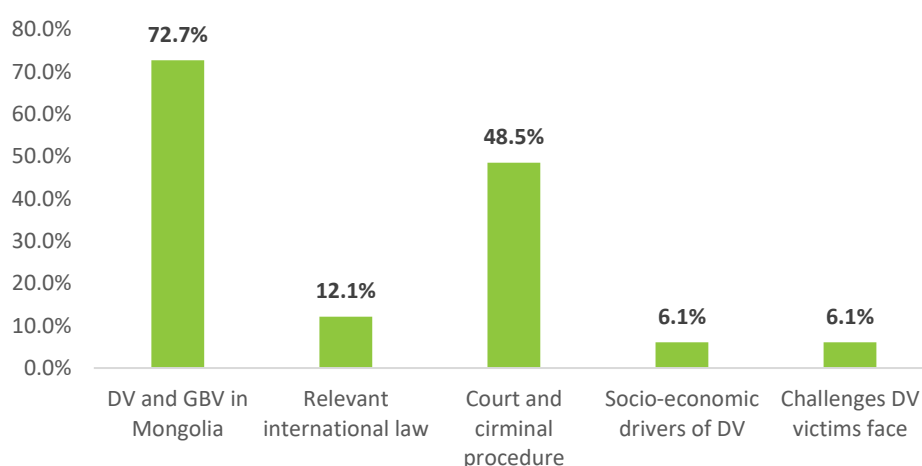


Figure 45: Monitors' knowledge areas improved through the activity

Most monitors (72.7 percent) reported improved understanding of DV and GBV in Mongolia. For instance, one monitor described how “I have acquired information on the implementation of the newly

adopted Law to Combat Domestic Violence and the Criminal Code, the execution of their relevant provisions, how the police, prosecutors and judges ensure the rights of domestic violence victims and their attitudes towards the victims”.

International law knowledge also improved for 12.1 percent of monitors, with one noting how they were “introduced to the international approaches to DV crimes and misdemeanors and investigation and judicial standards”.

Nearly half of all monitors (48.5 percent) reported an improved understanding of court and criminal procedure through their participation. As one monitor described, “I became acquainted with the attitudes of law enforcement officers towards DV, the compilation of case file, prosecutor's oversight, sentencing proposal, and trial proceedings”.

6.1 percent of monitors learned more about the socio-economic drivers of DV, including “alcoholism as a major source of family disputes” and the role of unemployment. Similarly, 6.1 percent of monitors had greater exposure to challenges victims face, e.g. “lack of standards on victims’ rights”.

b. Deepened Professional Skills

In addition, monitors identified 11 skill areas as having been deepened through their participation in the trial monitoring activity. These are detailed in **Figure 46**.

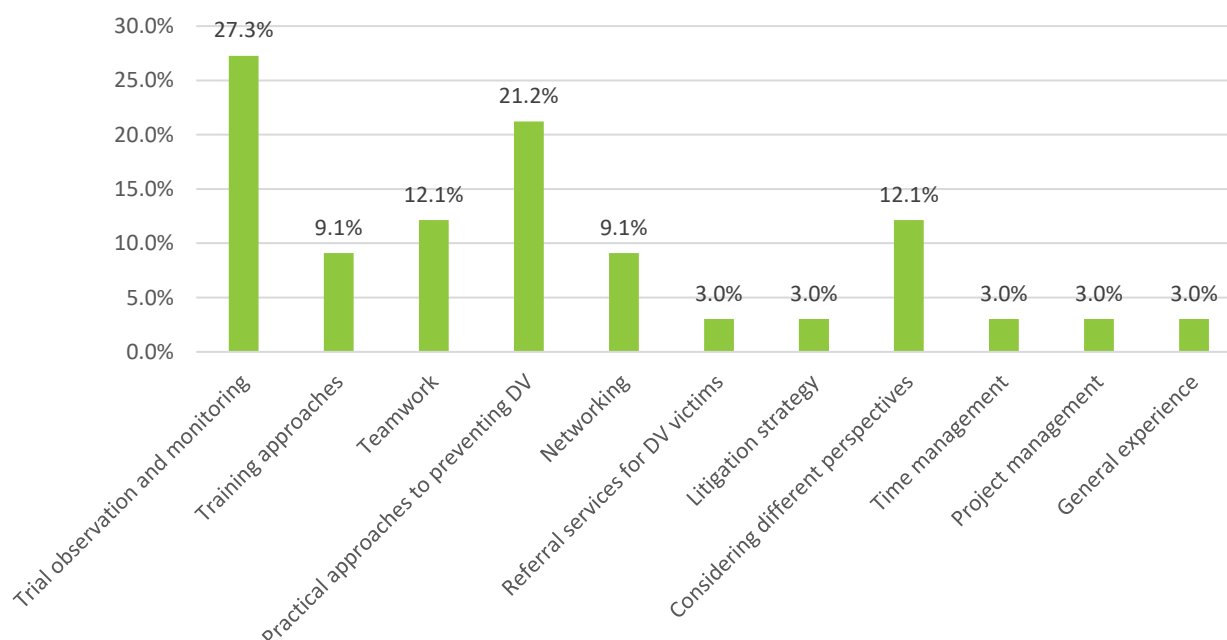


Figure 46: Monitors' deepened professional skills through the activity

Over a quarter of all trial monitors (27.3 percent) reported improving their skills of trial observation and monitoring through their participation in the activity. One noted that they had “acquired observation techniques, which was a very important asset”.

Nearly 1 in 10 monitors (9.1 percent) highlighted expanded skills vis-à-vis training via their participation, presumably meaning their participation in the trial monitoring trainings undertaken. As one monitor explained, “[t]he methods and forms of preparing observers by conducting advance experiential learning method by the IDLO project has improved my approach in organizing future training. Also, working on monitoring tools seemed to take time, but by receiving new information I have cultivated an important method to evaluate the problem from many angles in its practical application.”

Some monitors (12.1 percent) improved their teamwork skills through the activity. One monitor explained how this would have an enduring impact, noting that “[b]y learning successful teamwork efforts and training methods, I have learned methods to organize training at our organization”.

One in five monitors (21.2 percent) also commended the activity for improving their practical approaches in preventing DV. For instance, one said that they had improved vis-à-vis “what to focus on in providing referral, advice, and cooperation assistance to DV victims in the future”. For others, the trial monitoring served to enlighten them as to the general benefits that more practical approaches could have. One monitor said that “I have cultivated an important method to evaluate the problem from many angles in its practical application” while another noted learning more about “work orientations of the organizations operating in the field to combat DV”.

9.1 percent of monitors were grateful for the networking opportunity that their participation afforded, and the impact this could have on their future work. According to one monitor, “I have expanded my circle of acquaintances and the opportunities for cooperation in the field have vastly improved.” Indeed, 3 percent of monitors noted that their participation had “increased opportunities for offering advice and referral services to DV victims”.

One monitor (3 percent) also reported that participating in the activity had improved their ability to determine “what to focus on in acting as a legal representative”. Another monitor reported that their participation had improved their time management and project management skills. Finally, one monitor reported that the trial monitoring activity had provided valuable general experience that would serve as “a good start for our next project” for their NGO.

Part IV. Annexes



Annex A. Recommendations for Each Stakeholder

Judicial General Council of Mongolia

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,⁴⁷ separate court building entrances for alleged victims and accused or, at a minimum, require staggered departures of victims and accused Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,⁴⁸ separate waiting areas for alleged victims and accused Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,⁴⁹ systematically provide all alleged victims with information about security and support measures available to them Study whether, and if so how, specialized family courts might provide better outcomes to alleged victims in terms of ensuring their safety and in the guarantee of victims' procedural rights at all stages Study whether victim safety in courts has improved or diminished since the abolition of the marshal service in courts Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,⁵⁰ universally conduct security checks, including weapons screenings 	Victim's Safety Assessment (Section 13.1)

⁴⁷ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.130: "Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors" (Canada).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁴⁸ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.130: "Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors" (Canada).

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⁴⁹ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.130: "Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors" (Canada).

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⁵⁰ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,⁵¹ ensure sufficient presence of security personnel in court buildings Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,⁵² provide security escorts for alleged victims in and around court buildings in high risk cases 	
Accused's Rights at Trial	
<ul style="list-style-type: none"> Study whether, and if so how, specialized family courts might ensure better outcomes in terms of the independence and impartiality of courts considering DV cases and in the guarantee of accused's procedural rights at trial 	Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law (Section 14.1)
<ul style="list-style-type: none"> Ensure courtrooms are of adequate size 	Right to a Public Hearing (Section 14.2)
<ul style="list-style-type: none"> Ensure that courts have sufficient time to conduct all trials 	Right to Defend Oneself in Person and Through Counsel (Section 14.6)
<ul style="list-style-type: none"> Ensure that all courts have ongoing audio-video recording capabilities for all trials Study whether, and if so how, specialized family courts might ensure better outcomes in terms of the substantive justice obtained by all parties in DV cases 	Right to a Public Judgment and a Reasoned Judgment (Section 14.7)
Accused's Rights Pre-Trial and at All Stages	
<ul style="list-style-type: none"> Study whether, and if so how, specialized family courts might ensure better outcomes in terms of the independence and impartiality of courts considering DV cases and in the guarantee of accused's procedural rights at trial 	Right to Liberty, to Independence and Impartiality, and to Challenge the Lawfulness of Detention (Section 15.1)
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.4 and 116.53-116.55,⁵³ ensure that investigations of any allegations of torture are appropriately linked 	Right to Humane Conditions, and Freedom from Torture

UPR Recommendation 116.130: "Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors" (Canada).

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UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁵³ **UPR Recommendation 116.4:** "Accelerate the implementation of the national mechanism for the prevention of torture, and establish an independent and effective procedure to investigate complaints of torture, particularly against persons deprived of their liberty, as provided for in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment" (Mexico).

to the future independent procedure to investigate complaints of torture as provided for in the <i>Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment</i>	(Section 15.5)
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Judges

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁵⁴ inquire about whether safety measures should be imposed for the protection of the alleged victim where appropriate, especially if the alleged victim has not raised this but the case appears to be high risk Consistent with supported UPR recommendation 116.131,⁵⁵ prevent accused from accessing case file information about the alleged victim (e.g. their current address) in high risk cases Consistent with supported UPR recommendations 116.128 and 116.133,⁵⁶ refer alleged victims to pre-trial psychological care services where appropriate Refrain from victim-blaming and reliance on gender stereotypes, and consistent with UPR recommendation 116.132,⁵⁷ undertake capacity-building training where relevant on victim-blaming and gender stereotypes Prevent victim-blaming and use of gender stereotypes in court Inform all alleged victims of their right not to testify against family members Ensure alleged victims leave courtrooms 15 minutes before accused in high risk cases and monitor that this is respected 	Victim's Safety Assessment (Section 13.1)
<ul style="list-style-type: none"> Consistent with supported UPR recommendation 116.133,⁵⁸ inform all alleged victims of their core legal rights and duties and provide associated explanations 	Right to Relevant Information Concerning Violations and Reparation Mechanisms

UPR Recommendation 116.53: "Continue its efforts in the fight against torture so that the legislative framework will enable independent complaints mechanisms and the prompt and impartial investigation of alleged cases of torture" (Romania).

UPR Recommendation 116.54: "Put in place an effective and independent complaints mechanism to investigate allegations of torture" (Spain).

UPR Recommendation 116.55: "Strengthen and ensure the effectiveness of the mechanisms for submission and investigation of complaints of torture" (Botswana).

⁵⁴ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁵⁵ **UPR Recommendation 116.131:** "Establish a legal environment protecting the privacy of the victims of sexual abuse, and set up a system for professional and safe facilities for victim rehabilitation" (Estonia).

⁵⁶ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁵⁷ **UPR Recommendation 116.132:** "Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence" (Fiji).

⁵⁸ **UPR Recommendation 116.133:** "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
of these rights and duties tailored to the victim's capacity, not only in criminal but also infringement cases	(Section 13.2)
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁵⁹ inform all alleged victims of hearing dates Adequately address alleged victims' arguments/evidence in all judgments Consistent with supported UPR recommendations 116.128 and 116.133,⁶⁰ ensure alleged victims have a full opportunity to participate in court Encourage victims to present views on a desirable outcome in a case Consistent with supported UPR recommendations 116.128 and 116.133,⁶¹ adequately explain the substance of judgments to all alleged victims Consistent with supported UPR recommendations 116.128 and 116.133,⁶² adequately explain the appeals process to alleged victims Treat alleged victims with kindness and compassion, and where relevant and consistent with UPR recommendation 116.132,⁶³ undertake capacity-building training on the specific needs and vulnerabilities of DV victims 	Right to Equal and Effective Access to Justice (Section 13.3)
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁶⁴ inform alleged victims of their right to file claims for reparation Consistent with supported UPR recommendations 116.128 and 116.133,⁶⁵ inform alleged victims of all types of harm for which they can claim compensation 	Right to Adequate, Effective, and Prompt Reparation for Harm Suffered (Section 13.4)

⁵⁹ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁶⁰ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁶¹ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁶² **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁶³ **UPR Recommendation 116.132:** "Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence" (Fiji).

⁶⁴ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁶⁵ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁶⁶ inform alleged victims of all types of compensation which they can claim Adequately address alleged victims' arguments/evidence regarding claims for reparation in all judgments 	
Accused's Rights at Trial	
<ul style="list-style-type: none"> Inform all accused of their procedural rights and provide associated explanations of these rights tailored to the accused's capacity Refrain from and prevent others from intimidating accused or making discriminatory, biased, or unethical comments about them Prevent mobile phone use by any party in court Ensure deliberations are proportionate in length to the severity of charges and complexity of cases Refrain from using mobile phones in court 	Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law (Section 14.1)
<ul style="list-style-type: none"> Ensure that persons are denied access to hearings only on valid legal bases 	Right to a Public Hearing (Section 14.2)
<ul style="list-style-type: none"> Prevent accused from appearing in court in a manner which may create a perception of their guilt, e.g. in shackles or a prison uniform Inform all accused of their rights within their right to be presumed innocent and not to be compelled to testify or confess guilt, and provide associated explanations of these rights tailored to the accused's capacity Refrain from making public statements prior to verdicts suggesting the accused is guilty Refrain from pressuring accused to plead guilty during questioning 	Right to be Presumed Innocent, and Not to be Compelled to Testify or Confess Guilt (Section 14.3)
<ul style="list-style-type: none"> Consider all relevant questions from all parties Prevent irrelevant or inadmissible evidence from being heard Prevent victims, witnesses, and experts testifying in the presence of other victims, witnesses, and experts who have not yet testified in the case Inform all testifying victims, witnesses, and experts of their rights in connection with testifying, and provide associated explanations of these rights tailored to their capacity Ensure that accused have a fair opportunity to present a defense 	Right to Objective and Comprehensive Evaluation of Evidence (Section 14.4)
<ul style="list-style-type: none"> Afford all accused the opportunity to make closing remarks and have the last word at trial 	Right to Equality of Arms (Section 14.5)
<ul style="list-style-type: none"> Ensure that all accused receive adequate and timely access to relevant information about their case Refrain from prejudging the accused's guilt or innocence Afford all accused a sufficient opportunity to obtain and comment on observations filed or evidence submitted by the prosecution Where accused are removed from the court for valid protection reasons during testimony of a victim, witness, or expert, ensure that the accused has an opportunity to learn and respond to the contents of that testimony and question the person 	Right to Defend Oneself in Person and Through Counsel (Section 14.6)

⁶⁶ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
<ul style="list-style-type: none"> • Inform alleged victims and accused of their rights to familiarize themselves with the official record and raise concerns in its regard, and provide associated explanations of these rights tailored to their capacity • Afford all participating citizen's representatives with an opportunity to offer their opinion as to the proper outcome of a case • Where alleged victims recant prior statements implicating the accused in a DV offence, make inquiries to be satisfied that this does not owe to fear of repercussions • In rendering a verdict in a DV case, do not assign significant weight to victim's recantation of prior statements implicating the accused in a DV offence • Inform acquitted accused of their right to compensation for unlawful acts by the authorities conducted during infringement or criminal proceedings, and provide associated explanations of these rights tailored to their capacity • Read at least a summary of the judgment (providing reasons) in court • Adequately address the prosecution and defense cases in written judgments • Maintain consistency between the verdict announced in the oral judgment and that contained in the written judgment • Ensure that all written judgments are released to the public unless there are valid legal protection reasons preventing this • Ensure that written judgments are released to the parties within the time limits 	<p>Right to a Public Judgment and a Reasoned Judgment (Section 14.7)</p>
Accused's Rights Pre-Trial and at All Stages	
<ul style="list-style-type: none"> • Refrain from having any contact with parties during the pre-trial stage that might be perceived as being inappropriate • Provide adequate reasons for decisions regarding the imposition of pre-trial measures of restraint • Where there are procedures to impose pre-trial measures of restraint on accused, ensure that the accused has an opportunity to be heard in the determination process 	<p>Right to Liberty, to Independence and Impartiality, and to Challenge the Lawfulness of Detention (Section 15.1)</p>
<ul style="list-style-type: none"> • Ensure all accused have adequate time and facilities to prepare a defense at the pre-trial stage considering the complexity of the case, seriousness of the charges, and volume of material to be reviewed 	<p>Right to Legal Counsel, and to Adequate Time and Facilities to Present a Defense (Section 15.3)</p>
<ul style="list-style-type: none"> • Inform all accused at the pre-trial stage of their right to file a complaint regarding conditions of custody and inquire about whether accused will exercise this right, not only in criminal but also infringement cases, and, subject to implementation, inform accused as appropriate about the linked independent complaint procedure to be established under supported UPR recommendations 116.4 and 116.53-116.55⁶⁷ 	<p>Right to Humane Conditions, and Freedom from Torture (Section 15.5)</p>

⁶⁷ **UPR Recommendation 116.4:** "Accelerate the implementation of the national mechanism for the prevention of torture, and establish an independent and effective procedure to investigate complaints of torture, particularly against persons deprived of their liberty, as provided for in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment" (Mexico).

UPR Recommendation 116.53: "Continue its efforts in the fight against torture so that the legislative framework will enable independent complaints mechanisms and the prompt and impartial investigation of alleged cases of torture" (Romania).

UPR Recommendation 116.54: "Put in place an effective and independent complaints mechanism to investigate allegations of torture" (Spain).

UPR Recommendation 116.55: "Strengthen and ensure the effectiveness of the mechanisms for submission and investigation of complaints of torture" (Botswana).

Prosecutors

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁶⁸ inquire about whether safety measures should be imposed for the protection of the alleged victim where appropriate, especially if the alleged victim has not raised this but the case appears to be high risk Consistent with supported UPR recommendation 116.131,⁶⁹ prevent accused from accessing case file information about the alleged victim (e.g. their current address) in high risk cases Consistent with supported UPR recommendations 116.128 and 116.133,⁷⁰ refer alleged victims to pre-trial psychological care services where appropriate Refrain from victim-blaming and reliance on gender stereotypes, and consistent with UPR recommendation 116.132,⁷¹ undertake capacity-building training where relevant on victim-blaming and gender stereotypes 	Victim's Safety Assessment (Section 13.1)
<ul style="list-style-type: none"> Treat alleged victims with kindness and compassion, and where relevant and consistent with UPR recommendation 116.132,⁷² undertake capacity-building training on the specific needs and vulnerabilities of DV victims 	Right to Equal and Effective Access to Justice (Section 13.3)
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁷³ inform alleged victims of their right to file claims for reparation 	Right to Adequate, Effective, and Prompt Reparation for Harm Suffered (Section 13.4)

⁶⁸ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁶⁹ **UPR Recommendation 116.131:** "Establish a legal environment protecting the privacy of the victims of sexual abuse, and set up a system for professional and safe facilities for victim rehabilitation" (Estonia).

⁷⁰ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁷¹ **UPR Recommendation 116.132:** "Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence" (Fiji).

⁷² **UPR Recommendation 116.132:** "Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence" (Fiji).

⁷³ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁷⁴ inform alleged victims of all types of harm for which they can claim compensation Consistent with supported UPR recommendations 116.128 and 116.133,⁷⁵ inform alleged victims of all types of compensation which they can claim 	
Accused's Rights at Trial	
<ul style="list-style-type: none"> Refrain from using mobile phones in court 	Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law (Section 14.1)
<ul style="list-style-type: none"> Refrain from pressuring accused to plead guilty during questioning 	Right to be Presumed Innocent, and Not to be Compelled to Testify or Confess Guilt (Section 14.3)
<ul style="list-style-type: none"> Adequately discuss the contents of the case file in all cases Adequately and representatively discuss the accused's pre-trial statement in court, if any, unless a legitimate protection or public order reason prevents this 	Right to Objective and Comprehensive Evaluation of Evidence (Section 14.4)
<ul style="list-style-type: none"> Ensure that all accused receive adequate and timely access to relevant information about their case 	Right to Defend Oneself in Person and Through Counsel (Section 14.6)
Accused's Rights Pre-Trial and at All Stages	
<ul style="list-style-type: none"> Ensure all accused have a sufficient opportunity to read, make notes from, or make unlimited copies of their case file at the pre-trial stage Ensure all accused have adequate time and facilities to prepare a defense at the pre-trial stage considering the complexity of the case, seriousness of the charges, and volume of material to be reviewed 	Accused's Right to Legal Counsel, and Adequate Time and Facilities to Prepare a Defense (Section 15.3)

Police

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	
<ul style="list-style-type: none"> Complete DV risk assessments in every case in which it is required, and consistent with supported UPR recommendations 116.129-116.130 and 	Victim's Safety Assessment (Section 13.1)

⁷⁴ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁷⁵ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
<p>116.132,⁷⁶ undertake capacity-building training where relevant on conducting effective victim-centered threat assessments</p> <ul style="list-style-type: none"> • Consistent with supported UPR recommendations 116.128 and 116.133,⁷⁷ inquire about whether safety measures should be imposed for the protection of the alleged victim where appropriate, especially if the alleged victim has not raised this but the case appears to be high risk • Consistent with supported UPR recommendation 116.131,⁷⁸ prevent accused from accessing case file information about the alleged victim (e.g. their current address) in high risk cases • Consistent with supported UPR recommendations 116.128 and 116.133,⁷⁹ refer alleged victims to pre-trial psychological care services where appropriate • Refrain from victim-blaming and reliance on gender stereotypes, and consistent with UPR recommendation 116.132,⁸⁰ undertake capacity-building training where relevant on victim-blaming and gender stereotypes • Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,⁸¹ universally conduct security checks, including weapons screenings • Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,⁸² ensure sufficient presence of security personnel in court buildings 	

⁷⁶ **UPR Recommendation 116.129:** “Take further steps to combat violence against women, including by ensuring that police officers are trained in how to conduct effective and victim-centred threat assessments” (Denmark).

UPR Recommendation 116.130: “Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors” (Canada).

UPR Recommendation 116.132: “Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence” (Fiji).

⁷⁷ **UPR Recommendation 116.128:** “Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services” (Czechia).

UPR Recommendation 116.133: “Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims” (Philippines).

⁷⁸ **UPR Recommendation 116.131:** “Establish a legal environment protecting the privacy of the victims of sexual abuse, and set up a system for professional and safe facilities for victim rehabilitation” (Estonia).

⁷⁹ **UPR Recommendation 116.128:** “Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services” (Czechia).

UPR Recommendation 116.133: “Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims” (Philippines).

⁸⁰ **UPR Recommendation 116.132:** “Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence” (Fiji).

⁸¹ **UPR Recommendation 116.128:** “Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services” (Czechia).

UPR Recommendation 116.130: “Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors” (Canada).

UPR Recommendation 116.133: “Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims” (Philippines).

⁸² **UPR Recommendation 116.128:** “Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services” (Czechia).

UPR Recommendation 116.130: “Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors” (Canada).

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128, 116.130, and 116.133,⁸³ provide security escorts for alleged victims in and around court buildings in high risk cases 	
<ul style="list-style-type: none"> Treat alleged victims with kindness and compassion, and where relevant and consistent with UPR recommendation 116.132,⁸⁴ undertake capacity-building training on the specific needs and vulnerabilities of DV victims 	Right to Equal and Effective Access to Justice (Section 13.3)
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁸⁵ inform alleged victims of their right to file claims for reparation Consistent with supported UPR recommendations 116.128 and 116.133,⁸⁶ inform alleged victims of all types of harm for which they can claim compensation Consistent with supported UPR recommendations 116.128 and 116.133,⁸⁷ inform alleged victims of all types of compensation which they can claim 	Right to Adequate, Effective, and Prompt Reparation for Harm Suffered (Section 13.4)
Accused's Rights at Trial	
<ul style="list-style-type: none"> Ensure that all accused receive adequate and timely access to relevant information about their case 	Right to Defend Oneself in Person and Through Counsel (Section 14.6)
Accused's Rights Pre-Trial and at All Stages	
<ul style="list-style-type: none"> Ensure that all arrested accused are presented with an arrest warrant unless this is legally unnecessary 	Right to Liberty, to Independence and Impartiality, and to Challenge the Lawfulness of Detention (Section 15.1)

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁸³ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.130: "Continue efforts in the prevention of domestic violence and gender-based violence, in particular by improving the efficiency of law enforcement, organizing awareness-raising campaigns and allocating funds, as well as by improving access to services and protection for survivors" (Canada).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁸⁴ **UPR Recommendation 116.132:** "Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence" (Fiji).

⁸⁵ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁸⁶ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁸⁷ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
<ul style="list-style-type: none"> Immediately inform all accused of their rights following arrest, and provide associated explanations of these rights tailored to their capacity Within the legal time limit, notify all accused's arrest to either a family member, a defense lawyer, or for foreign accused, the accused's diplomatic mission 	Right to Information and to Access the Outside World (Section 15.2)
<ul style="list-style-type: none"> Immediately inform all accused of their rights to legal assistance and to remain silent, and provide associated explanations of these rights tailored to their capacity Prevent any accused who has requested a defense lawyer from speaking to anyone about the alleged offense until the defense lawyer has arrived Ensure all accused have a sufficient opportunity to read, make notes from, or make unlimited copies of their case file at the pre-trial stage 	Right to Legal Counsel, and to Adequate Time and Facilities to Present a Defense (Section 15.3)
<ul style="list-style-type: none"> Inform all accused of their rights in connection with interrogation, and provide associated explanations of these rights tailored to their capacity Prevent any accused being interrogated without a lawyer where the accused is legally required to have legal representation Provide all accused with a copy of the interrogation record to read, or read it to them Afford all accused with an opportunity to make corrections and include additional information into the interrogation record 	Rights During Interrogation (Section 15.4)
<ul style="list-style-type: none"> Inform all accused at the pre-trial stage of their right to file a complaint regarding conditions of custody and inquire about whether accused will exercise this right, not only in criminal but also infringement cases, and, subject to implementation, inform accused as appropriate about the linked independent complaint procedure to be established under supported UPR recommendations 116.4 and 116.53-116.55⁸⁸ 	Right to Humane Conditions, and Freedom from Torture (Section 15.5)

Court Administrators

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	
<ul style="list-style-type: none"> Inform all alleged victims of hearing dates 	Right to Equal and Effective Access to Justice (Section 13.3)
Accused's Rights at Trial	

⁸⁸ **UPR Recommendation 116.4:** "Accelerate the implementation of the national mechanism for the prevention of torture, and establish an independent and effective procedure to investigate complaints of torture, particularly against persons deprived of their liberty, as provided for in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment" (Mexico).

UPR Recommendation 116.53: "Continue its efforts in the fight against torture so that the legislative framework will enable independent complaints mechanisms and the prompt and impartial investigation of alleged cases of torture" (Romania).

UPR Recommendation 116.54: "Put in place an effective and independent complaints mechanism to investigate allegations of torture" (Spain).

UPR Recommendation 116.55: "Strengthen and ensure the effectiveness of the mechanisms for submission and investigation of complaints of torture" (Botswana).

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
<ul style="list-style-type: none"> Refrain from using mobile phones in court 	Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law (Section 14.1)
<ul style="list-style-type: none"> Make court schedules systematically available in a timely fashion on court websites and on display in courthouses, not only in criminal but also infringement cases 	Right to a Public Hearing (Section 14.2)

Victims

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Accused's Rights at Trial	
<ul style="list-style-type: none"> Refrain from using mobile phones in court 	Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law (Section 14.1)

Victims' Lawyers

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁸⁹ inquire about whether safety measures should be imposed for the protection of the alleged victim where appropriate, especially if the alleged victim has not raised this but the case appears to be high risk Consistent with supported UPR recommendation 116.131,⁹⁰ prevent accused from accessing case file information about the alleged victim (e.g. their current address) in high risk cases Consistent with supported UPR recommendations 116.128 and 116.133,⁹¹ refer alleged victims to pre-trial psychological care services where appropriate 	Victim's Safety Assessment (Section 13.1)

⁸⁹ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁹⁰ **UPR Recommendation 116.131:** "Establish a legal environment protecting the privacy of the victims of sexual abuse, and set up a system for professional and safe facilities for victim rehabilitation" (Estonia).

⁹¹ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
<ul style="list-style-type: none"> Refrain from victim-blaming and reliance on gender stereotypes, and consistent with UPR recommendation 116.132,⁹² undertake capacity-building training where relevant on victim-blaming and gender stereotypes 	
<ul style="list-style-type: none"> Treat alleged victims with kindness and compassion, and where relevant and consistent with UPR recommendation 116.132,⁹³ undertake capacity-building training on the specific needs and vulnerabilities of DV victims 	Right to Equal and Effective Access to Justice (Section 13.3)
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁹⁴ inform alleged victims of their right to file claims for reparation Consistent with supported UPR recommendations 116.128 and 116.133,⁹⁵ inform alleged victims of all types of harm for which they can claim compensation Consistent with supported UPR recommendations 116.128 and 116.133,⁹⁶ inform alleged victims of all types of compensation which they can claim 	Right to Adequate, Effective, and Prompt Reparation for Harm Suffered (Section 13.4)
Accused's Rights at Trial	
<ul style="list-style-type: none"> Refrain from using mobile phones in court 	Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law (Section 14.1)
<ul style="list-style-type: none"> Refrain from pressuring accused to plead guilty during questioning 	Right to be Presumed Innocent, and Not to be Compelled to Testify or Confess Guilt (Section 14.3)

UPR Recommendation 116.133: “Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims” (Philippines).

⁹² **UPR Recommendation 116.132:** “Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence” (Fiji).

⁹³ **UPR Recommendation 116.132:** “Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence” (Fiji).

⁹⁴ **UPR Recommendation 116.128:** “Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services” (Czechia).

UPR Recommendation 116.133: “Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims” (Philippines).

⁹⁵ **UPR Recommendation 116.128:** “Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services” (Czechia).

UPR Recommendation 116.133: “Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims” (Philippines).

⁹⁶ **UPR Recommendation 116.128:** “Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services” (Czechia).

UPR Recommendation 116.133: “Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims” (Philippines).

Victims' Representatives

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	
<ul style="list-style-type: none"> Treat alleged victims with kindness and compassion, and where relevant and consistent with UPR recommendation 116.132,⁹⁷ undertake capacity-building training on the specific needs and vulnerabilities of DV victims 	Right to Adequate, Effective, and Prompt Reparation for Harm Suffered (Section 13.4)
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,⁹⁸ inform alleged victims of their right to file claims for reparation Consistent with supported UPR recommendations 116.128 and 116.133,⁹⁹ inform alleged victims of all types of harm for which they can claim compensation Consistent with supported UPR recommendations 116.128 and 116.133,¹⁰⁰ inform alleged victims of all types of compensation which they can claim 	Right to Adequate, Effective, and Prompt Reparation for Harm Suffered (Section 13.4)
Accused's Rights at Trial	
<ul style="list-style-type: none"> Refrain from using mobile phones in court 	Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law (Section 14.1)
<ul style="list-style-type: none"> Refrain from pressuring accused to plead guilty during questioning 	Right to be Presumed Innocent, and Not to be Compelled to Testify or Confess Guilt (Section 14.3)

⁹⁷ **UPR Recommendation 116.132:** "Enhance support services for victims of domestic and gender-based violence, and take measures to raise awareness among law enforcement officials, lawyers and judges of the specific needs and vulnerabilities of women and girls who are victims of domestic and gender-based violence" (Fiji).

⁹⁸ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

⁹⁹ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

¹⁰⁰ **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).

UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Accused

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Accused's Rights at Trial	
<ul style="list-style-type: none"> Refrain from using mobile phones in court 	Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law (Section 14.1)

Defense Lawyers

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	
<ul style="list-style-type: none"> Treat alleged victims with kindness and compassion 	Right to Adequate, Effective, and Prompt Reparation for Harm Suffered (Section 13.4)
Accused's Rights at Trial	
<ul style="list-style-type: none"> Refrain from using mobile phones in court 	Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law (Section 14.1)
<ul style="list-style-type: none"> Refrain from pressuring accused to plead guilty during questioning 	Right to be Presumed Innocent, and Not to be Compelled to Testify or Confess Guilt (Section 14.3)
<ul style="list-style-type: none"> Ensure that accused have a fair opportunity to present a defense 	Right to Objective and Comprehensive Evaluation of Evidence (Section 14.4)
<ul style="list-style-type: none"> Maintain ongoing communication with accused during trials Adequately seek the accused's instructions 	Right to Defend Oneself in Person and Through Counsel (Section 14.6)
Accused's Rights Pre-Trial and at All Stages	
<ul style="list-style-type: none"> Where there are procedures to impose pre-trial measures of restraint on accused, ensure that the accused has an opportunity to be heard in the determination process 	Right to Liberty, to Independence and Impartiality, and to Challenge the Lawfulness of Detention (Section 15.1)
<ul style="list-style-type: none"> Ensure all accused have a sufficient opportunity to read, make notes from, or make unlimited copies of their case file at the pre-trial stage Ensure all accused have adequate time and facilities to prepare a defense at the pre-trial stage considering the complexity of the case, seriousness of the charges, and volume of material to be reviewed 	Right to Legal Counsel, and to Adequate Time and Facilities to Present a Defense (Section 15.3)

Accused's Representatives

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	
<ul style="list-style-type: none"> Treat alleged victims with kindness and compassion 	Right to Adequate, Effective, and Prompt Reparation for Harm Suffered (Section 13.4)
Accused's Rights at Trial	
<ul style="list-style-type: none"> Refrain from using mobile phones in court 	Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law (Section 14.1)
<ul style="list-style-type: none"> Refrain from pressuring accused to plead guilty during questioning 	Right to be Presumed Innocent, and Not to be Compelled to Testify or Confess Guilt (Section 14.3)

Social Workers

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	
<ul style="list-style-type: none"> Complete DV situational assessments in all high risk cases, and consistent with supported UPR recommendation 116.133,¹⁰¹ undertake capacity-building training where relevant on conducting effective victim-centered threat assessments 	Victim's Safety Assessment (Section 13.1)

Associated Support Services

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	

¹⁰¹ **UPR Recommendation 116.133:** "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
<ul style="list-style-type: none"> Consistent with supported UPR recommendations 116.128 and 116.133,¹⁰² strengthen capacity to provide pre-trial psychological care to alleged victims 	Victim's Safety Assessment (Section 13.1)

Detoxification Units

Recommendations for the treatment of DV cases based on monitoring data	Report section containing data underlying recommendation
Victim's Rights	
<ul style="list-style-type: none"> Ensure that all accused held in a detoxification unit are informed of their rights following arrest, and provide associated explanations of these rights tailored to their capacity 	Right to Information and to Access the Outside World (Section 15.2)

¹⁰² **UPR Recommendation 116.128:** "Step up efforts against the high prevalence of violence against women, in particular domestic and sexual violence, and provide the victims with adequate assistance and support services" (Czechia).
UPR Recommendation 116.133: "Further strengthen protection mechanisms to address gender-based violence and domestic violence and provide adequate assistance to victims" (Philippines).

Annex B. Trial Monitors' Feedback on Systemic Improvements

Overall Recommendations

1	Safety in court buildings	Ensuring the safety of the court room is important not only to the DV victim but also to all parties
2	Schedules	Streamline court websites and schedules and improve their format; different court websites and different formats of announcing trial dates in each court as well as the absence of offence notices make it difficult for the courts to be open to the public and ensure public oversight
3	Court environment	It is necessary to improve the working conditions of the court rooms and court staff rooms according to requirements
4	Available procedural rights	Streamline the available procedural rights under the Penal Code and Infringement Code. The list of rights in the two codes are different, and a lack of knowledge of rights do not allow exercise of rights by victims and offenders
5	Legal aid	Provide legal assistance to indigent victims and ensure their rights to legal assistance is fulfilled. The State should build a legal environment that ensures a framework for provision of legal assistance is established.
6	Reparations	Judicial proceedings need to consider victim's damages and torts, especially children as victims of DV and their protection
7	Victim protection in judgments	Judicial decisions need to incorporate victim protection, prevention of further violence, psychological and medical assistance to the victim
8	Professional development in DV	There is a need to support the professional development of justice sector actors in responding to DV
9	Alternative dispute resolution	Consider the possibility of introducing other effective modes of dispute resolution in DV cases, for example mediation, psychological counselling, behaviour change training
10	International law	Apply international conventions and pacts in resolution of DV cases
11	DV prevention methods	It is necessary to determine DV prevention and response methods based on the factors and causes of Domestic violence and on findings of effectiveness of mandatory behaviour change training. For example, study to learn whether it is possible for men to perpetrate DV as a result of psychological stress
12	Research specialized family courts	It is necessary to research the possibility of establishing specialized court on family matters, as courts currently decide on DV cases within a short span of time along with other offences
13	Involve other stakeholders in prevention	The involvement of Home Owners' Associations (HOA), <i>bagh/khoroo</i> management, CSOs and senior citizen lawyers in the prevention activities against DV will result in better outcomes

Detailed Feedback

Comment and recommendation	1: Safety in court buildings Ensuring the safety of the court room is important not only to the DV victim but also to all parties	
Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation	
<ul style="list-style-type: none"> • Monitor: It needs to be clear about what kind of protection is available in the court building. The victim is under tremendous pressure psychologically and is scared. The victim is made to wait anxiously outside the court room for a long time with other parties of the trial. After the trial victim exits the court without any protection. The victim of the trial that I observed left the hospital after treatment to be recuperated in brother's house because the victim was too afraid to go home. The compensation for the cost of the medical treatment was still not resolved. • Monitor: The trial at the Songinokhairkhan district criminal court on September 3rd, 2020 around 15 pm held in a spacious room with enough space between people and the offender was placed behind special barricade. But the victim, witness, relatives and offender were entering the court room through the same door. During the recess, victim, citizen's representative, offender with handcuffs and prosecutor were left standing in the same corridor which was risky in terms of safety. And when the victim talked with the prosecutor during this time, it seemed offender was looking suspiciously. Although the police had the offender in handcuffs and under control, the gravity of the case made me feel that the safety measures are lacking. The trial was adjourned for one week and when the trial resumed on September 10, 2020 the court room was quite small. During the trial, the space between prosecutor, citizen's representative, court secretary, victim and offender was too small and too close to each other and the offender did not have handcuffs. The police were checking IDs and took temperatures upon entry to court room but other than that no other checks were carried out. This seemed that the security is lax because police could have checked for weapons, knives etc. • Monitor: The court duty officer did not carry out checks to ensure safety of parties in the trial. • Monitor: Although the victim did not participate in the trial, it was observed that there is no special entrance for victims. Instead, victims usually stand in the same corridor as offenders. 	<ul style="list-style-type: none"> • Monitor: Allow victims to wait in a separate room from other participants, make psychologist available to the victim. During waiting period victim can get advice from psychologist and the lawyer. • Monitor: 1. If there is a safety standard developed for the court building and the court room, make sure to follow the standard. If there are no safety standards, develop one. Arrange for the state to provide funding for this effort. 2. Police as a provider of protection should make available weapon screening equipment at the entry to the court to screen participants of the trial (victims, offender, witness etc.) for any weapons, sharp objects to make sure safety of all concerned is taken care of. • Monitor: Re-establishing Marshall Services is important to ensure court safety and victim safety. • Monitor: Most of the courts have different entrance/exit, therefore use them to meet the international standards. • Monitor: 1. Renew the safety regulation on maintaining safety of the court building 2. Check IDs of all people entering the court building, use metal detector for screening visitors and check bags. 3. Arrange separate waiting rooms for the victim, offender and the witness. 	

Comment and recommendation	2: Schedules Streamline court websites and schedules and improve their format; different court websites and different formats of announcing trial dates in each court as well as the absence of offence notices make it difficult for the courts to be open to the public and ensure public oversight	
Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation	
<ul style="list-style-type: none"> • Monitor: The notice of the trial was not available on the website, therefore had to come to court find out. In regards to DV offences, the police officer asked for the judge to arrange schedule depending on the number of offenders. That day police had 20 offenders who were waiting for the hearing. • Monitor: Bayangol, Khan-Uul and Songinokhairkhan district criminal courts were situated in the same building. As such, the announcements on each courts' website had the same format with 9 indicator table. However, the indicators were expressed with different wording, some with abbreviations and written in a hastily manner which was confusing to read. 2. In the morning of September 3, 2020 while visiting Songinokhairkhan district court I had no information about the notice of DV offence case or whether any offence case will be underway. In previous day, I called court secretary to ask about the any notices but was told that no information is available and by coming in the morning next day will be clear if DV offence hearing will take place. The court secretary informed in the morning in the court room that DV offence hearings will be conducted online with Songinokhairkhan district Police Department. Trial monitors together with judge and court secretary sat in the court room while offenders, prosecutor and other authorized persons were connecting from police departments. In this way, 2 DV offence cases were observed. • Monitor: Let DV offender to participate after securing the safety of the victim. • Monitor: The lack of trial schedule was the reason we had to wait for 4 hours before attending the hearing. The waiting area outside the court room do not have any chairs and had to leaning to walls in order to stand. And the corridor is very narrow with people passing by all the time. • Monitor: The notices about the DV offence hearing was never informed. Trial monitors had to visit the courts to find out about the notice. The offence hearings held without scheduled time but just queueing. 	<ul style="list-style-type: none"> • Monitor: Schedule trial for DV offences and announce on the website, inform participants 3 days in advance. • Monitor: Improve the court website and make clear the format of the trial schedules are used to read. 2. Create comprehensive guidelines, operating procedures and the legal environment for the protection of victims and witnesses (Marshal services?) 3. Schedule DV offences and make it available to the public. • Monitor: Courts organize scheduling and informing of trials (how, when and to whom to inform) and by considering how public oversight is carried out. • Monitor: Arrange for the DV offence trials to be announced in advance. 	

