



Perú

JUDICIAL INDEPENDENCE ASSESSMENT



CYRUS R. VANCE CENTER
FOR INTERNATIONAL JUSTICE



LAWYERS COUNCIL
for CIVIL & ECONOMIC RIGHTS



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Cyrus R. Vance Center for International Justice
and
Federación Latinoamericana de Magistrados

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Introduction and context

This document is part of a series of assessments examining judicial independence across Latin America. It aims to provide concrete and up-to-date information on each country in the region, highlighting challenges and fostering constructive dialogue with both national and international community. It seeks to outline key structural, normative, and operational aspects of the judiciary while addressing issues that affect judicial independence in this jurisdiction. Specifically, it covers topics such as the selection and appointment of judges, evaluations, promotions, disciplinary processes, dismissals, and the physical and legal security of judicial actors. It also examines external influences on the judiciary including, interference of other branches of government in the justice system, cases of corruption and the centralization of administrative and financial powers, among others. Additionally, the document assesses recent advancement through laws and policies aimed at reducing these challenges.

This report is not intended to provide an exhaustive analysis of the subject, but rather to serve as a concise guide, offering analytical elements and research tools for readers from any context. It was produced by the *Cyrus R. Vance Center for International Justice* of the New York City Bar Associationⁱ and the Latin American Federation of Judges as part of the project to strengthen the independent judiciary.





Judiciary

Article 72 of the Organic Law of the Judicial Branch, approved by Supreme Decree No. 017-93-JUS ("L.O.P.J.") establishes that the leadership and administration of the Judicial Branch are the responsibility of the President of the Supreme Court of Justice of the Republic ("C.S.J.R."), the Executive Council ("C.E.") and the Plenary Chamber of the C.S.J.R., each according to their respective competencies.

The Judicial Branch is divided into the following jurisdictional bodies:

- Supreme Court of Justice: It is the last instance to which all judicial proceedings from any Superior Court of Justice may be appealed.
- Superior Courts of Justice: These courts try ordinary cases and are responsible for resolving appeals of sentences handed down by the Specialized or Mixed Courts.
- Specialized and Mixed Courts: They conduct the investigation of the cases presented, sentence in the summary proceedings and are in charge of resolving the appeals made on the sentences of the Magistrates' Courts.
- Justice of the Peace Courts: They resolve appeals made on the sentences of the Justice of the Peace and investigate and sentence in cases of misdemeanors according to their competence.
- Justice of the Peace: They investigate and sentence in cases of minor offenses, according to their competence.

Peru has 34 territorial subdivisions, each known as a "judicial district" or "Superior Court of Justice", for the organizational purposes of the Judicial Branch. Each judicial district has a Superior Court of Justice, led by a Superior Plenary Chamber composed of all the senior judges within that district. Every two years, the members of the Plenary Chamber elect one of their peers to preside over both the Plenary Chamber and the Superior Court of Justice or judicial district.

A. Specialized bodies in the administration of the Judicial Branch

The leadership of the Judicial Branch is entrusted to the President of the Supreme Court of Justice, the Executive Committee (C.E.), and the Plenary Chamber of the Supreme Court of Justice.

The powers of the President of C.S.J.R. are as follows: a) To represent the Judiciary; b) To convene and preside over the Plenary Chamber; c) To order the implementation of the resolutions adopted by the Plenary Chamber; d) To exercise the Budget of the Judicial Branch; e) To appoint the members of the Specialized Chambers of the Supreme Court of Justice; and f) To designate the Supreme Justices for special positions.

Similarly, Article 82 of the L.O.P.J. outlines the 31 powers of the C.E., including the following: **(i) proposing** the General Policy of the Judicial Branch to the Plenary Chamber and approving the Development Plan;



(ii) setting the number of Supreme Justices; and **(iii) determining** the number of Permanent Specialized Chambers and, in exceptional cases, the number of Temporary Chambers within the Supreme Court of Justice.

Finally, Article 80 of the L.O.P.J. specifies the powers of the Plenary Chamber, which include: a) To approve the General Policy of the Judiciary as proposed by its Executive Committee; b) To elect by secret ballot among its judges, retired or active, the representative of the Supreme Court of Justice to the National Jury of Elections; c) To elect by secret ballot the representative to the National Jury of Justice ("J.N.J."); d) To systematize and disseminate the precedents of the specialized chambers of the C.S.JR., and ensure the quarterly publication of rulings that establish jurisprudential principles of mandatory compliance in all judicial instances; e) To appoint the Supreme Members of the Judicial Branch's Executive Council; f) To appoint the Chief Member of the Office of Control of the Magistracy; g) To exercise the right to legislative initiative; and h) To appoint every two years and with a vote of no less than 80% of the total number of Supreme Vowels, two Superior Ad hoc Vowels with five years' experience in the position, who are assigned competence at the national level.

Article 4 of Administrative Resolution No. 055-2002-CE-PJ (referred to as the Regulations of Organization and Functions of the Executive Council, "R.O.F.") reiterates that the C.E. serves as the governing and management body of the Judicial Branch, and thus assumes responsibility for its technical and administrative direction.

This specialized body is composed of: **(i)** the President of the Judicial Branch, who presides over it and has a simple and casting vote; **(ii)** two Supreme Justices elected by the Plenary Chamber of the Supreme Court of Justice; **(iii)** a sitting Superior Judge elected by the Presidents of the Superior Courts of Justice; **(iv)** a Specialized or Mixed Judge; and **(v)** a representative elected by the Board of Deans of the Peruvian Bar Associations.

The National Board of Justice is a constitutionally autonomous and independent body, subject to the Constitution, its organic law, and other relevant laws. It replaced the former National Council of the Magistracy when it began operations in January 2020. It exercises its powers at the national level and is headquartered in the city of Lima. Exceptionally, and with the approval of an absolute majority of its members, it may convene in any other place within the Republic.

In accordance with the Political Constitution of Peru and the applicable legal framework, the National Board of Justice has among its functions the appointment of judges and prosecutors at all levels, as well as the Head of the National Office of Electoral Processes (ONPE) and the Head of the National Registry of Identification and Civil Status (Reniec), following a public merit-based competition and personal evaluation. Additionally, under the provisions of Laws N° [30943](#) and [30944](#), the National Board of Justice is responsible for appointing the Head of the National Authority of Control of the Judiciary, the Control Judges, the Head of the National Authority of Control of the Public Prosecutor's Office and the Control Prosecutors.



The mission of the J.N.J is: "To appoint, evaluate, ratify and sanction judges, prosecutors, national control authorities of the Public Prosecutor's Office and the Judiciary, and the heads of the ONPE and the RENIEC; contributing to the strengthening of the administration of justice and democratic institutional; through fair and transparent processes that allow for having proven, suitable and competent professionals." The vision of the National Justice Board "will guide its actions to consolidate itself as a firm institution that applies fair, transparent and effective processes in the incorporation and removal of judges and prosecutors, supported by the use of information technologies that enable intra-institutional and inter-institutional interoperability, for the benefit of users and the general population".

Among the main functions of the J.N.J., are the following:

- Appoint judges and prosecutors at all levels, following a public merit-based competition and personal evaluation.
- Ratify, through a public and reasoned vote, judges and prosecutors at all levels every seven (7) years. Those who are not ratified or are dismissed may not re-enter the Judicial Branch or the Public Prosecutor's Office.
- Execute jointly with the Academy of the Magistracy the partial performance evaluation of judges and prosecutors of all levels every three (3) years and (6) months.
- Appoint or renew in office the head of the National Office of Electoral Processes (ONPE) in accordance with Article 182 of the Constitution and the Law.
- Appoint or renew in office the head of the National Registry of Identification and Civil Status (RENIEC) in accordance with Article 183 of the Constitution and the Law.
- Apply the sanction of dismissal to judges and prosecutors, both regular and provisional, at all levels. As well as the head of the National Office of Electoral Processes (ONPE) and the National Registry of Identification and Civil Status (RENIEC).
- Apply the sanction of reprimand or suspension to Supreme Court judges and supreme prosecutors for up to one hundred and twenty (120) calendar days, based on criteria of reasonableness and proportionality.
- Appoint and remove, when appropriate, the heads of the National Authority for the Control of the Judiciary and the Public Prosecutor's Office.

