

LEGAL SYSTEM OF PERU

The Government of Peru is unitary, representative, decentralized, and organized according to the principle of the separation of powers. There are three branches of government, namely the Executive, the Legislative, and the Judiciary, and each of these branches is autonomous and independent.

The Executive Branch consists of the President and two Vice Presidents. The President carries out the functions of Head of State. He symbolizes and represents the country's ongoing interests. In turn, as Head of Government, he directs governmental policy, supported by the political-electoral majority.

The administration and management of public services are entrusted to the Council of Ministers (cabinet), with each minister responsible for matters within his or her portfolio.

The Ministry of Justice is responsible for providing legal advice to the Executive Branch and to the Council of Ministers in particular; for promoting an efficient and rapid administration of justice, linking the Executive Branch with the Judicial Branch, the Office of the Attorney General, and other entities; for coordinating the Executive Branch's relations with the Catholic Church and other creeds; for systematizing, publicizing and coordinating the legal system; for regulating and supervising registry, notary, and foundations functions; and for ensuring appropriate policies in the National Penitentiary System and the National Archives System.

The Legislature is a unicameral parliament with 120 congressmen or deputies. A deputy's role is a full-time position, and he or she is prohibited from holding any other position or practicing any other or trade during the hours that the Congress is in operation.

The mandate of a congressman is incompatible with the exercise of any other public function, except that of Minister of State, and the performance, with prior authorization from Congress, of special commissions of an international nature.

In addition, the power to administer justice emanates from the people and is exercised by the Judiciary through its hierarchical divisions in accordance with the Constitution and the law.

The Constitutional Tribunal is the body that exercises oversight on matters of constitutionality. It is autonomous and independent of the other constitutional agencies. It is subject only to the Constitution and its Organic Law.

The National Judiciary Council is an autonomous body independent of the other constitutional bodies and is responsible for selecting, appointing, confirming and removing judges and prosecutors at all levels, except when they are popularly elected, in which case it is only empowered to grant the title and impose the sanction of removal when appropriate under the law.

The People's Defender is responsible for defending the constitutional and basic rights of individuals and the community and for supervising the fulfillment of the duties of public administration and the delivery of public services.

The Office of the Attorney General is the autonomous state body whose principal functions are to defend legality, citizen rights and public interests, to represent society at law, for purposes of defending the family, minors, the disabled, and the interests of society, as well as to safeguard

public morality, to prosecute crime, and to redress grievances. It must also seek to prevent crime within legal limitations and safeguard the independence of judicial bodies and the proper administration of justice and other areas entrusted to it by the Political Constitution of Peru and the country's legal system.

The Office of the Comptroller General is the technical body that directs the National Oversight System. It has administrative, functional, economic and financial autonomy and its mission is to efficiently and effectively direct and supervise governmental oversight, directing its actions toward strengthening and promoting transparency in the management of agencies, promoting the values and responsibilities of public officials and servants, and assisting the branches of government in decision-making and the citizenry in adequately participating in social oversight.

The purpose of the National Commission for Fighting Corruption and Promoting Ethics and Transparency in the Public Administration is to recommend national policy to prevent and combat corruption; to promote ethics and transparency in public administration; to prevent, evaluate and report to the Office of the Attorney General conduct that constitutes acts of corruption committed by individuals or legal entities involving public funds; to prepare the Annual Plan to Prevent and Combat Corruption; to submit legislative or administrative proposals through the Cabinet Chief that help to reduce and prevent corruption, and to encourage transparency in public administration and administrative simplification. It reports to the Executive Branch on legal gaps that it is aware of, promotes international cooperation in the area of preventing and combating corruption, and promotes a culture of values in society, emphasizing ethical conduct on the part of citizens.

The basic purpose of the National Police of Peru is to guarantee, maintain and reestablish internal order. It provides protection to and assists individuals and the community. It guarantees compliance with laws and the security of public and private assets. It prevents, investigates and combats crime. It monitors and controls the nation's borders.