Comment and recommendation	3: Court environment It is necessary to improve the working conditions of the court rooms and court staff rooms according to requirements	
Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation	
<ul style="list-style-type: none"> • Monitor: Place victim in a special room. • Monitor: While visiting the Songinokhairkhan district criminal court on August 25, September 3, 10, 16, 21 on practical observation and then on official monitoring missions as well as for reviewing case files, it was doubtful that there is a court room standard because some court rooms were big whereas some were too small. If the trial conducted in the smaller room with 	<ul style="list-style-type: none"> • Monitor: Have a safety operations standard for court building and court rooms. If there are such standard, comply with standards. Have comprehensive solution to improve working conditions of court staff, storage of evidence and confidential information, digitalization of data. If there are standards for storing 	

<p>many participants, extra chairs were brought in but then there will no space to move around. The trial that was observed had 10 participants and all were bundled in the one room. Case file review was done in the room of the court staff which was also very small. The room had a safe and boxes with case files which was placed under the table- (not very secure location in storing confidential information).</p> <ul style="list-style-type: none"> • Monitor: The courts are not equipped with special room for victims and the technology for taking victim's testimony. • Monitor: The trial was held in a small room. The victim, offender and the prosecutor were 1 step apart from each other. There was no space for extra chair. • Monitor: The availability of court rooms was an issue. Trial participants including lawyers, prosecutors did not have a waiting room instead waited in the corridor. They entered the court room just as the previous trial finished (without cleaning or refreshing the air in the room). In some instances, judges conducted 3 consecutive trials in one sitting, even during the lunch time, because they wanted to take advantage of the available court rooms. • Monitor: Victim and offender wait for the start of the trial in same room as their relatives and friends. This creates unfavourable environment of psychological stress for either party. Therefore, it is important to create a mechanism where victims and offender wait in separate rooms and leave through separate exits when the trial ends. 	<p>confidential documents and evidence, then make sure staff comply with the standard.</p> <ul style="list-style-type: none"> • Monitor: Improve and renovate court rooms and rooms of court clerks up to requirements as now the rooms are too small. • Monitor: Research into the needs of establishing Court for Offence cases and Respond to the needs.
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Comment and recommendation	4: Available procedural rights	
	Streamline the available procedural rights under the Penal Code and Infringement Code. The list of rights in the two codes are different, and a lack of knowledge of rights do not allow exercise of rights by victims and offenders	
	Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation
	<ul style="list-style-type: none"> • Monitor: DV offences are repeat acts for 2 or more times. Allow families with their grown-up children to participate in the training that includes counselling and providing information on accountability measures. Victims are the ones who become police target. They are summoned to police station repeatedly and victims experience high stress levels. • Monitor: In the Infringement procedure law there are 9 clauses on the rights of victims /2.1-2.9/ and Criminal Procedure Law Article 8.2 has 15 clauses on victim rights /1.1-1.15/. The trial observed at the Songinokhairkhan district criminal court showed that the victim and the offender did not know their rights. For example: 1. Victim B.O. of the criminal case asked prosecutor during the recess on how to get compensation for medical treatment as she had the proof showing 2.7 mill tugrik worth expenses. Given that enough time has passed, this compensation was never considered. The victim recalled how the sister of the offender called her to shout "how can you claim 1.5 mil tugrik from the person who is in prison, thanks to you, and because of you the trial was postponed. We know you are healthy because you are going around ". The victim also asked the prosecutor if she can get a lawyer and how to obtain lawyer. 2. In the DV offence cases, victims did not attend and did not 	<ul style="list-style-type: none"> • Monitor: Organize training in khoros and provide advice on violations and issues relating to DV. • Monitor: It is not important to get signatures from victims and offenders when taking their testimony and asking them to sign on the document listing the rights and responsibilities. It is more important to provide examples and explanations to them and have interact with them so that they can understand the situation in full picture and make decisions in a calm manner. In this way victim or offender can change their attitude and have positive outlook to resolving the situation. Although it is good that the official taking the testimony registers the start and end time of the testimony, the official needs to consider psychological state of being (scared, in shock) of the victim or offender and check completeness of the testimony form. Training is needed for these officials who take testimony from victims and offenders on how

<p>have lawyer representing them. Offenders participated in the hearing but did not have lawyers. During the hearing judge read all the rights and asked offenders if they agree. Offenders nodded and did not provide comment or asked questions regarding the evidence presented. The hearing was speedy and as soon as the offender acknowledged the guilt and it seemed that offender just waited for the process to be over.</p> <p>3. In one of the DV offence cases, the offender caused bodily injury to his 3 year old son by hitting child's head and legs. Also, the offender beat his wife while intoxicated. In the forensic analysis form the mother of the child wrote that " Child do not have visible injury, no claims are sought". The judge accepted the evidence and resolved the offence by acknowledging the wife as the only victim and ignoring the child as the victim of the crime. This seemed to violate the rights and wellbeing of the child.</p> <ul style="list-style-type: none"> • Monitor: While reviewing the evidence, it was not observed that offender did not exercise the rights because they did not know their rights. The meaning and implementation methods for exercise of rights were there. • Monitor: The rights and responsibilities stated in the criminal and offence case are different depending on the sentencing. However, it is possible to print the rights in one document (in both criminal and offense cases) and ensure the document is presented fully and effectively to victims or offenders. It is possible that for offenders of DV offences there is a certain expectation of " arrest and detention but will be released soon" which plays some role for them to ignore the rights and responsibilities. It was observed that for offenders it was important to get fewer days in detention. 	<p>to deal with persons in difficult psychological situation and learn to use techniques for interviewing.</p> <ul style="list-style-type: none"> • Monitor: Presenting and explaining appropriately to victims about their rights stated in the law. • Monitor: Police is not the only person who can explain the rights to the offender. To make sure that offender understands the rights, legal awareness information developed for the public can be used in addition.
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Comment and recommendation	5: Legal aid Provide legal assistance to indigent victims and ensure their rights to legal assistance is fulfilled. The State should build a legal environment that ensures a framework for provision of legal assistance is established	
Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation	
<ul style="list-style-type: none"> • Monitor: Make clear the assistance required for the victims of crime. • Monitor: In 3 trials observed (1 criminal and 2 DV offences) at the Songinkhairkhan district court for criminal cases during Aug-Oct, 2020, none of the three victims had a lawyer. Looking closer into case files and victim's employment and income, only one of the victims had a job but due to major injury sustained from domestic violence, the victim was unable to work again because she was in hospital for treatment for long period of time. The other two victims did not have job but looked after household and children. • Monitor: Although proper legal procedures were followed in the case, the case file do not contain comprehensive information about it. • Monitor: The justice sector actors (DV offence investigation officer, prosecutor and the judge) do not take DV offence as serious matter with negative societal consequences and take the matter at face value. As a trial monitor, I came to the conclusion 	<ul style="list-style-type: none"> • Monitor: Provide assistance of the specialized lawyer in DV cases to victims of DV. • Monitor: Introduce in the legislation the provision of legal assistance to indigent victims and arrange for the State to bear the costs of legal assistance. Accredite the lawyers who provide legal assistance to indigent victims and establish a system where regular monitoring of the legislation on provision of legal assistance can take place every 2-3 years. • Monitor: Improve existing legislation and regulations for providing legal assistance to indigent citizens by lawyer's organizations. Coordinated response for legal assistance is needed. 	

that it is possible prevent further DV crime and offence if the organizations change their methods in investigating the offence and its causes and focus on prevention activities.	<ul style="list-style-type: none"> • Monitor: Revise the law by incorporating indigent victims of domestic violence as subjects who can receive free legal assistance by adding "if the indigent victim of DV requests legal assistance" condition to currently existing clause " Provide free legal assistance to suspect, offender of the crime..."
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Comment and recommendation	6: Reparations Judicial proceedings need to consider victim's damages and torts, especially children as victims of DV and their protection	
	Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation
	<ul style="list-style-type: none"> • Monitor: Specialize professionals in DV and provide practical training and change their approach. Judges and prosecutors need to improve their approach when dealing with victims and offenders. • Monitor: In the criminal case, the trial was postponed for one week in order to repay damages caused to victim O.B based on medical history /case file pp 52-65/, harm and damages totalling 1.588.404 tugriks. But new conditions arose and compensation was not done by offender because the only relative of the offender who is his sister could not pay the amount. The offender received 7 years of imprisonment sentence. In the DV offence, the offender D.B. hit 3-year-old son in the back of the head 2 times and in the buttocks 3 times which might have caused long term injuries to the brain. However, during the court proceeding, it was noted that mother of the child wrote in the forensic analysis form that " No visible injuries in the body of the child and no claim will be submitted" which directed the focus to the wife as the only victim. The court passed judgement ignoring the health and wellbeing of the child. In the case file, there was no evidence that the mother of the child received any legal advice. • Monitor: In the criminal and offence cases, the cause of the violent act is discussed in much detail but not enough discussed about damages, tort or children's rights. 	<ul style="list-style-type: none"> • Monitor: In the conclusion section of the judicial decision, state clearly the assistance required for the victim and compensation for victims of crime. • Monitor: 1. Even though the amount is set out causing harm and damages, the solution remains unclear if the offender cannot pay for the damages. Victim is then re-victimized in terms of health and financially. Legally speaking, there should be solution for such problems. 2. It is important to acknowledge the violations of children's rights are occurring in DV cases and provide coordinated solution to this problem and improve the legislation. • Monitor: Protect the rights of the victim by dedicating time in trials to consider damages and tort.

Comment and recommendation	7: Victim protection in judgments Judicial decisions need to incorporate victim protection, prevention of further violence, psychological and medical assistance to the victim	
	Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation
	<ul style="list-style-type: none"> • Monitor: The victim is revictimized because there is no unified standard or programme for compensating victims of crime. The judicial decision only states to compensate the victim but do not explain how and in what time period damages will be repaid. It is unclear when the compensation will be paid to the victim to cover the cost of further medical expenses for heavy injuries sustained by the victim. • Monitor: X was offender in 2 previous criminal and offence cases and was imprisoned for 7 years. DV Offence case offender Y beat his wife Z in 2015 and received 2 year probation (Criminal code 99.2). Offender A, 30 year of age, with high education and technologist by occupation worked as builder in 	<ul style="list-style-type: none"> • Monitor: Develop and implement compensation programme for the victims of crime. The damages such as psychological damages that are hard to prove needs to be compensated too. • Monitor: Detailed information on victim's protection, psychological and medical assistance needs to be included in the judicial decision standard. • Monitor: It is difficult to comment or suggest improvement in this area as I am not aware

<p>New Yarmag complex, lived with his wife and kids (household of 5). He has a stepson and according to judicial decision he previously beat his wife which shows the repeat offence. In the judicial decision of the above cases, no medical or psychological assistance was mentioned. As regards to the offender, it is interesting to learn about the effectiveness of offender's behaviour change and whether counselling and behaviour change training brings any positive change.</p> <ul style="list-style-type: none"> • Monitor: In the judicial decision, the state of the victim was mentioned only in relation to setting compensation amount and not enough information mentioned about victim's protection, psychological and medical assistance. • Monitor: There was no indication of victim protection, prevention of re-victimization, psychological and medical assistance in the judicial decision. 	<p>about the regulations or procedures pertaining to judicial decisions.</p>
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Comment and recommendation	8: Professional development in DV There is a need to support the professional development of justice sector actors in responding to DV	
Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation	
<ul style="list-style-type: none"> • Monitor: Police, prosecutors, judges and court decision enforcement authority need to consider better approaches to deal with victims and witnesses. Train these professionals in protection of victims and minors by developing and implementing regulations. 	<ul style="list-style-type: none"> • Monitor: If the regulation is followed then improvements can be made. • Monitor: Create a framework where professional development of justice sector actors working in responding to DV is correlated with upholding human rights. <ul style="list-style-type: none"> ○ Specialized training for lawyers is necessary on DV, ○ Prepare more psychologists and enable them to work on DV. ○ DV offence judicial decisions need to reflect achievable results in protection of victim and offender rights. In turn, monitoring of court decision enforcement is needed. ○ Improve the knowledge of prosecutors and judges on DV. ○ To request responsible authorities to assist courts to reflect assistance in judicial decisions in above mentioned areas. ○ Most of the DV offence carries 15-30 days of detention sentence. However, high probability of repeat offences show that mandatory behaviour change program for offenders is not satisfactory. It is important to improve mandatory behaviour change training to make sure it is up to the standards and incorporate psychological counselling aspects and evaluation of training with tests. • Monitor: Ensure to monitor and remind those who violate rights of others by organizing training. Monitoring of performance and work. 	

Comment and recommendation	9: Alternative dispute resolution Consider the possibility of introducing other effective modes of dispute resolution in DV cases, for example mediation, psychological counselling, behaviour change training	
	Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation
	<ul style="list-style-type: none"> • Monitor: During the trial monitoring of DV crime and offences at the Songinokhairkhan district criminal court, all cases started with victim calling the police and police took necessary measures such as arrest and detention. The order events in the criminal procedure follows the pattern: the offender spends the night in the cell at the detention center, the case is filed several days later with prosecutor pressing charges and submitting the case for trial. During this time, victim protection is left out from attention and it is important to know what kind of measures are taken to protect the victim in not so serious cases. Two DV offences that was monitored at the Songinokhairkhan district criminal court occurred on August 21 and 27th respectively but the trial was conducted on September 3rd. In the space of 7-10 days waiting for the trial, there was ample opportunity to do psychological counselling and mediation. In the case file there was no mention of taking any steps towards trying mediation, psychological counselling, behaviour change training. Only testimony from both sides were available in the case file. • Monitor: It was observed that it is possible to resolve situation in early stages by using different methods such as cautioning, advising and taking pledge. The end result is to try to resolve conflicts outside of courts. • Monitor: It was observed that by issuing detention order in DV offences leaves the offender full of revenge and divorces follow later on. 	<ul style="list-style-type: none"> • Monitor: Mediation. Counselling and inter-communication training is needed for parties in the DV case to raise victim and offender's awareness on the issue, calm the situation and provide professional care by professional team. If there is standard for such service, apply the standard. • Monitor: Organize professional assistance in a very strict code of conduct and measure the performance, evaluate training results. • Monitor: Recommend revisions in the Infringement Law.

Comment and recommendation	10: International law Apply international conventions and pacts in resolution of DV cases	
	Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation
	<ul style="list-style-type: none"> • Monitor: 1. Our team met with Z, Acting Chief Judge and Judges X and Y of the Songinokhairkhan district criminal court on 25 August, at 11 am and during the discussion application of international convention and pacts were mentioned. Judge Y mentioned that he worked previously in the Human Rights Commission. 2. During the criminal trial on 3 September against offender B.U., Judge Y was in the composition of judges presiding over the trial and he mentioned from UN Human Rights Committee recommendation. • Monitor: The application of international convention or human rights pacts in the resolution of criminal and offence cases were lacking. • Monitor: Application of international conventions or pacts in DV cases did not happen. 	<ul style="list-style-type: none"> • Monitor: Recommend applying international conventions and pacts in resolving the DV cases. • Monitor: Establish specialized court on adjudication of offence cases or train specialized judges in resolving Offence cases. Specialized judges need to resolve DV offences and disputes.

Comment and recommendation	11: DV prevention methods It is necessary to determine DV prevention and response methods based on the factors and causes of Domestic violence and on findings of effectiveness of mandatory behaviour change training. For example, study to learn whether it is possible for men to perpetrate DV as a result of psychological stress
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Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation
<ul style="list-style-type: none"> • Monitor: The circumstances of DV crimes and offences monitored at the Songinokhairkhan district criminal court shows that acts of violence committed while under the influence of alcohol and the case file indicated that the acts were repeat offences. This raises the question about the quality and effectiveness of mandatory behaviour change training. • Monitor: It was observed that awareness raising on prevention, information and intervention is lacking. Also study on the cause of DV and mitigating circumstances is needed. • Monitor: In the DV offence case involving offender X who committed DV by arguing and later kicking 3-4 times wife Y, it was mentioned that the DV was committed a result of "Wife was annoying him after he came home from work trip". 	<ul style="list-style-type: none"> • Monitor: Most of the DV offence carries X days in detention and 15-20 hours if mandatory training sentence. But offenders seem to repeat their offences which brings to question of what is the quality of behaviour change training? There needs to be a study into monitoring the quality of mandatory behaviour change training, its methodology and capacity of staff. Research best practices from other countries. Research the causes of DV and use the findings to establish cost effective and useful prevention models/mechanisms. I recommend that mandatory behaviour change programs need to recruit and select survivors or past offenders as trainers of the program and pilot it. The program needs practical and participatory approach to raise awareness, evaluate training and measure the performance of trainers. It is advised to avoid such programs that focus on the trainer and boring in substance. Criteria for trainers needs to be set and use credit system. For offenders who are experiencing shock and depression, meditation and counseling can be used to give them more will to survive, renew their trust in life and make sure the environment is safe from discrimination and abuse. • Monitor: Ensure to increase effectiveness and outcome of the mandatory training. • Monitor: Offenders who underwent mandatory training are repeat offenders. It is important to improve the quality of the training, its methodology and evaluation. • Monitor: If necessary, psychiatric analysis can be ordered by the courts in DV crime and offences. Other CSOs can contribute on providing reasoning and determining the causes through research.

Comment and recommendation	12: Research specialized family courts It is necessary to research the possibility of establishing specialized court on family matters, as courts currently decide on DV cases within a short span of time along with other offences	
Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation	
<ul style="list-style-type: none"> • Monitor: Establishing Family Court allows judges, prosecutors and investigators to specialize in this field and human rights violations will decrease. • Monitor: The DV offence trials at the Songinokhairkhan district court were held online and approximate duration of 1 trial was around 10-15 min. The participants of the trial were Judge X, prosecutor Y, court secretary Z and the police officer. The victims were not present in DV offence trials. In this short space of time, offender had his rights red to him, prosecutor red the indictment, offender was asked about the evidence and if he had any comments, then the judge finalized the trial. • Monitor: Although I am not critical about how judges consider DV cases, it is important to let offender know that the reason why the trial is conducted in such speedy manner also relates to the rights and interests of offender's family who are left behind. • Monitor: It was observed that justice sector actors (police, prosecutor and judges) consider DV offence as light offence and do not fully realise the consequences of DV in the society. 	<ul style="list-style-type: none"> • Monitor: Family dispute is different from other disputes not only in terms of victim's damages but also it relates more to understanding of one another and respecting each other's rights. Therefore, involving people in more training to mend relationships are important. • Monitor: I support the initiative to establish Family Court, specialize judges and court professionals in family cases. Judges and lawyers can participate in psychology courses and counselling which will be productive in their jobs. • Monitor: Judges should strive to pass judgement that does not deteriorate the human rights of victims. • Monitor: If specialized court on family matters is established, the family as a core of the society and the legal rights of family members can be protected in more focused way. This also has positive impact on specialization of judges and other legal professionals working in this field. • Monitor: Background research is needed to establish Court dealing with Offences and propose concrete solutions. 	

Comment and recommendation	13: Involve other stakeholders in preventing DV The involvement of Home Owners' Associations (HOA), <i>bagh/khoroo</i> management, CSOs and senior citizen lawyers in the prevention activities against DV will result in better outcome.	
Justification for the recommendation (based on monitors' own observations)	Recommendations of activities and other possibilities for implementation	
<ul style="list-style-type: none"> • Monitor: By legally defining the role of Heads of HOAs in the prevention of DV can be a positive step. In <i>aimags</i> and <i>baghs</i> involvement of CSOs and retired lawyers would be great asset in the prevention of DV. • Monitor: It is clear from judicial proceeding that prevention activities need to be covered broadly. • Monitor: In the criminal and offence procedures as well as in prevention activities, it is effective to include psychologists, HOA, <i>bagh</i>, <i>khoroo</i>, CSOs and retired lawyers. Especially in <i>aimags</i>, their involvement is important to ensure safety of victims. 	<ul style="list-style-type: none"> • Monitor: Allow all citizens to inform about the DV and protect their identity under the law. • Monitor: Make Head of the Home Owners' Associations responsible for DV response. CSOs, <i>baghs</i> and retired lawyers' free time and available expertise are useful. They need to be trained based on identifying training needs. • Monitor: These people need remuneration for their work. State can solve this issue. Awards, remuneration can be provided to individuals, groups who worked actively in promoting prevention and advocacy to the public. • Monitor: I support the prevention work involving HOA, <i>bagh</i>, <i>khoroo</i>s, CSOs and retired lawyers. 	

Annex C. Trial Monitoring Tool



Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code /
Хэргийн код

Team Code /
Бэлний код

DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

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1.1. Method of Selecting Case to Monitor / Ажиллагааг хийх хэрэг сонгох арга зүй	Court Schedule / Шүүх журмын тоо <i>Select case from before / Дээрхөөс нэгийг нь сонгоно уу.</i> <input type="checkbox"/> On website / Вэбсайтаас <input type="checkbox"/> Displayed in court / Шүүхийн хяраас	Other Source of Information / Мэдээллийн бусад эх сурвалж <i>Select one from below / Дээрхөөс нэгийг нь сонгоно уу.</i> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Judge / Шүүхч <input type="checkbox"/> Prosecutor / Прокурор </div> <div> <input type="checkbox"/> Court officer / Шүүхийн ажилтан <input type="checkbox"/> CSO staff / ИИ-Бийн ажилтан </div> <div> <input type="checkbox"/> Victim lawyer / Хэргээрчдийн итгэлмэлч <input type="checkbox"/> Defense lawyer / Шүүгдэгч хамгаалагчийн өмгөөлөгч </div> </div>			
1.2. Type of Crime Charged / Яллагдаж буй гэмт хэрэг <i>(Select all that apply / Хавьмагч нэвтрүүлэх санханд үз)</i>	DV Breach / Гэр бүлийн хүчирхийллийн өөрчил	DV Crime / Гэр бүлийн хүчирхийллийн гэмт хэрэг	Crimes that involve DV or treat DV as an aggravating factor / Гэр бүлийн хүчирхийллал бүхий эсвэл гэр бүлийн хүчирхийллал хүндрүүлэх нөхцөл болох нь	Other Charge(s) / Бусад өөрчлөлт үд	
<input type="checkbox"/> 5.4.1. Failure to notify DV / ГЭХ нь талаар хүмүүс хүлээн авдаггүй мэдээлэл хүртэл биелүүлэггүй. <input type="checkbox"/> 5.4.2. Binding temporary shelter / Тус хамаарагч байрны нурууг зарчим нэвтэрсэн <input type="checkbox"/> 5.4.3. Changing purpose of temporary shelter or using it for different purposes / Тус хамаарагч байрны зориулалтыг өөрчлөхөөс, эсвэл өөр зориулалтаар ашиглах <input type="checkbox"/> 5.4.4.1. Beating person with family relationship / Гэр бүлийн хамаарагч бүсийг хэргийн хэргийн үйлдэл <input type="checkbox"/> 5.4.4.2. Fearing person with family relationship to do harm to something apart from self / Гэр бүлийн хамаарагч болон харилцаатай индивид худал ажилчин нь эерэг тосгорын үйлдэл, зохих индивидыг байгаа албадан	<input type="checkbox"/> 11.7.1.1. Regularly beating person with family relationship / Гэр бүлийн хамаарагч хариуцаагүй үйлдэл байгаа болсон <input type="checkbox"/> 11.7.1.2. Regularly subjecting person with family relationship to cruel treatment, aggressive behavior and torture / Гэр бүлийн хамаарагч хариуцаагүй үйлдэл хэргийн хэргийн үйлдэл, дургин хэргийн үйлдэл <input type="checkbox"/> 11.7.1.3. Regularly inflicting person with family relationship's property rights / Гэр бүлийн хамаарагч хариуцаагүй үйлдэл эд хэргийн хэргийн, байдал, байрны зориулалт эрдэг болсон	Crimes with DV as an aggravating factor / Гэр бүлийн хүчирхийллал үйлдсэн нь хүндрүүлэх нөхцөл тооцогдож гэмт хэрэг <input type="checkbox"/> 10.1. Murder / Хүнний амьс - 10.1.2.8 DV aggravating factor / ГЭХ үйлдсэн нь хүндрүүлэх нөхцөл <input type="checkbox"/> 11.1. Intentional serious damage to a person's health / Эрүүл амьсд хүнд хорон олгохтай учруулсан - 11.1.2.1, 10.1.2.8 DV aggravating factor / ГЭХ үйлдсэн нь хүндрүүлэх нөхцөл <input type="checkbox"/> 11.4. Intentional infliction of less serious harm to a person's health / Эрүүл амьсд хүнд хорон олгохтой учруулсан - 11.4.2.1, 10.1.2.8 DV aggravating factor / ГЭХ үйлдсэн нь хүндрүүлэх нөхцөл	<input type="checkbox"/> Other charge(s) outside the law monitoring scope / Байнгын хяргах гэмт хэрэгт өөрчлөлт үлдсэн гэж		

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Case Code /
Хэргийн код

Team Code /
Бэлтгэл код

<p>If yes, at which party's request? / Хэрэв тийм бол аль талын хүсэлтээр?</p> <p><input type="checkbox"/> Judge / Шүүгч <input type="checkbox"/> Prosecutor / Прокурор <input type="checkbox"/> Victim / Хэргээрч <input type="checkbox"/> Victim lawyer / Хэргээрчийн өмөөрөгч <input type="checkbox"/> Accused / Шүүгдэгч/хэлбэгдэгч <input type="checkbox"/> Defense lawyer / Шүүгдэгч/хэлбэгдэгчийн өмөөрөгч</p> <p>For how long? / Хэргий хугацаагаар хойшлогдсон ба?</p> <p>___ Weeks / ? x/сар</p> <p>On what basis? / Ямар үндэслэлээр?</p> <p>Branches and Crimes / Зөрчил/Зэргүүний хэрг <input type="checkbox"/> Absence of judge / Шүүгч аргагүй <input type="checkbox"/> Absence of prosecutor / Угсаа илгээх аргагүй <input type="checkbox"/> Absence of victim / Хэргээрч аргагүй <input type="checkbox"/> Absence of victim's legal representative / Хэргээрчийн хууль ёсны төлөөлөгч аргагүй <input type="checkbox"/> Absence of accused / Шүүгдэгч/хэлбэгдэгч аргагүй <input type="checkbox"/> Absence of defense lawyer / Шүүгдэгч/хэлбэгдэгчийн өмөөрөгч аргагүй <input type="checkbox"/> Absence of witness or expert / Гэрч асуулт амнасан аргагүй <input type="checkbox"/> Agreement to conduct additional analysis, experiment, examination / Нэмэлт шинжилгээ хийхэд, туршилт хийх, газар, орон байрны үзлэгт амжилт тусгаж аргагүйн амжилттай</p>	<p>If yes, at which party's request? 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/ Хэрэв тийм бол аль талын хүсэлтээр?</p> <p><input type="checkbox"/> Judge / Шүүгч <input type="checkbox"/> Prosecutor / Прокурор <input type="checkbox"/> Victim / Хэргээрч <input type="checkbox"/> Victim lawyer / Хэргээрчийн өмөөрөгч <input type="checkbox"/> Accused / Шүүгдэгч/хэлбэгдэгч <input type="checkbox"/> Defense lawyer / Шүүгдэгч/хэлбэгдэгчийн өмөөрөгч</p> <p>For how long? / Хэргий хугацаагаар хойшлогдсон ба?</p> <p>___ Weeks / ? x/сар</p> <p>On what basis? / Ямар үндэслэлээр?</p> <p>Branches and Crimes / Зөрчил/Зэргүүний хэрг <input type="checkbox"/> Absence of judge / Шүүгч аргагүй <input type="checkbox"/> Absence of prosecutor / Угсаа илгээх аргагүй <input type="checkbox"/> Absence of victim / Хэргээрч аргагүй <input type="checkbox"/> Absence of victim's legal representative / Хэргээрчийн хууль ёсны төлөөлөгч аргагүй <input type="checkbox"/> Absence of accused / Шүүгдэгч/хэлбэгдэгч аргагүй <input type="checkbox"/> Absence of defense lawyer / Шүүгдэгч/хэлбэгдэгчийн өмөөрөгч аргагүй <input type="checkbox"/> Absence of witness or expert / Гэрч асуулт амнасан аргагүй <input type="checkbox"/> Agreement to conduct additional analysis, experiment, examination / Нэмэлт шинжилгээ хийхэд, туршилт хийх, газар, орон байрны үзлэгт амжилт тусгаж аргагүйн амжилттай</p>	<p>If yes, at which party's request? 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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны ажлалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code /
Хэргийн код

Team Code /
Бэлтгэл код

<p><input type="checkbox"/> Replacement of judge, prosecutor, lawyer, translator, interpreter, expert, court officer for citizen's representative (for crimes only) / Шүүгч, прокурор, асуулт амнасан, судлаач, интерпретатор, гэрч, судлаач, судлаачийн өмөөрөгч (хэргийн хэргийн хувьд)</p> <p><input type="checkbox"/> Don't know / Мэдэгдэхгүй</p> <p><input type="checkbox"/> Other valid reason (explain) / Үүсдэгч/хэлбэгдэгч үзлэгт амжилт тусгаж аргагүйн амжилттай</p> <p>Crimes Only / Зөрчил/Зэргүүний хэрг <input type="checkbox"/> Absence of citizen's representative / Иргэдийн төлөөлөгч аргагүй <input type="checkbox"/> Accused's escapeability to be found / Шүүгдэгч/хэлбэгдэгчийн эсрэг аргагүйн амжилт тусгаж аргагүйн амжилттай <input type="checkbox"/> Accused's lack of mental capacity / Шүүгдэгч/хэлбэгдэгчийн эсрэг аргагүйн амжилт тусгаж аргагүйн амжилттай <input type="checkbox"/> Request to adjourn to consult with others / Үүсдэгч/хэлбэгдэгчийн эсрэг аргагүйн амжилт тусгаж аргагүйн амжилттай <input type="checkbox"/> Defense proposal to compensate damage / Хэргээрч/хэлбэгдэгчийн эсрэг аргагүйн амжилт тусгаж аргагүйн амжилттай <input type="checkbox"/> Exceeding court hours / Шүүгчийн ажил үйл ажиллагаа <input type="checkbox"/> Constitutional Court is assessing a complaint that the case violates constitutional human rights / Хуулийн эрхийн мөхөөрч Угсаа илгээх аргагүйн амжилт тусгаж аргагүйн амжилттай <input type="checkbox"/> Court has approached Supreme Court to determine if applicable law violates the Constitution / Хууль нь Монгол Улсын Түрэмгэний эрхийн мөхөөрч Угсаа илгээх аргагүйн амжилт тусгаж аргагүйн амжилттай</p>	<p><input type="checkbox"/> Replacement of judge, prosecutor, lawyer, translator, interpreter, expert, court officer for citizen's representative (for crimes only) / Шүүгч, прокурор, асуулт амнасан, судлаач, интерпретатор, гэрч, судлаач, судлаачийн өмөөрөгч (хэргийн хэргийн хувьд)</p> <p><input type="checkbox"/> Don't know / Мэдэгдэхгүй</p> <p><input 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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дэх ГВХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code /
Хэргийн код

Team Code /
Бэлгийн код

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Did the court grant remedies or impose sanctions as a result of the delay? / Хэлэлцүүлэг хойшилсоотой холбогдуулан шүүхээс ямар нэгэн арга хэмжээ авсан эсхүл хуульд ямарын хариуцлага хүлээлгэсэн эсэх?	Did the court grant remedies or impose sanctions as a result of the delay? / Хэлэлцүүлэг хойшилсоотой холбогдуулан шүүхээс ямар нэгэн арга хэмжээ авсан эсхүл хуульд ямарын хариуцлага хүлээлгэсэн эсэх?	Did the court grant remedies or impose sanctions as a result of the delay? / Хэлэлцүүлэг хойшилсоотой холбогдуулан шүүхээс ямар нэгэн арга хэмжээ авсан эсхүл хуульд ямарын хариуцлага хүлээлгэсэн эсэх?	Did the court grant remedies or impose sanctions as a result of the delay? / Хэлэлцүүлэг хойшилсоотой холбогдуулан шүүхээс ямар нэгэн арга хэмжээ авсан эсхүл хуульд ямарын хариуцлага хүлээлгэсэн эсэх?
<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй
If yes, please describe: / Хэрэв тийм бол тайлбарлаж бичнэ үү:	If yes, please describe: / Хэрэв тийм бол тайлбарлаж бичнэ үү:	If yes, please describe: / Хэрэв тийм бол тайлбарлаж бичнэ үү:	If yes, please describe: / Хэрэв тийм бол тайлбарлаж бичнэ үү:
If yes, did the remedies appear to be effective? / Хэрэв тийм бол тус арга хэмжээ нь үр дүнтэй байсан эсэх?	If yes, did the remedies appear to be effective? / Хэрэв тийм бол тус арга хэмжээ нь үр дүнтэй байсан эсэх?	If yes, did the remedies appear to be effective? / Хэрэв тийм бол тус арга хэмжээ нь үр дүнтэй байсан эсэх?	If yes, did the remedies appear to be effective? / Хэрэв тийм бол тус арга хэмжээ нь үр дүнтэй байсан эсэх?
<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй
If yes or no, describe why or why not: /	If yes or no, describe why or why not: /	If yes or no, describe why or why not: /	If yes or no, describe why or why not: /

1. Victim's Information / 1. Victim's Information / Үндсэн мэдээлэл

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дэх ГВХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code /
Хэргийн код

Team Code /
Бэлгийн код

Яагаад үр дүнтэй байсан эсхүл үр дүнгүй байсан гэдгийг тайлбарлана уу:	Яагаад үр дүнтэй байсан эсхүл үр дүнгүй байсан гэдгийг тайлбарлана уу:	Яагаад үр дүнтэй байсан эсхүл үр дүнгүй байсан гэдгийг тайлбарлана уу:	Яагаад үр дүнтэй байсан эсхүл үр дүнгүй байсан гэдгийг тайлбарлана уу:
PARTY DETAILS / ТАЛУУДЫН ТУХАЙ МЭДЭЭЛЭЛ	PARTY DETAILS / ТАЛУУДЫН ТУХАЙ МЭДЭЭЛЭЛ	PARTY DETAILS / ТАЛУУДЫН ТУХАЙ МЭДЭЭЛЭЛ	PARTY DETAILS / ТАЛУУДЫН ТУХАЙ МЭДЭЭЛЭЛ
1.8. Victim(s) / Хохирогч(ид)	Victim 1 / Хохирогч 1	Victim 2 / Хохирогч 2	Victim 3 / Хохирогч 3
Full Name / Овог нэр	Full Name / Овог нэр	Full Name / Овог нэр	Full Name / Овог нэр
Initials / Товчлол	Initials / Товчлол	Initials / Товчлол	Initials / Товчлол
Sex / Хүйс <input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр	Sex / Хүйс <input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр	Sex / Хүйс <input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр	Sex / Хүйс <input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр
Age / Нас	Age / Нас	Age / Нас	Age / Нас
Employed? / Ажил эрхэлдэг эсэх? <input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	Employed? / Ажил эрхэлдэг эсэх? <input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	Employed? / Ажил эрхэлдэг эсэх? <input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	Employed? / Ажил эрхэлдэг эсэх? <input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй
Highest Education Level? / Боловсролын түвшин? <input type="checkbox"/> Primary school / Бэл дунд <input type="checkbox"/> Middle school / Бүрэн дунд <input type="checkbox"/> Higher secondary / Бүрэн дунд <input type="checkbox"/> University / Дээд <input type="checkbox"/> Don't know / Мэдэхгүй	Highest Education Level? / Боловсролын түвшин? <input type="checkbox"/> Primary school / Бэл дунд <input type="checkbox"/> Middle school / Бүрэн дунд <input type="checkbox"/> Higher secondary / Бүрэн дунд <input type="checkbox"/> University / Дээд <input type="checkbox"/> Don't know / Мэдэхгүй	Highest Education Level? / Боловсролын түвшин? <input type="checkbox"/> Primary school / Бэл дунд <input type="checkbox"/> Middle school / Бүрэн дунд <input type="checkbox"/> Higher secondary / Бүрэн дунд <input type="checkbox"/> University / Дээд <input type="checkbox"/> Don't know / Мэдэхгүй	Highest Education Level? / Боловсролын түвшин? <input type="checkbox"/> Primary school / Бэл дунд <input type="checkbox"/> Middle school / Бүрэн дунд <input type="checkbox"/> Higher secondary / Бүрэн дунд <input type="checkbox"/> University / Дээд <input type="checkbox"/> Don't know / Мэдэхгүй
Victim's relationship to accused / Хохирогч нь шүүгдэгч/холбогдогчтой ямар <input type="checkbox"/> Spouse (incl. de facto) / Эхнэр, нөхөр (хэргийн амьдралт мөн хохирогч) <input type="checkbox"/> Former spouse (incl. de facto) / Хууль ёсны, нөхөр байсан (хэргийн амьдралт мөн хохирогч)	Victim's relationship to accused / Хохирогч нь шүүгдэгч/холбогдогчтой ямар <input type="checkbox"/> Spouse (incl. de facto) / Эхнэр, нөхөр (хэргийн амьдралт мөн хохирогч) <input type="checkbox"/> Former spouse (incl. de facto) / Хууль ёсны, нөхөр байсан (хэргийн амьдралт мөн хохирогч)	Victim's relationship to accused / Хохирогч нь шүүгдэгч/холбогдогчтой ямар <input type="checkbox"/> Spouse (incl. de facto) / Эхнэр, нөхөр (хэргийн амьдралт мөн хохирогч) <input type="checkbox"/> Former spouse (incl. de facto) / Хууль ёсны, нөхөр байсан (хэргийн амьдралт мөн хохирогч)	Victim's relationship to accused / Хохирогч нь шүүгдэгч/холбогдогчтой ямар <input type="checkbox"/> Spouse (incl. de facto) / Эхнэр, нөхөр (хэргийн амьдралт мөн хохирогч) <input type="checkbox"/> Former spouse (incl. de facto) / Хууль ёсны, нөхөр байсан (хэргийн амьдралт мөн хохирогч)

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Case Code /
Хэргийн кодTeam Code /
Бүлгийн код

Харилцаатай болох:	<input type="checkbox"/> Intimate partner / Дотно харилцаатай <input type="checkbox"/> Child / Хүүхэд <input type="checkbox"/> Parent / Эцэг, эх <input type="checkbox"/> Grandparent / Дээд, амаа <input type="checkbox"/> Sibling / Ах, дүү <input type="checkbox"/> Unacquainted / Тодорхойгүй <input type="checkbox"/> Don't know / Мэдэхгүй	Харилцаатай болох:	<input type="checkbox"/> Intimate partner / Дотно харилцаатай <input type="checkbox"/> Child / Хүүхэд <input type="checkbox"/> Parent / Эцэг, эх <input type="checkbox"/> Grandparent / Дээд, амаа <input type="checkbox"/> Sibling / Ах, дүү <input type="checkbox"/> Unacquainted / Тодорхойгүй <input type="checkbox"/> Don't know / Мэдэхгүй	Харилцаатай болох:	<input type="checkbox"/> Intimate partner / Дотно харилцаатай <input type="checkbox"/> Child / Хүүхэд <input type="checkbox"/> Parent / Эцэг, эх <input type="checkbox"/> Grandparent / Дээд, амаа <input type="checkbox"/> Sibling / Ах, дүү <input type="checkbox"/> Unacquainted / Тодорхойгүй <input type="checkbox"/> Don't know / Мэдэхгүй
Lived with accused at time of incident? / Хэрэг үйлдэгдэх үед шүүгдэгч/хэлбэлдэгчтэй хамт амьдарч байсан эсэх?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	Lived with accused at time of incident? / Хэрэг үйлдэгдэх үед шүүгдэгч/хэлбэлдэгчтэй хамт амьдарч байсан эсэх?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	Lived with accused at time of incident? / Хэрэг үйлдэгдэх үед шүүгдэгч/хэлбэлдэгчтэй хамт амьдарч байсан эсэх?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй
If yes, type of dwelling? / Хэрэг тийм бол ямар төрлийн орон сууцанд?	<input type="checkbox"/> House / Байр <input type="checkbox"/> Apartment / Орон сууц <input type="checkbox"/> On street / Гэр хороолол <input type="checkbox"/> Homeless / Орон гаргүй <input type="checkbox"/> Don't know / Мэдэхгүй	If yes, type of dwelling? / Хэрэг тийм бол ямар төрлийн орон сууцанд?	<input type="checkbox"/> House / Байр <input type="checkbox"/> Apartment / Орон сууц <input type="checkbox"/> On street / Гэр хороолол <input type="checkbox"/> Homeless / Орон гаргүй <input type="checkbox"/> Don't know / Мэдэхгүй	If yes, type of dwelling? / Хэрэг тийм бол ямар төрлийн орон сууцанд?	<input type="checkbox"/> House / Байр <input type="checkbox"/> Apartment / Орон сууц <input type="checkbox"/> On street / Гэр хороолол <input type="checkbox"/> Homeless / Орон гаргүй <input type="checkbox"/> Don't know / Мэдэхгүй
Reason for DV (according to victim): / Гэр бүлийн хүчирхийлэл үйлдэгдэх болсон шалтгаан (Хохирогчийн үзэж байгаагаар):	<input type="checkbox"/> Jealousy / Хараат <input type="checkbox"/> Alcohol abuse / Согууруулах ундаа хэрэглэн хэрэгшлэх үзвэл <input type="checkbox"/> Argument over household income / Өрхийн орлогын талаарх зөрүүл мэргэл <input type="checkbox"/> Other - specify / Бусад - бичнэ үү	Reason for DV (according to victim): / Гэр бүлийн хүчирхийлэл үйлдэгдэх болсон шалтгаан (Хохирогчийн үзэж байгаагаар):	<input type="checkbox"/> Jealousy / Хараат <input type="checkbox"/> Alcohol abuse / Согууруулах ундаа хэрэглэн хэрэгшлэх үзвэл <input type="checkbox"/> Argument over household income / Өрхийн орлогын талаарх зөрүүл мэргэл <input type="checkbox"/> Other - specify / Бусад - бичнэ үү	Reason for DV (according to victim): / Гэр бүлийн хүчирхийлэл үйлдэгдэх болсон шалтгаан (Хохирогчийн үзэж байгаагаар):	<input type="checkbox"/> Jealousy / Хараат <input type="checkbox"/> Alcohol abuse / Согууруулах ундаа хэрэглэн хэрэгшлэх үзвэл <input type="checkbox"/> Argument over household income / Өрхийн орлогын талаарх зөрүүл мэргэл <input type="checkbox"/> Other - specify / Бусад - бичнэ үү
Did the victim attend all hearings? / Хохирогч бүх хэлэлцүүлэгт оролцсон эсэх?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No (indicate hearing(s) the victim did not attend) / Үгүй (хохирогчийн оролцоогүй хэлэлцүүлгийг зааж үү)	Did the victim attend all hearings? / Хохирогч бүх хэлэлцүүлэгт оролцсон эсэх?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No (indicate hearing(s) the victim did not attend) / Үгүй (хохирогчийн оролцоогүй хэлэлцүүлгийг зааж үү)	Did the victim attend all hearings? / Хохирогч бүх хэлэлцүүлэгт оролцсон эсэх?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No (indicate hearing(s) the victim did not attend) / Үгүй (хохирогчийн оролцоогүй хэлэлцүүлгийг зааж үү)