On March 7, 2024, the Peruvian Congress attempted to disqualify all seven members of the JNJ, ultimately disqualifying two members. These two were reinstated in their positions due to precautionary measures issued by the Peruvian judiciary. However, in response to these judicial rulings, the Congress filed jurisdictional lawsuit against the judiciary before the Peruvian Constitutional Court. Due to the lack of sufficient votes, the Peruvian Congress passed a bill amending the Peruvian Constitutional Procedural Code to reduce the number of votes required for a resolution in a competency proceeding from five to four. Despite this, the Peruvian Constitutional Court dismissed the competency lawsuit, thereby upholding the judicial resolutions that protected the JNJ members.



Congress' ongoing actions have raised concerns about its attempts to consolidate power, undermine transparency, and erode democratic institutions. Some experts argue that Peru has seen a significant decline in its democratic standing, as evidenced by a sharp drop in its Freedom House score. Congress has been enacting measures that reduce oversight and increase its control, such as weakening judicial oversight through the Constitutional Tribunal, whose members are appointed by Congress. Recently, the Tribunal allowed Congress to judge officials of the National Jury of Elections (JNE), potentially opening the door to further political manipulation.ⁱⁱ

These recent attempts to eliminate the J.N.J. and create a National School of the Magistracy have sparked diverse reactions both domestically and internationally, as they represent political interference in matters that should be under the exclusive purview of the Judiciary. On June 7, 2024, the United Nations (UN) Special Rapporteur on the Independence of Judges and Lawyers, Margaret Satterthwaite, commented on the proposed reform, describing it as "attacks to the independence of the Judiciary". She explained that the "reform threatens the independence of judges and prosecutors, essential for the administration of justice in a democratic State".ⁱⁱⁱ This legislative action adds to previous efforts to control and undermine the JNJ, including the dismissal of its members. "In short, the bill in question transcends the true objective of the Peruvian parliamentary majority, which is to concentrate more power through the discretionary control of the members of a vital organ of the justice administration system."^{iv}

B. Discussion of the composition of the specialized bodies and the way they operate

The current debate regarding the composition of these bodies centers on the fact that administrative tasks are not assigned to a single body but are instead distributed across the three bodies mentioned above. Some advocate for unifying all administrative activities under a single body.

One of the notable precedents of the interference by other public powers or other judicial entities in the entities in the administration of the Judicial Branch back to 2018. At that time, a case of possible "influence peddling" involving certain members of the C.S.J.R., National Council of the Magistracy, congress members, and some politicians came to light. This led to the declaration of an emergency within the judiciary for its reorganization^v, aimed at strengthening the anti-corruption and political interference mechanisms that had been uncovered^{vi}. This case, known as "Cuellos Blancos del Puerto" or "CNM audios", remains unresolved, and the extent interference in the Judicial Branch has yet to be determined.

C. Administrative powers of the S.J.R.C.

According to Article 73 of the L.O.P.J., the president of the C.S.J.R. is also the president of the Judicial Branch and, as such, serves as the head of one of the branches of the State. Similarly, Art. 33 of the R.O.F.



specifies that the E.C. maintains functional relations with the president of the Judicial Branch, the Plenary Chamber of the C.S.J.R. and the District Executive Councils in order to improve the administration of justice.

D. Degree of compliance with judicial decisions

The Executive and Legislative branches complied with judicial decisions, including a precautionary measure issued by a Constitutional Court against Congress, which suspended the election process for the Ombudsman due to non-compliance with transparency requirements^{vii}. In response to this and other constitutional rulings, Congress filed a jurisdictional complaint against the judiciary (case number 0003-2022-PCC/TC) before the Peruvian Constitutional Tribunal, whose members were appointed by the current Congress. The Tribunal ruled in favor of Congress, annulling certain judicial rulings and establishing that constitutional *amparo* actions against Congress are only valid when fundamental rights of individuals are directly violated. This decision effectively created a zone exempt from constitutional oversight, which the Tribunal referred to as Congress's "exclusive and excluding power".

In cases involving decisions of the public administration, whether within the framework of administrative or constitutional proceedings, judicial rulings are often not complied with. Public attorneys (lawyers representing the State in court) frequently delay the execution of sentences and file *amparo* claims against judicial decisions to avoid compliance or to delay enforcement.

In the specific case of the National Association of Magistrates of Peru, the association has been compelled to seek recourse through the to the Inter-American System for the Protection of Human Rights due to the Peruvian State's systematic refusal, since 2013, to comply with judgments issued by the Peruvian Judiciary and by the Peruvian Constitutional Court in favor of the judges. This supranational case is filed under case number 15.141 before the IACHR.

E. Budget of the Judiciary in general

The budget is ultimately approved by the Congress of the Republic based on a proposal from the Judicial Branch. Article 145 of the Political Constitution of Peru ("C.P.P.P.") states, "*The Judicial Branch submits its budget proposal to the Executive Branch and submits it to Congress*". Additionally, Article 82 of the L.O.P.J. establishes that the E.C. of the Judicial Branch internally approves the budget proposal prepared by the General Management before it is submitted to Congress. Judges have no role in determining the judiciary's budget.

1. Discussion on the budget for the judiciary

In 2004, there was a constitutional debate regarding the interpretation of Article 145 of the Constitution, specifically on whether the Executive Branch should fully respect the budget proposal made by the Judicial



Branch.^{viii} Currently, the discussion centers on the final approved amounts, which are considered insufficient to cover the Judicial Branch operating costs.

According to the Institutional Budget Project, the budget for the "Judicial Branch" sector is allocated annually, with each Court receiving an amount intended to meet its needs throughout the fiscal year. Each budget item specifically delineated, preventing Judges and/or Court Presidents from making discretionary use of the funds assigned to their offices.

Nomination, selection and appointment of judges

In 2019, the National Board of Justice ("J.N.J.")—an autonomous and constitutionally independent body—was established to replace its predecessor, the National Council of the Magistracy. Comprising seven full members, the J.N.J. is responsible for appointing judges and prosecutors at all levels through a public merit-based competition and personal evaluation. To confirm an appointment, a public and reasoned vote by two-thirds of its legal membership is required, meaning a minimum of five votes. Notably, the vote does not alter the results of the public merit-based competition.

The person presiding the J.N.J., initiates a competition to fill new or vacant positions, with immediate notification of the responsible officials according to the following terms: a) The call is published once in the Official Gazette El Peruano and in another newspaper of major circulation, as well as on the institutional page of the J.N.J.; b) Applicants must request the J.N.J., to be considered as candidates and submit to the public merit-based competition, presenting the documents indicated in the J.N.J., regulations. The fee paid by each applicant covers their participation costs; c) After reviewing the submitted documentation, the J.N.J., publishes a list of the applicants deemed suitable for evaluation, allowing objections to be submitted, with supported evidence; d) Following this, the public merit-based competition is held. The stages of the public merit-based competition for the appointment of judges are cancellable and proceed in the following order: **(i)** knowledge evaluation: it addresses the disciplines and subjects that accredit the academic and professional solvency of the candidate; **(ii)** curricular evaluation: it considers aspects such as academic training, professional career and experience in legal research; **(iii)** judicial case study according to the subject and specialty to which the applicant aspires; and **(iv)** personal interview: it analyzes and explores the personality of the applicant in public sessions.

Additionally, the J.N.J., may conduct confidence assessments of applicants to ensure a higher level of certainty regarding their suitability. These assessments may include financial, socioeconomic, psychological, and psychometric evaluations, with the option to contract specialized companies or experts to perform these tests.

