

POLITICAL AND JUDICIAL REFORMS FOR THE BICENTENNIAL



In the last 20 years, Peru has experienced rapid economic growth. However, in its bicentennial, Peru is enduring a combination of serious political, corruption, public health and social crises. The Peruvian State has limited capacity to provide public services, and an important segment of its population lives in precarious conditions. Citizens are fearful of being victims of crime.

Peru has held free and fair elections in the last 20 years. However, the political system and the parties in power favour particular interests, rather than the interests of the majority. The executive, legislative and judicial branches have not had the capacity or integrity to effectively uphold the rule of law. As a result, the levels of public trust in the government, the police, the judiciary, and politicians are one of the lowest in the world.

We take the opportunity of the bicentennial to present political and judicial reforms designed to address these crises, based on recommendations from national and international experts and two round tables hosted by the Legatum Institute.

Parliamentary and Party-Political reforms:

- ✓ *Re-regulate the balance of powers of Executive and Parliament*, in relation to the presidential vacancy, censorship of ministers and closure of Congress.
- ✓ *Increase the number of Parliamentarians*, so that voters have a more direct relationship with their representatives.
- ✓ *Stagger elections to Parliament, midterm*, renewing by halves or thirds each time.
- ✓ *Sanction defections of Parliamentarians from their party*.
- ✓ *Ensure the Political Parties Law is fully implemented*: strictly monitoring internal democracy and private financing. Close legal loopholes.
- ✓ *Strengthen transparency in political parties*: enforce declarations of transparency and monitor strict compliance with tough sanctions.
- ✓ *Reform and professionalise the selection of members of the National Electoral Jury (JNE)* and consider making some of its functions permanent.

Judicial reforms:

- ✓ *Ensure the autonomy and professional capacity of the new entity to exercise disciplinary control, the Autoridad Nacional de Control del Poder Judicial*. Keep under close review and consider opting for an external disciplinary organ (Ceriajus Plan, 2004).
- ✓ *Give Judges and Prosecutors official appointments*, replacing all temporary appointments.
- ✓ *Extend mandate of President of the Judiciary to 3 years*, renewable.
- ✓ *Establish minimum standards in Law Faculties*, impose strict sanctions for non-compliance.
- ✓ *Ensure full transparency in all judicial processes* and impose drastic penalties for corruption.
- ✓ *Establish a simple and transparent process for disqualification and removal of judges* and ensure that disciplinary processes are not subject to term limits.
- ✓ *Establish results-based management for judicial investigations*, to expedite investigations and improve efficiency.

These reforms are designed to benefit all Peruvians and transcend partisan political interests. As such, the undersigned and the Legatum Institute as host of the two technical round tables, invite representatives of Fuerza Popular and Peru Libre, and other political parties, to consider and adopt these reforms.

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