1. Accused / Шүүгдэгч/хэлбэлдэгч / Basic Information / Хэргийн мэдээлэл

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Case Code /
Хэргийн кодTeam Code /
Бүлгийн код

1.9. Accused / Шүүгдэгч/хэлбэлдэгч	Full Name / Овог нэр	Initials / Товчлол	Age / Нас	Sex / Хүйс	<input type="checkbox"/> M / Эр <input type="checkbox"/> F / Эм	
	Employed? / Ажил эрхлэлт?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй	Highest Education Level? / Боловсролын түвшин?	<input type="checkbox"/> Primary school / Бэл <input type="checkbox"/> Middle school / Бүрэн бус дунд <input type="checkbox"/> Higher secondary / Бүрэн дунд <input type="checkbox"/> University / Дунд <input type="checkbox"/> Don't Know / Мэдэхгүй	Prior Criminal Record? / Өмнө нь гэмт хэргийг Зөрчлийн хэрэг үйлдэж байсан эсэх?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't Know / Мэдэхгүй
LEGAL PROFESSIONALS' DETAILS / ШҮҮН ТАСЛАХ АЖИЛЛАГААНД ОРОЛЦОЖ БҮЙ ХҮҮЛЭН МЭРГЭЖИЙНҮҮДИЙН ТУХАЙ МЭДЭЭЛЭЛ						
1.10. Judge(s) / Шүүгч	Judge 1 / Шүүгч 1	Judge 2 / Шүүгч 2 (If 3 judges / хэрэг шүүх бүрэлдэхүүнийг бол)	Judge 3 / Шүүгч 3 (If 3 judges / хэрэг шүүх бүрэлдэхүүнийг бол)			
	Full Name / Овог нэр	Full Name / Овог нэр	Full Name / Овог нэр			
	Sex / Хүйс	<input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр	Sex / Хүйс	<input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр	Sex / Хүйс	<input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр
1.11. Prosecutor(s) / Прокурор	Prosecutor at Trial / Улсын аллагаар оролцсон прокурор		Investigating Prosecutor / Мөрдөн байцаалтад хяналт тавьсан прокурор (If different / хэрэг өөр бол)			
	Full Name / Овог нэр		Full Name / Овог нэр			
	Sex / Хүйс		Sex / Хүйс			
1.12. Victim Lawyer(s) / Хохирогчийн өмгөөлөгч	Did the victim have a lawyer? / Хохирогч нь өмгөөлөгчтэй байсан уу?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй	Lawyer 1 / Өмгөөлөгч 1		Lawyer 2 / Өмгөөлөгч 2 (If applicable / хэрэг байсан бол)	
	Full Name / Овог нэр		Full Name / Овог нэр		Full Name / Овог нэр	
	Sex / Хүйс		Sex / Хүйс		Sex / Хүйс	

1. Accused / Шүүгдэгч/хэлбэлдэгч / Basic Information / Хэргийн мэдээлэл

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Case Code / Хэргийн код
Trial Code / Бэлгийн код

1.13. Victim Representative(s) / Хохилогчийн хууль ёсны төлөөлөгч	Did the victim have a legal representative other than a lawyer? / Хохилогч нь өмгөөлөгчөөс гадна хууль ёсны төлөөлөгчтэй байсан уу?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй	<input type="checkbox"/> Legal representative / Хууль ёсны төлөөлөгч <input type="checkbox"/> Child Protection Agency representative / Хүүхэд хамгааллын байгууллагын төлөөлөгч		<input type="checkbox"/> Legal representative / Хууль ёсны төлөөлөгч <input type="checkbox"/> Child Protection Agency representative / Хүүхэд хамгааллын байгууллагын төлөөлөгч	
			Representative 1 / Хууль ёсны төлөөлөгч 1		Representative 2 / Хууль ёсны төлөөлөгч 2 (if applicable / хэрэв байсан бол)	
Full Name / Овог нэр		Full Name / Овог нэр		Full Name / Овог нэр		
Sex / Хүйс		Sex / Хүйс		Sex / Хүйс		
<input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр		<input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр		<input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр		
1.14. Defense Lawyer(s) / Шүүдэгч / холбогдохчийн өмгөөлөгч	Did the accused have a lawyer? / Шүүдэгч / холбогдохч нь өмгөөлөгчтэй байсан уу?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй	Lawyer 1 / Өмгөөлөгч 1		Lawyer 2 / Өмгөөлөгч 2 (if applicable / хэрэв байсан бол)	
			Full Name / Овог нэр		Full Name / Овог нэр	
Sex / Хүйс		Sex / Хүйс		Sex / Хүйс		
<input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр		<input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр		<input type="checkbox"/> F / Эм <input type="checkbox"/> M / Эр		
Type / Төрөл		Type / Төрөл		Type / Төрөл		
<input type="checkbox"/> Appointed / Тэмдэглэгдсэн <input type="checkbox"/> Hired by the accused or their family members / Өмгөөлөгч / холбогдохч / Шүүдэгчийн холбогдохч эсвэл түүний гэр бүлийн гишүүдийн тэмдэглэгдсэн		<input type="checkbox"/> Appointed / Тэмдэглэгдсэн <input type="checkbox"/> Hired by the accused or their family members / Өмгөөлөгч / холбогдохч / Шүүдэгчийн холбогдохч эсвэл түүний гэр бүлийн гишүүдийн тэмдэглэгдсэн		<input type="checkbox"/> Appointed / Тэмдэглэгдсэн <input type="checkbox"/> Hired by the accused or their family members / Өмгөөлөгч / холбогдохч / Шүүдэгчийн холбогдохч эсвэл түүний гэр бүлийн гишүүдийн тэмдэглэгдсэн		

II – Victim's Rights / Бэлгийн код / Victim Information / Бэлгийн код / Victim Information / Бэлгийн код

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Case Code / Хэргийн код
Trial Code / Бэлгийн код

II – VICTIM'S RIGHTS / ХОХИРОГЧИЙН ЭРХ						
Part / Бүлэг 2. Safety Assessment / Аюулгүй байдлын үнэлгээ						
COMPLETE FOR ALL CASES / БҮХ ХЭРЭГ ДЭЭР БӨГЛӨНӨ: SECTION A: ALL VICTIMS' SAFETY / ХЭСЭГ А: БҮХ ХОХИРОГЧИЙН АЮУЛГҮЙ БАЙДАЛ						
VICTIM SAFETY GENERALLY / ХОХИРОГЧИЙН АЮУЛГҮЙ БАЙДАЛ: ЕРӨНХӨЙ					SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
2.1. Risk/Threat Assessment / Аюулгүй байдлын үнэлгээ	Did a police officer conduct an assessment to evaluate the possible risks to the life, health and security of the victim(s)? / Цагдаагийн албан хаагч хохирогчийн амь нас, эрүүл мэнд, аюулгүй байдалд учирч болзошгүй эрсдлийн үнэлгээг хийсэн үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0		
2.2. Situational Assessment / Нөхцөл байдлын үнэлгээ	Did a social worker conduct a situational assessment to assess the risk of domestic violence, other negative consequences incurred or expected by the victim(s), and the need for victim services? / Нийгмийн ажилтан гэр бүлийн хүчирхийлэл, бусад төрлийн хүчирхийлэл болон өөр бусад сөрөг үр дагавар хохирогчид бий болох аюулын эрсдлийн үнэлгээг хийж түүнд үзүүлэх шаардлагатай туслалцааг үйлчилгээг судалсан эсэх?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No, not applicable in this case due to low/medium risk level, or victim did not give permission (2 points) / Үгүй, Үүрэг нь урьдчилм аюулын түвшин боловч байсан аюул хохирогч зөвшөөрөл өгөөгүйн улмаас хэрэглээгүй (2 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0		
2.3. Safety Measures / Аюулгүй байдлыг хангах арга хэмжээ	At any time during the case, including immediately upon its conclusion, did the authorities impose any safety measures for the protection of the victim(s) and, if necessary, relatives of the victim(s)? / Хэрэг явдлын шийдвэрлэх явцад хохирогчид болон түүний хамгаалах зорилгоор хохирогчийн төрөл садныг хамгаалах тагаар аюулгүй байдлын арга хэмжээ авч хэрэгжүүлсэн үү?	<input type="checkbox"/> Yes – extent of that apply (2 points) / Тийм – хэрэгжүүлсэн арга хэмжээ (2 оноо) <input type="checkbox"/> Warning the accused / Шүүдэгчийн холбогдохчид сануулах <input type="checkbox"/> Limiting the accused's actions / Шүүдэгчийн холбогдохчийн хэрэгжүүлэх арга хэмжээ <input type="checkbox"/> Providing physical protection / Биемийн хамгаалалт гаргах арга <input type="checkbox"/> Ensuring confidentiality of information e.g. victim's whereabouts / Мэдээллийн нууцлалын арга хэмжээ нь хохирогчийн оршин суугч байршил / Хүндэтгэл <input type="checkbox"/> Supplying personal protective equipment / Бие хамгаалах хэрэгсэл түрээс / Хохирогчийн хамгаалах хэрэгсэл <input type="checkbox"/> Relocation / Нүүлгэн суурилуулах <input type="checkbox"/> Changing victim's ID documents / Хохирогчийн Саявч / Биемийн карт <input type="checkbox"/> Changing victim's appearance (adult victims only) / Хохирогчийн гадаргууг өөрчлөх (зөвхөн насаа-хэрэгжүүлсэн хүүхд)	<input type="checkbox"/> Not applicable in this case – no threat to victim's safety (2 points) / Энэ хэрэгт хохирогчийн – хохирогчийн аюулгүй байдлыг хамгаалах тулгарсан үйлдэл (2 оноо) <input type="checkbox"/> No, and there did appear to be a threat to the victim's safety (0 points) / Үгүй, хохирогчийн аюулгүй байдлыг хамгаалах тулгарсан үйлдэл (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0		

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Case Code / Хэргийн код Team Code / Бэлгэтийн код

If yes: / Хэрэв тийм бол:					
<ul style="list-style-type: none"> describe the measures imposed: / авсан арга хэмжээг дурдсан тайлбарлана уу: 		<ul style="list-style-type: none"> indicate who requested the measures (select all that apply): / арга хэмжээг авахуулах хүсэлтийг хэн гаргасан бэ (хамраарх сонголтыг тэмдэглэнэ уу): 		<input type="checkbox"/> Victim / Хохирогч <input type="checkbox"/> Investigator / Мэдэгч <input type="checkbox"/> Legal representative / Хууль бичиг төлөөлөгч <input type="checkbox"/> Lawyer / Боловсрол <input type="checkbox"/> Prosecution / Прокурор <input type="checkbox"/> Other – please specify / Бусад – дурдана уу	
<ul style="list-style-type: none"> indicate at what stage the measures were applied (select all that apply): / арга хэмжээг аль шатанд хэрэгжүүлсэн болохыг дурдана уу (хамраарх сонголтыг тэмдэглэнэ уу): 		<input type="checkbox"/> Pre-trial investigation / Шүүхийн өмнөх (мэдэгч бэлтгэл) <input type="checkbox"/> Trial / Шүүх <input type="checkbox"/> Appeal / Дээд шатанд шалгах шүүхийн шатанд <input type="checkbox"/> Post-conviction / Ил нодуулсны дараах шат			
2.4. Harm to the Victim / Хохирогчид учруулсан хохирол		At any time during the case, including immediately upon its conclusion, was there anything to suggest that the victim(s) suffered actual or attempted harm by the accused or an associate of the accused? / Хэргийг хянан шийдвэрлэх аль ч үе шатанд болон хэргийг шүүх шийдвэрлэсний дараа шүүгдэгч/холибогдөгч эсхүл түүний хамсаатны зүгээс хохирогчид гэм хор, хохирол учрууллахаар эвдсэн эсхүл бодитоор учруулсан гэж үзэх ямар нэгэн тохиол байсан уу?		<input type="checkbox"/> No / (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Yes / (2 points) / Тийм (2 оноо)
If yes, please describe it: / Хэрэв тийм бол тайлбарлана уу:				<input type="checkbox"/> 2 <input type="checkbox"/> 0	
PRE-TRIAL SAFETY (ШҮҮХИЙН ӨМНӨХ ШАТАН ДАХЬ АСУУЛГҮЙ БАЙДАЛ)					SCORE / ОНОО
2.5. Confidentiality of Information / Мэдээллийн нууцлал		If the victim(s) and accused usually lived together but resided separately since the alleged crime, was there anything to suggest that the accused had access to information on the current location of the victim(s) (e.g. access to this information in the case file)? / Хэрэв хохирогч болон шүүгдэгч/холибогдөгч нь өмнө нь хамтаар амьдарч байсан бөгөөд гэмт хэргийг үйлдэгдсэнээс хойш тусдаа амьдарч байгаа тохиолдолд шүүгдэгч/холибогдөгч нь хохирогчийн одоогийн оршин суугаа газрын талаар мэдээлэлтэй байсан гэж үзэх нөхцөл байна уу (жишээ нь хэргээс мэдээлэл авах гэх мэт)?		<input type="checkbox"/> No / (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Not applicable in this case / (2 points) / Энэ хэргийг дээр хамраархгүй (2 оноо)
If yes, please describe the relevant circumstances: / Хэрэв байгаа бол хамраарх нөхцөл байдлыг тайлбарлана уу:				<input type="checkbox"/> 2 <input type="checkbox"/> 0	

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Case Code / Хэргийн код Team Code / Бэлгэтийн код

2.6. Psychological Care / Сэтгэл зүйн дэмжлэг туслалцаа		Was there anything to suggest that the victim(s) had received psychological care pre-trial, including being informed of unpleasant emotions which may be triggered during the process, and of the nature of the process itself, including court dates, sequence of events, progress, and current status? / Хохирогч нь хэргийг хянан шийдвэрлэх ажиллагааны явцад түүнийг ойлголт, шийдвэр нь болж үүсэх боломжгүй бөгөөд шүүх хуралдааны төл, ажиллагааны дараалал, явц, одоогийн байдал зэргийг мэдээлж боломжгүй талгүй сэтгэл хөдлөлийн талаар мэдэх зэргийг сонгох зүйн дэмжлэг туслалцаа авсан гэх нөхцөл байдал ажиглагдсан уу?		<input type="checkbox"/> Yes / (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Not applicable in this case / (2 points) / Энэ хэргийг дээр хамраархгүй (2 оноо)	
If yes, please describe: / Хэрэв тийм бол тайлбарлах бичнэ уу:				<input type="checkbox"/> 2 <input type="checkbox"/> 0		
2.7. Retraumatization Pre-Trial / Шүүхийн өмнөх шатанд сэтгэл санааны дарамтад дахин орох		Did anything occur during the pre-trial stage that could potentially retraumatize the victim(s)? / Шүүхийн өмнөх шатанд хохирогчийг сэтгэл санааны дарамтад дахин оруулж, боломжгүй үйл явдал болсон уу?		<input type="checkbox"/> Yes – select all that apply / (2 points) / Тийм – хамраарх яруулгыг сонгоно уу (2 оноо) <input type="checkbox"/> Reliance on harmful stereotypes by judicial personnel, for example about how women, men, or family members in different positions should behave / Шүүхийн ажилтан эвчтэй хүн, эрхтэй хүн болон гэр бүлийн гишүүд, нийт эвчтэй байх ёстой байдлыг гэр бүлийн гишүүдийн хувьд эвчтэй байх ёстой гэж үзсэн <input type="checkbox"/> Offensive comments by police, prosecutors, lawyers or other professional involved towards the victim(s), for example by blaming the victim(s) / (2 points) / Зарим нэг ажилтан хохирогчийг хэргийн явцад хохирогчийг буруутгах г.м. <input type="checkbox"/> Other – please specify / Бусад – дурдана уу:	<input type="checkbox"/> No / (2 points) / Тийм (2 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0
If yes, please describe what occurred: / Хэрэв тийм бол ямар үйл тохиолсон талаар тайлбарлана уу:						
2.8. Preventing or Punishing Retraumatization Pre-Trial / Шүүхийн өмнөх шатанд хохирогчийг сэтгэл санааны дарамтад дахин орохоос урьдчилан сэргийлэх, оруулсан тохиолдолд зохих шийтгэл оногдуулах		Did it appear that the relevant authorities involved (for example, the police, prosecutor, or victim's lawyer) took sufficient steps to prevent or punish parties from subjecting the victim(s) to any potentially-retraumatizing behavior? / Холибогдох арга бүхий этгээдүүд (жишээ нь, цагдаа, прокурор, хохирогчийн өмгөөлөгч) хохирогчийг сэтгэл санааны дарамтад дахин орох боломжгүй үйл явдал бий болохоос сэргийлэхийн тулд шаардлагатай арга хэмжээг авсан эсэх? Хохирогчийг сэтгэл санааны дарамтад дахин оруулах үйлдэл хийсэн этгээдэд арга хэмжээ авсан эсэх?		<input type="checkbox"/> Yes / (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Not applicable or unknown / (2 points) / Хамраархгүй эсхүл тодорхойгүй (2 оноо)	
If sufficient steps or some insufficient steps were taken to prevent or punish such behavior, describe what occurred and who took the relevant steps: / Хэрэв шаардлагатай арга хэмжээг авсан бол, ямар үйл явдал болсон хэн тус арга хэмжээг авсан талаар тайлбарлана уу:				<input type="checkbox"/> There were some steps to do so but they were insufficient / (1 point) / Зарим нэг арга хийсэн ч хангалттай буу байсан (1 оноо)	<input type="checkbox"/> No / (2 points) / Тийм (2 оноо)	
				<input type="checkbox"/> 2 <input type="checkbox"/> 0		

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Part / Syllabus 2: Safety Assessment / Audit/TRA/CONDUCTED by experts

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Case Code /
Хэргийн кодTeam Code /
Бэлтгэл код

VICTIM SAFETY DURING THE TRIAL / ШҮҮХ ХУРАЛДААНЫ ЯВЦ ДАХЬ ХОХИРОГЧИЙН АЮУЛГҮЙ БАЙДАЛ				SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
2.18. Testifying From Separate Room / Шүүх хуралдааны танхимд өөр өрөөнд мэдүүлэг өгөх	Did it appear that information was provided to the victim(s) about the possibility of testifying from a separate room to the accused? / Шүүгдэгч/холбогдохчид бэйлэж буй танхимаас өөр өрөөнд мэдүүлэг өгөх боломжтой талаар хохирогчид мэдээлэл өгсөн эсэх?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Not applicable or did not appear necessary (0 points) / Хамгаарлагчийг асуул хохирогчийг гэр үзүүлэх (0 оноо) <input type="checkbox"/> No, despite apparent necessity (0 points) / Тийм, шаардлагатай байсан ч үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
2.19. Courtroom Seating / Шүүх хуралдааны танхимын зохион байгуулалт	Did the courtroom seating arrangements separate the victim(s) and accused, e.g. by inserting physical distance or security personnel between them, separating the accused with some form of barrier, or keeping the victim(s) in a separate room? / Шүүх хуралдааны танхимын суудлын зохион байгуулалт нь хохирогч болон шүүгдэгч/холбогдохчид өрөөн эзлэх тусгаарласан асуул аюулгүй байдлыг хангах ажилтан дунд нь суух асуул шүүгдэгч/холбогдохчийг хаалтны цаана байрлуулах, хохирогчийг тусдаа өрөөнд байрлуулах зэргээр хохирогч, шүүгдэгч/холбогдохчийг тусгаарласан байсан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
If yes, describe the separation measures in place: / Хэрэв тийм бол авч хэрэгжүүлсэн тусгаарлах арга хэмжээг тайлбарлана уу.					
2.20. Eye Contact / Хара тулгарах	Were the victim(s) and accused seated in such a way as to make it impossible or difficult for the accused to stare at or try to intimidate the victim(s), including by keeping the victim(s) in a separate room? / Хохирогч болон шүүгдэгч/холбогдохчид харах тулгарах, шүүгдэгч/холбогдохчид хохирогчийг ширтэх зэрэгээр түүнд дарамт учруулахыг сэргийлсэн асуул тийм бололцоог багасгасан байдлаар суулгасан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> There was an effort to do so but this was ineffective due to the courtroom size or facilities (1 point) / Хохирогчид нягнаж өөр ордод харах тулгарахыг хязгаарлах арга хэрэгжүүлсэн боловч судалар юм дүн хэрэггүй (1 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
2.21. Retraumatization in Court / Шүүх дээр хохирогч дахин сэтгэл санааны дарамтад орох, хохирох	Did anything occur during the hearing that could potentially retraumatize the victim(s)? / Шүүх дээр хэлэлцүүлгийн үеэр хохирогчид дахин сэтгэл санааны дарамтад оруулах, хохирол учруулах ямар нэгэн зүйл тохиолдсон уу?	<input type="checkbox"/> Yes – select all that apply (2 points) / Тийм – танхимд сэрүүтгэх ойлголт уу (2 оноо): <input type="checkbox"/> Reliance on harmful stereotypes by judicial personnel, for example about how women, men, or family members in different positions should behave / Шүүхийн ажилтнууд асуул хохирогчийг буруутгах зэргээр дэрсэн, дэрсөн тайлбар хэлсэн <input type="checkbox"/> Offensive comments by judicial personnel towards the victim(s), for example by blaming the victim(s) / Шүүхийн ажилтнууд асуул хохирогчийг буруутгах зэргээр дэрсэн, дэрсөн тайлбар хэлсэн <input type="checkbox"/> Offensive or threatening comments from the accused / Шүүгдэгч/холбогдохчийн зүгээс дэрсэн, зөндөөлсөн тайлбар, үг хэлсэн <input type="checkbox"/> Retraumatization from the accused / Шүүгдэгч/холбогдохчоос зөндөөлсөн явдал <input type="checkbox"/> Advances by the accused to harm the victim(s) or their family members / Шүүгдэгч/холбогдохчийн зүгээс хохирогчийн хаана буй олон янзын оролдлого хийлгэсэн <input type="checkbox"/> Other – please specify / Үгүй – дурдана уу		<input type="checkbox"/> No (2 points) / Тийм (2 оноо) <input type="checkbox"/> Yes (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0

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Case Code /
Хэргийн кодTeam Code /
Бэлтгэл код

If yes, please describe what occurred: / Хэрэв тийм бол ямар зүйл тохиолдсон талаар тайлбарлана уу.					
2.22. Preventing or Punishing Retraumatization / Хохирогчийг сэтгэл санааны дарамтад дахин оруулахыг урьдчилан сэргийлэх асуул тийм тохиолдол гарсан бол шийтгэх	Did the court take sufficient steps to prevent or punish parties from subjecting the victim(s) to any potentially-retraumatizing behavior? / Талуусын зүгээс хохирогчид дахин дарамт, хор хохирол учруулахыг сэргийлэх, тухайн асуудалд шийтгэл ногдуулах кирилгэлт арга хэмжээ өгсөн уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> There were some steps to do so but they were insufficient (1 point) / Зарим нэг арга хэрэгжүүлсэн боловч хамгаарлагчийг бүр бэлсэн (1 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
If the court took sufficient steps or some insufficient steps to prevent or punish such behavior, describe what occurred: / Шүүхийн зүгээс арга хэмжээ өгсөн асуул өгсөн арга хэмжээ нь хангалтгүй байсан бол юу болсон тухай тайлбарлана бичнэ үү.					
2.23. Answering Questions About Family Members / Гэр бүлийн гишүүдийн талаарх асуултанд хариулах	If the accused is part of the family of the victim(s), including through a de facto relationship, did the victim(s) receive information about their right not to testify against their family members, parents, children or relatives? / Хэрэв шүүгдэгч/холбогдохч нь хохирогчийн гэр бүлийн гишүүн бол (хэргийн амьдралтай байсан мөн хамгаарлагчийн өөрийн гэр бүл нь гишүүний өөр мэдүүлэг өгөхгүй байх эрхтэй талаар хохирогчид сануулсан эсэх?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Not applicable (2 points) / Хамгаарлагчийг (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
2.24. Violating Measures of Restraint / Хязгаарлах арга хэмжээг зөрчих	Did the judge or court officer warn the victim(s) of legal penalties for violating the conditions of measures of restraint imposed in the case? / Шүүх асуул шүүхийн ажилтан зүгээс урьд татгасан хязгаарлалтын арга хэмжээний нөхцөлийг зөрчих тохиолдолд хүлээгдэх хууль зүйн хариуцалтын тухай хохирогчид сануулсан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Not applicable (2 points) / Хамгаарлагчийг (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
VICTIM SAFETY WHEN LEAVING COURT / ШҮҮХЭЭС ГАРАХ ҮЕИЙН ХОХИРОГЧИЙН АЮУЛГҮЙ БАЙДАЛ				SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
2.25. Staggered Departures / Зогсонги гаргах	Did the court arrange for the victim(s) and the accused to leave court separately, one after the other? / Шүүхээс хохирогч болон шүүгдэгч/холбогдохчийг тусдаа, нэг нэгээр гаргах арга хэмжээг авсан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
2.26. Interval Time Before Victim's Departure / Хохирогч шүүхээс гархаас өмнөх хугацаа	Did the court require that the accused and their support persons wait at least 15 minutes after the departure of the victim(s) before being allowed to leave? / Шүүхээс шүүгдэгч/холбогдохч болон түүний хамгаарлагч этгээдүүд хохирогчийг гарснаас хойш 15 минут хүлээсний дараа гаргахыг шаардах арга хэмжээ авсан уу?	<input type="checkbox"/> Yes, the accused waited 15 minutes or longer (2 points) / Тийм, шүүгдэгч/холбогдохч 15 минут болон түүнээс дээш хугацааг хүлээсэн (2 оноо) <input type="checkbox"/> The accused waited but for less than 15 minutes (1 point) / Шүүгдэгч/холбогдохч хүлээсэн боловч 15 минут үргэлжлэх (1 оноо) <input type="checkbox"/> No, they left at the same time (0 points) / Тийм, хохирогч болон хамгаарлагчийг тусдаа (0 оноо) <input type="checkbox"/> No, the accused left before the victim (0 points) / Тийм, шүүгдэгч хохирогчийг хохирогчийг тусдаа (0 оноо)	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	

II – VICTIM'S RIGHTS / ХОХИРОГЧИЙН ЭРХ Part / Бүлэг 2. Safety Assessment / Аюулгүй байдлын үнэлгээ

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Case Code / Хэргийн код: _____ Team Code / Бэлгийн код: _____

2.27. Compliance with Interval Before Leaving / Шүүхээс гарахын өмнөх хугацааг дагал мөрдсөн байдал	Was the accused and their support persons supervised to ensure compliance with the court's requirement that they wait a specified amount of time after the departure of the victim(s) before leaving? / Шүүгдэгчид хэлбэлдэгч болон түүний туслах хэдгэлдэгч хүүхүүс нь хохирогчийг гарснаас хойш тодорхой хугацааны дараа гарах шүүхийн шаардлагыг хэрхэн мөрдсөн буйг дээр хяналт тавьж байсан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0
2.28. Security Escort for Victim / Хохирогчид аюулгүй байдлын хамгаалалт гарган өгөх	For high-risk cases, did the victim(s) have a security escort when leaving the courtroom? / Өндөр эрсдэлтэй хэрэг дээр хохирогч шүүхээс гарах үед аюулгүй байдлын ажиглан дагалдаж байсан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Not applicable (2 points) / Холбооцоогүй (2 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0

JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШУЛАРГА БОНЫ ТИЛЧИЛГЭЭНИЙ ҮНЭЛГЭЭНИЙ ОНООНЫ НАРТЫН ТООЦООЛ

Safety Assessment / Аюулгүй байдлын үнэлгээ

If the victim did not attend the court hearing, complete only Score A. If the victim attended the court hearing, complete Score A and Score B. / Хэрэг хохирогч шүүхийн хэлэлцүүлэгт оролцоогүй бол зөвхөн Score A-ийг бичигнэ. Хэрэг хохирогч шүүхийн хэлэлцүүлэгт оролцсон бол Score A болон B-ийг бичигнэ.

Score A / Огноо А Section A: All Victims' Safety (All Cases) Хэсэг А: Бүх хохирогчийн аюулгүй байдал (Бүх хэрэг дээр)	Score B / Огноо В Section B: Safety of Victims Who Attended the Court Hearing Хэсэг В: Шүүхийн хэлэлцүүлэгт оролцсон хохирогчийн аюулгүй байдал	<input type="checkbox"/> Not applicable – No cases / Үгүй хохирогч
(out of 15) / (Нийт 15 оноо):	(out of 36) / (Нийт 36 оноо):	

If the victim did not attend the court hearing, complete only Option 1. If the victim attended the court hearing, complete Option 2. / Хэрэг хохирогч шүүхийн хэлэлцүүлэгт оролцоогүй бол зөвхөн Option 1-ийг бичигнэ. Хэрэг хохирогч шүүхийн хэлэлцүүлэгт оролцсон бол Option 2-ийг бичигнэ.

OPTION 1: TOTAL SCORE – CONFOIT 1: НИЙТ ОНОО NO, VICTIM(S) DID NOT ATTEND THE COURT HEARING – ҮГҮЙ, ШҮҮХИЙН ХЭЛЭЛЦҮҮЛЭГТ ХОХИРОГЧ ОРОЛЦООГҮЙ

Total Score = A / Нийт оноо = А (out of 15) / (Нийт 15 оноо):	Grade / Үнэлгээ:	<input type="checkbox"/> Very Good / Mass сайн (13-15 points / оноо)	<input type="checkbox"/> Good / Сайн (8-12 points / оноо)	<input type="checkbox"/> Poor / Муу (3-7 points / оноо)	<input type="checkbox"/> Very Poor / Mass ууу (0-2 points / оноо)
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OPTION 2: TOTAL SCORE – CONFOIT 2: НИЙТ ОНОО YES, VICTIM(S) DID ATTEND THE COURT HEARING – ТИЙМ, ХОХИРОГЧ ШҮҮХИЙН ХЭЛЭЛЦҮҮЛЭГТ ОРОЛЦСОН

Total Score = A+B / Нийт оноо = А+В (out of 52) / (Нийт 52 оноо):	Grade / Үнэлгээ:	<input type="checkbox"/> Very Good / Mass сайн (40-52 points / оноо)	<input type="checkbox"/> Good / Сайн (27-39 points / оноо)	<input type="checkbox"/> Poor / Муу (14-26 points / оноо)	<input type="checkbox"/> Very Poor / Mass ууу (0-13 points / оноо)
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II – VICTIM'S RIGHTS / ХОХИРОГЧИЙН ЭРХ Part / Бүлэг 2. Safety Assessment / Аюулгүй байдлын үнэлгээ

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Case Code / Хэргийн код: _____ Team Code / Бэлгийн код: _____

Part / Бүлэг 3. Right to Relevant Information Concerning Violations and Reparation Mechanisms / Зөрчил хийгээд нөхөн сэргээх арга механизмтай холбоотой мэдээлэл авах эрх

VICTIM'S RIGHTS / ХОХИРОГЧИЙН ЭРХ				SCORE / ОНОО	NOTES / ТЭМДЭГЭЛЭЛ
3.1. Victim's Rights / Хохирогчийн эрх	Did the authorities (e.g. the police, prosecutor, or court) inform the victim(s) of, as well as explain to them, the following legal rights and duties? / Эрх бүхий байгууллага, албан тушаалтны зүгээс хохирогч нь цагдаа, прокурор эсхүл шүүх хуулиар олгогдсон дараах эрх, үүргийн талаар танилцуулж, тайлбарласан уу?				
• the right to receive legal assistance? / Хууль зүйн туслалцаа авах эрх?	<input type="checkbox"/> Yes informed and explained (2 points) / Тийм, танилцуулж, тайлбарласан (2 оноо)	<input type="checkbox"/> Informed but did not explain (1 point) / Танилцуулсан ч тайлбарлаагүй (1 оноо)	<input type="checkbox"/> Neither informed nor explained (0 points) / Танилцуулсангүй, тайлбарлаагүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
• present evidence, request investigative actions, review evidence, and review all case file material relevant to them? / Нотлох баримт гарган өгөх, мөрдөн шалгах тодорхой ажиглагаа явуулах хүсэлт гаргах, нотлох баримтыг шинжлэн судлуулах, хэрэгт цугласан хамгааралтай бүхий л баримт материалтай танилцах?	<input type="checkbox"/> Yes informed and explained (2 points) / Тийм, танилцуулж, тайлбарласан (2 оноо)	<input type="checkbox"/> Informed but did not explain (1 point) / Танилцуулсан ч тайлбарлаагүй (1 оноо)	<input type="checkbox"/> Neither informed nor explained (0 points) / Танилцуулсангүй, тайлбарлаагүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
• participate in court hearings, including by questioning the accused, witnesses, and experts? / Шүүх хуралдаанд оролцох, үүний дотор шүүгдэгчид холбогдогч, гэрч, шинжээчээ асуулт асуух эрх?	<input type="checkbox"/> Yes informed and explained (2 points) / Тийм, танилцуулж, тайлбарласан (2 оноо)	<input type="checkbox"/> Informed but did not explain (1 point) / Танилцуулсан ч тайлбарлаагүй (1 оноо)	<input type="checkbox"/> Neither informed nor explained (0 points) / Танилцуулсангүй, тайлбарлаагүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
• request actions and decisions be made by an inquiry officer, investigator, prosecutor, and court? / Хэрэг бүртгэгч, мөрдөгч, прокурор болон шүүхэд хандан тодорхой арга хэмжээ авах, шийдвэр гаргуулах тухай хүсэлт гаргах?	<input type="checkbox"/> Yes informed and explained (2 points) / Тийм, танилцуулж, тайлбарласан (2 оноо)	<input type="checkbox"/> Informed but did not explain (1 point) / Танилцуулсан ч тайлбарлаагүй (1 оноо)	<input type="checkbox"/> Neither informed nor explained (0 points) / Танилцуулсангүй, тайлбарлаагүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
• challenge the judge, prosecutor, investigator, translator, interpreter, expert, or court officer? / Шүүгч, прокурор, мөрдөгч, орчуулагч, хэлмэрч.	<input type="checkbox"/> Yes informed and explained (2 points) / Тийм, танилцуулж, тайлбарласан (2 оноо)	<input type="checkbox"/> Informed but did not explain (1 point) / Танилцуулсан ч тайлбарлаагүй (1 оноо)	<input type="checkbox"/> Neither informed nor explained (0 points) / Танилцуулсангүй, тайлбарлаагүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	

II – VICTIM'S RIGHTS / ХОХИРОГЧИЙН ЭРХ Part / Бүлэг 3. Right to Relevant Information Concerning Violations and Reparation Mechanisms / Зөрчил хийгээд нөхөн сэргээх арга механизмтай холбоотой мэдээлэл авах эрх

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Part 7 / Блок 7. Right to Relevant Information Concerning Violations and Reparation Mechanisms / Доступ к информации о нарушениях и механизмах возмещения
konfidentzial'nost' dok. dok.