The applicant's final grade is calculated as the average of the obtained in each stage of the competition. The J.N.J., appoints the candidate to the position for which they have applied, following a strict order of merit. This appointment is through a duly substantiated resolution.



The members of the judiciary believe that, in principle, the nomination system is adequate to ensure appointments based on merit and experience. The design of the evaluation stages for applicants is considered appropriate, as it begins with an initial filter to assess the fulfillment of preliminary requirements (such as affidavits, age, background, etc.), followed by a knowledge and academic competency examination with a cancellation feature, then a curricular evaluation, a judicial case resolution test, and finally a personal interview phase. However, concerns may arise during each phase. For example, there have been instances where the J.N.J., unexpectedly altered the format of the knowledge test from an objective assessments of answers to a subjective evaluation, placing the applicant's score entirely in the hands of the evaluator. This change undermines the impartiality that should be guaranteed in such evaluations. Additionally, the J.N.J., has often relied on a single university to design the knowledge test questions; ideally, law schools from both top private and public universities in the legal field should be involved in this process.

Currently, there are no known proposals to reform the appointment mechanism, primarily because the creation of the J.N.J., (which replaced the National Council of the Judiciary) was recent, having occurred in 2019.

However, the mechanism is not fully transparent, as by law, the public is not allowed to know the results of the knowledge test, nor the methods or criteria used to evaluate each specific applicant. Only the personal interview of the candidate is published, meaning that absolute transparency of the mechanism cannot be claimed.

On October 30, 2024, the new members of the J.N.J., were sworn in, following a selection process that has been questioned by various national and international observers due to its lack of transparency, as well as concerns that the Special Commission in charge of the process was not the most suitable to carry out the contest.^{ix}

A. Tenure of office of judges at each level

Art. 2 L.O.P.J. establishes that the J.N.J. is responsible for ratifying, with a public and reasoned vote, judges and prosecutors at all levels every seven years, without any discrimination between levels. Those who are not ratified or are dismissed cannot re-enter the Judicial Branch or the Public Prosecutor's Office.

Similarly, in collaboration with the Judicial Academy, they conduct partial performance evaluations of judges and prosecutors at all levels every three years and six months to monitor their good performance in preparation for potential ratification.

According to art. 107 L.C.J., the office of the judge terminates due to: 1) death; 2) dismissal or retirement; 3) resignation, as soon as it is accepted; 4) dismissal dictated in the corresponding procedure; 5) separation, supervening incompatibility; 6) proven permanent physical or mental cause, which prevents the exercise of the jurisdictional function; 7) having been convicted or subject of a sentence with



reservation of conviction for an intentional crime; 8) reaching the age limit of seventy years; and 9) the other cases provided for in the C.P.P.P. and the L.O.P.J..

Retirement occurred at the legal age of 65. Additionally, there is an option for early retirement established by Legislative Decree No. 19,990.

Retirement is mandatory upon reaching 70 years of age, as established in Article 107.9 of the L.C.J. This requirement applies regardless of the number of years the individual has served within the Judicial Branch.

B. Qualifications and requirements to become a judge

Article 4 of Law No. 29.277 (Judicial Career Law - "L.C.J.") establishes that the general requirements to enter and remain in the judicial career are the following: **(i)** be Peruvian by birth; **(ii)** have full exercise of citizenship and civil rights; **(iii)** have a law degree issued or revalidated in accordance with the law, as well as be able to practice law; **(iv)** not have been convicted or have been subject to a sentence with reservation of conviction for the commission of an intentional crime; **(v)** not be in a state of culpable or fraudulent bankruptcy or be a delinquent debtor of alimony; **(vi)** not have a duly accredited mental, physical or sensory disability that makes it impossible for him/her to perform his/her duties; **(vii)** not have been dismissed by disciplinary measure from the Judiciary or the Public Prosecutor's Office or dismissed from any other agency of the Public Administration, state companies or private activity for serious misconduct; and **(viii)** not be subject to any of the other incompatibilities established by law.

F. Judicial career. Issues to be taken into account

Article 3 of the L.C.J. establishes that the levels of access to the career are organized as follows: **(i)** Justices of the Peace; **(ii)** Specialized or Mixed Judges; **(iii)** Superior Judges; and **(iv)** Supreme Judges.

Access to the first and fourth levels is open, while access to the second and third levels has a thirty percent (30%) of positions reserved for judges within the judicial career who are being promoted. In no case may judges be prevented from applying under equal conditions for the positions available in the open percentage.

Finally, according to Article 7 of the same law, the judicial career ensures that decisions affecting the permanence of judges' permanence in their positions are made with full observance of the guarantees of due process, typicality and legality.

1. Promotions and dynamics of filling vacant positions

Article 2 of the L.C.J. establishes that passing the special studies required by the Judicial Academy is a prerequisite for promotion within the judicial career. Accordingly, the Training Program for Promotion is the unit responsible for managing the academic activities related to the training process for career



advancement. This program operates in line with the Academic Plan and follows the curriculum differentiated by judicial levels, as well as the provisions of the relevant academic and institutional regulations.

According to the L.C.J. and depending on the levels of access to the judicial career, the requirements for promotion are organized as follows:

- Supreme Judges: a) Be at least 45 years of age; b) Have held the position of Superior Judge or Prosecutor of the same level for at least 10 years or, alternatively, have practiced law or been a university professor in legal matters for 15 years; c) Have passed the evaluation provided by the J.N.J.; and d) Have participated in the induction program.
- Superior Judges: a) Be over 35 years of age; b) Have held the position of Specialized or Mixed Titular Judge or Prosecutor of the same level for 5 years or have practiced law or held a university teaching position in legal matters for a period of no less than 10 years. In the case of the practice of law and university teaching, the periods in both conditions are cumulative, as long as they have not been served simultaneously; c) have passed the evaluation provided by the National Judicial Council for the open access percentage; d) be proposed by the Performance Evaluation Commission and have passed the special promotion courses required by the Judicial Academy for the closed access percentage; and e) participate in the induction program for those entering at this level.
- Specialized or Mixed Judges: a) Be over 30 years of age; b) have been a Justice of the Peace or Deputy Provincial Prosecutor or Clerk or Court Reporter for at least 4 years or have practiced law or been a university professor in legal matters for a period of at least 5 years. In the case of the practice of law and university teaching, the periods in both conditions are cumulative, as long as they have not been served simultaneously; c) have passed the evaluation provided by the National Council of the Magistracy for the percentage of open access; d) be proposed by the Performance Evaluation Commission and have passed the special promotion courses required by the Academy of the Magistracy; and e) participate in the qualification program for applicants entering the career.
- Judges and Justices of the Peace: a) Be over 25 years of age; b) have practiced law or been a university professor in legal matters for a period of not less than 3 years; or have served as a Clerk or Court Reporter for more than 2 years or as a Court Clerk for more than 4 years. In the case of the practice of law and university teaching, the periods in both conditions are cumulative, as long as they have not been served simultaneously; c) have passed the evaluation provided by the National Council of the Judiciary; and d) participate in the qualification program.

Evaluation of the judges' work

The L.C.J. establishes that judges have the right to periodic performance evaluation through a technical, objective, impartial and equitable system. The results of the evaluations are published and constitute the central element for promotions and advancements. This process is carried out by the J.N.J. Performance



evaluations are based on the following principles: (i) equality of conditions; (ii) transparency; (iii) objectivity; (iv) measurement; and (v) verification.

A. Criteria for evaluating the quality of sentences

Article 70 of the L.C.J. establishes that the criteria evaluated in judicial decisions are the following: (i) the understanding of the legal problem and the clarity of its exposition; (ii) the logical coherence and soundness of the argumentation used to support the thesis that is accepted and refute that which is rejected; (iii) the procedural congruence; and (iv) the handling of case law relevant to the case, to the extent of the possibilities of access to the same.