II – VICTIMS' RIGHTS: ADDITIONAL SPA Part / Сектор 3. Right to Relevant Information Concerning Violations and Reparation Mechanisms / Служба за информисање жрта о правима и механизмима за исплату штете и одштетување

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Case Code /
Хэргийн код

Trial Code /
Бүртгэлийн код

Part / Бүлэг 4. Right to Equal and Effective Access to Justice / Хууль, шүүхийн байгууллагад үр нөлөөтэй, тэгш хандах эрх

COMPLETE FOR ALL CASES: / БҮХ ХЭРЭГ ДЭЭР БӨГЛӨНӨ: SECTION A: VICTIM'S ACCESS TO JUSTICE GENERALLY / ХЭСЭГ А: ХОХИРОГЧ ХУУЛЬ, ШҮҮХИЙН БАЙГУУЛЛАГАД ХАНДАХ ЭРХ (ЕРӨНХИЙ)

VICTIM'S ACCESS TO JUSTICE GENERALLY / ХУУЛЬ, ШҮҮХИЙН БАЙГУУЛЛАГАД ХАНДАХ ХОХИРОГЧИЙН ЭРХ (ЕРӨНХИЙ)		SCORE / ОНОО	NOTES / ТӨМӨӨГӨЛ
4.1. Notice of Hearings / Хэлэлцүүлгийн тухай мэдэгдсэн байдол	Was there anything to suggest that court hearing dates had not been communicated to the victim(s)? / Шүүхийн хэлэлцүүлгийн тооыг хохирогчид мэдэгдэлгүй тохиолдсон гэсэн үү?	<input type="checkbox"/> No (2 points) / Тийм (2 оноо) <input type="checkbox"/> Yes (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
If yes, please describe the relevant circumstances: / Хэрэв тийм бол тухайн нөхцөлийн талаар тайлбарлана уу:			
4.2. Filing Requests and Complaints / Гомдол, хүсэлт гаргах	Was there anything to suggest that the victim(s) or their lawyers had been denied the opportunity to make requests or complaints? / Хохирогч эсхүл түүний өмгөөлөгчийн гомдол, хүсэлт гаргах эрхийг хангалгүй хэмээн үзэх тохиолдол байсан үү?	<input type="checkbox"/> No (2 points) / Тийм (2 оноо) <input type="checkbox"/> Yes, but it was not open to the victim to file such requests or complaints (2 points) / Тийм, гэхдээ хохирогчид гомдол, хүсэлт гаргах нь нээлттэй бус байсан (2 оноо) <input type="checkbox"/> Yes, the victim was unable to file some valid requests or complaints (1 point) / Тийм, хохирогч хүчин төгөлдөр гомдол, хүсэлт гаргах боломжгүй байсан (1 оноо) <input type="checkbox"/> All opportunities to file requests and complaints were denied (0 points) / Гомдол, хүсэлт гаргах бус боломжит хангалгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
4.3. Pressure or Coercion / Дарамт шахалт, албадлага	At any point during the case, was there anything to suggest that the victim(s) were pressured, coerced, or influenced by anyone (including the prosecutor, accused, family, community, the media, etc.) to present their in-court testimony or statements at the inquiry/investigation stages in a particular way? / Хэрэг хянан шийдвэрлэх ажиллагааны явцад хохирогчид дарамт үзүүлсэн, албадсан эсхүл бусдаар (прокурор, шүүдэгч/хэлбэлдэгч, гэр бүл, олон нийт, хэвлэл мэдээлэл) дамжуулан нөлөөлж мөрдөн байцаалтын явцад өгснөөс нь өөрөөр мэдүүлэг өгүүлэхээр оролдсон хэмээн үзэх болох тохиолдол гарсан үү?	<input type="checkbox"/> No (2 points) / Тийм (2 оноо) <input type="checkbox"/> Yes – select all that apply (2 points) / Тийм – хэмээгээс хэсгийг сонгоно уу (2 оноо): <input type="checkbox"/> Prosecutor / Прокурор <input type="checkbox"/> Defense/accused / Шүүдэгч/хэлбэлдэгч/хүснэгч <input type="checkbox"/> Family of the victim(s) / Хохирогчийн гэр бүл <input type="checkbox"/> Community of the victim(s) / Хохирогчийн асрам тайрны олон нийт <input type="checkbox"/> The media / Хэвлэл мэдээлэл <input type="checkbox"/> Other – specify / Бусад – дурдана уу:	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
If yes, please describe the relevant circumstances: / Хэрэв тийм бол хэмээгээс хэсгийг тайлбарлана уу:			

II. VICTIM'S RIGHTS: ХОХИРОГЧИЙН ЭРХ Part / Бүлэг 4. Right to Equal and Effective Access to Justice / Хууль, шүүхийн байгууллагад хандах эрх

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Case Code /
Хэргийн код

Trial Code /
Бүртгэлийн код

4.4. Judgment Contents / Шийдвэрийн агуулга	Did the final full judgment include adequate analysis of all arguments and evidence presented by the victim(s) (whether or not they were presented in court)? / Шүүхээс гаргасан тогтоол нь хохирогчийн гаргаж өгсөн бүхий л баримт нотолгоо, үндэслэлийг хангалттай хэмжээнд шинжлэн судалж, дүншил өгсний үндсэн дээр гарсан үү (шүүх хуралдаан дээр танилцуулсан эсэхээс үл хамааран)?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> Not applicable (0 points) / Холбоогүй (0 оноо)	<input type="checkbox"/> Argument of evidence of the victim(s) were inadequately addressed (1 point) / Хохирогчийн тайлбар/нотолгоо/хэлбэлдэл/танилцуулга, өөр хэргийн (1 оноо) <input type="checkbox"/> No (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
4.5. Harmful Attitudes in the Judgment / Шүүхийн шийдвэр дэх хэвмэл үзэл, хандлага	Did the final full judgment exhibit any harmful attitudes or language towards the victim(s), such as reliance on gender stereotypes (for example about how women, men, or family members in different positions should behave) or victim-blaming? / Хуулийн талаарх хэвмэл үзэл (эмэгтэй хүн, эрэгтэй хүн эсхүл гэр бүлийн гишүүн ийм байдлаар биеэ авч явах ёстой г.м.) болон хохирогчийг өөрийг нь буруутгах хандлага эсхүл үг хэллэг шүүхийн тогтоолд тусгалсан эсэх?	<input type="checkbox"/> No (2 points) / Тийм (2 оноо) <input type="checkbox"/> Yes (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
If yes, please describe: / Хэрэв тийм бол тайлбарлана уу:				
4.6. Translations / Орчуулга	For victim(s) with a lack of fluency in Mongolian, or a visual, hearing, or speaking disability, were they provided with written translations of some or all the case file, or with facilities to enable some of the content to be translated to them orally (including through their lawyer)? / Монгол хэлээр чөлөөтэй ярьдаггүй эсхүл харсааны, сонсголын, эсхүл хэл ярианы бэрхшээлтэй хохирогчид хэргийн материалыг бүхлээр нь эсхүл хэсэгчлэн орчуулж танилцуулсан эсхүл ямар хэлбэрээр орчуулж, хэлмэрчлэн танилцуулах боломжийг бүрдүүлсэн байсан үү (ямар өмгөөлөгчөөр нь дамжуулан)?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> Not applicable or unknown (2 points) / Холбоогүй/оогуу эх үндэсгүй (2 оноо)	<input type="checkbox"/> Partially (only some translations were available despite requests for more) (1 point) / Хэсэгчлэн байдал (Нэгдэлт орчуулга хийгдсэн, гүйцэтгэл гарсан ч ямарын тодорхой хэсгийг нь орчуулсан) (1 оноо) <input type="checkbox"/> No (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
4.7. Use of Non-Mongolian Language Pre-Trial / Шүүхийн өмнөх шатанд Монголоос бусад хэлээр харилцах	For victim(s) with a lack of fluency in Mongolian, or a visual, hearing, or speaking disability, were they able to communicate during pre-trial proceedings in their mother tongue and use an interpreter or translator? / Хохирогч Монгол хэлээр чөлөөтэй нэгтгэлцэхгүй эсхүл харса, сонсгол, ярианы бэрхшээлтэй бол шүүхийн өмнөх шатанд өөрийн эх хэлээр ярих, орчуулагч, хэлмэрч авах боломж байсан үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> Not applicable or unknown (2 points) / Холбоогүй/оогуу эх үндэсгүй (2 оноо)	<input type="checkbox"/> Partially (only during some pre-trial stages) (1 point) / Хэсэгчлэн байдал (Зөвхөн шүүхийн өмнөх шатанд) (1 оноо) <input type="checkbox"/> No (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0

II. VICTIM'S RIGHTS: ХОХИРОГЧИЙН ЭРХ Part / Бүлэг 4. Right to Equal and Effective Access to Justice / Хууль, шүүхийн байгууллагад хандах эрх

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)		Case Code / Хэргийн код	Trial Code / Бүртгэлийн код	
4.8. Right to Challenge Translator / Орчуулагчаас татгалзах эрх	Did any of the judges explain to the accused their right to challenge the translator/ interpreter? / Шүүгчдийн зүй зэр орчуулагч/ хэлмэрчээс татгалзах эрхтэй болохыг нь шүүгчдийнхөөрөөс хэлбэлхүү танилцуулав уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> Not applicable (2 points) / Хамраагүй (2 оноо) <input type="checkbox"/> There was no interpreter/translator despite the accused's need (0 points) / Шүүгчдийнхөөрөөс хэлмэрчтэй байсан ч орчуулагч/хэлмэрч байгаагүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
COMPLETE IF AT LEAST ONE VICTIM ATTENDED THE COURT HEARINGS: / ХОХИРОГЧ (БАГАДАА НЭГ ХОХИРОГЧ) ШҮҮХИЙН ХЭЛЭЛЦҮҮЛЭГТ ОРОЛЦСОН БОЛ БӨГЛӨНӨ. SECTION B: VICTIM'S ACCESS TO JUSTICE IN COURT / ХЭСЭГ Б: ШҮҮХ ДЭЭР ШУДАРГА БСНЫ ҮЙЛЧИЛГЭЭ АВАХ ХОХИРОГЧИЙН ЭРХ				
VICTIM'S ACCESS TO JUSTICE IN COURT / ШҮҮХ ДЭЭР ШУДАРГА БСНЫ ҮЙЛЧИЛГЭЭ АВАХ ХОХИРОГЧИЙН ЭРХ			SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
4.9. Obstacles to a Proper Case / Хэргийг зөв зохион явуулахад саад тогтогч учруулах	Did there appear to be any obstacles that limited the opportunity of the victim(s) to fully present their case? / Хохирогч-хүрээс бүрэн дууран шийдвэрлүүлэх боломжийг хязгаарласан саад тогтогч ажиглагдсан уу?	<input type="checkbox"/> No (2 points) / Тийм (2 оноо) <input type="checkbox"/> Yes (select all that apply) (2 points) / Тийм (хамраах хэсгийг сонгоно уу) (2 оноо) <input type="checkbox"/> Due to a lack of legal representation, the victim(s) could not fully understand the proceedings / Хуульчгүйн хувьд төлөөлүүлэх боломжгүй байдлыг улмаас хохирогч хэргийн шийдвэрлэх ажиллагааг бүрэн ойлгох боломжгүй байсан <input type="checkbox"/> Even though represented, the victim(s) seemed unable to follow or influence proceedings through their lawyer / Өөрөөр хуульчтай байсан ч хохирогч нь хэргийн ажиллагааг дамжуулан хэрэг хийн шийдвэрлэх ажиллагаанд нөлөөлөх, тусгай бүр шалтгаангүй арга замаартай дарах боломжгүй байсан <input type="checkbox"/> The lawyer(s) for the victim(s) did not seem competent / Хохирогчийн илгээлэгч нь -адилгүй мэт санагдсан <input type="checkbox"/> The court appeared to have affidavits issues blessing them against the victim(s) / Шүүгчийн зөвөөс хохирогчийг бууруулах, ялсааранх зэрэг хэргийнхэн асуудалтай байсан <input type="checkbox"/> The hearing was too rushed, and the time frame was insufficient / Хэлэлцүүлэгт татгалзан ялсааранх, үргэлж хуульчтай хамттай байсан <input type="checkbox"/> Questions/arguments by the victim(s) were interrupted or cut short / Хохирогчийн тайлбар, асуултууд тасалд, тогтоогдох байсан <input type="checkbox"/> Other – please specify / Бусад – дурдана уу	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
Describe what you observed: / Өөрийн ажигласан зүйлийг тайлбарлан бичнэ үү:				
4.10. Presenting Evidence or Arguments / Нотлох баримт, тайлбар гаргах	Was anything said during the hearing, or did anything happen, to suggest that a reasonable opportunity to present evidence or arguments was denied to the victim(s)? / Шүүхийн хэлэлцүүлгийн үеэр хохирогчийн нотлох баримт, тайлбар гаргах эрхийг хязгаарласан тухай дурдсан уу? Ийм байдал гарсан уу?	<input type="checkbox"/> No (nothing was said or occurred) (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (victim(s) sought legal/ unreasonable opportunity to do so) (2 points) / Тийм (2 оноо) <input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	

B – VICTIM'S RIGHTS: ХОХИРОГЧИЙН ЭРХ Part / Бүлэг 4. Right to Equal and Effective Access to Justice / Хуульчгүйн төлөөлөл авах эрх

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)		Case Code / Хэргийн код	Trial Code / Бүртгэлийн код	
What was said or what happened? / Юу гэх тайлбарласан, юу тохиолдсон:	<input type="checkbox"/> Selected with apply / Хамраах хэсгийг сонгоно уу: <input type="checkbox"/> The judge denied that the victim(s) would not have such opportunity or did not provide such opportunity / Шүүгчийн зөвөөс хохирогчид ийм боломж байхгүй гэж мэдэгдсэн эсвэл тухайн боломжийг нь хангах аргагүй <input type="checkbox"/> An application by the victim(s) to present evidence or arguments was denied / Хохирогчийн зүйлээ нотлох баримт, тайлбар үндэслэл гаргах хүсэлт гаргасан боловч хангагдсан татгалзан <input type="checkbox"/> The victim(s) commented on the unavailability of a reasonable opportunity to present evidence or arguments / Хохирогчийн зөвөөс баримт нотлох баримт, тайлбар авах боломжгүй байсан гэсэн тайлбар гаргасан <input type="checkbox"/> Other – please specify / Бусад – дурдана уу			
4.11. Questioning Witnesses, Victims or Experts / Гэрч, хохирогч, шинжээчээс асуулт асуух	Was anything said during the hearing, or did anything happen, to suggest that the opportunity to question witnesses, victims and/or experts was denied to the victim(s)? / Шүүхийн хэлэлцүүлгийн үед гэрч, хохирогч боловч асуулт асуулах хохирогчийн эрхийг хязгааргүй талаар яригдсан эсхүл ийм явдал тохиолдсон уу? If yes, what was said or what happened? / Юу гэх тайлбарласан, юу тохиолдсон?	<input type="checkbox"/> No (2 points) / Тийм (2 оноо) <input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
4.12. Right Not to Testify / Мэдүүлэх эрхгүй байх эрх	Was anything said during the hearing, or did anything happen, to suggest that pressure was placed on the victim(s) to testify against the accused despite their right not to testify against family members, parents, children or relatives? / Өөрийн гэрч бүтэйн гишүүд, эцэг эх, үр хүүхдийнхээ эсрэг мэдүүлэх эрхгүй байдлыг эрхийн үүр хохирогчид шүүгчдийнхөөрөөс хохирогчийн талаар хэлэлцүүлгийн үед яригдсан, эсхүл ямар нэг тохиолдол ажиглагдсан уу? If yes, what was said or what happened? / Хэрхэн ийм бол юу яригдсан юу болсон бэ?	<input type="checkbox"/> No (2 points) / Тийм (2 оноо) <input type="checkbox"/> Not applicable (2 points) / Хамраагүй (2 оноо) <input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	

B – VICTIM'S RIGHTS: ХОХИРОГЧИЙН ЭРХ Part / Бүлэг 4. Right to Equal and Effective Access to Justice / Хуульчгүйн төлөөлөл авах эрх

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WITNESS TO RIGHTS / ХОУАТОНЧАНН-300 Part / Eye or 4. Right to Equal and Effective Access to Justice / Xovh-300: Tsean nua pax ad

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Part / Extra 4. Right to Equal and Effective Access to Justice / Fourth title: Temporary provisions

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ТБХ-ийн хэргийн шүүх хуралданы мөхөөлтийн хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code /
Хэргийн кодTeam Code /
Бэлгэц код

4.22. Communication Between Victim(s) and Lawyer / Хохилогчийн болон хохилогчийн хоорондоо харилцах	If the victim(s) had a lawyer, describe the style of communication of the lawyer for the victim(s) with the victim(s) during the trial (select all that apply): / Шүүх хуралданы явцад өмгөөлөгч болон хохилогчийн харилцааны хэл маяг ямар байсан бэ (хамраах бүх хариултыг сонгоно уу):	Lawyer's demeanor / Харуунал: <input type="checkbox"/> Kind and compassionate / Өндөр хүндэтгэлтэй <input type="checkbox"/> Rude / Бүдүүлэг <input type="checkbox"/> Exhibited gendered stereotypes towards the victim(s) / Хохилогчид хандах үзэлтэй таларх хэргийн үзэл илэрхийлсэн <input type="checkbox"/> Blamed the victim(s) / Хохилогчийн өөрийг нь буруутгасан <input type="checkbox"/> Indifferent to the victim(s) / Хохилогчийн үг тооцооглоон Lawyer's seeking of instructions from victim(s) / Өмгөөлөгч нь хохилогчийн хэргийн хэргийн байдал эсвэл: <input type="checkbox"/> Actively sought instructions / Засаар, чиглэл асуулах аргаар <input type="checkbox"/> Inactively sought instructions / Засаар, хэргийн асуудал эрхлүүлж үйлдсэн <input type="checkbox"/> Took action(s) without to do or make decisions on behalf of the victim(s) without consultation / Хохилогчийн өмгөөлөгчийнхөө хуульчилж нь хэрэг байсан эсвэл ашигласан шийдвэр гаргасан	Lawyer's advice to the victim(s): / Өмгөөлөгч: <input type="checkbox"/> Adequate explanation of issues / Асуудлыг ойлгомжтой хэлбэрээр тайлбарласан <input type="checkbox"/> Insufficient explanation of issues / Асуудлыг ойлгомжтой хэлбэрээр тайлбарласан <input type="checkbox"/> Spoke in a way that the victim(s) could understand / Сонгоогчийн ойлгомжтой байгуулах аргаар байсан <input type="checkbox"/> Spoke in a complex way that the victim(s) appeared to find difficult to understand / Хохилогчийн ойлгомжтой аргаар тайлбарласан байдлаар байсан Other - please specify: / Үүсд, - дурдана уу:	
4.23. Demeanor of Other Judicial Personnel Towards Victim(s) / Хохилогчийн талаарх шүүхийн бусад ажилтны хандлага	Describe the demeanor of other judicial personnel towards victim(s) during the trial (select all that apply): / Шүүхийн бусад ажилтан хохилогчийн хандсан галар тайлбарлана уу (Хамраах бүх хариултыг сонгоно уу):	Judge / Шүүгч: <input type="checkbox"/> Kind and compassionate / Өндөр хүндэтгэлтэй <input type="checkbox"/> Rude / Бүдүүлэг <input type="checkbox"/> Exhibited gendered stereotypes towards the victim(s) / Хохилогчид хандах үзэлтэй таларх хэргийн үзэл илэрхийлсэн <input type="checkbox"/> Blamed the victim(s) / Хохилогчийн өөрийг нь буруутгасан <input type="checkbox"/> Indifferent to the victim(s) / Хохилогчийн үг тооцооглоон Defense Lawyer / Шүүгчийн хохилогчийн өмгөөлөгч: <input type="checkbox"/> Kind and compassionate / Өндөр хүндэтгэлтэй <input type="checkbox"/> Rude / Бүдүүлэг <input type="checkbox"/> Exhibited gendered stereotypes towards the victim(s) / Хохилогчид хандах үзэлтэй таларх хэргийн үзэл илэрхийлсэн <input type="checkbox"/> Blamed the victim(s) / Хохилогчийн өөрийг нь буруутгасан <input type="checkbox"/> Indifferent to the victim(s) / Хохилогчийн үг тооцооглоон	Prosecutor / Прокурор: <input type="checkbox"/> Kind and compassionate / Өндөр хүндэтгэлтэй <input type="checkbox"/> Rude / Бүдүүлэг <input type="checkbox"/> Exhibited gendered stereotypes towards the victim(s) / Хохилогчид хандах үзэлтэй таларх хэргийн үзэл илэрхийлсэн <input type="checkbox"/> Blamed the victim(s) / Хохилогчийн өөрийг нь буруутгасан <input type="checkbox"/> Indifferent to the victim(s) / Хохилогчийн үг тооцооглоон Court Officer / Шүүхийн мөхөөлөгч: <input type="checkbox"/> Kind and compassionate / Өндөр хүндэтгэлтэй <input type="checkbox"/> Rude / Бүдүүлэг <input type="checkbox"/> Exhibited gendered stereotypes towards the victim(s) / Хохилогчид хандах үзэлтэй таларх хэргийн үзэл илэрхийлсэн <input type="checkbox"/> Blamed the victim(s) / Хохилогчийн өөрийг нь буруутгасан <input type="checkbox"/> Indifferent to the victim(s) / Хохилогчийн үг тооцооглоон	

VICTIM'S RIGHTS / HOHILOGCHIIH АРХ Part / Бүлэг 6. Right to Equal and Effective Access to Justice / Хуульчилж туслах арга

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ТБХ-ийн хэргийн шүүх хуралданы мөхөөлтийн хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code /
Хэргийн кодTeam Code /
Бэлгэц код

JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШУДАРГА ЕСНЫ ТИЛЧИЛГЭЭНИЙ ҮНЭЛГЭЭНИЙ СНООНЫ КАРТЫН ТООЦООЛ					
Victim's Right to Equal and Effective Access to Justice / Хууль, шүүхийн байгууллагад тэгш бөгөөд үр нөлөөтэй хандах эрх					
<i>If the victim did not attend the court hearing, complete only Score A. If the victim attended the court hearing, complete Score A and Score B. / Хохилогчийн нь шүүх хуралд оролцоогүй бол зөвхөн Сноо А-г бичигнэ. Хэрэг хохилогчийн шүүх хуралд оролцсон бол Сноо А болон Б-г бичигнэ.</i>					
Score A / Сноо А Section A: Victim's Access to Justice Generally (All Cases) / Хэсэг А: Хууль, шүүхийн байгууллагад хандах хохилогчийн эрх (Бүх хэргийн дээр) (out of 16): / (Нийт 16 оноо):	Score B / Сноо Б Section B: Victim's Access to Justice in Court / Хэсэг Б: Шүүх дээр шударга ёсны үлчилгээ авах хохилогчийн эрх. (out of 24): / (Нийт 24 оноо):	<input type="checkbox"/> Not applicable / Хохилогчийн			
<i>If the victim attended the court hearing, complete Option 1. If the victim did not attend the court hearing, complete only Option 2. / Хохилогчийн шүүхийн хэлэлцүүлэгт оролцсон бол Сонголт 1-ыг бичигнэ. Хэрэг хохилогчийн шүүхийн хэлэлцүүлэгт бишгэн оролцоогүй бол зөвхөн Сонголт 2-ийг бичигнэ.</i>					
OPTION 1: TOTAL SCORE / СОНГОЛТ 1: НИЙТ СНОО YES, VICTIM(S) DID ATTEND COURT / ТИЙН, HOHILOGCHIIH ШҮҮХ ХУРАЛД ОРОЛЦСОН					
Total Score = A + B / Нийт оноо = А + Б (out of 40): / (Нийт 40 оноо):	Grade: / Үнэлгээ: <input type="checkbox"/> Very Good / Маш сайн (31-40 points / оноо)	<input type="checkbox"/> Good / Сайн (21-30 points / оноо)	<input type="checkbox"/> Poor / Муу (11-20 points / оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-10 points / оноо)	
OPTION 2: TOTAL SCORE / СОНГОЛТ 2: НИЙТ СНОО NO, VICTIM(S) DID NOT ATTEND COURT / ҮГҮЙ, HOHILOGCHIIH ШҮҮХ ХУРАЛД ОРОЛЦСОН					
Total Score = A / Нийт оноо = А (out of 16): / (Нийт 16 оноо):	Grade: / Үнэлгээ: <input type="checkbox"/> Very Good / Маш сайн (13-16 points / оноо)	<input type="checkbox"/> Good / Сайн (9-12 points / оноо)	<input type="checkbox"/> Poor / Муу (5-8 points / оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-4 points / оноо)	

VICTIM'S RIGHTS / HOHILOGCHIIH АРХ Part / Бүлэг 6. Right to Equal and Effective Access to Justice / Хуульчилж туслах арга

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэгсэлдэхүүн (Бүртгэлийн хуудас)

Case Code /
Хэргийн кодTeam Code /
Баримт код**Part / Бүлэг 5. Right to Adequate, Effective, and Prompt Reparation for Harm Suffered / Учруулсан хохирлыг хангалттай хэмжээнд, үр дүнтэй арга замаар, шуурхай нөхөн төлүүлэх эрх**

COMPENSATION TO THE VICTIM / ХОХИРОГЧИД УЧИРУУЛСАН ХОХИРЛЫГ НӨХӨН ТӨЛӨХ				SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ			
5.1. Harm or Damage / Хохирол, тэм хор	If the victim(s) requested compensation, to what type of harm or damage did the request relate? / Хохирогчийн зүгээс учруулсан хохирлыг нөхөн төлөхийг шаардсан бол тухайн шаардлага ямар төрлийн хохиролд хамаарч байсан бэ?	Select all that apply / Хамраар бүх хэргийг сонгох уу: <input type="checkbox"/> Physical injury / Бие жижигдэл учруулсан хохирол <input type="checkbox"/> Medical/psychological treatment / Эрүүл мэнд, сэтгэл зүйн хохирол <input type="checkbox"/> Temporarily incapacity to work / Ажлын чадвар түр алдагч <input type="checkbox"/> Economic loss / Эдийн хэргийн соргогч <input type="checkbox"/> Psychological harm / Сэтгэл зүйн хор хохирол <input type="checkbox"/> Other – specify / Бусад – дурдана уу:	<input type="checkbox"/> Not applicable – the victim(s) did not request any compensation / Хамраагүй – хохирогчийн зүгээс хор хохирол нөхөн төлөхийг шаардсан					
5.2. Awareness of Eligible Harm / Хор хохирлын талаарх мэдлэг	Was there anything to suggest that the victim(s) may have been unaware of the full range of harm or damage for which they could request compensation? / Хохирогч нь шаардаж гаргуулах боломжтой хохирлын нөхөн төлбөрийн талаарх мэдэхгүй байсан гэх үзэх болох уу?	<input type="checkbox"/> No, the victim seemed fully aware of the full range of harm or damage for which they could request compensation. / Тийм, Хохирогч мэдсэн байгаа гэдэг санагдсан. (2 points)	<input type="checkbox"/> Yes, the victim seemed unaware of the full range of harm or damage for which they could request compensation. (1 point) / Тийм, Хохирогч мэдсэнгүй байгаа санагдсан. (1 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0				
	If yes, describe why: / Хэрэв тийм бол яагаад тэгж үзэж буйг тайлбарлана уу:							
5.3. Awareness of Available Compensation / Боломжтой нөхөн төлбөрийн тухай мэдлэг	Was there anything to suggest that the victim(s) may not have been aware of all types of available compensation they could have requested? / Хохирогч нь шаардаж гаргуулах боломжтой хохирлын нөхөн төлбөрийн бүхий л хэлбэрийн талаар мэдэхгүй байсан гэх нөхцөл байдал ажиглагдсан уу?	<input type="checkbox"/> No (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Yes (1 point) / Тийм (1 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0				
	If yes, describe why: / Хэрэв тийм бол шалтгааныг тайлбарлана уу:							
5.4. Award of Compensation / Хохирлыг нөхөн төлөх	Was any compensation awarded to the victim(s)? / Хохирогчид хохирол төлүүлэх шийдвэр гарсан уу?	<input type="checkbox"/> Yes, what the victim requested was awarded (or even greater compensation awarded) (2 points) / Тийм, ашигласан хохирлыг олгуулах шийдвэр гарсан (эсвэл илүү хэмжээний нөхөн төлбөр) (2 оноо)	<input type="checkbox"/> Not applicable – the victim(s) did not request any compensation (2 points) / Хамраагүй – хохирогчийн зүгээс хохирол барагдуулахыг шаардсангүй (2 оноо)	<input type="checkbox"/> Not applicable – accused was acquitted (2 points) / Хамраагүй – эсгэлтэй засагч болсон (2 оноо)	<input type="checkbox"/> Partially, but less than the victim(s) requested (1 point) / Хэсэгчилсэн хэмжээг, гэхдээ шаардсан багц хэмжээнд (1 оноо)	<input type="checkbox"/> Not at all, despite the accused's conviction and a request for compensation from the victim(s) (0 points) / Ямар ч хэмжээний хохирол хохирогчид өгсөн төлүүлсний шаардсан ч хангаагүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	

3 – VICTIM'S RIGHTS / ХОХИРОГЧИЙН ЭРХ Part / Бүлэг 5. Right to Adequate, Effective, and Prompt Reparation for Harm Suffered / Учруулсан хохирлыг хангалттай хэмжээнд, үр дүнтэй арга замаар, шуурхай нөхөн төлүүлэх эрх

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Case Code /
Хэргийн кодTeam Code /
Баримт код

5.5. Explanation of Compensation Decision / Хохирлын төлбөр гаргуулах шийдвэрийг тайлбарласан байдал	Once the compensation decision was announced, did one of the judges explain the compensation decision and its reasoning to the victim(s)? / Хохирлын төлбөр гаргуулах шийдвэр гарсан дараа үүсч байсан зүгээс үг шийдвэр болон үүний үндэслэлийн талаар хохирогчид тайлбарлаж өгсөн үү?	<input type="checkbox"/> Yes, sufficiently (2 points) / Тийм, хангалттай (2 оноо)	<input type="checkbox"/> Not applicable (2 points) / Хамраагүй (2 оноо)	<input type="checkbox"/> Partially but the explanation was insufficient (1 point) / Хэсэгчилсэн байсан ч, гэхдээ тайлбар нь хангалттай байгаагүй (1 оноо)	<input type="checkbox"/> No (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
5.6. Quality of Compensation Decision / Хохирол барагдуулах шийдвэрийн чанар	Was the judgment's decision regarding compensation(s) clear, understandable, and without confusion? / Хохирол барагдуулах тухай шүүхийн шийдвэр нь тодорхой, ойлгомжтой, эргэлзэх утга санаагүй гарсан үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Not applicable (2 points) / Хамраагүй (2 оноо)	<input type="checkbox"/> Partially but inadequately so (1 point) / Хэсэгчилсэн байсан ч, гэхдээ хангалттай бус (1 оноо)	<input type="checkbox"/> No (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
	If partially or no, indicate why: / Хэрэв хэсэгчилсэн тайлбарласан эсхүл тайлбарлаагүй бол шалтгааныг дурдана уу:						
5.7. Consistency of Compensation Decision / Хохирол барагдуулах шийдвэрийн эвч зохицот байдал	Was the judgment's finding on compensation to the victim(s) consistent with its reasoning? / Хохирол барагдуулах тухайн шийдвэр нь үндэслэлтэйгээ нийцжэ байсан үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Not applicable (2 points) / Хамраагүй (2 оноо)	<input type="checkbox"/> Partially but inadequately so (1 point) / Хэсэгчилсэн байсан ч, гэхдээ хангалттай бус (1 оноо)	<input type="checkbox"/> No (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
	If partially or no, indicate why: / Хэрэв хэсэгчилсэн байдлаар зохицотой эсхүл үгүй бол шалтгааныг тайлбарлана уу:						

JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШУДАРГА БСНЫ ҮЙЛЧИЛГЭЭНИЙ ҮНЭЛТЭЭНИЙ ОНООНЫ КАРТЫН ТООЦООЛГОЛ

Victim's Right to Adequate, Effective and Prompt Reparation for Harm Suffered / Учруулсан хохирлыг хангалттай хэмжээнд, үр дүнтэй арга замаар, шуурхай нөхөн төлүүлэх эрх

Score (out of 12): / Нийт оноо	Grade: / Үнэлгээ	<input type="checkbox"/> Very Good / Маш сайн (9-12 points / оноо)	<input type="checkbox"/> Good / Сайн (7-8 points / оноо)	<input type="checkbox"/> Poor / Муу (4-6 points / оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-3 points / оноо)
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3 – VICTIM'S RIGHTS / ХОХИРОГЧИЙН ЭРХ Part / Бүлэг 5. Right to Adequate, Effective, and Prompt Reparation for Harm Suffered / Учруулсан хохирлыг хангалттай хэмжээнд, үр дүнтэй арга замаар, шуурхай нөхөн төлүүлэх эрх

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дэхь ГВХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэгсэлдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код: Team Code / Бэлгийн код:

III – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛЛАГДАГЧ/ХОЛБОГДОГЧИЙН ЭРХ (АНХАН БОЛОН ДАВЖ ЗААЛДАХ ШАТ)

Part / Бүлэг 6. Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law / Хуульд заасны дагуу байгуулагдсан, хараат бус, тал үл харах шүүхээр хэргээ хянан шийдвэрлүүлэх эрх

COMPOSITION OF THE COURT / ШҮҮХ БҮРЭЛДЭХҮҮН		SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
6.1. Right to Challenge Composition / Шүүх бүрэлдэхүүнээс татгалзах эрх	Was the accused's right to challenge the composition of the judges explained by one of the judges? / Шүүгч, шүүх бүрэлдэхүүнээс татгалзах эрхтэй болохыг шүүгчээс шүүгдэгч/холбогдогчид танилцуулж, тайлбарлаж өгсөн үү?	<input type="checkbox"/> Yes / Тийм [2 points] / <input type="checkbox"/> No / Үгүй [0 points]	<input type="checkbox"/> 2 <input type="checkbox"/> 0
6.2. Challenges Made / Шүүгч, шүүх бүрэлдэхүүнээс татгалзах эрх	Did the accused challenge the composition of judges in this case? / Шүүгдэгч/холбогдогчийн зүгээс шүүгч, шүүх бүрэлдэхүүнийг татгалзан гаргах хүсэлт гаргасан үү?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй	
If yes, on what ground(s)? / Хэрэв тийм бол ямар үндэслэлээр? Select all that apply / Хэвлэхэд бүх хэргийг сонгоно уу: <input type="checkbox"/> Participation in the case as a participant / Оролцоогчийн түвшин тусгай хэргийн шийдвэрлэх ажиллагаанд оролцож байсан, эсвэл оролцоогч байв <input type="checkbox"/> Previous participation in the case in another capacity / Өмнөх гэрээт хэргийн шийдвэрлэх ажиллагаанд оролцож, өмнөх гэрээт хэргийн шийдвэрлэх ажиллагаанд оролцож байсан <input type="checkbox"/> Disinterested interest in the case / Шүүх, эсвэл шүүх бусад эрх хэргийн шийдвэрлэх ажиллагаанд байгаа илүү үрэлдэх ашигтай байгаа бол <input type="checkbox"/> Deliberated over preliminary requests of the parties from the inquiry and investigation stages / Хэрэг бүртгэл, мардан баримт шалгах үеэс хэргийн шийдвэрлэх ажиллагаанд оролцож байсан <input type="checkbox"/> Previous participation in the case as a judge in another higher or lower jurisdiction / Өмнөх шалгах, мардан баримт шалгах үеэс хэргийн шийдвэрлэх ажиллагаанд оролцож байсан <input type="checkbox"/> Previous participation in the case as a judge in another higher or lower jurisdiction / Өмнөх шалгах, мардан баримт шалгах үеэс хэргийн шийдвэрлэх ажиллагаанд оролцож байсан <input type="checkbox"/> Judge related to another judge in this case in a lower jurisdiction / Дунд шалгах, хэргийн шийдвэрлэх ажиллагаанд оролцож байсан <input type="checkbox"/> Judge related to another judge in dealing with this case in a lower jurisdiction / Дунд шалгах, хэргийн шийдвэрлэх ажиллагаанд оролцож байсан <input type="checkbox"/> Judge related to another judge in dealing with this case in a higher or lower jurisdiction / Дунд шалгах, хэргийн шийдвэрлэх ажиллагаанд оролцож байсан			

III – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛЛАГДАГЧИЙН ЭРХ (АНХАН БОЛОН ДАВЖ ЗААЛДАХ ШАТ) Part / Бүлэг 6. Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law / Хуульд заасны дагуу байгуулагдсан, хараат бус, тал үл харах шүүхээр хэргээ шийдвэрлүүлэх эрх Page 33

Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дэхь ГВХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэгсэлдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код: Team Code / Бэлгийн код:

JUDICIAL CONDUCT / ШҮҮХМЭЙН ТҮЛ АЖИЛЛАГАА		SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
6.3. Accused's Rights / Шүүгдэгч/холбогдогчийн эрх	Did one of the judges inform the accused of his/her procedural rights and explain the nature of those rights? / Шүүх бүрэлдэхүүнээс шүүгдэгч/холбогдогчид хэрэг хянан шийдвэрлэх ажиллагааны явцад эрхийг нь танилцуулан, тайлбарлаж өгсөн үү?	<input type="checkbox"/> Yes, informed and explained [2 points] / Тийм, нь танилцуулж, тайлбарлаж өгсөн [2 points] <input type="checkbox"/> Partly informed but not explained [1 point] / Хэсэгчлэн танилцуулж, тайлбарлаж өгсөн [1 point] <input type="checkbox"/> No, neither informed nor explained [0 points] / Үгүй, танилцуулж, тайлбарлаж өгсөн [0 points]	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
6.4. Accused's Condition / Шүүгдэгч/холбогдогчийн нөхцөл байдал	Did the judge who explained the accused's procedural rights take into consideration the age, general level of capacity (e.g. education), physical and mental condition of the accused when doing so? / Шүүгч/холбогдогчид хэрэг хянан шийдвэрлэх ажиллагааны явцад эрхийг нь танилцуулахдаа түүний нэр, боловсрол зэрэг чадварын ерөнхий түвшин, биеийн болон сэтгэцийн нөхцөл байдлыг харгалзан үзсэн үү?	<input type="checkbox"/> Yes [2 points] / Тийм [2 points] <input type="checkbox"/> No [0 points] / Үгүй [0 points]	<input type="checkbox"/> 2 <input type="checkbox"/> 0
6.5. Intimidation / Айлгасан, дарамтласан эсэх	Did any of the judges behave in an intimidating manner towards the accused? / Шүүгчдийн зүгээс шүүгдэгч/холбогдогчтой айлгасан, дарамтласан өнгө аясаар харьцаж байсан үү?	<input type="checkbox"/> No [2 points] / Тийм [2 points] <input type="checkbox"/> Yes [0 points] / Үгүй [0 points]	<input type="checkbox"/> 2 <input type="checkbox"/> 0
6.6. Discrimination or Bias / Нэг талайг барих, эсхүл ялгаарлах байдал	Did any of the judges make discriminatory or biased comments about the accused? / Шүүгчдийн зүгээс шүүгдэгч/холбогдогчид хандан ялалд оруулж, эсхүл алагчлалсан байдлаар харьцсан үү?	<input type="checkbox"/> No [2 points] / Тийм [2 points] <input type="checkbox"/> Yes [0 points] / Үгүй [0 points]	<input type="checkbox"/> 2 <input type="checkbox"/> 0
6.7. Unethical Statements or Conduct / Бус зүйгүй үг хэлснэ, үйлдэл	Did any of the judges allow any party to make unethical statements or behave unethically towards the accused in the process? / Шүүгч шүүх хуралдааны явцад талуудын аль нэг нь нөгөө талдаа бус зүйгүй хандах, тийм үйлдэл хийх боломж өгсөн үү?	<input type="checkbox"/> No [2 points] / Тийм [2 points] <input type="checkbox"/> Yes [0 points] / Үгүй [0 points]	<input type="checkbox"/> 2 <input type="checkbox"/> 0

III – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛЛАГДАГЧИЙН ЭРХ (АНХАН БОЛОН ДАВЖ ЗААЛДАХ ШАТ) Part / Бүлэг 6. Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law / Хуульд заасны дагуу байгуулагдсан, хараат бус, тал үл харах шүүхээр хэргээ шийдвэрлүүлэх эрх Page 34

Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны амжилтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)		Case Code / Хэргийн код	Trial Code / Байрны код		
6.8. Leaving the Courtroom / Шүүх танхимээс гарах	Did a judge, court officer, or prosecutor leave while the questioning in the trial was still ongoing? / Шүүгч, шүүхийн ажилтан, эсхүл прокурор нь шүүх хуралдаан ургажилж байдгад танхимыг орхин гарсан уу?	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Yes, but for a justifiable reason (1 point) / Тийм, тэдгээр хүчин зүйлс шалтгаантай (1 оноо)	<input type="checkbox"/> Yes, for unknown or inappropriate reasons (0 points) / Тийм, тодорхойгүй эсвэл хуудсан-үзэсгэлүй шалтгаан-аар (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
6.9. Mobile Phone Use / Гар утас ашиглах	Did any person in the courtroom speak on or otherwise use a mobile phone at any point during the hearing? / Шүүх хуралдааны үеэр хэн нэг нь гар утсаар ярих эсхүл өөр ашиглаж байсан уу?	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Yes (0 points) / Тийм (0 оноо)	If yes, who (checked all that apply): / Хэрэглэгч бол хэн (хэмнэх бүх хариултыг сонгоно уу): <input type="checkbox"/> Judge(s) / Шүүгч <input type="checkbox"/> Court officer / Шүүхийн ажилтан <input type="checkbox"/> Prosecutor / Прокурор <input type="checkbox"/> Victim(s) / Хамрагч <input type="checkbox"/> Victim lawyer(s) / Хамрагчийн хуульч <input type="checkbox"/> Accused / Шүтдэгч <input type="checkbox"/> Defense lawyer(s) / Шүүхдэгчид хамрагчийн хуульч <input type="checkbox"/> Citizen's representative / Монголын төлөөлөгч <input type="checkbox"/> Police officer / Иргэдийн ажилтан <input type="checkbox"/> Relative of victim/accused / Хамрагчид хамрагчдын хамрагч <input type="checkbox"/> CSO representative / ИИХ-ийн төлөөлөгч <input type="checkbox"/> Social worker/psychologist / Нийгмийн ажилтан/психолог <input type="checkbox"/> Other – please specify / Бусад – дурдана уу:	<input type="checkbox"/> 2 <input type="checkbox"/> 0
6.10. Length of Deliberations / Зөвлөлдөх хугацаа	Did the length of deliberations by the judge(s) seem proportionate to the severity of the charge? / Шүүгч, шүүх бүрэлдэхүүн зөвлөлдсөн хугацаа нь сонсгосон ялын хэмжээтэй хуви тэнцүүлж байсан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
6.11. Independence of Deliberations / Зөвлөлдөөний хараат бус байдлыг	Was there anything to suggest that anyone other than a judge on the panel participated in the deliberations? / Шүүгчээс өөр бусад этгээд зөвлөлдөх тасалгаанд хамт байсан гэж үзэх нөхцөл байна уу?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо)	<input type="checkbox"/> Yes (0 points) / Тийм (0 оноо)	<input type="checkbox"/> Prosecutor / Прокурор <input type="checkbox"/> Victim(s) or victim lawyer(s) / Хамрагч эсхүл хуульч <input type="checkbox"/> Accused or defense lawyer(s) / Шүүхдэгч эсхүл шүүхийн хуульч <input type="checkbox"/> Other – please specify / Бусад – дурдана уу:	<input type="checkbox"/> 2 <input type="checkbox"/> 0
JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШҮУДАРГА БОНЫ ҮНДЧИЛЭЭНИЙ ТНЭЛЭЭНИЙ ОНООНЫ КАРТЫН ТООЦРОЛ					
Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law / Куульд заасны дагуу байгуулагдсан, хараат бус, тал үл харак шүүхээр хэргээ хянан шийдвэрлүүлэх эрх					
Score (out of 20): / Нийт оноо (Нийт 20 оноо):	Grade / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (15-20 points / оноо)	<input type="checkbox"/> Good / Сайн (11-15 points / оноо)	<input type="checkbox"/> Poor / Муу (6-10 points / оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-5 points / оноо)

II – ACCUSED'S RIGHTS (TRIAL & APPEAL) / НЭПЭГДЭГЧИЙН ЭРХ (АНХАН БОЛОН ДЭВЖ ЗААЛДАХ ШАТ) Part / Бүлэг II: Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law / Куульд заасны дагуу байгуулагдсан хараат бус, тал үл харак шүүхээр хэргээ хянан шийдвэрлүүлэх эрх Page 30

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Part / Бүлэг 7. Right to a Public Hearing / Нээлттэй шүүх хуралдаанаар хэргээ хянан шийдвэрлүүлэх эрх				
RIGHT TO A PUBLIC HEARING / ШҮҮХ ХУРАЛДААНЫГ НЭЭЛТТЭЙ ЯВУУЛАХ ЭРХ		SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ	
7.1. Hearing Schedule / Шүүх хуралдааны тов	Was notice of the hearing's date and time publicly available, e.g. on a website and/or on display at the court? / Шүүх хуралдааны тов олон нийтэд нээлттэй байсан уу. Жишээ нь: шүүхийн цахим хуудас, самбар дээр?	<input type="checkbox"/> Yes (4 points) / Тийм (4 оноо)	<input type="checkbox"/> Theoretically, but the website or display was not up dated, delayed, unavailable, or incomplete (2 points) / Ер нь тийм, гэхдээ вебсайт/самбарыг шинэчлэхгүй, эсвэл төгсгөлийг шалтгаанаар хэтрүүлж байсан (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)
7.2. Access to Hearing / Шүүх хуралд оролцох	Was anyone denied access to any of the hearings? / Шүүх хуралдаан сонирхогч этгээдэд халтгай явагдсан уу?	<input type="checkbox"/> No (4 points) / Үгүй (4 оноо)	<input type="checkbox"/> Yes, but reason unknown or without legal basis specified (0 points) / Тийм, гэхдээ халтгайн нь тодорхойгүй эсхүл хууль-гүйн үндэслэлийг дурдлагай (0 оноо)	<input type="checkbox"/> 4 <input type="checkbox"/> 0
If anyone was denied access to the hearing, indicate who: / Хэн нэгнийг шүүх хуралд оролцуулаагүй бол хэнийг:		<input type="checkbox"/> Trial monitor(s) / Шүүх хуралдааны амжилтан <input type="checkbox"/> Journalist(s) / Сангаач <input type="checkbox"/> Relative(s) (friend(s) of victim(s) / Хамрагчийн хамрагчид сэдэгч, найз нөсөд <input type="checkbox"/> Relative(s) (friend(s) of accused(s) / Шүүхдэгчид хамрагчдын найз нөсөд <input type="checkbox"/> CSO representative / ИИХ-ийн төлөөлөгч <input type="checkbox"/> General public / Өмнө нийт		
7.3. Entering Court Building and Courtroom / Шүүхийн байр, танхимд нэвтрэх	If you were able to enter the court building, indicate if any of the following measures were taken upon your entry: / Хэрэв та шүүхийн байранд нэвтрсэн бол таныг нэвтрэхэд дараах арга хэмжээний аль нэгийг хэрэглүүлсэн уу:	<input type="checkbox"/> Select all that apply: / Хамрагч бүх хариултыг сонгоно уу: <input type="checkbox"/> Security screening of body and possessions / Биед болон ачаа хөөрөгт аюулгүй байдлын үүднээс үзлэг шалгалт хийсэн <input type="checkbox"/> Checking ID / Биеийн байдлааг шалгах <input type="checkbox"/> Entering ID details into a visitor's book / Иргэдийн үндэслэлийг мэдээлэл бүртгэх эрх		