In the same line, the Resolution of the National Council of the Magistracy No. 120-2014-PCNM (hereinafter, the "Villasis Precedent"), provides that judicial decisions comply with a standard of due motivation, as it contains general rules to assess the quality of resolutions, rulings, dispositions, minutes and other documents produced by the magistrates, so that they are considered valid. This precedent develops, at length, 17 rules regarding the drafting of judicial decisions, which we invite you to read in order to interpret the guidelines set forth in the rule.

The results of the evaluation are reflected in the Table of Merits (prepared on the basis of a file with a record of the aspects evaluated as provided by law, as well as the disciplinary measures imposed during said period), which is used to determine the promotion of judicial career judges and the granting of promotions as a result of the performance evaluation process.

Training

The Magistrates Academy is the specialized body in charge of the education and training of judges and prosecutors at all levels for the purpose of their selection. It provides specific, permanent training programs within the judiciary through mandatory updating, specialization, and improvement programs. The Training for Promotion Program aims to train magistrates who aspire to be promoted in the judicial career, strengthening their competencies for the proper exercise of their functions in the position once appointed.^x

There is no specific regulatory procedure that delimits the subjects and topics for training. The objectives of the Training Program for Promotion are: **(i) to** provide judges with the technical and legal tools necessary to perform their judicial or prosecutorial duties at the next higher level; **(ii) to** promote awareness of the social importance and constitutional role of the judge or prosecutor within a framework of integrity; and **(iii) to** strengthen the judge's or prosecutor's legal, critical, analytical and argumentative reasoning skills, as appropriate.

The training of judges is a right inherent to their function and an indispensable factor in evaluating their performance under equal conditions and opportunities. This Training Program only involves the judges in



question and not all judicial personnel. Approval of the special studies required by the Judicial Academy is a mandatory requirement for promotion. Only judges have been targeted for this type of training, as it has not been specified whether their support team would apply to such activities.

The training of judges provided by the Judicial Academy meets the standards of quality in teaching. This training does not respond to political interests, as it is part of the Judicial Branch. It is assumed that the training provided by the Judicial Academy must also uphold and guarantee the principle of judicial independence.

The members of the judiciary consulted consider that there is a need for more training in international human rights law and the control of conventionality.

There is no budget line for judges to assign training to their work teams according to the needs they consider pertinent. Each judicial servant who wishes to receive training may enroll in the courses offered by the Judicial Academy, which incurs a personal cost, or alternatively, in the free courses offered by the School of Judicial Assistants of the Judicial Branch.

Working conditions.

A. Physical Security

According to Supreme Decree N°004-2022-IN, "Regulations for Security and Protection of Public Officials, Dignitaries and Personalities", the incumbent Supreme Court judges and the president of the Judiciary may receive security and protection.

In the case of judges who do not have the status of tenured Supreme Court justices, there have been exceptional situations. For example, in 2021, in the face of risk situations, the Inter-American Commission on Human Rights (IACHR) issued precautionary measures in favor of Prosecutor José Domingo Pérez Gómez and Judge Salas Arenas, as well as, their families, due to threats and various complaints filed before the Decentralized Office of Internal Control of the Public Prosecutor's Office.

In this regard, the Peruvian State was ordered to protect the life and integrity of both justice operators and to ensure that they can continue to carry out their work without being subjected to acts of violence.

These justice operators take on greater relevance within the framework of the investigation of crimes of corruption involving high-level public officials in the country. In this sense, protection measures have been provided to judges and prosecutors in Peru based on actions taken by an international organization in response to threats and intimidation mechanisms. However, in cases of threats or any attempt against judicial personnel, there is no protocol in Peruvian law that guarantees the protection of the integrity and life of these individuals. By law, only the chief justices and the president of the Judiciary have access to such measures. In other words, there is a hierarchical criterion.



None of the management, control, or advisory bodies of the Judiciary has the authority to implement security measures for judges in situations that threaten their lives or integrity.

Although the Integral Security Office could provide security measures to judges in risk situations, the Judicial Branch has not allocated a budget to implement adequate measures.

Article 12 of the R.O.F. states that the Integral Security Office is the support body of the General Management, responsible for programming, directing, and executing the plans, norms and directives of the Integral Security System of the Judicial Branch, which includes the internal protection of the facilities, surveillance, and protection of judges, senior officials, and jurisdictional and administrative personnel.

This lack of protection creates a vulnerable context for judicial personnel responsible for critical investigations. Protection measures should be implemented to ensure stability and security to judicial personnel, allowing them to carry out their work within the ethical standards of peace of mind required in any professional environment.

There are resources available to provide security for judicial personnel, but these resources are not adequately allocated to cover all judges. Instead, they are assigned to tenured Supreme Court Judges who, due to being assigned an ad hoc position or involvement in high-profile cases, require protection.

B. Human Resources

Judges consulted consider that they do not have sufficient human resources to carry out their tasks effectively, especially in light of the enormous procedural load they bear. The human resources assigned by the administration are minimal, which is compounded by the low salaries received by auxiliary personnel compared to what public servants in other agencies of the justice system (such as Constitutional Court, Public Prosecutor's Offices and Ministries) earn. There are even very particular situations within the Judiciary itself. For example, in the case of the Supreme Court, Supreme Titular Judges are assigned five assistants, while Supreme Provisional Judges are assigned only three, yet the workload is the same for both.

C. Compensation

Judges in Peru receive their salary according to their hierarchical level^{xi} :

Hierarchical Rank	Salary
Chief Justice of the Supreme Court	U\$S 5, 804
President of the Supreme Chamber	U\$S 5, 804
Chief Justice	U\$S 3, 753.75



President of the Superior Court	U\$S 2, 701.25
Titular Superior Judge	U\$S 2, 251
Provisional Superior Judge	U\$S 2, 701.25
Titular Specialized Judge	U\$S 2, 251
Provisional Specialized Judge	U\$S 1, 851.25
Justice of the Peace (Juez de Paz Letrado Titular)	U\$S 1, 551.25
Alternate Justice of the Peace	U\$S 876.25

What should be done is to comply with the provisions of Article 189 of the Organic Law of the Judiciary, which states that the salary of the Superior Judges is 90% of the total received by the Supreme Court Judges; that of the Specialized or Mixed Judges is 80%; and that of the Justices of the Peace is 70%. To this end, the members of the Judiciary initiated a constitutional process to enforce this provision, which ultimately culminated in the Constitutional Court issuing a ruling in favor of the judges, ordering compliance with the provisions of the Law. However, the Executive Branch, in an effort to evade compliance with the ruling, coordinated with the Parliament and subsequently passed a bill modifying the reference percentages to the detriment of the Superior, Specialized, Mixed and Justices of the Peace Judges.

In order to cover the expenses involved in the exercise of the jurisdictional function, those who impart justice receive additional income for operating expenses. The payment of these expenses, is made together with the regular remuneration. These operating expenses can be allocated to costs such as medical consultations, medicines, diplomas, courses, life and health insurance, gasoline, purchase of books and others related expenses. It should be noted that these expenses are subject to accountability.

D. History of attacks against the physical integrity of judicial personnel

In 1992, through Decree Law 25.475, the system of "faceless judges" was implemented, whereby the identity of the judges, members of the Public Prosecutor's Office, and judicial assistants involved in the trial of terrorist crimes was kept secret. Among the provisions guaranteeing this measure, the resolutions did not bear the signatures of the intervening magistrates or those of the judicial assistants. These protective measures were established within a system of exceptional and secret justice for the trial of crimes of terrorism and treason.

However, according to the Inter-American Commission on Human Rights^{xiii}, this system of secret justice flagrantly violates the guarantee, inherent to due process, of being tried by an independent and impartial judge or court, as enshrined in Article 8, as well as the guarantee of the publicity of criminal proceedings.

These protection measures implemented for judges in the context of the internal armed conflict were eliminated in 1997, as the social and political situation had stabilized.