II – ACCUSED'S RIGHTS (TRIAL & APPEAL) / НЭПЭГДЭГЧИЙН ЭРХ (АНХАН БОЛОН ДЭВЖ ЗААЛДАХ ШАТ) Part / Бүлэг 7. Right to a Public Hearing / Шүүх хуралдааныг нээлттэй явуулах Page 36

Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЗХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код Team Code / Бэлтгэл код

	If you were able to enter the courtroom, indicate if any of the following measures were taken upon your entry: / Хэрэв та шүүх танхимд нэвтэрсэн бол таныг ороход дараах арга хэмжээнүүдээс авсан уу:	Select all that apply: / Хамраар бие эсвэл/иэс нэг: <input type="checkbox"/> Permission sought from court officer / Шүүрийн ажилтнаас зөвшөөрөл авалт <input type="checkbox"/> Permission sought from judge / Шүүмчээс анхигорол авалт		
7.4. Location of Hearing / Шүүх хуралдаан, хэлэлцүүлгийн байршил	Did all or some of the hearings take place in a courtroom of adequate size? / Шаардлага хангасан зай талбай бүхий танхимд шүүхийн бүх эсхүл зарим хэлэлцүүлгүүд явагдсан эсэх?	<input type="checkbox"/> Yes, all hearings (4 points) / Тийм, бүх шүүх хуралдаан (4 оноо) <input type="checkbox"/> Some hearings only (2 points) / Зэвсэгн зарим шүүх хуралдаан (2 оноо) <input type="checkbox"/> No, none of the hearings (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 4 <input type="checkbox"/> 2 <input type="checkbox"/> 0	
	If none or only some of the hearings took place in a courtroom of adequate size, indicate the nature of concerns regarding the space(s) in which the other hearing(s) took place: / Хэрэв бүх шүүх хурал эсхүл зарим шүүх хурал шаардлага хангасан зайтай танхимд явагдсаныг бол, шүүх танхимийн орон зайтай холбоотуулан анхааралдаа авах асуудлыг заана уу:	Select all that apply: / Хамраар нэг буюу хэд хэдэн хариултыг сонгоно уу: At least once hearing took place in: <input type="checkbox"/> A courtroom that was too small / Хэт жижиг зайтай шүүх хуралдаан-ын танхим <input type="checkbox"/> A judge's office, as no courtroom was available / Шүүх хуралдааны танхим боломжгүй бөгөөд шүүмчийн өрөөнд суугаа хэвсэг <input type="checkbox"/> A judge's office, even though a courtroom was available / Шүүх хуралдааны танхим боломж ч шүүмчийн өрөөнд суугаа хэвсэг <input type="checkbox"/> A location which was neither a courtroom nor judge's office – describe: / Шүүх танхим ч биш, шүүмчийн өрөөн ч биш өөр газар-тодорхойлно уу		
JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШУДАРГА ӨСНӨНДӨН АЖИЛЛАХЫН ОНГОНЫ КАРТЫН ТООЦОЛЛОЛ				
Right to a Public Hearing / Шүүх хуралдааныг нээлттэй явуулах эрх				
Score (out of 12): / Нийт оноо (Нийт 12 оноо):	Grade: / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (10-12 points / оноо) <input type="checkbox"/> Good / Сайн (7-9 points / оноо) <input type="checkbox"/> Poor / Муу (4-6 points / оноо) <input type="checkbox"/> Very Poor / Маш муу (0-3 points / оноо)		

8. ACCUSED'S RIGHTS TRIAL & APPEAL / ЯЛЛАГДАГЧИЙН ЭРХ (АНХАН БОСОН ДАВН ЗААЛДАХ ШҮТ) Part / Бүлэг 7. Right to a Public Hearing / Шүүх хуралдааныг нээлттэй явуулах

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЗХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код Team Code / Бэлтгэл код

Part / Бүлэг 8. Right to Be Presumed Innocent, and Not to Be Compelled to Testify or Confess Guilt / Гэм буруутайг нь эцэслэн тогтоох хүртэл гэмт буруугийд тооцогдох, өөрийнхөө гэм бурууг хүлээхийг тулган шаардахаас ангид байх эрх				
ACCUSED'S APPEARANCE / ШҮҮГДЭГЧ/ХОЛБОГДОГЧИЙН ОРЛОЛЦОХ БАЙДАЛ			SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
8.1. Accused's Appearance / Шүүгдэгч/холбогдогчийн орлолцох оролцооны байдал	Were there any signs from the accused's appearance that could create a perception of their guilt? / Шүүгдэгч/холбогдогчийн орлолцох оролцооны байдал, дүр төрхөөс түүнийг гэм буруутай гэж хараулах ямар нэг байдал ажиглагдсан уу?	<input type="checkbox"/> No (4 points) / Үгүй (4 оноо) <input type="checkbox"/> Yes (see all that apply) (0 points) / Тийм (хэрэвээс бүх хариултыг сонгоно уу) (0 оноо) <input type="checkbox"/> Wore prison uniform / Хэрэг ангийн хувцастай байсан <input type="checkbox"/> Was handcuffed or shackled / Гамтай эсрүү гондлод бэлэгдсэн байсан <input type="checkbox"/> Was kept in a cage / Тороод суулгасан байсан	<input type="checkbox"/> 4 <input type="checkbox"/> 0	
ACCUSED'S RIGHTS / ЯЛЛАГДАГЧ/ХОЛБОГДОГЧИЙН ЭРХ			SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
8.2. Right Against Self-Incrimination / Өөрийн эсрэг мэдүүлэг өгөхгүй байх эрх	Did the court inform the accused of their right not to testify against themselves or their close relatives, and explain the nature of this right? / Шүүхээс шүүгдэгч/холбогдогч өөрсө өөрийнхөө эсрэг болон ойрын төрөл эсдэн нь түүний эсрэг мэдүүлэг өгөхгүй байх эрхтайг танилцуулж, хангалттай тайлбарласан уу?	<input type="checkbox"/> Yes, informed and explained (4 points) / Тийм (танилцуулж тайлбарласан) (4 оноо) <input type="checkbox"/> Partly informed but did not explain (2 points) / Хэсэгчлэн байгавар (танилцуулсан, гэхдээ тайлбарлаагүй) (2 оноо) <input type="checkbox"/> No, neither informed nor explained (0 points) / Үгүй (танилцуулсангүй, тайлбарлаагүй) (0 оноо)	<input type="checkbox"/> 4 <input type="checkbox"/> 2 <input type="checkbox"/> 0	
8.3. Right Not to be Bound by Pre-Trial Statement / Шүүхийн өмнөх шатанд хуучилсан баримтад тулгуурлан гэм бурууг нь урьдчилан тогтоохгүй байх	Did the court inform the accused that they were not bound by any confession or denial of guilt made during pre-trial stages of the case, and explain the nature of this right? / Шүүхээс шүүгдэгч/холбогдогчид хандаж шүүхийн өмнөх шатанд гэм буруутай хүлээсэн эсхүл хүлээхгүй явдал нь шүүхийн шатанд урьдчилан дүгнэлт хийх үндэс болохгүй болохыг танилцуулж, хангалттай тайлбарласан уу?	<input type="checkbox"/> Yes, informed and explained (4 points) / Тийм (танилцуулж тайлбарласан) (4 оноо) <input type="checkbox"/> Partly informed but did not explain (2 points) / Хэсэгчлэн байгавар (танилцуулсан, гэхдээ тайлбарлаагүй) (2 оноо) <input type="checkbox"/> No, neither informed nor explained (0 points) / Үгүй (танилцуулсангүй, тайлбарлаагүй) (0 оноо)	<input type="checkbox"/> 4 <input type="checkbox"/> 2 <input type="checkbox"/> 0	
8.4. Right to Remain Silent / Мэдүүлэг өгөхгүй байх эрх	Did the court inform the accused that they had a right to remain silent or not testify against themselves (i.e. they were not required to answer questions and silence could not be held against them), and explain the nature of this right? / Шүүхээс шүүгдэгч/холбогдогчид хандаж шүүх эсхүл өөрийн эсрэг мэдүүлэг өгөхгүй байх эрхтэй (суугаадаг шалгалт хариулах үүрэггүй бөгөөд дуусгүй байсан нь өөрийнх нь эсрэг үл ашиглах) болохыг танилцуулж, хангалттай тайлбарласан уу?	<input type="checkbox"/> Yes, informed and explained (4 points) / Тийм (танилцуулж тайлбарласан) (4 оноо) <input type="checkbox"/> Partly informed but did not explain (2 points) / Хэсэгчлэн байгавар (танилцуулсан, гэхдээ тайлбарлаагүй) (2 оноо) <input type="checkbox"/> No, neither informed nor explained (0 points) / Үгүй (танилцуулсангүй, тайлбарлаагүй) (0 оноо)	<input type="checkbox"/> 4 <input type="checkbox"/> 2 <input type="checkbox"/> 0	

8. ACCUSED'S RIGHTS TRIAL & APPEAL / ЯЛЛАГДАГЧИЙН ЭРХ (АНХАН БОСОН ДАВН ЗААЛДАХ ШҮТ) Part / Бүлэг 8. Right to Be Presumed Innocent, and Not to Be Compelled to Testify or Confess Guilt / Гэм буруутайг нь эцэслэн тогтоох хүртэл гэмт буруугийд тооцогдох, өөрийнхөө гэм бурууг хүлээхийг тулган шаардахаас ангид байх эрх

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЕХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код

Trial Code / Шүүхийн код

8.5. Exercise of Procedural Rights / Хэрэг эсхэлэн шийдвэрлэх ажиглагчид өөрийн эрхээ эдэлж эрхийн хэрэгжилт	Did the accused exercise any of the above rights? / Шүүгдэгч/холобогдогч нь дээрх эрхийн аль нэгийг эдэлсэн үү?	<input type="checkbox"/> No / Үгүй	<input type="checkbox"/> Yes (select all that apply) / Тийм (хаммаарх бүх хэрэгжилт сонгоно уу): <input type="checkbox"/> Right not to testify against themselves or close relatives / Өөрийн бодон ойлгол хавьтны эрхж мэдүүлж өгөхгүй байх эрх <input type="checkbox"/> Right not to be bound by pre-trial confession or denial of guilt / Шүүхийн тиймх шалтга, өлсөн мэдүүлэлт үд гатаарх эрх/гэм бурууг нь урьдчилан тогтоогүй байх <input type="checkbox"/> Right to remain silent / Мэдүүлж өгөхгүй байх эрх		
8.6. Inference from Silence / Мэдүүлж өгөхгүй байгаа байдлаар дүгнэлт өгөх	Did the prosecutor or any judge seek to draw negative conclusions about the accused because of their decision to exercise their right to remain silent? / Прокурор эсхүл шүүгч нь шүүгдэгч/холобогдогч мэдүүлж өгөхгүй байх эрхээ эдэлснийх нь төлөө сөрөг дүгнэлт гаргасан үү?	<input type="checkbox"/> No / 4 points / Үгүй / 4 оноо	<input type="checkbox"/> Yes / 0 points / Тийм / 0 оноо	<input type="checkbox"/> 4 <input type="checkbox"/> 0	
TREATMENT OF ACCUSED / ШҮҮГДЭГЧ/ХОЛБОГДОГЧ ХАРИЛЦАХ				SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
8.7. General Pressure / Дарамт шахалт	Did any participants in the trial put any form of pressure on the accused during questioning? If yes, who? / Шүүх хуралдааны оролцогчдын аль нэг тал нь асуулт асууж харуулах явцад шүүгдэгч/холобогдогчид дарамт үзүүлсэн үү? Хэрэг тийм бол хэн?	<input type="checkbox"/> No / 4 points / Үгүй / 4 оноо	<input type="checkbox"/> Yes (select all that apply) / 0 points / Тийм (хаммаарх бүх хэрэгжилт сонгоно уу): 0 оноо <input type="checkbox"/> Judge / Шүүгч <input type="checkbox"/> Prosecutor / Прокурор <input type="checkbox"/> Victim or victim lawyer / Хохирсон эсхүл түүний агууламж <input type="checkbox"/> Defense lawyer / Шүүгдэгч/холобогдогчийн агууламж <input type="checkbox"/> Other – please specify: / Өөрөөр – дурдана уу:	<input type="checkbox"/> 4 <input type="checkbox"/> 0	
8.8. Pressure to Plead Guilty / Гэм буруугаа хүлээхийг тулган дарамтлах	Did a judge or prosecutor suggest that the accused should plead guilty, e.g. to make proceedings run faster or to reduce the punishment? / Шүүгч эсхүл прокурор нь шүүгдэгч/холобогдогчид хамдаж гэм буруугаа хүлээх нь зүйтэй хэмээн зөвлөж байсан үү, эсвэл нь шүүх хуралдааныг хурдан явуулах, мэдүүлж өгөхгүй байхыг бууруулах гэх мэт зорилгоор?	<input type="checkbox"/> No / 4 points / Үгүй / 4 оноо	<input type="checkbox"/> Yes / 0 points / Тийм / 0 оноо	<input type="checkbox"/> 4 <input type="checkbox"/> 0	
PERSONAL OPINIONS ON ACCUSED'S GUILT / ЯЛАГДАГЧ/ХОЛБОГДОГЧИЙН ГЭМ БУРУУГИЙН ТУХАЙ ХУВИЙН ГЭЭЛ БОДЛО				SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
8.9. Prejudgment of Accused's Guilt / Шүүгдэгч/холобогдогчийн гэм буруугийн талаар урьдчилан дүгнэлт гаргах	Did any of the judges, or the court or a public official, make a statement prior to delivery of the verdict that suggested that the accused was guilty? / Шүүгч эсхүл шүүхийн ажилтан, эсхүл бусад нийтийн албан тушаалтны зүгээс хэргийг эцэслэн шийдвэрлэх шүүхийн тогтоол гаргахын өмнө шүүгдэгч/холобогдогчийн гэм бурууг урьдчилан тогтоосон мэтээр ярьсан үү?	<input type="checkbox"/> No / 4 points / Үгүй / 4 оноо	<input type="checkbox"/> Yes / 0 points / Тийм / 0 оноо	<input type="checkbox"/> 4 <input type="checkbox"/> 0	

III – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛАГДАГЧИЙН ЭРХ (АНХАН БОЛОН ДАВЖ ЭЗЭЛДЭХ ШАТ) / Part / Бүлэг 8. Right to Be Presumed Innocent, and Not to Be Compelled to Testify or Confess Guilt / Гэм буруугаа нь эцэслэн тогтоох хүртэл гэмт буруугаа тооцогдох, өөрийнхөө гэм бурууг хүлээхийг тулган шаардахаас ангид байх эрх

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Case Code / Хэргийн код

Trial Code / Шүүхийн код

8.10. Suggestion of Guilt Despite Acquittal / Цагаатгагчаас үл хамгааран гэм буруутай гэм үзэх	If the accused was found innocent, did any of the judges, or the court, or a public official, make a statement after the accused's acquittal that suggested that the accused was guilty even though they had been acquitted? / Шүүгдэгч/холобогдогч гэмт хэрэг үйлдсэн гэм буруутай нь тогтоогдож цагаатгагчид дараа шүүгч эсхүл төрийн төлөөлж буй талаар түүнийг гэм буруутай хэмээн үзэх буй талаар хэлж байсан үү?	<input type="checkbox"/> Not applicable / 4 points / Хамгаарчгүй / 4 оноо	<input type="checkbox"/> No / 4 points / Үгүй / 4 оноо	<input type="checkbox"/> Yes / 0 points / Тийм / 0 оноо	<input type="checkbox"/> 4 <input type="checkbox"/> 0
JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШҮҮДЭГЧ ӨСНӨН ТИЛЧИГЭЭНИЙ ТНЭГЭЭНИЙ ОНООНЫ КАРТЫН ТООЦООДОЛ					
Right to Be Presumed Innocent, and Not to Be Compelled to Testify or Confess Guilt / Гэм буруугаа нь эцэслэн тогтоох хүртэл гэмт буруугаа тооцогдох, өөрийнхөө гэм бурууг хүлээхийг тулган шаардахаас ангид байх эрх					
Score (out of 36) / Нийт оноо (Нийт 36 оноо):	Grade / Тэмдэглэх:	<input type="checkbox"/> Very Good / Illan ойн (28-36 points / оноо)	<input type="checkbox"/> Good / Сайн (19-27 points / оноо)	<input type="checkbox"/> Poor / Нийц (10-18 points / оноо)	<input type="checkbox"/> Very Poor / Мааш уу (0-9 points / оноо)

III – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛАГДАГЧИЙН ЭРХ (АНХАН БОЛОН ДАВЖ ЭЗЭЛДЭХ ШАТ) / Part / Бүлэг 8. Right to Be Presumed Innocent, and Not to Be Compelled to Testify or Confess Guilt / Гэм буруугаа нь эцэслэн тогтоох хүртэл гэмт буруугаа тооцогдох, өөрийнхөө гэм бурууг хүлээхийг тулган шаардахаас ангид байх эрх

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Case Code /
Хэргийн код

Team Code /
Бэлгэм мэд

Part / Бүлэг 9. Right to Objective and Comprehensive Evaluation of Evidence / Нотлох баримтыг тал бүрээс нь бодитой, бүрэн гүйцэд үнэлүүлэх эрх

COMPLETE FOR ALL CASES: / БҮХ ХЭРЭГ ДЭЭР БӨГЛӨНӨ:
SECTION A: EVIDENCE AND DEFENSE / ХЭСЭГ А: НОТЛОХ БАРИМТ БОЛОН ӨМГӨӨЛӨХ

TREATMENT OF EVIDENCE / НОТЛОХ БАРИМТАЙ ХАРИХДАХ		SCORE / УНДОО	NOTES / ГЭМДЭГЛЭЛ
9.1. Investigative Records / Мөрдөн шалгах ажиллагааны баримт материал	To what extent were the records of the investigation contained in the case file described in court? / Хэлэцт хэрэгт буй мөрдөн шалгах ажиллагааны баримт материал нь шүүхийн шатанд ямар хэмжээнд танилцуулан тайлбарлагдсан байсан бэ?	<input type="checkbox"/> Thoroughly described (2 points) / Нарийн дэлгэрэнгүй тайлбарлагдсан (2 оноо) <input type="checkbox"/> Only briefly mentioned (1 point) / Зөвхөн тал дурдсан (1 оноо) <input type="checkbox"/> Not described at all (0 points) / Ой тайлбарлагдсангүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
9.2. Investigative Procedures / Мөрдөн шалгах ажиллагаа	Was evidence presented as to whether the crime scene investigation, identification of persons, investigatory expertise, acquisition of samples for examination, and commissioning of any experts was performed according to established procedures? / Хэргийн газрын үзлэг, таныг олүүлж ажиллагаа, туршилт, дээж авах, шинжлэх томилогч зэрэг шүүхийн шатанд танилцуулсан нотлох баримт цуглуулж бэхжүүлэх ажиллагаа нь хуульч тогтоосон журмын дагуу хийгдсэн байсан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0
9.3. Accused's Pre-Trial Statement / Шүүхийн өмнөх шатанд өгсөн яллагад/хэлбэрт дэгчийн мэдүүлэг	Was the content of the accused's pre-trial statement made referred to during the public hearing or in the public judgment in full in any format (e.g. audio, video, writing)? / Шүүхийн өмнөх шатанд шүүгдэгч/хэлбэрдэгчийн өгсөн мэдүүлэг нь бүтэцээрээ аудио, видео, бичиг зэрэг хэлбэрээр шүүхийн хаалттай хэлэлцүүлэлт, эсхүл шүүхийн шийдвэрт хаалттай дуралдсан уу?	<input type="checkbox"/> Yes, in full (2 points) / Тийм, бүрэн хэлбэрээр (2 оноо) <input type="checkbox"/> Yes, but only in a selective and nonrepresentative way (1 point) / Тийм, Голцээс тодорхой хэсгийг нь сонгон өгсөн бөгөөд, илэрхийлэл бүрэн хэлбэртэй/хэлбэртэй байсан (1 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
9.4. Withholding Statement / Мэдүүлгийг дэлгэхээс татгалзах	If the content of the pre-trial statement was not referred to in made public in full, was there a legitimate protection or public order reason for withholding this information? / Хэрэг шүүхийн өмнөх шатанд өгсөн мэдүүлэг нь хуульчид дээр хаалттай хэлэлцэгдээгүй, ил болоогүй бол түүний хаалттай байлгах хуульд заасан үндэслэл байсан уу?	<input type="checkbox"/> Not applicable (2 points) / Хамраагүй (2 оноо) <input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0
9.5. Contradictions in Accused's Statement / Шүүгдэгч-хэлбэрт дэгчийн мэдүүлгийн зөрүүтэй байдал	Did any of the accused's testimony at trial contradict their statements given during the investigation? / Шүүх хуралдаан дээр шүүгдэгч/хэлбэрдэгчийн өгсөн мэдүүлэг нь мөрдөн байцаалтын үеэр өгсөн мэдүүлгээс зөрүүтэй байсан уу?	<input type="checkbox"/> No / Үгүй <input type="checkbox"/> Yes (indicate significance of contradiction): / Тийм (зөрүүтэй байдлыг хэлнэ үү) <input type="checkbox"/> Major contradictions / Мушгаан зөрүүтэй байсан <input type="checkbox"/> Moderate contradictions / Тасархай (зунд) хэмжээний зөрүүтэй байсан <input type="checkbox"/> Minor contradictions / Бэлхэн хэмжээний зөрүүтэй байсан	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0

II - ACCUSED'S RIGHTS (TRIAL & APPEAL) / ИЛЛЭГДЭГЧИЙН ЭРХ (АНХИМ БОЛОН ДАРХ ЗАЛДАХ ШАТ) / Part / Бүлэг 9. Right to Objective and Comprehensive Evaluation of Evidence / Нотлох баримтыг тал бүрээс нь, ил бүрээр шалгуулах эрх

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Case Code /
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Бэлгэм мэд

If there was a contradiction, describe it: / Хэрэг зөрүүтэй байсан бол энэ талаар тайлбарлана уу:				
9.6. Equality of Evidence / Нотлох баримтын хувьд талуудын тэгш байдал хангагдсан эсэх	Did it appear that the court may have unreasonably placed the accused at a disadvantage compared with the prosecutor in terms of the evidence that each side was able to submit? / Шүүхийн зүгээс нотлох баримт гарган өгөх асуудлын хувьд яллах талд давуу байдал олгож, шүүгдэгч/хэлбэрдэгч талыг шалтгааныгүйгээр хялаарласан уу?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Possibly (1 point) / Мэргээр (1 оноо) <input type="checkbox"/> Yes (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
9.7. Defense Complaints / Өмгөөлөгч гомдол гаргах	Did the defense complain about any such disadvantage? / Өмнөх асуултад дурдсан сул тал үүсгэж буйтай холбоотойгоор шүүгдэгч/хэлбэрдэгчийн зүгээс гомдол гаргасан уу?	<input type="checkbox"/> No / Үгүй <input type="checkbox"/> Yes, but the complaint was dismissed / Тийм, гомдол тогтоогч хялаарсан <input type="checkbox"/> Yes, and the complaint was accepted / Тийм, гомдол хэргийн		
9.8. Relevant Evidence / Нотлох баримтын хамраалт байдал	Did the court fail to introduce, consider, or admit any relevant evidence? / Шүүхээс хэрэгт хамраалттай нотлох баримтыг танилцуулаагүй, авч хэлэлцээгүй, эсхүл нотлох баримтад тооцогүй тохиолдол гарсан уу?	<input type="checkbox"/> Not applicable (2 points) / Хамраагүй (2 оноо) <input type="checkbox"/> No (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Yes (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
9.9. Relevant Questions / Хамраалттай асуултууд	Did the court dismiss any relevant questions posed by a party? / Талуудын зүгээс хэрэгт хамраалттай асуултыг гаргасан ч шүүхээс хялаарсан үзээгүй тохиолдол гарсан уу?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Yes (asked every party whose questions were dismissed: (2 points) / Тийм (асуулж нэхсэн талын үзээгүй асуултууд сонгоно уу? (2 оноо) <input type="checkbox"/> Prosecution / Яллах тал <input type="checkbox"/> Defense / Өмгөөлөгч тал	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
9.10. Irrelevant Evidence / Хэрэгт хамраалтгүй нотлох баримт	Did the court take all reasonable steps to exclude irrelevant and/or inadmissible evidence from being heard? / Шүүхээс хэрэгт үл хамраах эсхүл нотлох баримтаар тооцогдохгүй баримтыг хэрэгсээс хасах бүхий л боломжит арга хэмжээг авч хэрэгжүүлсэн үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> Not applicable as no evidence was discussed (2 points) / Хамраагаагүй, учир нь нотлох баримт хэлэлцээгүй (2 оноо) <input type="checkbox"/> Only insufficient steps were taken (1 point) / Зөвхөн хангалттай бүрхсвэрээр арга хэмжээ авсан (1 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
9.11. Use of Torture / Эрүүдэн шүүх	Was there anything to suggest that evidence was obtained through psychological or physical coercion, torture, ill-treatment, duress, threats, deceit or other unlawful treatment? / Нотлох баримтыг цуглуулахдаа сэтгэл зүйн болон бие махбодын дарамт, шалт, албадлага, эрүүдэн шүүлт, хэрцүүй арга, заналхийлэл, хууран мэхлэлт, албадлага эсхүл бусад хууль бус арга замаар цуглуулсан гэж үзэхээр нэхцэл байдал байсан уу?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Yes - describe (0 points) / Тийм - тайлбарлана уу (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	

III - ACCUSED'S RIGHTS (TRIAL & APPEAL) / ИЛЛЭГДЭГЧИЙН ЭРХ (АНХИМ БОЛОН ДАРХ ЗАЛДАХ ШАТ) / Part / Бүлэг 9. Right to Objective and Comprehensive Evaluation of Evidence / Нотлох баримтыг тал бүрээс нь, ил бүрээр шалгуулах эрх

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Case Code / Хэргийн код		Team Code / Бэлтгэл код	
	If so, did any party raise this? / Хэрэг тийм бол аль нэг талдас энэ асуудлыг сөхөн гаргасан уу?	<input type="checkbox"/> No / Үгүй	<input type="checkbox"/> Yes – indicate which (select all that apply) / Тийм – хэр бодсыг нь дурдсан уу (хэд хэдээрх бүх хариултыг сонгоно уу) <input type="checkbox"/> Defense / Шүүгдэгч/хэлбэлдэгчийн өмөөрөл <input type="checkbox"/> Prosecution / Улсын яллагч <input type="checkbox"/> Victim / Хохирогч <input type="checkbox"/> Judge / Шүүн
9.12. Admission of Torture-Tainted Evidence / Эрүүдэн шүүх замаар цуглуулсан нотлох баримтыг хүлээн зөвшөөрөх	Did the court admit evidence despite allegations or an appearance that they may have been elicited under psychological or physical coercion, torture, ill-treatment, duress, threats, deceit or other unlawful treatment? / Нотлох баримтыг сэтгэл зүйн болон бие махбодын дарамт, шавхал, албарлага, эрүүдэн шүүлт, хэргийг арга заналхийлэл, хууран мэхлэлт, албарлага эсхүл бусад зууль бус арга замаар цуглуулсан байдлаа тогтоогдсон эсхүл уушг таларх аль нэг оролцогч мэдэгдсээр байхад шүүхийн зүгээс тухайн нотлох баримтыг хүлээн зөвшөөрч хүлээн зэвсэг уу?	<input type="checkbox"/> Not applicable (2 points) / Тухайн үед / (2 оноо) <input type="checkbox"/> No (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0
RIGHT TO PRESENT A DEFENSE / ӨӨРИЙГӨӨ ӨМГӨӨЛӨХ ЭРХ			
9.13. Right to Present a Defense / Цагаатгах баримт гарган өгөх эрх	Did the accused have a fair opportunity to: / Дараах үйлдлийг хийх боломж шүүгдэгч/хэлбэлдэгчид шударгаар нээлттэй байсан уу:		
	• rebut the findings of the prosecution? / Улсын яллагчийн хийх дүгнэлтийг няцаах?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> Not applicable (2 points) / Хамраагүй (2 оноо) <input type="checkbox"/> No (2 points) / Үгүй (2 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0
	• comment on written and oral examinations, question and cross-examine witnesses/victims and experts? / Бичлээр болон амаар яриулсан баримт нотлоогдсон тайлбар өгөх, гэрч болон шавхгээч нараас асуулт асуух, сөргүүлэн асуух?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> Not applicable (2 points) / Хамраагүй (2 оноо) <input type="checkbox"/> No (2 points) / Үгүй (2 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0
	• present evidence, including if applicable, new evidence? / нотлох баримт эсхүл шинэ баримт гарган өгөх?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (2 points) / Үгүй (2 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0
	• present the defense case? / Тулгач буй хэргийг бүрэн ялцах/өөрийгөө өмгөөлөх?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (2 points) / Үгүй (2 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0

II – ACCUSED'S RIGHTS TRIAL & APPEAL / ИЛГЭДЭГЧИЙН ЭРХ (АНХАН БОЛОН ДАВЖ ЗААЛДАХ ШАТ) Part / Сүмэр 9. Right to Objective and Comprehensive Evaluation of Evidence / Нотлох баримтаа тал баргасны үнэ бүрээр шалгуулах эрх

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COMPLETE IF AT LEAST SOME WITNESSES AND/OR VICTIMS APPEARED IN COURT IN THIS CASE / ШҮҮХЭД ЗАРИМ ГЭРЧ БОГОН/ЭСХҮЛ ХОХИРОГЧ ОРОЛЦСОН БОЛ БӨГЛӨНӨ	
SECTION B: WITNESSES AND/OR VICTIMS / ХЭЭСЭГ Б: ГЭРЧ ЭСХҮЛ ХОХИРОГЧ	
EXAMINATION OF WITNESSES AND/OR VICTIMS / ГЭРЧ ЭСХҮЛ ХОХИРОГЧООС МЭДҮҮЛЭГ АВАХ	
SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
9.14. Identities of Persons Testifying / Мэдүүлэг өгч буй хүний мэдээлэл	What types of persons testified in this case? / Энэ хэргэд дээр хэн мэдүүлэг өгсөн бэ? <input type="checkbox"/> Only witnesses / Зөвхөн гэрч <input type="checkbox"/> Witnesses and victims / Гэрч болон хохирогч <input type="checkbox"/> Only victims / Зөвхөн хохирогч
9.15. Presence During Others' Testimony / Бусад хүнийг мэдүүлэг өгөх үед байлцах	During the court hearing, were all the witnesses and/or victims examined in the absence of other witnesses and/or victims who had not yet been examined? / Шүүхийн хэлэлцүүлгийн үед гэрч, хохирогчдоос мэдүүлэг авахдаа мэдүүлэг өгөөгүй байгаа бусад гэрч, хохирогчийг байлцуулалгүй авсан уу? <input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> Not applicable – no other witnesses and/or victims (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Partially: some were examined with upcoming witnesses/victims present (1 point) / Хэсэгчлэн байдлаар, зарим гэрч, хохирогчийн хувиар дараах мэдүүлэг өгсөн үеэс гэрч, хохирогчийг байлцуулж мэдүүлэг авсан (1 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)
9.16. Witness/Victim Rights / Гэрч/хохирогчийн эрх	Did the court inform all witnesses and/or victims of their rights in connection with their testimony, and explain the nature of these rights? / Шүүхээс гэрч, хохирогчид эрх зүйн таларх танилцуулж, тайлбарлаж өгсөн үү? <input type="checkbox"/> Yes (informed and explained) (2 points) / Тийм (мэдэгдсэн өгч тайлбарласан) (2 оноо) <input type="checkbox"/> Partially (informed but did not explain) (1 point) / Хэсэгчлэн байдлаар (мэдэгдсэн, тайлбарласангүй) (1 оноо) <input type="checkbox"/> No (neither informed nor explained) (0 points) / Үгүй (мэдэгдсэн өгсөнгүй тайлбарласангүй) (0 оноо)
9.17. Witness/Victim Responsibilities / Гэрч/хохирогчийн хариуцлага	Did the court inform all witnesses and/or victims of the criminal responsibility for giving false testimony, and explain the nature of this responsibility? / Шүүхээс бүх гэрч болон эсхүл хохирогчид хандан худал мэдүүлэг өгсөн тохиолдолд хүлээх хариуцлагын таларх мэдээлж, энэ таларх тайлбарлаж өгсөн үү? <input type="checkbox"/> Yes (informed and explained) (2 points) / Тийм (мэдэгдсэн өгч тайлбарласан) (2 оноо) <input type="checkbox"/> Partially (informed but did not explain) (1 point) / Хэсэгчлэн байдлаар (мэдэгдсэн, тайлбарласангүй) (1 оноо) <input type="checkbox"/> No (neither informed nor explained) (0 points) / Үгүй (мэдэгдсэн өгсөнгүй тайлбарласангүй) (0 оноо)
9.18. Pressure on Witnesses/Victims / Гэрч/хохирогчид дарамт үзүүлэх	Was any psychological or other pressure exerted on witnesses and/or victim(s) during examination by any trial participants to get them to answer questions in a certain way or make or refrain from making certain requests or arguments? / Гэрч эсхүл хохирогчдоос мэдүүлэг авах үед шүүх хуралд оролцогчдын зүгээс тодорхой зүйлсийг яриулсаар эсхүл яриулахгүй байхаар сэтгэл зүйн болон бусад төрлийн дарамт шавхал үзүүлсэн үү? <input type="checkbox"/> No (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Yes (0 points) / Тийм (0 оноо)

III – ACCUSED'S RIGHTS TRIAL & APPEAL / ИЛГЭДЭГЧИЙН ЭРХ (АНХАН БОЛОН ДАВЖ ЗААЛДАХ ШАТ) Part / Сүмэр 9. Right to Objective and Comprehensive Evaluation of Evidence / Нотлох баримтаа тал баргасны үнэ бүрээр шалгуулах эрх

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Case Code / Хэргийн код: _____ Team Code / Бэлгэний код: _____

OPTION 1: TOTAL SCORE / СОНГОЛТ 1: НИЙТ ОНОО YES WITNESSES/VICTIMS, YES EXPERTS / ГЭРЧ/ХӨХИРӨГЧ ТҮЙН, ШИНЖЭЭЧ ТҮЙН					
Total Score = A+B+C / Нийт оноо = А + В + В (out of 40) / (Нийт 40 оноо)	Grade / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (31-40 points / оноо)	<input type="checkbox"/> Good / Сайн (21-30 points / оноо)	<input type="checkbox"/> Poor / Муу (11-20 points / оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-10 points / оноо)
OPTION 2: TOTAL SCORE / СОНГОЛТ 2: НИЙТ ОНОО YES WITNESSES/VICTIMS, NO EXPERTS / ГЭРЧ/ХӨХИРӨГЧ ТҮЙН, ШИНЖЭЭЧ ҮҮЙН					
Total Score = A+B / Нийт оноо = А + В (out of 36) / (Нийт 36 оноо)	Grade / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (28-36 points / оноо)	<input type="checkbox"/> Good / Сайн (18-27 points / оноо)	<input type="checkbox"/> Poor / Муу (10-18 points / оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-9 points / оноо)
OPTION 3: TOTAL SCORE / СОНГОЛТ 3: НИЙТ ОНОО NO WITNESSES/VICTIMS, YES EXPERTS / ГЭРЧ/ХӨХИРӨГЧ ҮҮЙН, ШИНЖЭЭЧ ТҮЙН					
Total Score = A+C / Нийт оноо = А + В (out of 32) / (Нийт 32 оноо)	Grade / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (25-32 points / оноо)	<input type="checkbox"/> Good / Сайн (17-24 points / оноо)	<input type="checkbox"/> Poor / Муу (9-16 points / оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-8 points / оноо)
OPTION 4: TOTAL SCORE / СОНГОЛТ 4: НИЙТ ОНОО NO WITNESSES/VICTIMS, NO EXPERTS / ГЭРЧ/ХӨХИРӨГЧ ҮҮЙН, ШИНЖЭЭЧ ҮҮЙН					
Total Score = A / Нийт оноо = А (out of 28) / (Нийт 28 оноо)	Grade / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (22-28 points / оноо)	<input type="checkbox"/> Good / Сайн (15-21 points / оноо)	<input type="checkbox"/> Poor / Муу (8-14 points / оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-7 points / оноо)

III – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛЛАГДАГЧИЙН ЭРХ (АНХАН БОЛОН ДАВЬС ААНЛАХ ШАТ) / Part / Бүлэг 9. Right to Collective and Comprehensive Evaluation of Evidence / Нотлох баримт тал бүрэн нь ил болон эрх зүйн үнэлгээ

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Case Code / Хэргийн код: _____ Team Code / Бэлгэний код: _____

Part / Бүлэг 10. Equality of Arms / Талуудын тэгш байдал			SCORE / ОНОО	NOTES / ТЭМДЭГ / ЗЭВ
DEFENSE AND PROSECUTION RIGHTS / ӨМГӨӨЛӨХ БОЛОН ЯЛЛАХ ТАЛЫН ЭРХ				
10.1. Presenting Evidence or Arguments / Нотлох баримт, үндэслэл тайлбар гаргах	Was anything said during the hearing, or did anything happen, to suggest that the defense (i.e. either an unrepresented accused or an accused and defense lawyer) or prosecution was denied the opportunity to present evidence or arguments? / Шүүхийн хэлэлцүүлгийн үеэр яллах болон шүүгдэгч/холбогдох талын (ж: төлөөлөгч/ шүүгдэгч/ холбогдох, эсхүл шүүгдэгч/холбогдох, шүүгдэгч/ холбогдохийн өмгөөлөгч) зүгээс нотлох баримт, тайлбар үндэслэл гаргаж өгөх боломж хязгарчлагдсан талаар дурдасан уу?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Yes (select which parties had this opportunity denied): (0 points) / Тийм (аль талын боломж/хэрэгсэлт байхгүй байсан уу) (0 оноо) <input type="checkbox"/> Prosecution / Яллах тал <input type="checkbox"/> Defense / Өмгөөлөх тал	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
What was said or what happened: / Юу гэж тайлбарласан, юу тохиолдсон:	Select all that apply: / Хаяаахыг зарцуулж сонгоно уу: <input type="checkbox"/> The judge announced that one or more parties would not have such opportunity or did not provide such opportunity / Шүүхийн үгээр аль нэг тал нь ийм эрх зүйн талбайг эзэмшээгүй боломж байгааг зарчлаа / судлаач/ судлаачийн талбайг олгоогүй <input type="checkbox"/> A party's application to present evidence or arguments was denied / Нотлох баримт, тайлбар үндэслэл гаргаж өгөх боломж талын хүсэлтийг үл олонгосон <input type="checkbox"/> A party commented on the inability to present evidence or arguments / Нотлох баримт, үндэслэл гаргаж өгөх боломж талын үгээр байхгүй байсан боломж талын оролцоогүй тал талбайг зарчлаа <input type="checkbox"/> Other – please specify: / Бусад – дурдана уу:			
10.2. Questioning Witnesses, Victims or Experts / Гэрч, хөхирөгч болон шинжээчээ асуулт асуух	Was anything said during the hearing, or did anything happen, to suggest that the defense (i.e. either an unrepresented accused or an accused and defense lawyer) or prosecution was denied the opportunity to question witnesses, victims and/or experts? / Шүүхийн хэлэлцүүлгийн үеэр өмгөөлөх (ж: төлөөлөгч, өмгөөлөгч/ шүүгдэгч/холбогдох, эсхүл бусад шүүгдэгч/холбогдох, шүүгдэгч/холбогдохийн өмгөөлөгч) болон яллах талын зүгээс гэрч, хөхирөгч болон шинжээчээ асуулт асуух боломжийг шүүх хязгарчлагдсан талаар жишээ нэгэн зүйл дурдасан уу?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Yes (select which parties had this opportunity denied): (0 points) / Тийм (аль талын боломж/хэрэгсэлт байхгүй байсан уу) (0 оноо) <input type="checkbox"/> Prosecution / Яллах тал <input type="checkbox"/> Defense / Өмгөөлөх тал	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
What was said or what happened: / Юу гэж тайлбарласан, юу тохиолдсон:	Select all that apply: / Хаяаахыг зарцуулж сонгоно уу: <input type="checkbox"/> The judge announced that one or more parties would not have such opportunity or did not provide such opportunity / Шүүхийн үгээр аль нэг тал нь ийм эрх зүйн талбайг эзэмшээгүй боломж байгааг зарчлаа <input type="checkbox"/> A party's application to question one or more persons was denied / Асуулт асуух зүйлсийг хязгарч асуух боломж талын хүсэлтийг үл олонгосон <input type="checkbox"/> The relevant witnesses, victims and/or experts did not attend the hearing and no other opportunities were afforded to question them / Хэрэгсэлт байхгүй гэрч, хөхирөгч, шинжээч оролцоогүй, тэдгээрийг асуух эрх боломж олгоогүй <input type="checkbox"/> Other – please specify: / Бусад – дурдана уу:			

III – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛЛАГДАГЧИЙН ЭРХ (АНХАН БОЛОН ДАВЬС ААНЛАХ ШАТ) / Part / Бүлэг 10. Equality of Arms / Талуудын тэгш байдал

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10.3. Reviewing Case File / Хаягтай хэрэгтэй танилцах	Was anything said during the hearing, or did anything happen, to suggest that the defense (i.e. either an unrepresented accused or an accused and defense lawyer) or prosecution was denied the opportunity to review the case file in whole or in part? / Шүүх журмалданы үеэр яллах болон өмгөөлөгч (хс. төлөөлөгч, өмгөөлөгчий шүүгдэгч/хэлбэлдэгч, эсхүл шүүгдэгч/хэлбэлдэгч) талууд хаягтай хэрэгтэй бүхэлд нь эсхүл хэсэгчилэн танилцах боломжийг хэвээр хялгаргасан талаар дурдсан уу?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Part of the case file was unavailable, but for valid witness/protection reasons (2 points) / Хэргийн хэргийн үндэслэлээр хэсэг хэсэгээр хаягтай танилцах боломжгүй байсан нь гэрч хялгаргасан эсхүл бусад шалтгаантай байсан (2 оноо)	<input type="checkbox"/> All of the case file was unavailable for no valid or known reason (3 points) / Үүсээс хэргийн үндэслэлээр хаягтай танилцах боломжгүй байсан (3 оноо) <input type="checkbox"/> All of the case file was unavailable for no valid or known reason (3 points) / Үүсээс хэргийн үндэслэлээр хаягтай танилцах боломжгүй байсан (3 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
To which party or parties was the case file unavailable in whole or part? / Аль тал нь хаягтай хэрэгтэй бүхэлд нь эсхүл хэсэгчилэн танилцах боломжгүй байсан бэ?		<input type="checkbox"/> Prosecutor / Яллах тал <input type="checkbox"/> Defense / Өмгөөлөгч тал		
What was said or what happened? / Юу гэж танилбарласан, юу тохиолдсон:		<input type="checkbox"/> Select all that apply / Хэвээрх хариугаар сонгоно уу. <input type="checkbox"/> A party commented on the inability to review all or part of the case file / Ороогч талын хүсээс хаягтай танилцах (бүхэлд нь эсхүл хэсэгчилэн) боломж олгоогүй талаар талдбар гаргасан <input type="checkbox"/> Other – please specify / Бусад – дурдана уу.		
10.4. Requests in Court / Шүүхэд хүсэлт гаргах	Was anything said during the hearing, or did anything happen, to suggest that the defense (i.e. either an unrepresented accused or an accused and defense lawyer) or prosecution was denied the opportunity to make requests in court? / Хэлэлцүүлгийн үеэр яллах болон өмгөөлөгч (хс. төлөөлөгч, өмгөөлөгчий шүүгдэгч/хэлбэлдэгч, эсхүл шүүгдэгч/хэлбэлдэгч) талууд шүүхэд хүсэлт гаргах эрхийг хялгаргасан гэх дурдсан уу эсхүл тийм тохиолдол гарсан уу?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Yes (see which parties had this opportunity denied) (3 points) / Тийм, хэргийн хэргийн үндэслэлээр хаягтай танилцах боломжгүй байсан (3 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
What was said or what happened? / Юу гэж танилбарласан, юу тохиолдсон:		<input type="checkbox"/> Select all that apply / Хэвээрх хариугаар сонгоно уу. <input type="checkbox"/> The judge announced that one or more parties would not have such opportunity or did not provide such opportunity / Шүүхийн ярих арга нь нэг талд эрхгүй боломж олгоогүй хэвээр хэргийн үндэслэлээр хаягтай танилцах боломжгүй байсан <input type="checkbox"/> A party's application to make a request was denied / Хэргийн гаргах талын хүсэлт тийм хялгаргасан <input type="checkbox"/> A party commented on the inability to make requests / Ороогч талын хүсээс хүсэлт гаргах боломжгүй талаар талдбар гаргасан <input type="checkbox"/> Other – please specify / Бусад – дурдана уу.		

III – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ИЛЛЭГДЭГЧИЙН ЭРХ (АНХАН БОЛОН ДЭВЖ СЭЭЛДЭХ ШАТ) Part / Энхэр 10. Equality of Arms / Тэгшдүнтэн байдал

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10.5. Pre-Trial Requests or Complaints / Шүүхийн өмнөх шатанд гомдол, хүсэлт гаргах	Was anything said during the hearing, or did anything happen, to suggest that the defense (i.e. either an unrepresented accused or an accused and defense lawyer) or prosecution was denied the opportunity to file requests or complaints at the pre-trial stage? / Шүүхийн өмнөх шатанд гомдол, хүсэлт гаргах яллах болон шүүгдэгч/хэлбэлдэгч, эсхүл шүүгдэгч/хэлбэлдэгч, шүүгдэгч/хэлбэлдэгчийн өмгөөлөгч талын хүсэлтийг хялгаргасан талаар яригдсан эсхүл тохиолдсон үйл байгаа юу?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо) <input type="checkbox"/> Yes, but it was not open to the party to file such requests or complaints (2 points) / Тийм, гэхдээ талуудад гомдол, хүсэлт гаргах нь хялгаргасан байсан (2 оноо) <input type="checkbox"/> Yes, the party was unable to file such requests or complaints (3 points) / Тийм, ороогч тал нь эрхгүй боломж олгоогүй хаягтай танилцах боломжгүй байсан (3 оноо)	<input type="checkbox"/> All opportunities to file requests and complaints were denied (3 points) / Гомдол, хүсэлт гаргах биеийн болон хялгаргасан (3 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
To which party or parties was the opportunity to file requests or complaints denied? / Аль талын гомдол, хүсэлт гаргах эрхийг хялгаргасан бэ?		<input type="checkbox"/> Prosecutor / Яллах тал <input type="checkbox"/> Defense / Өмгөөлөгч тал		
What was said or what happened? / Юу гэж танилбарласан, юу тохиолдсон:		<input type="checkbox"/> Select all that apply / Хэвээрх бүх хариугаар сонгоно уу. <input type="checkbox"/> A party commented on the inability to file requests or complaints / Ороогч талын хүсээс гомдол, хүсэлт гаргах боломжгүй байсан <input type="checkbox"/> Other – please specify / Бусад – дурдана уу.		
10.6. Courtroom Layout / Шүүх танхимын зохион байгуулалт	Was either the prosecution or defense (i.e. either an unrepresented accused or an accused and defense lawyer) situated nearer to the judge or judges in the courtroom? / Яллах эсхүл шүүгдэгч/хэлбэлдэгч, эсхүл шүүгдэгч/хэлбэлдэгчийн өмгөөлөгч талын аль нэг нь шүүх журмалданы танхимд шүүх/шүүх бүрэлдэхүүнтэй ойр суусан байсан уу?	<input type="checkbox"/> No, they were both at equal distance from the judge(s) (2 points) / Үгүй, аль тал нь ч шүүхээс хялгаргасан байсан (2 оноо) <input type="checkbox"/> Yes, the Defense was closer (3 points) / Тийм, өмгөөлөгч тал ойр байсан (3 оноо) <input type="checkbox"/> Yes, the Prosecution was closer (3 points) / Тийм, яллах тал ойр байсан (3 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
10.7. Closing Remarks / Эцсийн үг	Was either the prosecution or defense (i.e. either an unrepresented accused or an accused and defense lawyer) denied the opportunity to make closing remarks? / Яллах эсхүл өмгөөлөгч талын эцсийн үг хэлэх боломжийг хялгаргасан тохиолдол байгаа юу?	<input type="checkbox"/> No, they both had this opportunity (2 points) / Үгүй, аль тал нь ч ороогчийн талд байсан (2 оноо) <input type="checkbox"/> Yes, only the Prosecution was denied this opportunity (3 points) / Тийм, яллах талын боломжийг хялгаргасан (3 оноо) <input type="checkbox"/> Yes, only the Defense was denied this opportunity (3 points) / Тийм, өмгөөлөгч талын боломжийг хялгаргасан (3 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	

III – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ИЛЛЭГДЭГЧИЙН ЭРХ (АНХАН БОЛОН ДЭВЖ СЭЭЛДЭХ ШАТ) Part / Энхэр 10. Equality of Arms / Тэгшдүнтэн байдал

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЕХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code /
Хэргийн кодTeam Code /
Байрны код

DEFENSE RIGHTS / ӨМГӨӨЛӨХ ТАЛЫН ЭРХ				SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
10.8. Last Word for the Defense / Шүүгдэгч холбогдогчийн эцсийн үг	Was the accused or their defense lawyer denied the opportunity to have the last word? / Шүүгдэгч/холбогдогч эсхүл түүний өмгөөлөгчийн эцсийн үг хэлэх боломжийг хангалгүй тохиолдол байгаа юу?	<input type="checkbox"/> No / 2 points / Үгүй (2 оноо)	<input type="checkbox"/> Party (the judge interrupted and stopped the remarks) / 1 point / Холбогдогч бодлоор (шүүх үгийг нь зогсоосон) (1 оноо)	<input type="checkbox"/> Yes, in full / 0 points / Тийм, бүтэлээр нь хэлэлцэгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШУДАРГА ЭСНЬ ТҮЙЛЧИЛГЭЭНИЙ ҮНЭЛГЭЭНИЙ ОНООНЫ КАРТЫН ТООЦООЛЛОЛ					
Equality of Arms / Талуудын тэгш байдал					
Score (out of 16): / Нийт оноо (Нийт 16 оноо)	Guide / Үнэмлэг	<input type="checkbox"/> Very Good / Mass case (13-16 points / оноо)	<input type="checkbox"/> Good / Case (9-12 points / оноо)	<input type="checkbox"/> Poor / My (5-8 points / оноо)	<input type="checkbox"/> Very Poor / Mass my (0-4 points / оноо)

B – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛЛАГАТЧИЙН ЭРХ (АНХАН БОЛОН ДАВЬН ЗААЛДАХ ШАТ) Part / Бүлэг 10. Equality of Arms / Талуудын тэгш байдал

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЕХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code /
Хэргийн кодTeam Code /
Байрны код

Part / Бүлэг 11. Right to Defend Oneself in Person or Through Counsel / Өөрөө өөрийгөө өмгөөлөх болон өмгөөлөгчөөр өмгөөлүүлэх эрх						
COMPLETE FOR ALL CASES: / БҮХ ХЭРЭГ ДЭЭР БӨГЛӨНӨ: SECTION A: DEFENSE RIGHTS IN ALL CASES / ХЭСЭГ А: БҮХ ХЭРЭГ ДЭЭРХ ӨМГӨӨЛҮҮЛЭХ ЭРХ						
GENERAL RIGHT TO A DEFENSE / ӨМГӨӨЛҮҮЛЭХ ЕРӨНХИЙ ЭРХ					SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
11.1. Presence of Accused / Шүүгдэгч/холбогдогч огч биелсэн оролцох	Was the accused present in the court for all hearings? / Шүүх хуралдаанд шүүгдэгч/холбогдогч биелсэн оролцсон уу?	<input type="checkbox"/> Yes / 2 points / Тийм (2 оноо)	<input type="checkbox"/> No, but the accused appeared with consent via video-link / 1 point / Үгүй, гэхдээ хамтарсан үндсэн дээр зурвараар оролцсон (1 оноо)	<input type="checkbox"/> Only some hearings, for others, the accused was absent for no valid or known reason / 0 points / Зөвхөн зарим хуралдаанд шүүгдэгч/холбогдогч хүндэтгэн үзэх болон мэдэгдэх шалтгаангүйгээр хуучирчээ (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
11.2. Adequate Time and Access to Information / Мэдээлэл авах хангалттай цаг хугацаа олгогдсон байн	Was the accused given adequate and timely access to relevant information about their case - including, if relevant, about any witnesses or experts who would be testifying? / Шүүгдэгч/холбогдогч нь өөрийн хэрэгтэй холбоотой мэдээлэл, жишээ нь мэдүүлэг өгөх гэрч, шинэснч мэргэжлээр хуульч холбогдох мэдээллийг авах боломжтой байсан эсэх?	<input type="checkbox"/> Yes / 2 points / Тийм (2 оноо)	<input type="checkbox"/> Some access but it was limited or late / 1 point / Зарим талаар тийм, гэхдээ үедэрхэг, хэвлэл талтай эсхүл хугацаа зогсоон байсан (1 оноо)	<input type="checkbox"/> No / 0 points / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
11.3. Obstacles to a Proper Defense / Өөрийгөө өмгөөлөх, өмгөөлүүлэх эрхээ хэрэгжүүлэхэд учирсан саад тогтор	Did there appear to be any obstacles that limited the accused's opportunity to fully present their defense? / Шүүгдэгч/холбогдогч өөрийгөө өмгөөлөх, өмгөөлүүлэх, гайлбар үндэслэлээр бүрэн дүүрэн танилцуулахад ямар нэг саад тогтор учирсан уу?	<input type="checkbox"/> No / 2 points / Үгүй (2 оноо)	<input type="checkbox"/> Yes (select all that apply): / 0 points / Тийм (захираар бүх хэрэгтэйг сонгоно уу) (0 оноо) <input type="checkbox"/> The accused was underrepresented and could not fully understand the proceedings / Шүүгдэгч/холбогдогч үг хуралд төлөөлүүлэх нэвдэгийг бөгөөд хэрэгтэйг анхилдсантай амьдралын талаар бүрэн дүүрэн ойлголтгүй байсан. <input type="checkbox"/> Even though represented, the accused seemed unable to follow or influence proceedings through that lawyer / Хэрэгт талвартай оролцох өмгөөлөгчтэй болсон ч түүнээр дамжуулан хэрэгтэйг анхилдсантай амьдралын талаар дүнхэж, зүй бусор нийгмийн үзүүлэх чадваргүй. <input type="checkbox"/> Defense lawyer did not seem competent / Шүүгдэгч/холбогдогчийн өмгөөлөгч но ур чадвартай байсангүй. <input type="checkbox"/> The court appeared to predefine the accused's guilt / Шүүх түүнийг гэм буруутгана талаар урьдчилсан дүгнэлт хийсэн мэт байсан. <input type="checkbox"/> The court appeared to have affidavits issues biasing them against the accused / Шүүхээр шүүгдэгч/холбогдогчийг гэдүүрхэх, алдахтай хэрэг холбогдсон шалтгаант асуудлууд гаргаж, болсон мэт амьдралын. <input type="checkbox"/> The defense did not have an equal opportunity as the prosecution to present a case / Хэрэгтэй талаар танилцуулахад талтай талтай карьдуулбал өмгөөлөх тал нь гэрч боломж олгоогүй болсон.		<input type="checkbox"/> 2 <input type="checkbox"/> 0	

B – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛЛАГАТЧИЙН ЭРХ (АНХАН БОЛОН ДАВЬН ЗААЛДАХ ШАТ) Part / Бүлэг 11. Right to Defend Oneself in Person or Through Counsel / Өөрөө өөрийгөө өмгөөлөх болон өмгөөлөгчөөр өмгөөлүүлэх эрх

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЗХ-ийн хэргийн шүүх хуралдааны амжилтын хэрэглэгдэхүүн (Бүртгэл ийн хуудас)

Case Code /
Хэргийн кодTeam Code /
Бэлгэм код

		<input type="checkbox"/> The hearing was postponed, and the time frame was insufficient / Шүүхийн хэлэлцүүлэгээр хатуу явдал, дугаар зэмлэггүй байсан <input type="checkbox"/> Defense questions/arguments were interrupted or cut short / Өгөөлөгчийн асуулт, үндэслэлүүдийг тасалж, тохиргоог байсан <input type="checkbox"/> The court changed the scene for which the accused would be charged and convicted and did not give the accused an opportunity to present arguments in relation to the new crime / Шүүхэнг шүүхдэг холбогдогчийн эсрэг өөр өөр гэрч/хүчлэгээр өөр өөр шалтгаан, үндэслэл өөрчлөхөд үндэслэл тайлбар гаргах боломжийг шүүхдэгч/холбогдогчид олгоогүй <input type="checkbox"/> Other – please specify / Үүрд – дурдана уу			
Describe what you observed / Өөрийн ажигласан зүйлийг тайлбарлана уу:					
11.4. Reviewing Opposing Evidence / Эсрэг талын нотолгоотой танилцах	Did the defense have an opportunity to obtain and comment on any observations filed or evidence submitted by the other party? / Яллагдагч/холбогдогчийн нөгөө талын гарган ирсэн нотолгоотой танилцах, өөрийн тайлбарыг өгөх боломжтой байсан уу?	<input type="checkbox"/> Yes (2 points) / Тийэ (2 оноо) <input type="checkbox"/> Yes but the opportunity was insufficient (1 point) / Тийэ, гэхдээ боломж хангалтгүй байсан (1 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0		
11.5. Removal of Accused / Яллагдагч/холбогдогчийг шүүх танхимгаас гаргах	Was the accused at any point removed from the courtroom while the proceedings were ongoing? / Шүүх хуралдааны үргэлжилж байх үед шүүдэгч/холбогдогчийг хуралдааны танхимгаас гаргасан уу?	<input type="checkbox"/> No / Үгүй <input type="checkbox"/> Yes – indicate why (add all reasons that apply) / Тийэ – шалтгаан-ыг дурдана уу (хамраах бүх шалтгааныг сонгоно уу) <input type="checkbox"/> Prevention of testifying witness/victim (see Section B) / Мэдүүлэгч/ өгч гэрч/хүчлэгчдийн хэргийнхэн хэргийнхэн байгаа 5 хэсэг дээр үнэ үнэ <input type="checkbox"/> Judge's decision / Шүүх нэг зэмлэгдэхийн тулд <input type="checkbox"/> Other – please specify / Үүрд – дурдана уу			
COMPLETE IF THE ACCUSED WAS REMOVED FROM THE COURTROOM AT ANY POINT DURING THE TRIAL; / ШҮҮХ ХУРАЛДААНЫ ҮЕЭР ШҮҮДЭГЧ/ХОЛБОГДОГЧИЙГ ШҮҮХ ХУРАЛДААНЫ ТАНХИМААС ГАРГАСАН БОЛ БӨГЛӨНӨ: SECTION B: RIGHT TO BE PRESENT / ХЭСЭГ Б: БИЕЧЛЭН ОРОЛЦОХ					
RIGHT TO BE PRESENT / БИЕЧЛЭН ОРОЛЦОХ ЭРХ				SCORE / ОНОО	NOTES / ГЭМДЭГЛЭЛ
11.5. Reasons for Removal / Шүүх хуралдааны танхимгаас гаргасан шалтгаан	Was the accused removed during the trial for a valid legal reason? / Шүүдэгч/холбогдогчийг хуульд заасан хүчин төгөлдөр үндэслэлээр шүүх хуралдааны танхимгаас гаргасан уу?	<input type="checkbox"/> Yes, protection of witness/victim (2 points) / Тийэ, гэрч/хүчлэгчдийг хамгаалах зорилгоор (2 оноо) <input type="checkbox"/> Yes, a reason other than protection of the witness/victim (2 points) / Тийэ, гэхдээ гэрч/хүчлэгчдийн хамгаалах зорилгоор бусад шалтгаан (2 оноо) <input type="checkbox"/> No, reason unknown or invalid (0 points) / Үгүй, ямар нэгэн шалтгаан, үндэслэлгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0		

11 - ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛЛАГДАГЧИЙН ЭРХ (АНХАН БОРОН ДАХЬ ЗААМДЭХ ШАТ) Part / Бүлэг 11. Right to Defend Oneself in Person or Through Counsel / Өөрийн бие даан болон өмгөөлөгчөөр дамжуулан өмгөөлөх эрх

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЗХ-ийн хэргийн шүүх хуралдааны амжилтын хэрэглэгдэхүүн (Бүртгэл ийн хуудас)

Case Code /
Хэргийн кодTeam Code /
Бэлгэм код

11.7. Being Informed of Proceedings / Хэрэг эснэгт шийдвэрлэх амжилтааг тусгай мэдээлэл авах	Was the accused able to follow the proceedings in full from another location, or receive a summary of their contents afterwards? / Шүүдэгч/холбогдогч нь өөр газарт байхдаа хэрэг хянан шийдвэрлэх амжилтааг явцын талаарх мэдээллийг тухай бүр авах, эсхүл дараа тойм мэдээлэл авах боломжоор хангагдсан уу?	<input type="checkbox"/> Yes, accused followed in full through audio-visual link from another location (2 points) / Тийэ, шүүдэгч/холбогдогч өөр газраас видео холбогдоор оролцсон (2 оноо) <input type="checkbox"/> Yes, summary received afterwards (1 point) / Тийэ, мэдээлэл дараа авсан (1 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0		
11.8. Consultation with Lawyer / Өмгөөлөгчтэйгээ зөвлөлдөх	If one or more witnesses/victims testified in the accused's absence, was the defense lawyer able to consult with the accused about the witness/victim's testimony before the witness/victim's testimony was given? / Хэрэг шүүдэгч/холбогдогчийн эсрэг нэг эсхүл дээр тооны гэрч/хүчлэгч мэдүүлэг өгсөн бол тухайн гэрч/хүчлэгч шүүх хуралдааны танхимгаас гарахын өмнө шүүдэгч/холбогдогчийн өмгөөлөгч өөрийн үйл-лүүлэгчтэй зөвлөлдөх боломжтой байсан уу?	<input type="checkbox"/> Yes (2 points) / Тийэ (2 оноо) <input type="checkbox"/> Not applicable (0 points) / Хамраахгүй (0 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0		
11.9. Examining Persons Questioned in Accused's Absence / Шүүдэгч/холбогдогчийг байлцуулалгүйгээр мэдүүлэг авах	If one or more witnesses/victims testified in the accused's absence, was the accused given the opportunity to question those witness/victim's testimony? / Хэрэг шүүдэгч/холбогдогчийн эсрэг нэг эсхүл дээр тооны гэрч/хүчлэгч мэдүүлэг өгсөн бол тухайн гэрч/хүчлэгч мэдүүлэг өгсөн үү?	<input type="checkbox"/> Yes (2 points) / Тийэ (2 оноо) <input type="checkbox"/> Not applicable (0 points) / Хамраахгүй (0 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0		
COMPLETE IF THE ACCUSED HAD A DEFENSE LAWYER AT ANY POINT DURING THE CASE; / ШҮҮДЭГЧ/ХОЛБОГДОГЧ НЬ ШҮҮХ ХУРАЛД ӨӨРИЙН ӨМГӨӨЛӨГЧТЭЙ БАЙСАН БОЛ БӨГЛӨНӨ: SECTION C: RIGHT TO A DEFENSE THROUGH LEGAL COUNSEL / ХЭСЭГ В: ӨМГӨӨЛӨГЧӨӨР ДАМЖУУЛАН ӨМГӨӨЛҮҮЛЭХ ЭРХ					
RIGHT TO A DEFENSE THROUGH LEGAL COUNSEL / ӨМГӨӨЛӨГЧӨӨР ДАМЖУУЛАН ӨМГӨӨЛҮҮЛЭХ ЭРХ				SCORE / ОНОО	NOTES / ГЭМДЭГЛЭЛ
11.10. Assignment of Defense Lawyer / Өмгөөлөгч сонгох, томилох	How was the defense lawyer assigned to the accused's case? / Өмгөөлөгч нь тухайн шүүдэгч/холбогдогчийн хэргийг хэрхэн сонгогдон буюу томилогдон бэ?	<input type="checkbox"/> Appointed / Томилогдон <input type="checkbox"/> Hired by the accused or their family members / Шүүдэгч/холбогдогч эсхүл тухайн гэрч/хүчлэгч мэдүүлэгчид			
	If hired by the accused or their family members, was the accused able to make an independent choice as to who to hire? / Шүүдэгч/холбогдогч өөрсө эсхүл түүний гэрч/хүчлэгч өмгөөлөгчийг сонгон авсан бол тэрэнд сонголтот чөлөөтэй хийх боломж байсан уу?	<input type="checkbox"/> Yes / Тийэ <input type="checkbox"/> No / Үгүй <input type="checkbox"/> Don't know / Мэдэгдэхгүй			

11 - ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛЛАГДАГЧИЙН ЭРХ (АНХАН БОРОН ДАХЬ ЗААМДЭХ ШАТ) Part / Бүлэг 11. Right to Defend Oneself in Person or Through Counsel / Өөрийн бие даан болон өмгөөлөгчөөр дамжуулан өмгөөлөх эрх

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11.11. Duration of Representation / Төлөөлүүлэгч оролцох хугацаа	Was the suspect represented by a defense lawyer from the beginning of the pre-trial stage all the way until the trial proceedings? / Шүүхийн өмнөх шатанд эрүүгийн хэрэг хэсэг шийдвэрлэх ажиллагаа эхэлсэн үеэс сэтгэгтийн хувиар өмгөөлөгчтэй оролцсон байсан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Тийм (0 оноо) <input type="checkbox"/> During the pre-trial investigation / Шүүхийн өмнөх шатанд байрлалтай үйлдэл <input type="checkbox"/> After the completion of the investigation / Мэрдэн байдалт дууссаны дараа <input type="checkbox"/> At the start of the trial / Шүүх хуралдаан эхлээд <input type="checkbox"/> After the start of the trial / Шүүх хуралдаан эхлээд хойш <input type="checkbox"/> Other – please specify / Бусад – дурдана уу:	<input type="checkbox"/> 2 <input type="checkbox"/> 0
11.12. Presence of Defense Lawyer / Өмгөөлөгчийн оролцсон байдал	Was the defense lawyer present during the trial? / Шүүх хуралдаанд өмгөөлөгч оролцсон уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> Only partially (1 point) / Зөвхөн хэсгийн хэсгийн оролцсон (1 оноо) <input type="checkbox"/> No (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
11.13. Location of Lawyer / Өмгөөлөгчийн байрлал	In the courtroom, was the defense lawyer located near the accused? / Шүүх хуралдаан дээр өмгөөлөгч нь шүүгдэгч/холобогдогчийг ойр зүүсэн байсан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> Not applicable (2 points) / Хамраагүй (2 оноо) <input type="checkbox"/> No (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0
11.14. Consulting with Lawyer / Өмгөөлөгчтэйгээ зөвлөх	Were communications between the accused and their lawyer restricted in any way? / Шүүгдэгч/холобогдогч болон өмгөөлөгч нарын хоорондын харилцаа ямар нэг байдлаар хязгаралтай байсан уу?	<input type="checkbox"/> No (2 points) / Тийм (2 оноо) <input type="checkbox"/> Yes (select all that apply) (0 points) / Тийм (хязгарал хязгаралтай байсан үү?) (0 оноо) <input type="checkbox"/> Court imposed limitations on their communication / Шүүхэд хязгарал зарцуулсан нь зогсоогдсон <input type="checkbox"/> Courtroom was too small for the accused and lawyer to be able to speak privately / Шүүх хуралдааны газар их хуримтлагдсан байсан тул хоорондоо илэнгэв ярихыг боломжгүй байсан <input type="checkbox"/> Other – please specify / Бусад – дурдана уу:	<input type="checkbox"/> 2 <input type="checkbox"/> 0
11.15. Communication Between Accused and Lawyer / Өмгөөлөгч болон шүүгдэгч/холобогдогч хоорондын харилцаа	If the accused had a lawyer at trial, describe the defense counsel's style of communication with the accused during the trial (select all that apply): / Шүүгдэгч/холобогдогчийн өмгөөлөгч хуралдаанд оролцсон эсэх - Өмгөөлөгчийн зүгээс шүүх хуралдааны явцад шүүгдэгч/холобогдогчийг харилцсан харьцааны хэл мөхлөг дүрслэн ялзруулна уу (хязгаарлах бүх хариултыг сонгоно).	Lawyer's advice to the accused: / Өмгөөлөгчийн зөвлөх: <input type="checkbox"/> Adequate explanation of issues / Асуудлыг хангалттай тайлбарласан <input type="checkbox"/> Inadequate explanation of issues / Асуудлыг хангалттай тайлбарласан <input type="checkbox"/> Spoke in a way that the accused could understand / Шүүгдэгч/холобогдогчийг ойлгохад зориулж ярьсан <input type="checkbox"/> Spoke in a complex way that the accused appeared to find difficult to understand / Шүүгдэгч/холобогдогчийг ойлгохад төвөгтэй байдлаар ярьсан Lawyer's demeanor: / Өмгөөлөгчийн зан заншил: <input type="checkbox"/> Kind and compassionate / Эмгэг, бодолсон <input type="checkbox"/> Rude / Буруу <input type="checkbox"/> Exhibited gendered stereotypes towards the accused / Шүүгдэгч/холобогдогчийг хэвдэрийн талын эрхэмлэл үзэлтэй харгалзан үзсэн <input type="checkbox"/> Indifferent to the accused / Шүүгдэгч/холобогдогчийг үл тооцоогдсон	

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	Lawyer's seeking of instructions from the accused: / Хуульчийн шүүгдэгч/холобогдогчийг эзлэх чиглэл асуу байдал: <input type="checkbox"/> Adequately sought accused's instructions / Шүүгдэгч/холобогдогчийг хангалттай эзлэх чиглэл асуу байсан <input type="checkbox"/> Inadequately sought accused's instructions / Шүүгдэгч/холобогдогчийг хангалттай эзлэх чиглэл асуу байсан <input type="checkbox"/> Told accused what to do or made decisions on the accused's behalf without consultation / Шүүгдэгч/холобогдогчийг үл тооцоогдсон үйлдэл хийсэн	<input type="checkbox"/> Not applicable / Хамраагүй <input type="checkbox"/> Other – please specify / Бусад – дурдана уу:	
JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШҮДГА АРСНЫ ҮЙЛЧИЛЭЭНИЙ ГҮНЭГЭЭНИЙ ОНОСНЫ КАРТЫН ТООЦОСГОЛ			
Right to Defend Oneself in Person or Through Counsel / Өөрөө өөрийгөө болон өмгөөлөгчөөр дамжуулан өмгөөлүүлэх эрх			
For all cases, complete Score A. If the accused was removed from the courtroom at any point during the hearing, complete Score B. If the accused had a lawyer, complete Score C. / Бүх хэргэд дээр Огноо А-г бөглөнө. Хэрэв яллагдагч/холобогдогчийг шүүх хуралдааны үеэр шүүх танхимгаас гаргасан бол Огноо Б-г бөглөнө. Хэрэв яллагдагч/холобогдогчийг өмгөөлөгчтэй байсан бол Огноо С-г бөглөнө.			
Score A / Огноо А Section A: General Right to a Defense (All Cases) Хэсэг А: Өмгөөлүүлэх ерөнхий эрх (Бүх хэргэд) (out of 8) / (Нийт 8 оноо):	Score B / Огноо Б Section B: Right to be Present Хэсэг Б: Биелчлэл оролцох эрх (out of 8) / (Нийт 8 оноо):	<input type="checkbox"/> Not applicable / Хамраагүй Score C / Огноо С Section C: Right to a Defense Through Legal Counsel Хэсэг С: Өмгөөлөгчөөр дамжуулан өмгөөлүүлэх эрх (out of 8) / (Нийт 8 оноо):	<input type="checkbox"/> Not applicable / Хамраагүй
If the / Хэрэв: <ul style="list-style-type: none"> accused did not have a lawyer and / шүүгдэгч/холобогдогч нь өмгөөлөгчтэй, мөн: <ul style="list-style-type: none"> was not removed from the courtroom, complete Option 1. / шүүх хуралдааны танхимд үргэлжлүүлэн байсан бол Сонголт 1-ийг бөглөнө. was removed from the courtroom, complete Option 2. / шүүх хуралдааны танхимгаас гаргасан бол Сонголт 2-ийг бөглөнө. accused had a lawyer and / шүүгдэгч/холобогдогч нь өмгөөлөгчтэй, мөн: <ul style="list-style-type: none"> was not removed from the courtroom, complete Option 3. / шүүх хуралдааны танхимд үргэлжлүүлэн байсан бол Сонголт 3-ийг бөглөнө. was removed from the courtroom, complete Option 4. / шүүх хуралдааны танхимгаас гаргасан бол Сонголт 4-ийг бөглөнө. 			
OPTION 1: TOTAL SCORE / СОНГОЛТ 1: НИЙТ ОНОО ACCUSED WAS NOT REMOVED FROM COURTROOM: ACCUSED DID NOT HAVE A LAWYER / ШҮҮГДЭГЧ/ХОЛБОГДОГЧИЙГ ШҮҮХ ХУРАЛДААНЫ ТАНХИМГААС ГАРГАЛТИЙГ ШҮҮГДЭГЧ/ХОЛБОГДОГЧИЙГ ӨМГӨӨЛӨГЧТӨЙ БАЙСАН			
Total Score = A / Нийт оноо = А (out of 8) / (Нийт 8 оноо):	Grade / Үнэлгээ: <input type="checkbox"/> Very Good / Маш сайн (7-8 points / оноо) <input type="checkbox"/> Good / Сайн (5-6 points / оноо) <input type="checkbox"/> Poor / Муу (3-4 points / оноо) <input type="checkbox"/> Very Poor / Маш муу (0-2 points / оноо)		

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Case Code / Хэргийн код

Trial Code / Бэлгийн код

OPTION 2: TOTAL SCORE / СОНГОЛТ 2: НИЙТ ОНОО ACCUSED WAS REMOVED FROM COURTROOM; ACCUSED DID NOT HAVE A LAWYER / ШҮҮГДЭГЧ/ХОЛБОГДОГЧИЙГ ШҮҮХ ХУРАЛДААНЫ ТАНХИМААС ГАРГАСАН; ШҮҮГДЭГЧ/ХОЛБОГДОГЧ ӨМӨӨБӨГЧТӨЙ БАЙСАН				
Total Score = A+B / Нийт оноо = A + B (out of 16) / (Нийт 16 оноо)	Grade / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (13-16 points / оноо)	<input type="checkbox"/> Good / Сайн (9-12 points / оноо)	<input type="checkbox"/> Poor / Муу (3-8 points / оноо)
OPTION 3: TOTAL SCORE / СОНГОЛТ 3: НИЙТ ОНОО ACCUSED WAS NOT REMOVED FROM COURTROOM; ACCUSED HAD A LAWYER / ШҮҮГДЭГЧ/ХОЛБОГДОГЧИЙГ ШҮХ ХУРАЛДААНЫ ТАНХИМААС ГАРГАЛТҮЙ; ШҮҮГДЭГЧ/ХОЛБОГДОГЧ ӨМӨӨБӨГЧТӨЙ БАЙСАН				
Total Score = A+C / Нийт оноо = A + C (out of 16) / (Нийт 16 оноо)	Grade / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (13-16 points / оноо)	<input type="checkbox"/> Good / Сайн (9-12 points / оноо)	<input type="checkbox"/> Poor / Муу (3-8 points / оноо)
OPTION 4: TOTAL SCORE / СОНГОЛТ 4: НИЙТ ОНОО ACCUSED WAS REMOVED FROM COURTROOM; ACCUSED HAD A LAWYER / ШҮҮГДЭГЧ/ХОЛБОГДОГЧИЙГ ШҮҮХ ХУРАЛДААНЫ ТАНХИМААС ГАРГАСАН; ШҮҮГДЭГЧ/ХОЛБОГДОГЧ ӨМӨӨБӨГЧТӨЙ БАЙСАН				
Total Score = A+B+C (out of 24) / Нийт оноо = A + B + C (out of 24) / (Нийт 24 оноо)	Grade / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (19-24 points / оноо)	<input type="checkbox"/> Good / Сайн (13-18 points / оноо)	<input type="checkbox"/> Poor / Муу (7-12 points / оноо)

III - ACCUSED'S RIGHTS (TRIAL & APPEAL) / ИЛГЭДЭГЧИЙН ЭРХ (АНХАН БОЛОН БАЙН ЗААЛДАХ ШАТ) / Part / Бүлэг 11: Right to Defend Oneself in Person or Through Counsel / Өөрийн бие дээр болон өмчлөгчөөр дамаагүйн өмчлөгч эрх

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Case Code / Хэргийн код

Trial Code / Бэлгийн код

RECORD OF THE TRIAL / ШҮҮХ ХУРАЛДААНЫ БИЧЛЭГ				SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
12.1. Official Record / Шүүх хуралдааны тэмдэглэл	Was an official record being made of the proceedings? / Шүүх хуралдаан дээр албан ёсны бичлэгтэмдэглэл хийж байсан уу?	<input type="checkbox"/> Yes, of the proceedings in full (2 points) / Тийм, бүтнээр нь (2 оноо)	<input type="checkbox"/> A partial record only (1 point) / Хэсэгчилсэн бичлэг (1 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
	If yes, through what means in court was the record being made? / Хэрвэ тийм бол ямар байдлаар?	<input type="checkbox"/> Handwritten notes / Үср тэмдэглэл <input type="checkbox"/> Computer or typewriter / Компьютер эсвэл бичгийн машин <input type="checkbox"/> Other – please specify. / Бусад – дурдана уу.			
12.2. Audio-Video Recording / Аудио-видео бичлэг	Was any audio or video recording of the session conducted? / Шүүх хуралдаан дээр аудио-видео бичлэг хийгдсэн үү?	<input type="checkbox"/> Yes, of the proceedings in full (2 points) / Тийм, бүтнээр нь (2 оноо)	<input type="checkbox"/> A partial record only (1 point) / Хэсэгчилсэн бичлэг (1 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
	If not, why not? / Хэрвэ үгүй бол яагаад?	<input type="checkbox"/> No equipment available to do so / Тонгир төхөөрөмж байхгүй байсан <input type="checkbox"/> Equipment broken, or there were no storage tapes / DVD hard drive space etc. / Тонгир төхөөрөмж сардран, хадгалалт хатуу, хард диск дүүрсэн байсан <input type="checkbox"/> Audio/video was live-streamed but not recorded / Аудио-видео явуулж байсан ч бичлэг амьдралгүй <input type="checkbox"/> Other – please specify. / Бусад – дурдана уу.			
12.3. Comments on Record / Тэмдэглэлийн талаар тайлбар гаргах	Did any parties raise concerns about the accuracy or fairness of the content of the official record? / Аль нэг талын зүгээс тэмдэглэлийн үнэн бодит байдлын талаар тайлбар хэлсэн үү?	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Yes (select all that apply) (0 points) / Тийм (хэмээхэд хариуцлыг сонгоно уу) (0 оноо) <input type="checkbox"/> Prosecutor / Улсын яллагч <input type="checkbox"/> Defense / Шүүгдэгч/хоолбогдогчийн иргэд/хүн <input type="checkbox"/> Victim / Хохирсон <input type="checkbox"/> Witness / Гэрч <input type="checkbox"/> Expert / Шинжлэн		<input type="checkbox"/> 2 <input type="checkbox"/> 0
12.4. Right to Familiarization / Тэмдэглэлтэй танилцах эрх	Did any of the judges explain the right to familiarization with the record of the hearing? / Шүүгчийн зүгээс шүүх хуралдааны тэмдэглэлтэй танилцах эрхтэй талаар тайлбарласан үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)		<input type="checkbox"/> 2 <input type="checkbox"/> 0	

III - ACCUSED'S RIGHTS (TRIAL & APPEAL) / ИЛГЭДЭГЧИЙН ЭРХ (АНХАН БОЛОН БАЙН ЗААЛДАХ ШАТ) / Part / Бүлэг 12: Right to a Public Judgment and Right to a Reasoned Judgment / Хэргээ үндэслэл бүхий шийдвэр, тогтоолоор шийдвэрлүүлэх эрх, шүүхийн шийдвэрийг олон нийтэд нээлттэй байх

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Хүтэж ундаслаа буйгаа иймдээр тэтгэхээр иймдэмдүүлэх зэрэг шүүмэл иймдэмдэгт болон нийтэд хэлтгэл байх

[illegible]

Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны амьдралын хэрэглэгдэхүүн (Бүртгэл ийн хуудас)