Currently, there is no system in place to provide judicial personnel with these protection measures, despite the fact that there are various types of threats against judicial personnel in the country. However, to date, there has been no evidence of attacks against the physical integrity of judges. There are various types of threats against judges investigating cases such as organized crime and drug trafficking, who are frequently victims of threats and verbal aggressions. In view of this, the Public Prosecutor's Office Specialized in Corruption (2020)^{xiii} points out that it is the responsibility of the State to ensure the protection of judicial personnel so that they can carry out their work in a context of tranquility and security that guarantees an impartial performance of justice operators.

Legal security for members of the judiciary.

According to Article 99 C.P.P., Supreme judges have immunity, but it is not an immunity against any crime they commit. It applies only to crimes that are directly related to the performance of their public office.

The C.P.P. grants immunity to the president of the Republic, congressmen, ministers, supreme judges, members of the CNM, and supreme prosecutors, so that they cannot be investigated without first underdoing the parliamentary procedure of "impeachment". However, immunity and impeachment apply only with respect to "crimes committed in the exercise of their functions". This means that holding the position of Attorney General, supreme judge, or congressman does not grant immunity for any crime committed, but only for crimes that are directly related to the performance of their public office.

The Permanent Commission is responsible for accusing before Congress: the President of the Republic; the members of Congress; the Ministers of State; the members of the Constitutional Court; the members of the J.N.J.; and the members of the C.S.J.R., either for violations of the C.P.P. or for any crime they commit in the exercise of their functions, up to five years after they have ceased to hold office.

It should be pointed out that impeachment differs from *removal* (or *impeachment* in some contexts), as in the former case, Congress does not apply any sanction to the accused official but merely decides whether or not to authorize the criminal jurisdiction of the ordinary judiciary to initiate the respective criminal proceedings against the official for the commission of crimes related to their functions. Congress decides, after a prior investigation, whether there is sufficient evidence to lift the immunity of the official and allow them to be prosecuted.

In view of this, Article 100° of the C.P.P. establishes that is the responsibility of Congress, without the participation of the Permanent Commission, to decide whether or not to suspend the accused official or disqualify them from the exercise of the public office for up to ten years, or to remove them from their position, without prejudice to any other responsibility. The accused has the right to defend themselves and be assisted by a lawyer before the Permanent Commission and before the Plenary of the Congress. In case of an accusatory resolution with criminal content, the Attorney General files a complaint before the C.S.J.R. within five days. The Supreme Criminal Vocal then opens the corresponding investigation. If



the C.S.J.R. issues an acquittal, the accused is restored to their political rights. The timeframes for the prosecutor's complaint and the order opening the investigation may not exceed or reduce the time limits set by Congress for its the accusation.

While it is true that judges in Peru enjoy judicial autonomy and independence, they may still be subject to disciplinary investigation by the oversight body if they express their opinion on the judicial matters. The media pressure exerted on a judge can be enormous, particularly when they make decisions that, although legally sound and in accordance with the judge's conscience, may not be popular. Unfortunately, the oversight body is often strongly influenced by such media, which certain groups use as a tool to intimidate judges.

A. Criminalization of judges as a mechanism of intimidation

In Peru, corruption has penetrated institutions and political activity, subordinating them to its interest. It has distorted market dynamics through underground practices and has affected public morals by relativizing values such as integrity^{xiv}. Given the lack of the necessary protection measures for judicial personnel, especially judges handling cases of special complexity, media pressure or complaints to Internal Control Offices are often used to sanction other judges for the improper exercise of their functions, which could interfere with the work of the justice operators.

Based on the above, citizens may use various means to intimidate and criminalize the work of judges; however, there are no regulations in place that allow for the proper analysis of such accusations regarding the work of these officials.

In 2021, the plenary of the Peruvian Congress definitively approved the elimination of parliamentary immunity, a prerogative that, in recent years, was seen by a large part of the citizenry as a mechanism of impunity for various legislators. This context shows that citizens are paying more attention to the performance of public officials. Moreover, the performance of the Congress of the Republic has shown greater repression of corruption-related issues, as cases of crimes against public administration have come to light in recent years.

The personnel of the Judicial Branch are hired under the Special Regime of Administrative Contracting of Services. Selection processes in the Judicial Branch are conducted solely through the System of Application, Selection and Evaluation of Personnel (PSEP). Therefore, to be considered as an applicant, the interested party must register through the link on the Judicial Branch's institutional page and meet the requirements established for each call for applications. In this regard, judges cannot hire or appoint their own personnel; instead the administration is in charge of appointing personnel.



Disciplinary regime

Law No. 30.943 created the National Authority for the Control of the Judiciary, replacing the former National Office for the Control of the Judiciary (OCMA), in order to strengthen the system of functional control within the Judiciary. In this regard, the current Article 102 of the L.O.P.J. states that "the National Authority for the Control of the Judiciary is the organ of the Judiciary in charge of the functional control of the judges of all instances and the jurisdictional auxiliary personnel of the Judiciary, except in the case of supreme judges, which is the exclusive competence of the J.N.J.". This new internal control body for magistrates must investigate, within the framework of the administrative-disciplinary procedure, the facts, actions, or omissions that constitute disciplinary infractions by judges at all levels and jurisdictional auxiliary personnel of the Judicial Branch, except in the case of supreme judges, whose file must be sent to the J.N.J.

As regards its territorial organization, the National Authority for the Control of the Judiciary is composed of a central office based in Lima, whose jurisdiction covers the entire territory of the Republic, along with decentralized offices and itinerant modules that depend on the decentralized offices or, when circumstances require, on the central office itself.

In the specific case of supreme judges, the J.N.J. may receive complaints or initiate disciplinary investigations ex officio. On the other hand, internal control of the Judicial Branch is fully exercised over magistrates of lower rank than supreme judges when the sanction to be imposed is other than dismissal. In such cases, the National Judicial Branch Justice Authority has the exclusive power to initiate disciplinary investigations and impose the respective sanctions.^{xv}

Judges have the opportunity to defend themselves in these proceedings. The procedure is as follows:

- Once the disciplinary process has been opened, the competent body has 60 working days, extendable to 30 days. In the case of a complex case, the term may be extended for an additional 30 days.
- With the discharges and in compliance with the deadlines, the corresponding magistrate issues a report giving an opinion on the responsibility of the person under investigation and the graduation of the sanction, submitting it to the head of the unit of the OCMA or ODECMA, as appropriate.
- Likewise, Article 58 L.C.J. establishes that, "in all cases the complaint or investigation must be transferred and the complained or investigated judge must be heard, be granted a reasonable time to structure his defense, be allowed to review the proceedings, offer the pertinent evidence in his defense and intervene in the performance of the acts of investigation that are carried out, of which he must be notified in a timely manner. Any resolution that violates these minimum rights, as well as the other rights that make up the guarantee of due process, is null and void.



A. System for challenging penalties

The General Administrative Procedure Law regulates the administrative appeals as one of the modalities for reviewing acts in the administrative venue, which operates at the request of those who consider themselves affected by an administrative decision. Appeals are mandatory in accordance with the constitutional principle of due process, meaning that a person who believes their rights have been violated by the imposition of the corresponding sanctions may challenge such a resolution before the National Authority of Control of the Judiciary.

B. Use of the disciplinary regime as a mechanism of intimidation

There is a possibility that, due to the nature of the disciplinary regime of the Judiciary, it may serve as a mechanism of intimidation that affects the proper exercise of its functions. There is no control system in place to ensure impartiality in the sanctioning activity of those responsible for administrative investigations, nor to ensure a thorough analysis of the accusations made against judicial personnel.

Therefore, the purpose of the disciplinary procedure for judges is to prevent the judicial system, in general, and its members, in particular, from being involved in improper actions in the exercise of their functions. However, this does not mean that respect for a resolution based on concrete facts and attributable to an individual through solid arguments can be omitted.