Case Code /
Хэргийн кодTeam Code /
Баримт код

12.14. Sentence / Ял	If the accused was convicted, indicate every measure imposed on them as part of the sentence. / Хэрэг шүүгдэгчхонболд огчийг гэм буруутайд тооцон, ял шийтгэл ногдуулсан бол ял шийтгэлийн эргэ хэмжээ нэг бүрийг сонгоно уу.	<input type="checkbox"/> Fine / Таргуулт MNT / Torgot	<input type="checkbox"/> Imprisonment (including an order to arrest and imprison) / Хэрэг (баримт) болон эргэ талар гаргасан эсвэл нэгж дэл хэмжээ <input type="checkbox"/> days / сар <input type="checkbox"/> years / жил	<input type="checkbox"/> Restriction of liberty rights – specify how / Зориг эр хязгаруул – хэрхэн <input type="checkbox"/> Restriction from meeting or communicating with certain persons – specify who / Тодорхой хүнтэй уулзах, холбоо барих эр зэвсэг – хэн	<input type="checkbox"/> Deprivation of rights to conduct professional activities / Мэргэжлийн амьдрал эрх зэвсэг <input type="checkbox"/> Restriction of other rights – specify which / Буцад, эрх зэвсэг – ямар	
12.15. Pronouncement of Judgment / Шүүхийн тогтоол унших сонгох	To what extent was the judgment read in court by one of the judges? / Шүүхийн тогтоолыг ямар хэмжээнд унших сонгосон бэ?	<input type="checkbox"/> Community service / Нийгэмд түрээс ажил амьдрах Hours / Цаг	<input type="checkbox"/> Compensation to the victim / Хэргийн хохирсон нэгж эрх зэвсэг MNT / Torgot	<input type="checkbox"/> Mandatory training / Аргаар судалгаа, ажлаар <input type="checkbox"/> Mandatory psychiatric or medical treatment / Сэтгэлгэр өрхөөр аргаар амьдралд хамрагдах	<input type="checkbox"/> Other – specify / Буцад – хэрхэн уу	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
12.16. Explanation of Judgment / Шүүхийн тогтоолыг тайлбарлах	Once the judgment or verdict was pronounced, did one of the judges explain its substance to the accused? / Шүүхийн тогтоолыг унших сонгосны дараа шүүгчнээс үзүүлэх шийдэрийнхөө үндэслэлийг шүүгдэгчхонболд огчийд тайлбарласан уу?	<input type="checkbox"/> Yes, sufficiently / Тийм, хангалттай хангалттай <input type="checkbox"/> No / No / No	<input type="checkbox"/> Partially but the explanation was insufficient / Хэсэгчлэн тайлбарласан боловч тайлбарласан үгүй <input type="checkbox"/> No / No / No	<input type="checkbox"/> No / No / No	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
12.17. Right to Appeal / Давж заалдах эрх	Did the judge explain the process of appealing the verdict to the accused? / Шүүгчнээс үзүүлэх шийдэрийнхөө тогтоолд хэрхэн давж заалдах гомдол гаргах талаар шүүгдэгчхонболд огчийд тайлбарласан бэ?	<input type="checkbox"/> Yes, sufficiently / Тийм, хангалттай хангалттай <input type="checkbox"/> No / No / No	<input type="checkbox"/> Partially but the explanation was insufficient / Хэсэгчлэн тайлбарласан боловч тайлбарласан үгүй <input type="checkbox"/> No / No / No	<input type="checkbox"/> No / No / No	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	

12. ACCUSED'S RIGHTS (TRIAL & APPEAL) / АЛЛАГАЧНЫН ЭРХ (АНХАН СОРОН ДАВЖ ЗААЛДАХ ЭРХ) Part / Бүсэг 12. Right to a Public Judgment and Right to a Reasoned Judgment / Хэрэг үндэслэл бүхий шийдвэр, тогтоолоор шийдвэрлүүлэх эрх, шүүхийн шийдвэрийг олон нийтэд мэдэгдэх эрх Page 61

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Case Code /
Хэргийн кодTeam Code /
Баримт код

WRITTEN JUDGMENT / ШҮҮХИЙН ШИЙДВЭР БИЧГЭЭР / АГАХ		SCORE / ОНОО		NOTES / ТЭМДЭГЛЭЛ	
12.18. Judgment Contents / Тогтоолын агуулга	Did the final full judgment include: / Шүүхээс гарсан эцсийн шийдвэрт дараах ауйла багтсан байна уу:				
<ul style="list-style-type: none"> a description of the criminal act and its means of commission? / Гэмт үйлдэл болон түүнийг үйлдсэн арга хэрэгслийг тодорхой тусгасан уу? 	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0		
<ul style="list-style-type: none"> reference to the relevant law under which the accused was charged and either convicted or acquitted? / Шүүгдэгчхонболд огчийд хэлбэгдүүлэн яллах дүгээлт үйлдсэн, ял шийтгэсэн эсхүл цагаатгасан хэлбэгдэх хуулийн зүйл, хэсэг, заалт? 	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0		
<ul style="list-style-type: none"> adequate analysis of all arguments and evidence presented by the prosecution and accused? / Яллах болон цагаатгах талын гаргасан гайлбар, үндэслэл болон хэрэгт авчирсан нотлох баримтад хангалттай дүн шинжилгээ хийсэн эсэх? 	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Some analysis, but it was inadequate – select all reasons why (1 point) / Зарим дүн шинжилгээ хийсэн, гэхдээ хангалттай байсан – шалтгааныг сонгоно уу. (1 оноо) <input type="checkbox"/> Prosecution's arguments/evidence were inadequately addressed / Яллах талын гайлбар, нотлох баримт цагаатгач дүн шинжилгээ хийгээгүй <input type="checkbox"/> Offense's arguments/evidence were inadequately addressed / Өмөөрөөх талын гайлбар, нотлох баримт цагаатгач дүн шинжилгээ хийгээгүй	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
<ul style="list-style-type: none"> reference to any international laws? / Олон улсын эрх зүйн хэм хэмжээг нэвчлэсэн уу? 	<input type="checkbox"/> Yes – specify which / Тийм – дурдана уу. <input type="checkbox"/> No / Үгүй	<input type="checkbox"/> Yes – describe / Тийм – тайлбарлана уу. <input type="checkbox"/> No / Үгүй	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0		
<ul style="list-style-type: none"> any provision for protective measures for the victim, the relatives, or witnesses? / Хохирогч, түүний ойрын хамаарал бүхий этгээд болон гэрчийг хамгаалах арга хэмжээний талаар заалт оруулсан уу? 	<input type="checkbox"/> Yes – specify which / Тийм – дурдана уу. <input type="checkbox"/> No / Үгүй	<input type="checkbox"/> Yes – describe / Тийм – тайлбарлана уу. <input type="checkbox"/> No / Үгүй	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0		
12.19. Judgment Quality / Шүүхийн тогтоолын чанар	Was the judgment clear, understandable, and without confusion? / Шүүхийн тогтоол нь тодорхой, ойлгомжтой, эргэлзээ төрүүлэхгүй гэр бичигдсэн уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> Partially but inadequately (1 point) / Хэсэгчлэн байдалд, гэхдээ хангалттай (1 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
	If partially or no, indicate why: / Хэрэг үгүй эсхүл зарим талаар тийм бол шалтгааныг нэрлэн заана уу:				

12. ACCUSED'S RIGHTS (TRIAL & APPEAL) / АЛЛАГАЧНЫН ЭРХ (АНХАН СОРОН ДАВЖ ЗААЛДАХ ЭРХ) Part / Бүсэг 12. Right to a Public Judgment and Right to a Reasoned Judgment / Хэрэг үндэслэл бүхий шийдвэр, тогтоолоор шийдвэрлүүлэх эрх, шүүхийн шийдвэрийг олон нийтэд мэдэгдэх эрх Page 62

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12.20. Judgment Consistency / Шийдвэрийн нийцтэй байдал	Was the judgment's finding consistent with its reasoning? / Шүүхийн шийдвэр нь үндэслэх хэсэгтэйгээ нийцтэй байсан уу? If partially or no, indicate why: / Хэрэв зарим талаар нийцсэн эсхүл үгүй бол шалтгааныг дурдана уу.	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Partially but inadequately (1 point) / Хэсэгчилсэн байдлаар, гэхдээ хангалтгүй (1 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
12.21. Public Judgment / Олон нийтэд нээлттэй байх	Was the full judgment made public? / Шүүхийн тогтоол бүтнээрээ нийтэд нээлттэй болсон уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Only a summary was available due to valid protection reasons (2 points) / Аюулгүй байдлыг хангахын тулд зөвхөн тойм байдлаар нээлттэй болсон (2 оноо)	<input type="checkbox"/> Only a summary was available but there were no valid protection reasons (1 point) / Зөвхөн тойм байдлаар нээлттэй болсон ч нээлттэй болгох шаардлага байсан ч хангалтгүй (1 оноо)	<input type="checkbox"/> Neither the full judgment or a summary was made public (0 points) / Бүтнээр нь ч тойм байдлаар ч нээлттэй болсонгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
12.22. Release of Judgment / Шүүхийн тогтоолыг агуулан албажуулж гаргах	Was the full judgment released to the parties in accordance with the legal time limits (5 days after the proclamation of the court decision for breaches and 15 days for crimes)? / Шүүхийн тогтоолыг урьшиг сонгогчдоос хонш хуулийн хугацаанд гарсан уу (эерхийн хэргт дээр 5 хоног, эрүүгийн хэргийнх 15 хоногийн дотор)?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0		
JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШУДАРГА ЕСНЫ ҮЙЛЧИЛГЭЭНИЙ ҮНЭЛГЭЭНИЙ ОНООНЫ КАРТЫН ТООЦООСЛОЛ						
Right to a Public Judgment and Right to a Reasoned Judgment / Хэргээ үндэслэн бүхий шийдвэр, тогтоолоор шийдвэрлүүлэх, шүүхийн шийдвэрийг олон нийтэд нээлттэй байлгах эрх						
Score (out of 32): / Оноо (Нийт 32 оноо):	Grade: / Үнэлгээ:	<input type="checkbox"/> Very Good / Moss сайн (25-32 points / оноо)	<input type="checkbox"/> Good / Сайн (17-24 points / оноо)	<input type="checkbox"/> Poor / Муу (9-16 points / оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-8 points / оноо)	

12 – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ХАВААГАГЧИЙН ЭРХ (АНХАН БОЛОН ДАВХ ЗААЛДАХ УЯТ) / Part / Бүлэг 12. Right to a Public Judgment and Right to a Reasoned Judgment / Хэргээ үндэслэн бүхий шийдвэр, тогтоолоор шийдвэрлүүлэх эрх, шүүхийн шийдвэрийг олон нийтэд нээлттэй байх Page 63

Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны ажлалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)		Case Code / Хэргийн код	Team Code / Бүлгийн код
Part / Бүлэг 13. Right to an Interpreter and to Translation / Орчуулагч/хэлмэрч авах эрх			
APPLICABILITY OF PART / БҮЛГИЙН ХАМААРЛАЙН БАЙДАЛ	Did the accused appear to need an interpreter/translator to defend themselves effectively in the proceedings due to a lack of fluency in Mongolian, or a visual, hearing, or speaking disability? / Шүүгдэгч/холбогдох нь Монгол хэлээр чөлөөтэй хариуцах боломжгүй, эсхүл хэрвэ, сонсох, ярихны бэрхшээлтэй бөгөөд өөрийгөө амьсгалэхийн тулд орчуулагч/хэлмэрч авах шаардлагатай мэт ажиглагдсан уу?	<input type="checkbox"/> Yes / Тийм → COMPLETE THIS PART / ЭНЭ ХЭСГИЙГ БӨГЛӨНӨ	<input type="checkbox"/> No / Үгүй → PROCEED TO PART 14 / 14 ДУГААР ХЭСЭГТ ШИЛЖИНЭ
COMPLETE ALL OF THE FOLLOWING QUESTIONS IF THE ACCUSED APPEARED TO NEED AN INTERPRETER/TRANSLATOR (EVEN IF ONE WAS NOT APPOINTED): / ХЭРЭВ ШҮҮГДЭГЧ/ХОЛБОГДОГЧ НЬ ОРЧУУЛАГЧ/ХЭЛМЭРЧ АВАХ ХЭРЭГЦЭЭТЭЙ САНАГДСАН БОЛ ДАРААХ АСУУЛТУУДАД ХАРИУЛНА УУ (ОРЧУУЛАГЧ/ХЭЛМЭРЧ ТОМИЛООГИ Ч).			
APPOINTMENT OF AN INTERPRETER/TRANSLATOR / ОРЧУУЛАГЧ/ХЭЛМЭРЧ ТОМИЛОХ		SCORE / ОНОО	NOTES / ТЭМДСЭГЛЭЛ
13.1. Appointment of Interpreter/Translator / Орчуулагч/хэлмэрч томилох	Was an interpreter/translator appointed to interpret and translate for the accused during the trial? / Шүүх хуралдааны үеэр шүүгдэгч/холбогдохид орчуулагч/хэлмэрчид орчуулагч/хэлмэрчийг томилов уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)
13.2. Right to Interpretation/Translation / Орчуулагч/хэлмэрч авах эрх	Was there anything to suggest that the accused was not informed of their right to the use of an interpreter or translator in order to participate effectively in the proceedings? / Шүүх хуралдаанд үр дүнтэй оролцохын тулд орчуулагч/хэлмэрч авах эрхтэй болохыг нь шүүгдэгч/холбогдохид танилцуулсангүй байх магадлал ажиглагдсан уу? If it seemed the accused was uninformed of their right, describe why: / Хэрэв шүүгдэгч/холбогдох энэ эрхийн талаарх мэдээлэлгүй мэт санагдсан бол яагаад гэдгийг дурдана уу.	<input type="checkbox"/> No – the accused seemed informed of the right (2 points) / Үгүй – шүүгдэгч/холбогдох энэ эрхийн талаарх мэдээлэлтэй мэт санагдсан (2 оноо)	<input type="checkbox"/> Yes – the accused seemed uninformed of the right (0 points) / Тийм – шүүгдэгч/холбогдох энэ эрхийн талаарх мэдээлэлгүй мэт санагдсан (0 оноо)
QUALITY OF INTERPRETATION/TRANSLATION / ОРЧУУЛАГЧ/ХЭЛМЭРЧИЙН АЖЛЫН ЧАНАР		SCORE	NOTES
13.3. Translator's Rights / Орчуулагчийн эрх	Did any of the judges explain to the translator/interpreter their rights? / Шүүхийн зүгээс орчуулагч/хэлмэрчид эрхийнх нь тухай тайлбарлаж өгсөн үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)
		<input type="checkbox"/> There was a translator/interpreter despite the accused's need (0 points) / Шүүгдэгч/холбогдохид ч хэрэгцээтэй байсан орчуулагч/хэлмэрч байсангүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0
13 – ACCUSED'S RIGHTS (TRIAL & APPEAL) / ХАВААГАГЧИЙН ЭРХ (АНХАН БОЛОН ДАВХ ЗААЛДАХ УЯТ) / Part / Бүлэг 13. Right to an Interpreter and to Translation / Орчуулагч/хэлмэрч авах эрх Page 64			

Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЗХ-ийн хэргийн шүүх хуралдааны ажиглагчийн хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код		Trial Code / Бүртгэлийн код				
13.4. Translator's Responsibilities / Орчуулагчийн үүрэг	Did any of the judges warn the translator/interpreter about the criminal responsibility for providing knowingly false translation? / Шүүхийн зүгээс орчуулагч/хэлмэрчид сансгай худал орчуулах, хэлмэрчлэх тохиолдолд нэгдүүлэх эрүүгийн хариуцлагын талаар сануулсан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> There was no interpreter/ translator despite the accused's need (0 points) / Шүүгдэгч/холбогдогчид интерпретатор/хэлмэрч байгаагүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
13.5. Right to Challenge Translator / Орчуулагчаас татгалзах эрх	Did any of the judges explain to the accused their right to challenge the translator/interpreter? / Шүүгдэгчийн зүгээс шүүгдэгч/холбогдогч нь орчуулагчаас татгалзах эрхтэй болохыг тайлбарласан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> There was no interpreter/ translator despite the accused's need (0 points) / Шүүгдэгч/холбогдогчид интерпретатор/хэлмэрч байгаагүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
13.6. Provision of Written Translations / Баримт бичгийн орчуулгаар хөнгүүлэх	Was the accused given written translations during the trial of all judicial documents required by law to be handed over to the defense? / Шүүх хуралдааны үеэр өгөгүүлэх талд гардуулан өгөх ёстой шүүхийн бүхий л баримт бичгийн орчуулгыг хүлээн авсан уу?	<input type="checkbox"/> Yes, all required documents (2 points) / Тийм, шаардлагатай бүх баримт бичгийг (2 оноо)	<input type="checkbox"/> Only some required documents (1 point) / Зөвхөн шаардлагатай зарим баримт бичгийг (1 оноо)	<input type="checkbox"/> No, not all (0 points) / Үгүй, огт үгүй (0 оноо)	<input type="checkbox"/> There was no interpreter/ translator despite the accused's need (0 points) / Шүүгдэгч/холбогдогчид интерпретатор/хэлмэрч байгаагүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0

JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШУДАРГА ЁСНЫ ҮЙЛЧИЛГЭЭНИЙ ТҮНЛЭГЗЭНИЙ ОНООНЫ КАРТЫН ТООЦООЛОЛ

Right to an Interpreter and to Translation / Орчуулагч/хэлмэрч авах эрх

Score (out of 12): / Овоо (Нийт 12 оноо):	Grade: / Тэмдгээ:	Very Good / Маш сайн (10-12 points / оноо)	Good / Сайн (7-9 points / оноо)	Poor / Муу (4-6 points / оноо)	Very Poor / Маш муу (0-3 points / оноо)

III - ACCUSED'S RIGHTS (TRIAL & APPEAL) / ЯЛЛАГДАГЧИЙН ЭРХ (АНХАН БОЛОН ДАВХ ЗААГАХ ШАТ) Part / Бүлэг 13. Right to an Interpreter and to Translation / Орчуулагч/хэлмэрч авах эрх

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЗХ-ийн хэргийн шүүх хуралдааны ажиглагчийн хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код		Trial Code / Бүртгэлийн код	
IV - ACCUSED'S RIGHTS (PRE-TRIAL, ALL STAGES) / ЯЛЛАГДАГЧ/ХОЛБОГДОГЧИЙН ЭРХ (ШҮҮХИЙН ӨМНӨХ ШАТ, БҮХ ШАТ)			
Part / Бүлэг 14. Right to Liberty, to Independence and Impartiality, and to Challenge the Lawfulness of Detention / Халдашгүй чөлөөтэй байх эрх, хараат бус байх, тал үл харах байдал, цагдан хорих арга хэмжээний хууль ёсны эсэхэд гомдол гаргах			
COMPLETE FOR ALL CASES: / БҮХ ХЭРЭГ ДЭЭР БӨГТӨНӨ: SECTION A: LIBERTY AND INDEPENDENCE AND IMPARTIALITY / ХЭСЭГ А: ХАЛДАШГУЙ ЧӨЛӨӨТЭЙ, БИЕ ДААСАН БАЙХ			
LIBERTY / ХАЛДАШГУЙ БАЙДАЛ		SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
14.1. Date of Alleged Offence / Гэмт хэрэг үйлдсэн өдөр	When was the offence in question allegedly committed? / Тухайн буруутгаж буй хэргийг хэзээ үйлдсэн бэ?	___/___/___	
14.2. Arrest Date / Баривчилсан өдөр	When was the accused arrested? / Шүүгдэгч/холбогдогчийг хэзээ баривчилсан бэ?	<input type="checkbox"/> Not applicable / Холбоогүй	___/___/___
14.3. Arrest Warrant / Баривчлал салгуулах эвчлөөрөл	Was the accused presented with a copy of the arrest warrant? / Баривчлал салгуулах эвчлөөрийн хувийг шүүгдэгч/холбогдогчид гаргал өгч, танилцуулсан уу?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо) <input type="checkbox"/> Not applicable - not arrested (0 points) / Холбоогүй, баривчлал салгуулагдаагүй (0 оноо) <input type="checkbox"/> No, but the accused was widely arrested without warrant - self defence / (2 points) / Үгүй, гэхдээ шүүгдэгч/холбогдогчийг эвчлөөрөлгүй н хууль бусаар баривчлал салгуулсан - хэргээ тэдгээрт оогтоо уу (2 оноо) <input type="checkbox"/> Arrested during or immediately after alleged crime / Гэмт хэрэг үйлдэх байдгаас эхлэх үйлдсний зууд дараа баривчлалсан <input type="checkbox"/> Victim/witness notified that a crime had been committed / Гэмт хэрэг үйлдэгдсэн тухай гэрч/хэлмэрчид мэдэгдсэн <input type="checkbox"/> Evidence of the crime was found on the accused's clothes, body, dwelling, property, or vehicle / Шүүгдэгч/холбогдогчийн хувцас бие, зорь түүм, эд хөрөнгө, тээврийн хэрэгсэлд гэмт хэрэг үйлдснийг нотлох үл мэдэгдсэн баримт бичиг олдсон	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо) <input type="checkbox"/> 2 <input type="checkbox"/> 0
14.4. Charging Date / Ялах дүгнэлт үйлдсэн өдөр	When did the prosecution decide to proceed with a criminal investigation and prosecution? / Прокурорын зүгээс гэмт хэрэг холбогдуулан хэзээ эрүүгийн хэрэг үүсгэж, ялах дүгнэлт үйлдсэн бэ?	<input type="checkbox"/> Not applicable - breach case / Холбоогүй - Серчлэлийн хэсэг <input type="checkbox"/> Холбоогүй	___/___/___

IV - ACCUSED'S RIGHTS (PRE-TRIAL, ALL STAGES) / ЯЛЛАГДАГЧИЙН ЭРХ (ШҮҮХИЙН ӨМНӨХ ШАТ, БҮХ ШАТ) Part / Бүлэг 14. Right to Liberty, to Independence and Impartiality, and to Challenge the Lawfulness of Detention / Халдашгүй чөлөөтэй байх эрх, хараат бус байх, тал үл харах байдал, цагдан хорих арга хэмжээний хууль ёсны эсэхэд гомдол гаргах

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЗХ-ийн хэргийн шүүх журалданы ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

		Case Code / Хэргийн код	Team Code / Бэлтгэн код			
14.5. Notification of Intention to Charge / Хэрэг үүсгэх тухай мэдэгдэл	Was the accused notified of the prosecutor's decree to proceed with a criminal investigation and prosecution within 48 hours of the arrest? / Эрүүгийн хэрэг үүсгэн шалгах тухай прокурорын шийдвэрийг баривчлан саатуулснаас хойш 48 цагийн дотор яллагдагч/холбогдохчид мэдэгдсэн үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Not applicable (breach case or other valid legal reason), or unknown. (2 points) / Хамрааргүй (3 аргын/нэг хэрэг/хууль ёсны үндэслэлийн дагуу хамрааргүй/тодорхойгүй) (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
For criminal cases only, if there was a valid reason for the accused being notified of the decision to proceed with a criminal investigation and prosecution over 48 hours after arrest, describe it. / Зөвхөн эрүүгийн хэрэгт хамрааргүй. Эрүүгийн хэрэг үүсгэн шалгах тухай шийдвэрийн талаар яллагдагч/холбогдохчид 48 цаг өнгөрөнөөс хойш мэдэгдэх зайлшгүй шаардлага байсан бол энэ талаар тайлбарлана уу.						
14.6. Key Documents / Гал баримт бичгүүд	Was the accused or their defense lawyer given: / Яллагдагч/холбогдохч эсхүл өмгөөлөгчид нь дараах баримт бичгийг өгсөн үү:					
<ul style="list-style-type: none"> access to the decree to initiate a criminal case and prosecute (including to take notes in its regard)? / Эрүүгийн хэрэг үүсгэн шалгах, яллагдагч/холбогдохчоор татсан тухай тогтоолтой танилцах (мөн хамраах тэмдэглэл хийж авах)? a copy of the decree to initiate a criminal case and prosecute or the opportunity to make a copy of it? / Эрүүгийн хэрэг үүсгэн шалгах, яллагдагч/холбогдохчоор татах тухай тогтоолын хуулбарыг авах эсхүл түүнийг хуулбарлан авах боломж? 		<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Not applicable (2 points) / Хамрааргүй (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
		<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Not applicable (2 points) / Хамрааргүй (2 оноо)	<input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
INDEPENDENCE AND IMPARTIALITY / ХАРААТ БҮС БИЕ ДААСАН БАЙДАЛ					SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
14.7. Bias / Тал харах	Was there any indication of discrimination or bias on the part of a judge involved at any stage of the pre-trial process, e.g. in approving a warrant, determining detention, hearing complaints or requests from the parties, or determining to bring the case to trial? / Шүүхийн өмнөх шатанд баривчлах, цагдан хорих захирамж гаргах, талуудыг гаргасан гомдол хүсэлтийг шийдвэрлэх, яллагдагч/холбогдохчийг шүүхэд шилжүүлэх зэрэг ажиллагааны явцад шүүгчийн агузас аль нэг талыг барих, ялгаварлах байдлыг ажигласан үү?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо)	<input type="checkbox"/> Not applicable (2 points) / Хамрааргүй (2 оноо)	<input type="checkbox"/> Yes (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
If yes, indicate the nature of discrimination or bias. / Хэрэв тийм бол тал харах, ялгаварлах байдлын талаар тодруулж бичнэ үү.						

IV - ACCUSED'S RIGHTS (PRE-TRIAL, ALL STAGES) / ЯЛЛАГДАГЧИЙН ЭРХ ШҮҮХИЙН ӨМНӨХ ЦАЙ, БҮЯ ЦАЙ / Part I: Eyer 14. Right to Liberty, to independence and impartiality, and to Challenge the Lawfulness of Detention / Холбогдохчид өмнөх эрх, хараат бүс байх, тал үл хэрэг байдал, цагдан хорих эрх хэлмэгчид агузас ёсны эсэхэд гомдол гаргах

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЗХ-ийн хэргийн шүүх журалданы ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

		Case Code / Хэргийн код	Team Code / Бэлтгэн код			
14.9. Inappropriate Contacts / Зохисгүй харьцаа үүсгэх	Was there any indication of inappropriate contacts between the parties (e.g. prosecution/defense and a judge in the case)? / Талуудын хооронд зохисгүй харьцаа үүссэн байж болох зүйл ажиглагдсан уу (жишээ нь: яллагч болон шүүгдэгч/холбогдохчийн өмгөөлөгч болон шүүгч гэх мэт)?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо)	<input type="checkbox"/> Not applicable (2 points) / Хамрааргүй (2 оноо)	<input type="checkbox"/> Yes (0 points) / Тийм (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
COMPLETE IF SUSPECT WAS DETAINED OR SUBJECT TO MEASURES OF RESTRAINT PRE-TRIAL / ХЭРЭВ ЯЛЛАГДАГЧ ХОЛБОГДОГЧ ЦАГДАН ХОРИГДСОН, ТАСЛАН СЭРГИЙЛЭХ ЭСХҮЛ СААТУУЛАХ АРГА ХЭМЖЭЭ АВАГДСАН БОЛ БӨГЛӨНӨ; SECTION B: CHALLENGING LAWFULNESS OF DETENTION / MEASURES OF RESTRAINT / ХЭСЭГ Б: ЦАГДАН ХОРИХ, БОЛОН БУСАД ТАСЛАН СЭРГИЙЛЭХ АРГА ХЭМЖЭЭ ХУУЛЬ ЁСНЫ ЭСЭХЭД ГОМДОЛ ГАРГАХ						
CHALLENGING LAWFULNESS OF DETENTION / MEASURES OF RESTRAINT / ЦАГДАН ХОРИХ, ТАСЛАН СЭРГИЙЛЭХ АРГА ХЭМЖЭЭ ХУУЛЬ ЁСНЫ ЭСЭХЭД ГОМДОЛ ГАРГАХ					SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
14.9. Accused's Views / Яллагдагч/холбогдохчийн санал бодол	Was the accused or their lawyer heard by the judge or other authorized official in the process of determining the measure of restraint to be imposed? / Таслан сэргийлэх, саатуулах арга хэмжээ авах үүдэн шүүгч эсхүл эрх бүхий албан тушаалтан нь шүүгдэгч/холбогдохч эсхүл түүний өмгөөлөгчийн байр суурь, санал бодлыг сонссон үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No or unknown as not documented or discussed (0 points) / Үгүй тодорхойгүй, баримтжуулалгүй, хэлэлцэжгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0		
14.10. Reasoning / Үндэслэл	Did the court or authorized official provide sufficient reasons for its decision to impose any measures of restraint on the accused? / Шүүх эсхүл эрх бүхий албан тушаалтны агузас шүүгдэгч/холбогдохчид таслан сэргийлэх/саатуулах арга хэмжээ авах шийдвэр гаргахдаа үндэслэлийг нь хангалттай тайлбарласан үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Insufficient reasons were provided (1 point) / Үндэслэлгүйг тайлбарлуулав. Боломж хангалттай бус (1 оноо)	<input type="checkbox"/> No reasons were given or recorded in the case file (0 points) / Холбоот хэрэгт ямар нэгэн үндэслэл, үндэслэл дурдсангүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0	
14.11. Measures of Restraint Imposed / Асон төслийн сэргийлэх/саатуулах арга хэмжээ	Indicate all measures of restraint imposed on the accused in this case: / Энэ хэрэгтэй холбоотойгоор яллагдагч/холбогдохчид/холбогдохчид авсан таслан сэргийлэх/саатуулах бүх арга хэмжээг дурдана уу.	<input type="checkbox"/> Personal surety / Хувийн баталгаа гаргах	<input type="checkbox"/> Restraining actions or official functions, including confining to domestic – detention / Таслан сэргийлэх/саатуулах арга хэмжээ эсхүл баримт бичгийг хурдан ялал – тайлбарлана уу.	<input type="checkbox"/> Travel restrictions – detention / Халивчлал/халалт заалгааны зогсолт – тайлбарлана уу.		
	<input type="checkbox"/> Monetary bail / Мөнгөн гарцаах	<input type="checkbox"/> Detention – describe total period / Цагдан хорих/Саатуулалт – нийт хугацааг бичнэ үү.	<input type="checkbox"/> Surveillance of military personnel by military authorities / Цэргийн албан хаагчид хамраах эрх			

IV - ACCUSED'S RIGHTS (PRE-TRIAL, ALL STAGES) / ЯЛЛАГДАГЧИЙН ЭРХ ШҮҮХИЙН ӨМНӨХ ЦАЙ, БҮЯ ЦАЙ / Part I: Eyer 14. Right to Liberty, to independence and impartiality, and to Challenge the Lawfulness of Detention / Холбогдохчид өмнөх эрх, хараат бүс байх, тал үл хэрэг байдал, цагдан хорих эрх хэлмэгчид агузас ёсны эсэхэд гомдол гаргах

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЗХ-ийн хэргийн шүүх журмалдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код

Team Code / Бэлтгэл код

		МНТ / report		Бүлэг бүртгүүлэлт / notes / notes	
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JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШҮҮДЭРГЭ БӨНӨН ҮЙТЧИЛГЭЭНИЙ ҮНЭЛГЭЭНИЙ ОНООНЫ КАРТЫН ТООЦООЛ

Right to Liberty, Independence and Impartiality, and to Challenge the Lawfulness of Detention / Халдашгүй чөлөөтэй байх эрх, хараат бус, тал үл харах байдал, цагдан хорих арга хэмжээний хууль бсны эсэхэд гомдол гаргах

For all cases, complete Score A. If the accused was detained or subject to measures of restraint pre-trial, complete Score B. / Бүх хэргээ дээр Огноо А-г бөглөнө. Хэрэв шүүгэгдэгч/холбогдогчийг цагдан хорьсон эсхүл таслан сэргийлэх арга хэмжээ агаар бол Огноо Б-г бөглөнө.

Score A / Огноо А Section A: Liberty and Independence and Impartiality (All Cases): / Хэсэг А: Халдашгүй чөлөөтэй байх, хараат бус болон тал үл харах байдал (Бүх хэргэ) (out of 12): / (Нийт 12 оноо):	Score B / Огноо Б Section B: Challenging the Lawfulness of Detention / Measures of Restraint / Хэсэг Б: Цагдан хорих болон таслан сэргийлэх бусад арга хэмжээний хууль бсны эсэхэд гомдол гаргах (out of 4): / (Нийт 4 оноо):	<input type="checkbox"/> Not applicable / Хавчваралгүй
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If the accused was not detained or subject to measures of restraint pre-trial, complete Option 1. If the accused was detained or subject to measures of restraint pre-trial, complete Option 2. / Хэрэв шүүгэгдэгч/холбогдогчийг цагдан хорьсонгүй, таслан сэргийлэх арга хэмжээ авчсангүй бол Огноо 1-ийг бөглөнө үү. Хэрэв шүүгэгдэгч/холбогдогчийг цагдан хорьсон эсхүл таслан сэргийлэх арга хэмжээ авчсан бол Огноо 2-ийг бөглөнө.

OPTION 1: TOTAL SCORE / СӨНГӨЛТ 1: НИЙТ ОНОО
NO. SUSPECT WAS NOT DETAINED OR SUBJECT TO MEASURES OF RESTRAINT / ҮҮГҮ, ШҮҮГЭДЭГЧ/ХОЛБОГДОГЧИЙГ ЦАГДАН ХОРИОСГҮЙ, ТАСЛАН СЭРГИЙЛЭХ АРГА ХЭМЖЭЭ АВААГҮЙ

Total Score = A / Нийт оноо = А (out of 12): / (Нийт 12 оноо):	Grade: / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (10-12 points / оноо)	<input type="checkbox"/> Good / Сайн (7-9 points / оноо)	<input type="checkbox"/> Poor / Муу (4-6 points / оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-3 points / оноо)
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OPTION 2: TOTAL SCORE / СӨНГӨЛТ 2: НИЙТ ОНОО
YES, SUSPECT WAS DETAINED OR SUBJECT TO MEASURES OF RESTRAINT / ТИЙН, ШҮҮГЭДЭГЧ/ХОЛБОГДОГЧИЙГ ЦАГДАН ХОРИОСОН, ТАСЛАН СЭРГИЙЛЭХ АРГА ХЭМЖЭЭ АДСАН

Total Score = A+B / Нийт оноо = А + Б (out of 16): / (Нийт 16 оноо):	Grade: / Үнэлгээ:	<input type="checkbox"/> Very Good / Маш сайн (13-16 points / оноо)	<input type="checkbox"/> Good / Сайн (9-12 points / оноо)	<input type="checkbox"/> Poor / Муу (5-8 points / оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-4 points / оноо)
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IV. ACCUSED'S RIGHTS (PRE-TRIAL, ALL STAGES) / ИЛЛАГДАГЧИЙН ЭРХ (ШҮҮХИЙН БИРХЭШЭТ, БҮХ ШАТ) Part / Бүлэг 14. Right to Liberty, to Independence and Impartiality, and to Challenge the Lawfulness of Detention / Халдашгүй чөлөөтэй байх эрх, хараат бус байх, тал үл харах байдал, цагдан хорих арга хэмжээний хууль бсны эсэхэд гомдол гаргах

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЗХ-ийн хэргийн шүүх журмалдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код

Team Code / Бэлтгэл код

Part / Бүлэг 15. Right to Information and to Access the Outside World / Мэдээлэл авах болон гадаад ертөнцтэй харилцах эрх

INFORMATION / МЭДЭЭЛЭЛ	SCORE / ОНОО	NOTES / ТӨМӨӨЛӨЛ	
15.1. Rights of the Accused / Яллагдагч/холбогдогчийн эрх Was the accused immediately given written notice and an explanation of their rights following their arrest? / Баривчлан саатуулагдсан даруйд яллагдагч/холбогдогчид эрхийн нь тухайн бичгээр мэдэгдэх, тайлбарлаж өгсөн үү?	<input type="checkbox"/> Yes (2 points) / Тийн (2 оноо) <input type="checkbox"/> Not applicable (2 points) / Хавчваралгүй (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0	
15.2. Reasons for Arrest / Баривчлан саатуулах арга хэмжээ авсан үндэслэл Was the accused informed in a timely manner of the reasons for their arrest in a language they understood? / Яллагдагч/холбогдогчийг баривчлан саатуулсан даруйдаа тухайн арга хэмжээ авсан шалтгааныг ойлгодог хэл дээр нь танилцуулсан үү?	<input type="checkbox"/> Yes (2 points) / Тийн (2 оноо) <input type="checkbox"/> Not applicable (2 points) / Хавчваралгүй (2 оноо) <input type="checkbox"/> No or unknown or not documented or discussed (0 points) / Үгүй тодорхойгүй, баривчлуулагчийг хэлэлцээгүй (0 оноо)		<input type="checkbox"/> 2 <input type="checkbox"/> 0
15.3. Interpretation / Орчуулалч/хэлмэрч For accused with a lack of fluency in Mongolian, or a visual, hearing, or speaking disability, was an interpreter/translator obtained for them while they were arrested and prior to being charged? / Монгол хэлээр чөлөөтэй харилцах чадихгүй эсхүл хараа, сонгодог, ярианы бэрхшээлтэй яллагдагч/холбогдогчийг баривчлан саатуулж, хэрэг үүсгэн шалгахын өмнө орчуулагч/хэлмэрчээр хамгасан үү?	<input type="checkbox"/> Yes (2 points) / Тийн (2 оноо) <input type="checkbox"/> Not applicable (2 points) / Хавчваралгүй (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)		<input type="checkbox"/> 2 <input type="checkbox"/> 0
ACCESS TO THE OUTSIDE WORLD / ГАДААД ЕРТӨНЦТӨЙ ХАРИЛЦАХ		SCORE / ОНОО	
15.4. Relatives / Төрийн садан Within 6 hours after arrest for crimes and 8 hours for breaches, was the accused's arrest notified to either a family member, a defense lawyer, or for a foreign accused, the accused's diplomatic mission? / Баривчлан саатуулах арга хэмжээ авснаас хойш зургуулийн хэрэг бол, 8/Зөрчилтийн хэрэг бол 8 цагийн дотор энэ тухай түүний гэр бүлийн гишүүн, өмгөөлөгч эсхүл гадаадын иргэний хувьд, хамаарах дипломат төлөөлөгчийн газарт мэдэгдсэн үү?	<input type="checkbox"/> Yes – select all entities who were notified (2 points) / Тийн – мэдэгдэл өгсөн бүх талуудыг сонгоно (2 оноо) <input type="checkbox"/> Family member / Гэр бүлийн гишүүн <input type="checkbox"/> Defense lawyer / Өмгөөлөгч <input type="checkbox"/> Diplomatic mission / Дипломат төлөөлөгчийн газар	<input type="checkbox"/> Not applicable (2 points) / Хавчваралгүй (2 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0

IV. ACCUSED'S RIGHTS (PRE-TRIAL, ALL STAGES) / ИЛЛАГДАГЧИЙН ЭРХ (ШҮҮХИЙН БИРХЭШЭТ, БҮХ ШАТ) Part / Бүлэг 15. Right to information and to Access the Outside World / Мэдээлэл авах болон гадаад ертөнцтэй харилцах эрх

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэгсэлдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код

Team Code / Бэлгэний код

15.5. Medical Aid / Эмнэлгийн тусламж	Was any medical aid given to the accused while they were held in detention? / Таслан сарниулах эрх хэмжээний үеэр яллагдагч/холбогдогчид эмнэлгийн ямар нэгэн төрлийн тусламж үзүүлсэн үү?	<input type="checkbox"/> Not applicable / Хамаралгүй	<input type="checkbox"/> Yes / Тийм	<input type="checkbox"/> No / Үгүй	
	If yes, was this aid requested by the accused or imposed by the authorities? / Хэрэв тийм бол энэхүү тусламжийг яллагдагч/холбогдогч хүсэлт гаргаж авсан үү эсхүл эрх бүхий байгууллагын зүгээс үзүүлсэн үү?	<input type="checkbox"/> Not applicable / Хамаралгүй	<input type="checkbox"/> Requested by the accused / Яллагдагч/холбогдогч хүсэлт гаргасан	<input type="checkbox"/> Imposed by the authorities / Эрх бүхий байгууллагын зүгээс үзүүлсэн	
15.6. Consular Assistance / Консулын тусалцаа	For foreign accused, did it appear that consular assistance was provided, e.g. through a visit from diplomatic personnel? / Яллагдагч/холбогдогч гадаад улсын иргэний бол дипломат ажиглал ирж уулзах зэргээр консулын тусалцаа авах боломжтой байсан үү?	<input type="checkbox"/> Not applicable / Хамаралгүй	<input type="checkbox"/> Yes / Тийм	<input type="checkbox"/> No / Үгүй	
JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШУДАРГА БСНЫ ҮЙЛЧИЛГЭЭНИЙ ҮНЭЛТЭНИЙ ОНОСНЫ КАРТЫН ТООЦООЛЛ					
Right to Information and to Access the Outside World / Мэдэрлэл авах болон гадаад ертөнцтэй харилцах эрх					
Total Score (out of 8): Нийт оноо (Нийт 8 оноо):		Grade / Үнэлгээ:	<input type="checkbox"/> Very Good / Main case (7-8 points / оноо)	<input type="checkbox"/> Good / Case (5-6 points / оноо)	<input type="checkbox"/> Poor / Нгуу (3-4 points / оноо)
			<input type="checkbox"/> Very Poor / Main ууу (0-2 points / оноо)		

IV - ACCUSED'S RIGHTS (PRE-TRIAL, ALL STAGES) / ИЛГЭДЭГЧИЙН ЭРХ (ШҮҮХИЙН ӨМНӨХ ШАТ, БҮХ ШАТ) Part / Бүлэг 15. Right to information and to Access the Outside World / Мэдэрлэл авах болон гадаад ертөнцтэй харилцах эрх

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэгсэлдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код

Team Code / Бэлгэний код

Part / Бүлэг 16. Right to Legal Counsel, and to Adequate Time and Facilities to Prepare a Defense / Өмгөөлөгч авах, өмгөөлөх, өмгөөлүүлэх эрхээ хэрэгжүүлэх хангалттай хугацаа, боломжоор хангуулах эрх

COMPLETE FOR ALL CASES: / БҮХ ХЭРЭГ ДЭЭР БӨГЛӨНӨ				SCORE / ОНОО		NOTES / ТЭМДЭГЛЭЛ	
SECTION A: BASIC RIGHTS AND ADEQUATE TIME AND FACILITIES / ХЭСЭГ А: СҮҮРЬ ЭРХ БОЛОН ХАНГАЛТТАЙ ЦАГ ХУГАЦАА, БОЛОМЖТОЙ БАЙХ ЭРХ				SCORE / ОНОО		NOTES / ТЭМДЭГЛЭЛ	
BASIC RIGHTS / СҮҮРЬ ЭРХТҮД				SCORE / ОНОО		NOTES / ТЭМДЭГЛЭЛ	
16.1. Accused's Rights / Яллагдагч/холбогдогчийн эрх	After their arrest, was the accused immediately given written notice and an explanation of their right to:						
	• have legal assistance? / хууль зүйн тусалцаа авах?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Not applicable (2 points) / Хамаралгүй (2 оноо)	<input type="checkbox"/> No or unknown as not documented or discussed (0 points) / Үгүй тодорхойгүй, баримтжуулалт, хэлэлцэлгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0		
	• remain silent and/or not to testify against themselves? / дуугүй байх, өөрийн эсрэг мэдүүлэх өгөхгүй байх?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> Not applicable (2 points) / Хамаралгүй (2 оноо)	<input type="checkbox"/> No or unknown as not documented or discussed (0 points) / Үгүй тодорхойгүй, баримтжуулалт, хэлэлцэлгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0		
ADEQUATE TIME AND FACILITIES FOR A DEFENSE / ӨӨРИГӨӨ ХАМГААЛАХ ХАНГАЛТТАЙ ЦАГ ХУГАЦАА, БОЛОМЖ НӨХЦӨЛӨӨР ХАНГАГДАХ				SCORE / ОНОО		NOTES / ТЭМДЭГЛЭЛ	
16.2. Access to Case File / Хавтаст хэрэгтэй танилцах	Was the accused or their lawyer allowed an opportunity to read and/or make notes from the case file at the pre-trial stage? / Яллагдагч/холбогдогч эсхүл түүний өмгөөлөгч нь шүүхийн өмнөх шатанд хавтаст хэрэгтэй уншиж танилцах эсхүл тэмдэглэл хийж авах боломжоор хангагдсан үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No or unknown as not documented or discussed (0 points) / Үгүй тодорхойгүй, баримтжуулалт, хэлэлцэлгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0			
16.3. Copies of Case File / Хавтаст хэрэг хуулбарлан авах	Was the accused or their lawyer provided with a copy of some or all the case file, or with an opportunity to make copies of the case file without limitation as to volume? / Яллагдагч/холбогдогч болон түүний өмгөөлөгчид хавтаст хэргийн бүхлээр нь эсхүл хэсэглэл хуулбарлаж авах, түүнчлэн ямар нэг хязгаралтгүйгээр тэмдэглэл хийж авах боломжтой хангаж өгсөн үү?	<input type="checkbox"/> Yes (2 points) / Тийм (2 оноо)	<input type="checkbox"/> No or unknown as not documented or discussed (0 points) / Үгүй тодорхойгүй, баримтжуулалт, хэлэлцэлгүй (0 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 0			

IV - ACCUSED'S RIGHTS (PRE-TRIAL, ALL STAGES) / ИЛГЭДЭГЧИЙН ЭРХ (ШҮҮХИЙН ӨМНӨХ ШАТ, БҮХ ШАТ) Part / Бүлэг 16. Right to Legal Counsel, and to Adequate Time and Facilities to Prepare a Defense / Өмгөөлөгч авах, өмгөөлөх, өмгөөлүүлэх эрхээ хэрэгжүүлэх хангалттай хугацаа, боломжоор хангуулах эрх

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JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШҮДАРГА, БСНЫ ҮЙЛЧИЛГЭЭНИЙ ТНЭГЛЭГЭНИЙ ОНОНЫ КАРТЫН ТООЦООЛГОЛ			
Right to Legal Counsel, and to Adequate Time and Facilities to Prepare a Defense / Өмгөөлөгч авах, өмгөөлөх, өмгөөлүүлэх эрхээ хэрэгжүүлэх хангалттай хугацаа, боломжоор хангуулах эрх			
For all cases, complete Score A. For accused without lawyers pre-trial, complete Score B. For accused with lawyers pre-trial, complete Score C. / Бүх хэрэг дээр оноо А-г бичигнэ. Шүүхийн өмнөх шатанд өмгөөлөгчгүй байсан яллагдагч/холбогдох дээр Оноо Б-г бичигнэ. Шүүхийн өмнөх шатанд өмгөөлөгчтэй байсан бол Оноо С-г бичигнэ.			
Score A / Оноо А Section A: Basic Rights and Adequate Time and Facilities (All Cases) Хэсэг А: Суурь эрхүүд хангалттай цаг хугацаа, боломж нөхцөлөөр хамгагдах эрх (Бүх хэрэг дээр) (out of 12) / (Нийт 12 оноо):	Score B / Оноо Б Section B: Accused Without Lawyers Pre-Trial Хэсэг Б: Шүүхийн өмнөх шатанд өмгөөлөгч ялаагүй яллагдагч/холбогдох (out of 4) / (Нийт 4 оноо):	<input type="checkbox"/> Not applicable / Хамгаархгүй Score C / Оноо С Section C: Accused with Lawyers Pre-Trial Хэсэг С: Шүүхийн өмнөх шатанд өмгөөлөгчтэй байсан яллагдагч/холбогдох (out of 4) / (Нийт 4 оноо):	<input type="checkbox"/> Not applicable / Хамгаархгүй
If the accused did not have a lawyer pre-trial, complete Option 1. If the accused did have a lawyer pre-trial, complete Option 2. / Хэрэг яллагдагч/холбогдох нь шүүхийн өмнөх шатанд өмгөөлөгч өгөөгүй бол Огнолт 1-ийг бичигнэ. Хэрэг яллагдагч/холбогдох өмгөөлөгчтэй байсан бол Огнолт 2-ийг бичигнэ.			
OPTION 1: TOTAL SCORE / ОНГОЛТ 1: НИЙТ ОНОО NO, ACCUSED DID NOT HAVE A LAWYER PRE-TRIAL / ҮҮЙ, ШҮҮХИЙН ӨМНӨХ ШАТАНД ЯЛЛАДАГЧ/ХОЛБОГДОГЧ ӨМГӨӨЛӨГЧТЭЙ БАЙСАН			
Total Score = A+B / Нийт оноо = А + В (out of 16) / (Нийт 16 оноо):	Grade / Үнэлгээ: <input type="checkbox"/> Very Good / Маш сайн (13-16 points / оноо) <input type="checkbox"/> Good / Сайн (9-12 points / оноо) <input type="checkbox"/> Poor / Муу (5-8 points / оноо) <input type="checkbox"/> Very Poor / Маш муу (0-4 points / оноо)		
OPTION 2: TOTAL SCORE / ОНГОЛТ 2: НИЙТ ОНОО YES, ACCUSED HAD A LAWYER PRE-TRIAL / ТҮЙМ, ШҮҮХИЙН ӨМНӨХ ШАТАНД ЯЛЛАДАГЧ/ХОЛБОГДОГЧ ӨМГӨӨЛӨГЧТЭЙ БАЙСАН			
Total Score = A+C / Нийт оноо = А + С (out of 16) / (Нийт 16 оноо):	Grade / Үнэлгээ: <input type="checkbox"/> Very Good / Маш сайн (13-16 points / оноо) <input type="checkbox"/> Good / Сайн (9-12 points / оноо) <input type="checkbox"/> Poor / Муу (5-8 points / оноо) <input type="checkbox"/> Very Poor / Маш муу (0-4 points / оноо)		

IV - ACCUSED'S RIGHTS (PRE-TRIAL, ALL STAGES) / ЯЛЛАДАГЧИЙН ЭРХ (ШҮҮХИЙН ӨМНӨХ ШАТ, БҮЛ ШАТ) Part / Бүлэг 16. Right to Legal Counsel, and to Adequate Time and Facilities to Prepare a Defense / Өмгөөлөгч авах, өмгөөлөх, өмгөөлүүлэх эрхээ хэрэгжүүлэх хангалттай хугацаа, боломжоор хангуулах эрх.

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГБХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэгсэлдэхүүн (Бүртгэлийн хуудас)		Case Code / Хэргийн код	Team Code / Бэлгийн код
Part / Бүлэг 17. Rights During Interrogation / Мэдүүлэг авах үед эдлэх эрх			
RIGHTS DURING INTERROGATION / МЭДҮҮЛЭГ АВАХ ҮЕД ЭДЛЭХ ЭРХ		SCORE / ОНОО	NOTES / ТЭМДЭГЛЭЛ
17.1. Accused's Rights During Interrogation / Мэдүүлэг авах үед яллагдагч/холбогдохчийн эдлэх эрх	Were the accused's rights explained to them before the interrogation? / Мэдүүлэг авах үед яллагдагч/холбогдохчийн эрх тэдэнд тайлбарлагдсан үү?	<input type="checkbox"/> Yes (4 points) / Тийм (4 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 4 <input type="checkbox"/> 0
17.2. Right to Silence / Мэдүүлэг өгөхгүй байх эрх	Did the accused exercise their right to remain silent or not to testify against themselves and therefore not to answer questions? / Яллагдагч/холбогдох нь дуулигд хариулахгүй байх эрх эхлүүлж өөрийн эсрэг мэдүүлэг өгөхгүй байх эрхээ эдэлсэн үү?	<input type="checkbox"/> Yes / Тийм <input type="checkbox"/> No / Үгүй	
17.3. Defense Lawyer / Өмгөөлөгчтэйгөө мэдүүлэг өгөх эрх	Was a defense lawyer present during the interrogation? / Мэдүүлэг авах үед өмгөөлөгч байсан үү?	<input type="checkbox"/> Yes (4 points) / Тийм (4 оноо) <input type="checkbox"/> No, but the accused was legally permitted to proceed without a lawyer (0 points) / Үгүй, гэхдээ яллагдагч/холбогдох нь өмгөөлөгчгүй мэдүүлэг өгөхгүй үүрмэл захиарсан байсан (0 оноо) <input type="checkbox"/> No, but a lawyer was required to be there – select why (0 points) / Үгүй, гэхдээ өмгөөлөгч байхад ч иргэддэгчтэй байсан – иргэддэгч сонгоно уу: (0 оноо) Accused was / Яллагдагч/холбогдох нь: <input type="checkbox"/> Not able to defend themselves due to disability, mental disorder, or senile illness / Хэлсний ёрроогдох, сэтгэврийн аажир, мэдрэгчийн эвчлэл, эвчлэлтэй өвчин <input type="checkbox"/> Under 16 years old / 16 нас хүрээгүй <input type="checkbox"/> Not fluent in Mongolian language / Монгол хэл бишээр хэлэхгүй <input type="checkbox"/> Charged with a crime with a potential sentence of life imprisonment / Бүх насдаа хорьдог ялтай гэмт хэрэгт холбогдсон <input type="checkbox"/> Charged in a case with other co-accused who did have lawyers / Хэрэг нь өөр хамтран хариуцаж эсрэг оролцогчийг сонгох, яллагдагч/холбогдох, үүрдэгч/холбогдохид өмгөөлөгчтэй байгаа бол	
17.4. Interrogation Duration / Байцаалтын үргэлжилсэн хугацаа	How long did the interrogation last? / Мэдүүлэг авах ажиглалтаа хэр хугацаанд үргэлжилсэн бол?	Hours / Цаг	
17.5. Legality of Interrogation Duration / Мэдүүлэг авах хугацааны хууль бсны байдал	Did the interrogation conform to the time limit? For breaches, this is a total duration of no longer than 6 hours (for a person over 18) or 2 hours (for a person under 18). For crimes, this is a total duration of no longer than 8 hours (for a person over 18) or 4 hours (for a person under 18). / Мэдүүлэг авах ажиглалта нь хуульд заасан хугацааны хүрээнд явагдсан үү? Зөрчлийн хэрэгт нэг удаад 6 цагаас (18-аас дээш насны хүн) эсхүл 2 цагаас (18 нас хүрээгүй этгээд/эрүүгийн хэрэгт нэг удаад 8 цагаас (18-аас дээш насны хүн) эсхүл 4 цагаас (18 нас хүрээгүй этгээд) нүү үргэлжилжгүй байх.	<input type="checkbox"/> Yes (4 points) / Тийм (4 оноо) <input type="checkbox"/> No (0 points) / Үгүй (0 оноо)	<input type="checkbox"/> 4 <input type="checkbox"/> 0

IV - ACCUSED'S RIGHTS (PRE-TRIAL, ALL STAGES) / ЯЛЛАДАГЧИЙН ЭРХ (ШҮҮХИЙН ӨМНӨХ ШАТ, БҮЛ ШАТ) Part / Бүлэг 17. Rights During Interrogation / Мэдүүлэг авах үед эдлэх эрх

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K. DISCUSS THE RIGHTS OF SUSPECTS AT ALL STAGES: INITIAL ARREST, INTERVIEW, AND INVESTIGATION Part F Syllabus 17: Rights During Interrogation / Page 77

IV. ACCUSED RIGHTS PRETRIAL, ALL STAGES / ХҮЛЭЭГЭЙН ХҮҮРИЙН ОМНОХ ШАТ, БҮЛ ШАТ Part F Subpart 18. Rights to Humane Conditions and Freedom From Torture / Хүндэл нөхцлөөр хангуулах, эрдүүдэн цувулгаас өмнөл байх эрх

Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЕХ-ийн хэргийн шүүх хуралдааны ажиглалтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code / Хэргийн код

Team Code / Багийн код

гаргах эрх (Аюул зангиаа шүүх)						
18.4. Complaint About Conditions / Цэгдэн хоригдоон нөхцөл байдлын талаарх гомдол	Were any complaints submitted on the use of torture or other cruel treatment during any pre-trial custody? / Шүүхийн өмнөх цагдаагийн хяналт дор ямар нэгэн гомдол гаргаж байсан уу?	<input type="checkbox"/> No (2 points) / Үгүй (2 оноо)	<input type="checkbox"/> Not applicable or irrelevant (2 points) / Хамраагүй / Тодорхойгүй (2 оноо)	<input type="checkbox"/> No, but comments were made or concerns expressed (3 points) / Үгүй, гомдол бусад аргаар илэрхийлжээ (3 оноо)	<input type="checkbox"/> Yes (3 points) / Тийм (3 оноо)	<input type="checkbox"/> 2 <input type="checkbox"/> 1 <input type="checkbox"/> 0
	If yes, indicate who submitted the complaints: / Хэрэв тийм бол тухайн гомдлыг хэн гаргасан бэ?	<input type="checkbox"/> Accused / Шүүдэгч/хорлогч <input type="checkbox"/> Defense lawyer / Шүүдэгч/хорлогчийн өмгөөлөгч <input type="checkbox"/> Relatives of the accused / Шүүдэгч/хорлогчийн хамгаалагчид <input type="checkbox"/> Other – please specify / Үүлд – дурдана уу:				
	If yes, indicate what action, if any, was taken as a result of the complaint: / Хэрэв тийм бол гомдлын дагуу (хэрэв авсан бол) ямар арга хэмжээ авсан бэ?					
JUSTICE SECTOR SERVICE DELIVERY SCORECARD CALCULATION / ШҮҮХИЙН ШУДАРГА ЁСНЫ ҮЙЛЧИЛГЭЭНИЙ ҮНЭЛГЭЭНИЙ ОНООНЫ КАРТЫН ТООЦОЛ						
Rights to Humane Conditions and Freedom from Torture / Хүндэт нөхцөлөөр хатуулах, эрүүдэн шүүлтээс ангидаг байх эрх.						
Total Score / Нийт оноо (out of 8): / (Нийт 8 оноо)		Grade: / Үнэлгээ:	<input type="checkbox"/> Very Good / Мах сайн (7-8 points / оноо)	<input type="checkbox"/> Good / Сайн (5-6 points / оноо)	<input type="checkbox"/> Poor / Муу (3-4 points / оноо)	<input type="checkbox"/> Very Poor / Мах муу (0-2 points / оноо)

IV – ACCUSED'S RIGHTS / PRE-TRIAL, ALL STAGES / ХАМРААГЧИЙН ЭРХ / ШҮҮХИЙН ӨМНӨХ ЦАТ, СҮХ ЦАТ Part / Бүлэг 18: Rights to Humane Conditions and Freedom from Torture / Хүндэт нөхцөлөөр хатуулах, эрүүдэн шүүлтээс ангидаг байх эрх.

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Case Code / Хэргийн код

Team Code / Багийн код

V – JUSTICE SECTOR SERVICE DELIVERY SCORECARD / ШҮҮХИЙН ШУДАРГА ЁСНЫ ҮЙЛЧИЛГЭЭНИЙ ҮНЭЛГЭЭНИЙ ОНООНЫ КАРТ

Part / Бүлэг 19. Justice Sector Service Delivery Scorecard / Шүүхийн шударга ёсны үйлчилгээний үнэлгээний онооны карт

VICTIM'S RIGHTS / ХОХИРОГЧИЙН ЭРХ						
Part / Хэсэг	Right / Эрх	Overall Grade Achieved / Нийт авсан үнэлгээ				Score / Оноо (1-4)
		Very Good / Мах сайн (4 points / оноо)	Good / Сайн (3 points / оноо)	Poor / Муу (2 points / оноо)	Very Poor / Мах муу (1 point / оноо)	
2	Safety Assessment / Аюулгүй байдлын үнэлгээ	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Right to Relevant Information Concerning Violators and Reparation Mechanisms / Хэрэг шалгах явц дахь зөрчил болон арга хэмжээний механизмудын талаарх мэдээлэл авах хохирогчийн эрх, зөрчил хийгээд нөхөн сэргээх арга механизмтай холбоотой мэдээлэл авах эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4	Right to Equal and Effective Justice / Хууль, шүүхийн байгууллагад үр нөлөөтэй, тэгш хандах эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5	Right to Adequate, Effective, and Prompt Reparation for Harm Suffered / Үзүүлсэн хохирлыг хангалттай хэмжээнд, үр дүнтэй арга замаар яаралтай нөхөн татүүлэх эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Total Score (out of 16) / Нийт оноо (нийт 16)						
OVERALL GRADE: / НИЙТ ОНОО VICTIM'S RIGHTS / ХОХИРОГЧИЙН ЭРХ		<input type="checkbox"/> Very Good / Мах сайн (13-16 points / оноо)	<input type="checkbox"/> Good / Сайн (9-12 points / оноо)	<input type="checkbox"/> Poor / Муу (5-8 points / оноо)	<input type="checkbox"/> Very Poor / Мах муу (3-4 points / оноо)	

V – JUSTICE SECTOR SERVICE DELIVERY SCORECARD / ШҮҮХ ЭРХ МЭДЛИЙН САЛБАРЫН ҮЙЛЧИЛГЭЭНИЙ ОНООНЫ КАРТ Part / Бүлэг 19. Justice Sector Service Delivery Scorecard / Шүүх эрх мэдлийн салбарын үйлчилгээний онооны карт

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЕХ-ийн хэргийн шүүх хуралдааны амжилтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code /
Хэргийн кодTeam Code /
Байрны код

ACCUSED'S RIGHTS / ШҮҮГДЭГЧ ХОЛБОГДОГЧИЙН ЭРХ						
Part / Хэсэг	Right / Эрх	Overall Grade Achieved / Нийт авсан үнэлгээ				Score/ Оноо (1-4)
		Very Good / Маш сайн (4 points/ оноо)	Good / Сайн (3 points/ оноо)	Poor / Муу (2 points/ оноо)	Very Poor / Маш муу (1 point/ оноо)	
TRIAL & APPEAL / АНХАН БОЛОН ДАВЖ ЗААЛДАХ ШАТ						
6	Right to a Trial by a Competent, Independent, and Impartial Tribunal Established by Law / Хуульд заасны дагуу байгуулагдсан, хэрэгт бус, тал үл харах шүүхээр хэргээ олон шийдвэрлүүлэх эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7	Right to a Public Hearing / Нээлттэй шүүх хуралдаанаар хэргээ олон шийдвэрлүүлэх эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8	Right to be Presumed Innocent, and Not to Be Compelled to Testify or Confess Guilt / Гэм буруутай нь эцэслэн тогтоох хүртэл гэмт буруутайд тооцогдох, өөрийнхөө гэм буруут хүлээхийг тулган шаардлагаас ангид байх эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9	Right to Objective and Comprehensive Evaluation of Evidence / Нотлох баримтыг тал бүрээр нь бодитой, бүрэн гүйцэд үнэлүүлэх эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10	Equality of Arms / Тэнгүүдэн тэнх байдлыг	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11	Right to Defend Oneself in Person or Through Counsel / Өөрсө өөрийнхөө өмгөөлөх болон өмгөөлөгчөөр өмгөөлүүлэх эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12	Right to a Public Judgment and Right to a Reasoned Judgment / Хэргээ үндэслэн бүхий шийдвэр, тогтоолоор шийдвэрлүүлэх эрх, шүүхийн шийдвэрийг олон нийтэд нээлттэй байх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
PRE-TRIAL ALL STAGES / ШҮҮХИЙН ӨМНӨХ ШАТ, БҮХ ШАТАНД						
14	Right to Liberty, to Independence and Impartiality, and to Challenge the Lawfulness of Detention / Халдваргүй чөлөөтэй байх эрх, хэсэгт бус байх, тал үл харах байдлыг, цагдаагийн газрын хамжааг зүүлдэг байдлаас ангидаг байх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15	Right to Information and to Access the Outside World / Мэдээлэл авах болон гадаад эргэлтэй харилцах эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16	Right to Legal Counsel, and to Adequate Time and Facilities to Prepare a Defense / Өмгөөлөгч авах, өмгөөлөх, өмгөөлүүлэх эрхээ хэрэгжүүлэх хангамжтай хугацаа, боломжоор хангуулах эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

19 - JUSTICE SECTOR SERVICE DELIVERY SCORECARD / ШҮҮХ ЭРХ МЭДЛИЙН САЛБАРЫН ҮЙЛЧИЛГЭЭНИЙ ОНООНЫ КАРТ Part / Бүлэг 19. Justice Sector Service Delivery Scorecard / Шүүх эрх мэдлийн салбарын үйлчилгээний онооны карт

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Mongolia DV Trial Monitoring Tool (Logbook) / Монгол улс дахь ГЕХ-ийн хэргийн шүүх хуралдааны амжилтын хэрэглэгдэхүүн (Бүртгэлийн хуудас)

Case Code /
Хэргийн кодTeam Code /
Байрны код

ACCUSED'S RIGHTS / ШҮҮГДЭГЧ ХОЛБОГДОГЧИЙН ЭРХ						
Part / Хэсэг	Right / Эрх	Overall Grade Achieved / Нийт авсан үнэлгээ				Score/ Оноо (1-4)
		Very Good / Маш сайн (4 points/ оноо)	Good / Сайн (3 points/ оноо)	Poor / Муу (2 points/ оноо)	Very Poor / Маш муу (1 point/ оноо)	
17	Rights During Interrogation / Мэдүүлэг авах үед эрхээ эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
18	Right to Humane Conditions and to Freedom From Torture / Хүндэл нөхцөлөөр хөнгүүлэх, эрүүдэн шүүлтээс ангидаг байх эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Total Score (out of 48) / Нийт оноо (нийт 48)						
OPTIONAL PART / ЗААВАЛ БӨГЛӨХ ШААРДЛАГА ГҮЙ ХЭСЭГ						
If Part 13 was completed (if there was a need for an interpreter/translator, even if one was not appointed), indicate the score achieved below: / Хэрвэ бүлэг 13-ыг бөглөсөн бол (орчуулагч/хэлмэргч танилцоогүй ч авах хэрэгцээ байсан) авсан оноог доор оруулна уу:						
13	Right to an Interpreter and to Translation / Орчуулагч/хэлмэргч авах эрх	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Total Score (out of 52) / Нийт оноо (нийт 52)						

OPTION 1: RIGHT TO AN INTERPRETER AND TO TRANSLATION NOT APPLICABLE /
СОНГОЛТ 1: ОРЧУУЛАГЧ АВАХ ЭРХ БОЛОН ОРЧУУЛГАТАЙ ТАНИЛЦАХ ЭРХ- ҮЛ ХАМААРАХ

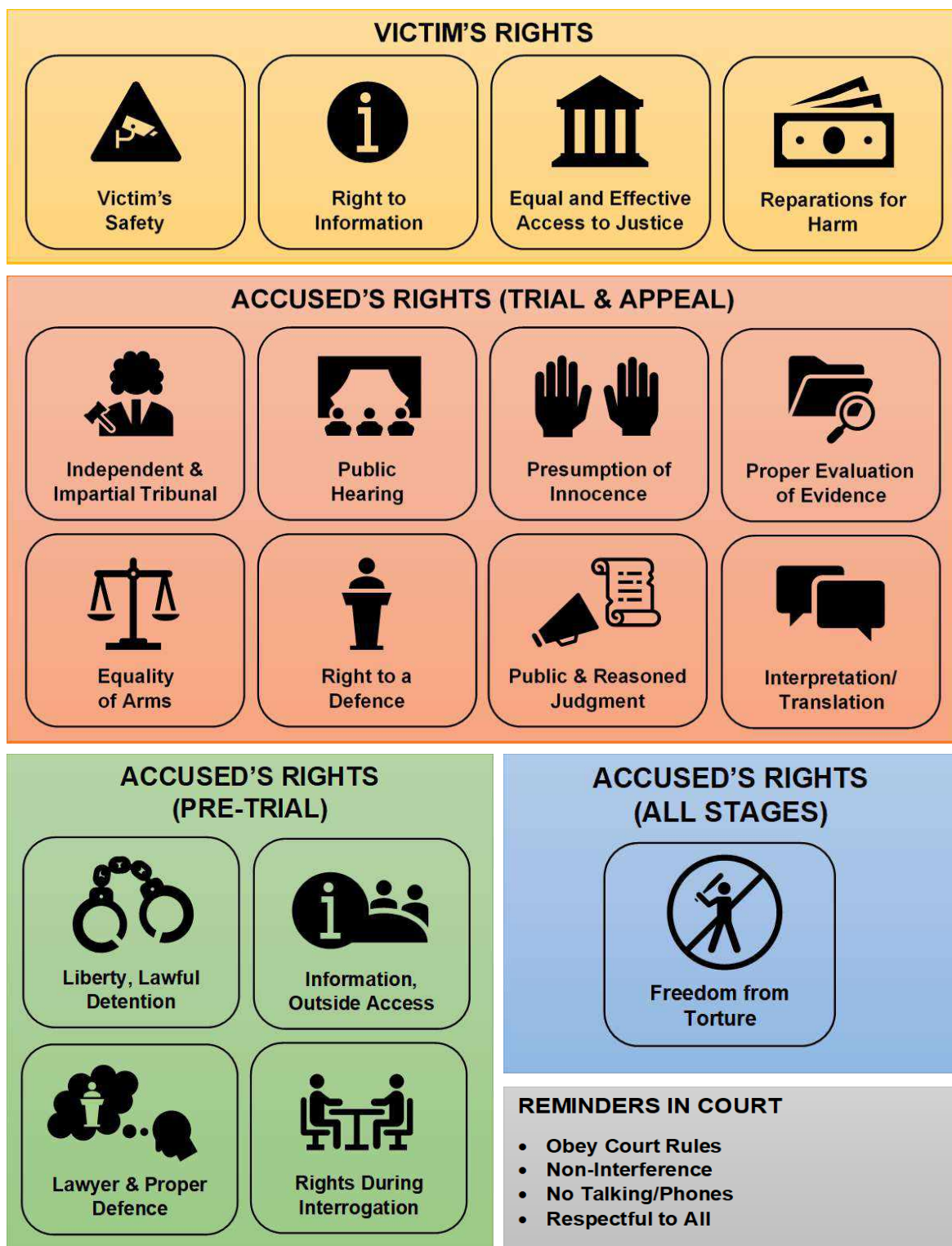
OVERALL GRADE / НИЙТ ОНОО ACCUSED'S RIGHTS / ШҮҮГДЭГЧ ХОЛБОГДОГЧИЙН ЭРХ	<input type="checkbox"/> Very Good / Маш сайн (37-48 points/оноо)	<input type="checkbox"/> Good / Сайн (25-36 points/оноо)	<input type="checkbox"/> Poor / Муу (13-24 points/оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-12 points/оноо)
OPTION 2: RIGHT TO AN INTERPRETER AND TO TRANSLATION APPLICABLE / СОНГОЛТ 2: ОРЧУУЛАГЧ АВАХ ЭРХ, ОРЧУУЛГАТАЙ ТАНИЛЦАХ ЭРХ- ХАМААРАХ				
OVERALL GRADE / НИЙТ ОНОО ACCUSED'S RIGHTS / ШҮҮГДЭГЧ ХОЛБОГДОГЧИЙН ЭРХ	<input type="checkbox"/> Very Good / Маш сайн (40-52 points/оноо)	<input type="checkbox"/> Good / Сайн (27-39 points/оноо)	<input type="checkbox"/> Poor / Муу (14-26 points/оноо)	<input type="checkbox"/> Very Poor / Маш муу (0-13 points/оноо)

19 - JUSTICE SECTOR SERVICE DELIVERY SCORECARD / ШҮҮХ ЭРХ МЭДЛИЙН САЛБАРЫН ҮЙЛЧИЛГЭЭНИЙ ОНООНЫ КАРТ Part / Бүлэг 19. Justice Sector Service Delivery Scorecard / Шүүх эрх мэдлийн салбарын үйлчилгээний онооны карт

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Annex D. Companion Handbook: Key Issues to Monitor

Key Issues to Monitor



Annex E. Companion Handbook: Note Taking Template

IDLO DV Trial Monitoring (Trial Notes)

Hearing Date	___ / ___ / ___	Court			
Type	<input type="checkbox"/> Breach <input type="checkbox"/> Crime	Stage	<input type="checkbox"/> Trial <input type="checkbox"/> Appeal	Charge(s)	

I. BEFORE THE HEARING

Reminders: Security screening; security personnel; protection for victims/witnesses; waiting locations

II. DURING THE HEARING

• Times, Attendees

Hearing No.	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4	Start Time	___ : ___	End Time	___ : ___
Attendees	<input type="checkbox"/> 1 Judge	<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Accused – how many: ___		
	<input type="checkbox"/> 3 Judges	<input type="checkbox"/> Citizen's Representative	<input type="checkbox"/> Defence Lawyer: <input type="checkbox"/> Appointed <input type="checkbox"/> Private		
	<input type="checkbox"/> Victim(s) – how many: ___		<input type="checkbox"/> Witness(es) – how many: ___		
	<input type="checkbox"/> Victim's Lawyer <input type="checkbox"/> CSO Staff		<input type="checkbox"/> Expert(s) – how many: ___		
	<input type="checkbox"/> Others (translator, children, legal representatives, social workers, police, etc):				

• Technical Aspects

Video cameras working?	<input type="checkbox"/> Yes <input type="checkbox"/> Not working <input type="checkbox"/> Unsure if working <input type="checkbox"/> No cameras
Official minutes taken by court officer?	<input type="checkbox"/> Yes <input type="checkbox"/> No

• Courtroom Layout

Diagram of court/ hearing space <i>(indicate estimate of size, location of different parties)</i>	
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- **Courtroom Proceedings**

[illegible]

- **Verdict**

Verdict	<input type="checkbox"/> Conviction for the crime(s) charged	<input type="checkbox"/> Re-investigation	<input type="checkbox"/> Acquittal
	<input type="checkbox"/> Conviction under different crime(s) than the one(s) charged – specify which:	<input type="checkbox"/> Conviction for only some of the crimes charged – specify which:	
If convicted, sanction:			
Reasoning for verdict (if given)			
Compensation for victim(s)	<input type="checkbox"/> Yes – describe:	<input type="checkbox"/> Not applicable – no request	<input type="checkbox"/> No

III. AFTER THE HEARING

Reminders: Security measures, including victim(s) leaving first, accused waiting; security escorts, etc.

IV. DEBRIEF WITH COURT OFFICER (IF APPLICABLE)

Reminders: Victim safety issues, clarifications regarding hearing, access to case file

Annex F. Companion Handbook: Monitors' Code of Conduct

Code of Conduct for Trial Monitors

Professionalism

Monitors shall:

- Familiarize themselves in advance of the trial with all available information related to the case, including the date and time of the hearing to be observed, the location of the court building, identities of the defendants, their legal representatives, prosecutors and judges, and the legal charges;
- Arrive at court early enough to have sufficient time to gain access to it;
- If an interpreter is needed, sit so that interpretation can be made during the trial without disturbing the proceedings;
- Pay full attention to the proceedings and take notes diligently;
- Strictly obey the court rules;
- Carry identification documents (wear a badge identifying them as monitors);
- Wear appropriate clothing;
- Behave in a dignified manner;
- Treat all court officials and actors with dignity and respect.

Non-interference (non-intervention)

Monitors shall:

- Not influence a proceeding in any way, even in the interests of a fairer outcome;
- When engaging with third parties, explain the purpose of trial observation, including the principle of non-intervention; and
- When asked questions about or invited to actively engage in the judicial process, explain their role as observers and the principle of non-intervention, and decline to comment or act.
- Objectivity and impartiality
- Monitors shall:
- At no time in observing or reporting express bias;
- Not make any statement to court officials, parties to a case or any other third party, including the media, on the proceedings;
- When in the courtroom, to the extent possible, sit apart from the prosecution, defence, other participants to proceedings and apparent supporters of a party, and take notes visibly and contemporaneously to the observed proceedings;
- When collecting additional information through meetings, attempt to contact opposing parties and collect a variety of views;
- Not engage in conversations in a manner that might give the impression of taking sides and, in particular, avoid protracted conversations with parties to the proceedings; and
- In reporting, indicate clearly where a piece of information is hearsay, allegation, opinion and the like.

Confidentiality

Monitors shall:

- Not disclose to court officials, parties to a case or any other third party, including the media, observations or their findings; and
- Ensure safety and confidentiality of hand-written notes, data handled electronically and of other monitoring information, especially when they contain personal data or private or confidential sources.
- Not disclose any information to anyone, obtained from the project activities.

Access to court

- If access is denied or performance of their duties is hindered by the host state's officials, monitors should identify themselves and explain the OSCE commitment to allow observers at trials.
- A monitor should never demand access or threaten court officials, and should remain respectful and courteous at all times. Any obstacles with court access should be reported to the team leader.

Security

Monitors shall:

- Choose a safe place for appointments and secure means of communication, particularly with private sources;
- Report security-related incidents or serious concerns immediately to the team leader, and discontinue observation immediately if they feel unsafe at any point, for whatever reason; and
- Not contact any third parties if there is a possibility that this could affect the security of the monitors.

I, _____, ID Number _____, selected as a monitor for monitoring domestic violence trials in Mongolian courts in a court of _____ district/aimag under the *Strengthening Gender-Based Violence Response in Mongolia Project* funded by the Government of Canada implemented by IDLO Mongolia, acknowledge having received a copy of the Code of Conduct, understand and accept all the provisions thereof, and undertake to perform my duties in accordance with them.

Should I have any doubts or questions with regard to the Code, I will report them immediately to the team leader or the designated contact point at the *Strengthening Gender-Based Violence Response in Mongolia Project*.

I declare having been informed that I am not an IDLO staff; I am not subject to the Staff Regulations and Rules of IDLO and, consequently, I am not entitled to any rights or benefits provided by these texts, nor to any privileges and immunities granted to IDLO staff. Nevertheless, I undertake to abide by the substance of the *Strengthening Gender-Based Violence Response in Mongolia Project's Code of Conduct*, a copy of which I have received.

Signature _____ Date _____

Phone number: _____

Annex G. Monitor Training

Official trial monitoring training took place over four days from 11-14 August 2020. The training included a half-day official launch event followed by three days of training. These are detailed below.

1.1. Official Launch

The training commenced with an official trial monitoring launch on 11 August 2020 that served as an orientation for both trial monitors and court officials, and enabled trial monitoring teams and officials at their assigned courts to meet and begin building a rapport. The launch was attended by the JGC, the Canadian ambassador to Mongolia, judges and court administrators from the nine monitored courts, all 34 official trial monitors, and the PIU.

Tara Neal (Country Manager), Avkhia Jargalan (Project Manager), and Sarantuya Bolikhorloo, the activity's Lead National Consultant delivered welcome remarks. They discussed the activity's objectives, monitoring process, challenges and solutions, and the code of conduct that had been introduced to govern monitors' conduct during hearings.



Image 27: Welcome remarks from Tara Neal, Avkhia Jargalan, and Sarantuya Bolikhorloo



Image 28: Opening remarks from Judicial Council of Mongolia Chairman E. Batbayar

JGC Chairman E. Batbayar offered the event's opening remarks. Stressing to judges and administrators that they should cooperate with the activity, Mr. Batbayar said:

"We should acknowledge that in our country's practice, there has been a lack of effective trial monitoring methodology and tools, capacity of trained professionals, and their participation. We are confident that the workshop will result in introducing an efficient trial monitoring methodology in judicial practice based on a reference model from the Organization for Security and Co-operation in Europe and make a valuable contribution to strengthening public oversight and enhancing judicial transparency."



Image 29: Canadian Ambassador to Mongolia Catherine Ivkoff

Canadian Ambassador to Mongolia H.E. Catherine Ivkoff expressed her appreciation for the activity. As she explained, “I am very pleased that Mongolian experts and justice sector officials will deliver this training and conduct monitoring. Such engagement and ownership by national stakeholders and experts is the key to long term success in combating gender-based violence throughout Mongolia.”

Likewise, Ms. L. Nyamgerel, Co-chair of the Project Steering Committee and Head of the Secretariat for the Crime Prevention Coordination Council of the Ministry of Justice and Home Affairs, and Ms. E. Bayarbayasgalan, Head of the Domestic Violence Division of the National Police Agency, presented on the latest developments in GBV in Mongolia and the support of international donors in increasing access to support services and prevention of domestic violence to maintain critical response mechanisms for domestic violence and enhance preventive action.



Image 30: L. Nyamgerel and E. Bayarbayasgalan presenting updates on GBV in Mongolia

The second session of the launch featured Mr. E. Amarsanaa, Head of the JGC’s Information and Case Management Division, providing an overview of DV infringement and criminal cases heard by the courts in the first half of 2020. Mr. S. Bilguun, an IDLO trainer, then presented on dismantling gender stereotypes and adopting a gender-responsive approach to DV. Finally, human rights lawyer Mr. B. Bolorsaikhan gave an orientation to participants on adopting a victim centered approach.



Image 31: Monitors and court officials interacting at the official launch

In the third and final session of the official launch, trial monitors worked in groups with the target courts’ administration officials. The purpose of this session was to make mutual introductions ahead of the trial monitoring to take place, and to together develop a work plan on cooperation during the trial monitoring period. The target court officials were also able to receive copies of the Trial Monitoring Tool and Companion Handbook so as to better understand what monitors sought to achieve through the activity.

At the conclusion of the official launch, trial monitors collectively traveled to a remote location outside of Ulaanbaatar which would serve as the site for the three day trial monitor training workshop.

1.2. Trial Monitor Training

1.2.1. Objectives

The three-day trial monitor training aimed to build capacity among the recruited trial monitors to ensure that they could effectively monitor DV offenses and criminal trials in Mongolian courts. Accordingly, the training's additional objectives were to ensure that monitors:

- had a uniform understanding of the underlying monitoring methodology that they could apply consistently, accurately, and thoroughly.
- respected and implemented the activity's key principles, especially a victim centred approach, gender responsiveness, and neutrality and objectivity.
- worked as a team, including by being able to effectively communicate, allocate and perform tasks, and collaborate with other monitors and the activity team.

The training was also intended to enable monitors to analyze the tool's terminology, scoring criteria, and legal foundation.

1.2.2. Approach



Image 32: Icebreaker activities at the official monitor training

The training followed adult learning methodologies and emphasized monitors' expertise through a co-teaching approach. Specific training methods used included teamwork, group discussions, mini-lectures, independent work, watching DV trial videos and making notes using the template, note-reading, filling a logbook and Q&As. The training was conducted entirely in Mongolian, consistent with the activity's commitment to local ownership and reliance upon the wealth of existing local expertise. The Companion Handbook (discussed above at **Section 6.5**) was distributed to monitors to complement the training sessions.

Dr. U. Tuya, an IDLO trainer with a PhD in education, served as overall facilitator in conjunction with the Lead National Consultant. Three IDLO experts/trainers facilitated modules: the head of the police DV department; a prosecutor; and a chief judge from one pilot court. Furthermore, a unique feature of this training was that six of the pilot monitors, all of whom had been retained as official monitors, held sessions sharing with other monitors their tips on how to complete Trial Monitoring Tool and the Google Forms.



Image 33: Dr. U. Tuya facilitating a monitor training session



Image 34: Workshopping ideas at the official monitor training

Dr. U. Tuya, in consultation with the trainees, set the basic guidelines to be applicable during the training days to maintain a productive and organized training program. Before ending each day's session, Dr. Tuya would discuss the topics taught during the day with input from the participants. The next day would start with a debriefing of previous day's main topics by asking the participants about what they had learnt and what were the main points discussed, before moving on to an overview of that day's agenda.

Also, at the end of each day, there was a daily follow-up/feedback meeting provided by Dr. Tuya and the Lead National Consultant with the IDLO PIU staff and the pilot monitors who were facilitating the training to discuss the day's proceedings, and workshop improvements to the next day's training.

By the end of the third day, monitoring teams had revised the draft work plans developed with court representatives during the launch event based on the direction given by the Lead National Consultant. The teams were then required to finalize them once when they held courtesy visits to the courts before the trial monitoring and would then submit them to the Lead National Consultant.

Finally, the third day of the training concluded with an overall course evaluation conducted by the IDLO PIU staff. This evaluation was intended to obtain participants' views about different aspects of the training – from the venue to the effectiveness and coverage of the topics, and from the trainer's knowledge and preparedness to their overall impression of the whole experience.

1.2.3. Outcomes

Median overall satisfaction with the official training as measured through the training evaluation was reported at 4.64 out of 5, an increase compared to the median of 4.53 for the pilot training. Monitors also reported a satisfaction rate of 4.3 or above for every aspect of course design. At least 73 percent of monitors identified each module as being very valuable, singling out the sessions examining DV in Mongolia and unpacking the Trial Monitoring Tool as being of particular relevance. Moreover, monitors self-assessed that they had, on average, improved their knowledge and skills in relation to each topic addressed by 57 percent.