Integrity and transparency mechanisms

The L.O.P.J. establishes in articles 131° and 137°, respectively, that hearings are of a public nature and that only minors are prohibited from entering. Notwithstanding the above, and prior to the digitalization of most hearings as a result of the measures taken due to the COVID-19 pandemic, in practice, only the parties accompanied by their attorneys were allowed to enter. Otherwise, administrative contingencies would have arisen due to the fact that many Courts and courtrooms do not have sufficient capacity nor are they equipped to receive a large audience.

The Judicial Branch has a platform called "Hearing Scheduling Guide" through which users can view all the hearings scheduled in the different courts nationwide and locate a specific venue on the map.^{xvi}

Cases are distributed randomly and equitably among the different chambers. The Presidents of the Chambers of the C.S.J.R. and Superior Courts are obligated to ensure the equitable distribution of cases. Regarding the Specialized Courts, the District E.C. is responsible for organizing the system of case distribution of cases among the courts of the same specialty.

All rulings issued by judges are published on the Judicial Branch's website, under the responsibility of the C.S.J.R. and/or the Superior Courts, as appropriate. There is no easy-to-read format or summary of the sentences. However, there is a platform called "Jurisprudencia Nacional Sistematizada"



(<https://jurisprudencia.pj.gob.pe/jurisprudenciaweb/faces/page/inicio.xhtml>), where certain judicial decisions can be accessed.

A. Public access to the profiles of judicial officials. Statements.

Society can access the biographical profile of judges, according to the "Law of Transparency and Access to Public Information", which aims to promote the transparency of state acts and regulate the fundamental right of access to information enshrined in numeral 5 of Article 2° C.P.P..

In accordance with Law No. 30.161, "Law that regulates the presentation of sworn statements of income, assets and income of public officials and civil servants of the State", public officials and civil servants, as well as those who administer, manage, dispose of funds or assets of the State or organizations supported by it, or participate in decisions that affect their assets, are required to file a sworn statement of income, assets, and income. This is to know and enable the evaluation of their situation and evolution of their assets and financial situation and evolution.

Said affidavit must contain, duly specified and valued, the following aspects: **(i)** income, rents, goods, savings, investments, credits and liabilities of the obligor and common of the marriage, provided that the patrimonial regime is that of a community of property; and **(ii)** the specification of rights or participations of the obligor and common of the marriage held with companies, corporations, societies, associations, foundations or any other private associative form, provided that the patrimonial regime is that of a community of property. The affidavit must specify that the declared patrimony is the only one owned by the obligor and the partnership as of the date of the affidavit.

The affidavit is a public instrument and, due to the nature of the confidential information it contains, it is subject to the exceptions established in the C.P.P., the Law of Transparency and Access to Public Information, and other binding regulations.

In these terms, the right of access to public information may not be exercised with respect to information expressly classified as secret, based on reasons of national security, in accordance with Article 163° C.P.P., This classification also has its fundamental basis to guarantee of the security of persons, and its disclosure would pose a risk to territorial integrity and/or the survival of the democratic system, as well as regarding intelligence and counterintelligence activities within the framework established by the Rule of Law, based on the situations expressly contemplated in this Law.

B. Obligation to complete declarations of interests

Supreme Decree No. 138-2019-PCM, dated July 28, 2019, mandates the submission of the Sworn Statement of Interests by authorities and officials with decision-making capacity and management of public resources of the Executive Branch, the Legislative Branch, the Judiciary, autonomous constitutional bodies, regional and local government, as well as State companies or mixed-economy companies, whether



or not included in the State's business activities. This regulation defines the Sworn Statement of Interests as the instrument containing information about professional or occupational activities, commercial activities, kinship relationships, among others, to disclose potential conflicts of interest. It is publicly accessible through the Standard Transparency Portal of each entity, the State Interoperability Portal and through the National Open Data Portal.

C. Public, accessible and simple record of the budget and how it is exercised by each judge

The visualization of the budget would be subject to the submission of a request for access to public information, in accordance with Article 10 of the Law on Transparency and Access to Public Information. Such a request may be submitted through the Entity's Transparency Portal or in person at its document reception unit, and must contain the following aspects: **(i)** full names, surnames, identity document, address; **(ii)** if applicable, telephone number and/or e-mail; **(iii)** in case the request for access is submitted at the Entity's document reception unit, signature of the applicant or fingerprint, if he/she does not know how to sign or is unable to do so; **(iv)** specific and precise expression of the request for information; and **(v)** in case the applicant knows the agency that holds the information, he/she must indicate it in the request for access.

D. Nepotism

The norms that regulate the prohibition of nepotism are: (i) Law No. 26.771, which establishes the prohibition to exercise the power of appointment and hiring of personnel in the Public Sector in cases of kinship and its amendment; (ii) Supreme Decree N° 021-2000-PCM, which approves the Regulation of Law N° 26771; and, (iii) Comptroller's Office Resolution N° 100-2018-CG, which approves the "Regulation of infractions and sanctions for the functional administrative responsibility derived from the reports issued by the bodies of the National Control System".

The Administrative Body of each entity must request a sworn statement from each person who enters to render services, stating the full name, degree of kinship or marital relationship and the office in which their relatives or spouse may render services in the same entity.

Those responsible for nepotism shall be sanctioned in accordance with the rules established in the Regulations under which the following sanctions may be imposed: **(i)** disqualification of officials, dismissal, dismissal or termination of contract of management officials and/or trust personnel; suspension without enjoyment of remunerations, for a period not exceeding 180 calendar days; fine not exceeding 180 calendar days of remunerations or income received, for those who no longer hold the status of officials and/or trust personnel; disqualification to work in state entities for up to 2 years after the nullity of the administrative act, labor or service contract has been declared; and **(ii)** Sanctions imposed by the Comptroller General's Office such as temporary suspension in the exercise of functions, not less than 90



and not more than 360 calendar days or disqualification from the exercise of public functions, not less than 1 and not more than 2 years.

E. Anti-Corruption Mechanisms

The National Supervisory Authority (hereinafter, the "NCA") is the disciplinary body of the Judicial Branch, which enjoys functional autonomy and carries out preventive, concurrent, and subsequent control activities with respect to judges and judicial assistants of the Judicial Branch.

Its objectives are: (i) to undertake prevention policies that promote the fight against corruption; (ii) to identify critical areas and eradicate bad practices in the service of justice; (iii) to decentralize the policies of Judicial Branch Control; (iv) to help the Judicial Branch develop in observance of the principles of the administration of justice and the ethical values of the judicial function; (v) to establish mechanisms of transparency and publicity on the actions of judicial control; (vi) to become a fundamental instrument for the strict compliance of the control actions oriented to the permanent evaluation of the functional conduct of magistrates and jurisdictional assistants; and (vii) to establish reward mechanisms for good judicial practices, encouraging the honest and independent work of magistrates and jurisdictional assistants. The web link for consultation is as follows: <https://ocma.pj.gob.pe/>

The Deconcentrated Office of the National Control Authority (hereinafter, "ODANC"), is responsible for investigating and sanctioning the conduct of magistrates and judicial assistants that, according to the Law constitute cases of functional responsibility. It is in charge of overseeing the honesty, impartiality, and ethical performance of magistrates and judicial personnel.

Likewise, if a citizen wishes to report acts of corruption committed by personnel of a state institution, they may do so anonymously or with their identity, through the digital platform called: "Plataforma de Denuncias Ciudadanas" (Citizen Complaints Platform). The web link to access the platform is as follows: <https://denuncias.servicios.gob.pe/>

F. The most recent cases of corruption in the judiciary.

On April 3, 2018, attorney Eloy Zeballos denounced that former judge Gino Valdivia Sorrentino asked him for money in exchange for resolving a case in favor of his client. Zeballos stated that he paid on two occasions and that upon request for a third payment in the amount of US\$ 10,000 he refused to make it, which caused the former judge to resolve the lawsuit unfavorably to his client. Additionally, in the handling of a case involving the crime of attempted parricide against Mrs. Angelina Cauna, the former judge requested the delivery of money in exchange for benefiting the defendant. In April 2020, the Special Criminal Chamber of the Superior Court of Justice found Valdivia guilty of specific bribery and sentenced him to 9 years of imprisonment.



Subsequently, in July 2018, the dissemination of audios resulting from legal telephone interceptions, originating from a previous investigation linked to organized crime, revealed recorded conversations of judges and prosecutors that exposed a series of acts of corruption, including crimes of influence peddling, criminal organization, active and passive bribery, among others. Among the main individuals involved were the former President of the Superior Court of Justice of Callao, Walter Ríos; the former Supreme Judge of the Supreme Court of Justice of Callao, César Hinostraza, the former CNM counselors, Julio Atilio Gutiérrez, Guido César Aguila, Sergio Iván Noguera and Orlando Velásquez, among others.

G. Recent proposed reforms that could threaten judicial independence.

On October 5, 2024 the Latin American Federation of Magistrates expressed its concern over several bills currently in committees: 1195/2021- CR, 6776/2023-CR, 6795/2023-CR, 7359/2023-CR, 7824/2023-CR and 8126-2023-CR which proposes the law amending Law 29277, Judicial Career Law; Law 30483, Prosecutorial Career Law; Law 24973; and the Penal Code, Legislative Decree 635, in order to "optimize the administration of justice" dictated by the Justice Commission of the Congress as it attempts against the independence of the operators of Justice and against the autonomy of the institutions, this with the purpose of controlling the institutions. In the case of the Law of the Judicial Career and the Law of the Prosecutorial Career, new sanction hypotheses were incorporated as "very serious faults" against prosecutors and judges for the request and issuance of preliminary detention or preventive detention orders, when these are revoked in higher instances. By incorporating this assumption as a crime, it created a threat, obstruction and criminalization of the jurisdictional and prosecutorial functions, taking into account that the Constitution itself does not classify differing opinions as criminal act. In fact, the Constitution recognizes the right to the plurality of instances.

On the other hand, the approval of the opinions of bills 4145/2022-CR and 4203/2022-MP, which amended the New Constitutional Procedural Code to alter the number of votes required to reach a decision in a competency proceeding, constitutes an irregular use of legislative authority for the benefit of the parliament itself. This is especially concerning given that a competency proceeding is currently pending before the Constitutional Tribunal, with Congress positioned as the opposing party to the Judiciary.

The following is a summary of some of the bills mentioned above:

- Bill No. 08657/2024-CR proposes to automatically dismiss judges and prosecutors with revoked or annulled decisions, which compromises judicial independence by penalizing different interpretations and discouraging controversial but correct decisions.¹

¹ See: <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/2021/8657>



- Bill No. 8678/2024-CR suggests the creation of a Commission for the oversight of judges and prosecutors in Congress, duplicating functions already performed by other entities, which could be used as political pressure.²
- Bill No. 8694/2024-CR proposes that the President of the Judiciary should be the most senior supreme judge and that judges should be dismissed at the end of their term of office, worsening the provisional nature and affecting the continuity of the Supreme Court.³
- Bill No. 8913/2024-CR proposes that congressmen have access to information on judicial and fiscal processes in progress, including those reserved, which may generate undue pressures.⁴
- Bill No. 9171/2024-CR seeks to eliminate the diffuse control of constitutionality, concentrating in the Constitutional Court the review of congressional laws, which gives these laws a privileged treatment over other legal norms.⁵

These projects, still under discussion, increase political interference over judges, potentially jeopardizing judicial independence and constitutional balance.

Recently, in October 2024, the President of the Republic has submitted Bill No. 09297/2024-PE modifying Law No. 30942 (Law creating the Council for the Reform of the Justice System) by which she proposes that she presides over the Council in a non-delegable manner and that there be a Technical Council and a Technical Secretary, a function that will fall exclusively on the Minister of Justice. This bill has been criticized as unconstitutional, as it violates the principle of separation and balance of powers. It is contrary to the principles governing a constitutional state of law that the Council for the Reform of Justice to be chaired presided over by an individual currently under investigation and prosecution for serious crimes (homicide, acts of corruption, etc.), not only herself but also close relatives (such as her brother Nicanor) and political allies (Vladimir Cerrón).

Gender equality

Through the Agreement of the Plenary Chamber N°141-2016, dated July 21, 2016, the "Gender Approach" was instituted as a policy to be implemented by the Judiciary and the creation of the Gender Justice Commission of the Judiciary was approved as an instance that institutionalizes the gender perspective at all levels of the administration of justice. This Commission aims to ensure the protection of fundamental rights and opportunities for women and men, users of the justice system, with judges who internalize and apply the gender approach in their actions.

The main advances in this area were the following: (i) the approval of Law No. 30.364, "Law to Prevent, Punish and Eradicate Violence against Women and Family Members"; (ii) the creation of tools such as the

² See: <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/2021/8678>

³ See: <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/2021/8694>

⁴ See: <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/2021/8913>

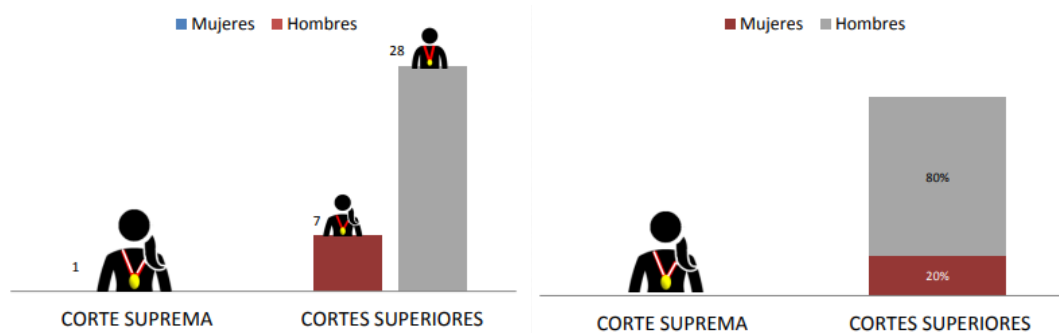
⁵ See: <https://wb2server.congreso.gob.pe/spley-portal/#/expediente/2021/9171>



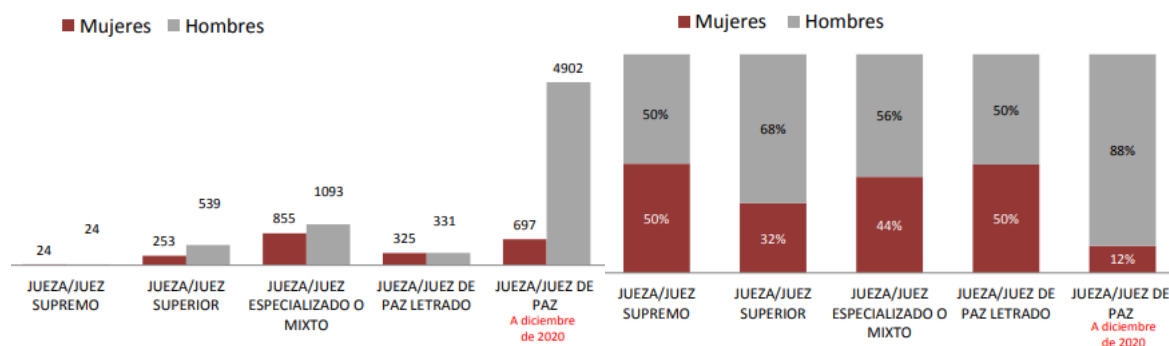
guidelines for mainstreaming the gender approach in the Judiciary and the publication of international legal standards on women's rights; (iii) the creation of thirty (30) district gender justice commissions; (iv) the training of more than 1.116 judges, female judges and jurisdictional personnel in the gender and violence approach; and (v) the development of the 'Gender Justice' training program with the development of four (4) self-applicable interactive courses to strengthen the capacities of judicial personnel in equality and gender approach.

According to the report titled “Judges in Peru: in numbers” prepared by the Gender Justice Commission of the Judicial Branch, with data sourced from the Human Resources and Welfare Management of the Judicial Branch, the percentages are as follows:

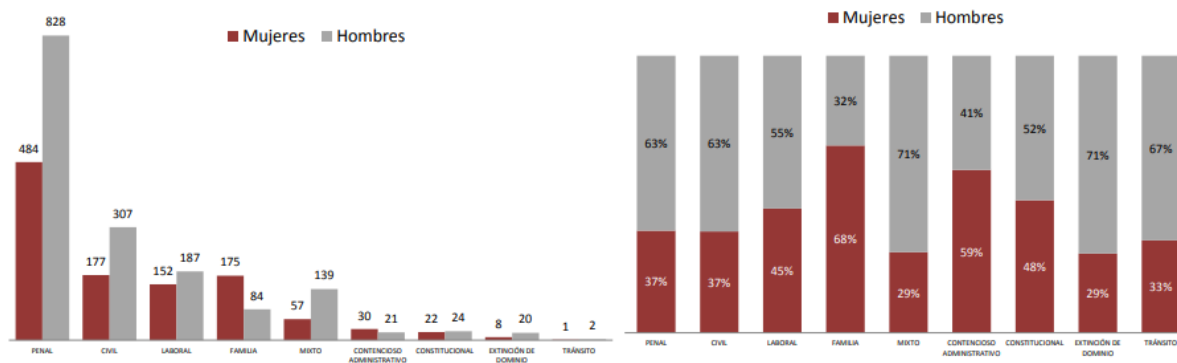
Presidencies in the Judicial Branch by gender (Period 2021):



Level of judges by gender (March 2021):



Judges by specialty where they work (Period 2021):



Justice officials frequently participate in training focused on international treaties and instruments for the protection of women's rights, the prevention of violence, and gender equality. Additionally, the Gender Justice Commission was established within this branch of government to institutionalize and promote the gender perspective at all levels of justice administration nationwide, aiming to eradicate gender discrimination.

Conclusions

A significant challenge for judges in Peru is that, despite the media and political pressures constantly seeking to instrumentalize the judiciary, they must remain steadfast in defending institutional integrity and judicial independence, as well as upholding the Constitution. This challenge becomes even greater in a climate of ongoing instability and political polarization, as is currently the case.

The strengths of the judicial system come from the Constitution of Peru itself, which regulates the principles and guarantees of the jurisdictional function, such as the unity and exclusivity of jurisdictional function and independence in its exercise. Additionally, it includes the rights of the judges as set out in the Organic Law of the Judiciary, which ensures, among others, the stability of their positions.

The justice administered by the judiciary aligns to the purposes established by the Constitution and is not influenced by any political or economic agenda. However, recent attempts to eliminate the National Board of Justice and create a National School of the Judiciary have been strongly criticized both nationally and internationally, as there is sufficient evidence that these actions constitute clear interference by political power in the exclusive affairs of the judiciary. Internally, the judiciary develops strategies, plans and goals, but these are focused on achieving effectiveness and efficiency in the administration of justice.

Currently, one of the problems and obstacles judges face when administering justice is the lack of human and logistical resources within each of the jurisdictional bodies. Regarding human resources, there is a need, first and foremost, to align the salaries of judicial assistants with the important work they perform, establish a staff allocation table for each jurisdictional body capable of handling the enormous procedural



burden they have to bear, and provide constant, specialized, and, above all, high-quality training. In terms of logistics, there is a need for safe and adequate premises that facilitate the proper organization of judicial offices, along with the provision of modern computer equipment, printers, photocopiers, stationery, and paper, all which are essential for the proper functioning of the judiciary.

In recent months, a systematic campaign has been launched to discredit the judiciary, the Public Prosecutor's Office, and the National Justice Board. This campaign has been orchestrated by representatives of the parliamentary majority and the Executive Power (Ministers of State), in coordination with lawyers defending political officials under judicial proceedings. The objective is to destabilize the justice system, particularly weakening the judiciary and the Public Prosecutor's Office. This campaign is accompanied by a series of laws and bills that benefit members of congress and political parties under investigation, and, in turn, benefit criminal organizations. As a result, broad sectors of society- such as transportation companies, businessmen, entrepreneurs, and students- have been compelled to hold public protests demanding the repeal of laws that have contributed to rising crime and delinquency rates, putting the entire population at serious risk.





Endnotes

- ⁱ The *Cyrus R. Vance Center for International Justice* promotes global justice by engaging legal professionals around the world to support civil society and an ethically active legal profession. It is a non-profit program of the New York City Bar Association that brings together leading law firms and other partners around the world to promote international justice initiatives and provide pro bono legal representation to civil society organizations fighting for social justice.
- ⁱⁱ See: <https://www.aljazeera.com/news/2024/3/22/peruvian-democracy-weakened-as-government-consolidates-control-report>
- ⁱⁱⁱ See: [UN Rapporteur on proposal to eliminate the JNJ: "It affects the country's entire justice system" | Política | La República \(larepublica.pe\)](#)
- ^{iv} Raúl Gutiérrez Canales at: <https://agendaestadodederecho.com/eliminar-junta-nacional-de-justicia-en-el-peru/>
- ^v <https://www.cutivalu.pe/poder-judicial-es-declarado-en-emergencia-por-90-dias-ante-situacion-critica/>
<https://elperuano.pe/noticia/68319-poder-judicial-es-declarado-en-emergencia-por-90-dias>
- ^{vi} <https://idehpucp.pucp.edu.pe/observatorio-de-casos-anticorrupcion-y-lavado-de-activos/casos-materia-corrupcion/cuellos-blancos/>
<https://www.idl.org.pe/los-cuellos-blancos-quienes-son-los-principales-involucrados-y-cual-es-el-estado-de-su-proceso-judicial/>
- ^{vii} <https://elperuano.pe/noticia/160154-poder-judicial-ordena-al-congreso-suspender-eleccion-de-nuevo-defensor-del-pueblo>
- ^{viii} <https://www.tc.gob.pe/jurisprudencia/2005/00004-2004-CC.html>
- ^{ix} See: <https://www.infobae.com/peru/2024/10/30/oficializan-a-los-siete-nuevos-miembros-de-la-junta-nacional-de-justicia-entre-criticas-por-falta-de-transparencia/>
- ^x See: <https://www.amag.edu.pe/Programa/PCA>
- ^{xi} Judicial Branch Executive Council (2019). Current scales for employees of the Judiciary. Compiled from: https://webcache.googleusercontent.com/search?q=cache:v7X7erNloZUJ:https://www.peru.gob.pe/docs/PLANES/10051/PLAN_10051_Escala_Remunerativa_de_los_Trabajadores_2012.doc&cd=18&hl=es&ct=clnk&gl=pe
- ^{xii} IDEH PUCP (2003). A propósito del proceso judicial contra Abimael Guzmán y la dirigencia senderista. El valor democrático de una sentencia argumentada. Compiled from: http://cdn01.pucp.education/idehpucp/wpcontent/uploads/2017/06/28144026/pub019cuadernosmemoriahistorica_02.pdf
- ^{xiii} Public Prosecutor's Office Specialized in Corruption (2020). Corruption in the Justice System: "Los Cuellos Blancos del Puerto" Case.
- ^{xiv} Public Prosecutor's Office Specialized in Corruption (2020). Corruption in the Justice System: "Los Cuellos Blancos del Puerto" Case.
- ^{xv} PUBLIC PROSECUTOR'S OFFICE SPECIALIZED IN CORRUPTION CRIMES (2019). Informe Especial "Corrupción en el sistema de justicia: Caso los Cuellos Blancos del Puerto" (Special Report "Corruption in the Justice System: The White Collars of the Port Case").
- ^{xvi} The access web link is as follows: <https://apps.pj.gob.pe/guiaprogramacion/>

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