



Pro Bono & The Legal Profession:

Strengthening
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JUSTICE

7 / 8 APRIL 2011 · SANTIAGO, CHILE

COUNTRY REPORT

PERU



Acknowledgement

The Vance Center extends its gratitude to **Agnes Arbaiza Mejía** at **Estudio Ehecopar** law firm in Peru for her dedication and hard work as editor of this report.

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REPORT

I. Introduction

The Republic of Peru (“Peru”)

II. Basic Background Information about Peru and its People

Peru is the third largest country in South America. Its major cities include the capital, Lima, plus Arequipa, Cuzco, Trujillo, and Piura. Peruvian geography is diverse, ranging from arid coastal plains in the West, rugged Andean mountains in the center, and lowlands with tropical rainforests in the East. Consequently, Peru’s climate ranges from arid to humid and warm to frigid.

As of 2011, approximately 29.79 million people live in Peru¹, 45% of which are indigenous.² The rest of the population is of mixed background (37%), European descent (15%), or another ethnic background (e.g., Chinese or Japanese) (3%).³ About 81.3% of the population is Roman Catholic.⁴ Spanish is the principal language and is joined by Quechua, Aymara and other indigenous tongues as official languages of Peru.

¹ Estimated population as per Instituto Nacional de Estadística e Informática – INEI. At: <http://www.inei.gob.pe/>.

² “Background Note: Peru”. United States Department of State. January 2010. At: <http://www.state.gov/r/pa/ei/bgn/35762.htm>. However, according to UNICEF indigenous people represent 13.9% of Peruvian population (“*Atlas sociolingüístico de pueblos indígenas en América Latina*”, UNICEF. 2009. p. 68. <http://www.unicef.org/lac/library.html>).

³ “Background Note: Peru”. United States Department of State. January 2010. At: <http://www.state.gov/r/pa/ei/bgn/35762.htm>.

⁴ “Background Note: Peru”. United States Department of State. January 2010. At: <http://www.state.gov/r/pa/ei/bgn/35762.htm>.

Education is compulsory for 11 years. However, only 88.3% of students ages 12 to 16.⁵

As of 2010, unemployment in Peru was 8.1%⁶. Regarding underemployment in the country, in 2009 the rate was 48%⁷. In 2010, unemployment in Lima was 8.4% and underemployment 34%⁸.

People

Nationality: Peruvian.

Ethnic groups: Indigenous (45%), mixed background ("mestizo") (37%), European (15%), African, Japanese, Chinese, and other (3%).

Population (2011): 29.79 million. Approximately 30% of the population lives in the Lima/Callao metropolitan area.

Annual population growth rate (2011): 1.14%⁹.

Religions: Roman Catholic (81.3%), Evangelic (12.5%), other (3.3%)¹⁰..

Languages: Spanish is the principal language. Quechua, Aymara and other indigenous languages also have official status.

⁵ “2007 XI Census of population and VI of housing”. Instituto Nacional de Estadística e Informática – INEI. At: <http://www.inei.gob.pe/>.

⁶ “Informe Laboral. Panorama Laboral 2010”. Organización Internacional del Trabajo. At: <http://www.oit.org.pe/1/wp-content/uploads/2011/01/PL2010.pdf>

⁷ “Boletín CAD No. 74”. November 2009. Ciudadanos Al Día. At: http://www.ciudadanosaldia.org/boletines/repositorio/b74/BoletinCAD_74_Empleo_en_las_regiones_02nov09.pdf

⁸ “Boletín CAD No. 121”. September 2010. Ciudadanos Al Día. At: <http://www.ciudadanosaldia.org/boletines>

⁹ “Estimated population growth 2011”. Instituto Nacional de Estadística e Informática – INEI. At: <http://www.inei.gob.pe/>.

Education: *Years compulsory*--11. *Attendance*—94.9% ages 6-11, 88.3% ages 12-16 and 38.4% ages 17-24. *Literacy*--96% in urban areas, 80% in rural areas.

Health: *Infant mortality rate* (2010)--19.5/1,000. *Life expectancy* (2010)--73.1 years¹¹.

Unemployment in Lima (2010): 8.4%; underemployment (2010): 34%

1. Public Attitudes

Toward Government¹²

- **Confidence**
 - In 2008, only 15% of Peruvians had “a lot” or “some” confidence in “government”.¹³
 - In 2009, 42% of Peruvians believed there was “a lot” or “enough” respect for political freedom, 23% believed there was “a lot” or “enough” respect for transparent elections, 22% believed there was “a lot” or “enough” respect for freedom of speech and 13% for equality under the law¹⁴.
 - In 2010, Peruvians believe that 77% of politicians are corrupt¹⁵.

- **Approval of President**
 - In 2009, only 34% of Peruvians approved of how the President runs the country.¹⁶ In 2011, however, the President’s approval has declined to 26%¹⁷.

¹⁰ “2007 XI Census of population and VI of housing”. Instituto Nacional de Estadística e Informática – INEI. <http://www.inei.gob.pe/>.

¹¹ “Demographic indicators 2005 – 2010”, Instituto Nacional de Estadística e Informática – INEI. <http://www.inei.gob.pe/>.

¹² We have reviewed independent reports and polls which allow us to acknowledge public attitudes towards government in recent years in Peruvian society.

¹³ “2008 Report. Latinobarómetro”. Corporación Latinobarómetro. Santiago de Chile. p. 92. At: www.latinobarometro.org

¹⁴ “Boletín CAD No. 83”. December 2009. Ciudadanos Al Día. At: http://www.ciudadanosaldia.org/boletines/repositorio/b83/BoletinCAD_83_%20Democracia_28dic09.pdf

¹⁵ “Sixth National Survey about the perception of corruption”. Proética, Ipsos Apoyo Opinión y Mercado and CONFIEP. 2010. p. 54.

¹⁶ “Public Opinion Status regarding Presidential Vote Intentions and Politics Perceptions”. Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. November 2009. p. 6. At: www.pucp.edu.pe/iop/sondeos.php.

¹⁷ Opinion poll prepared by Ipsos Apoyo Opinión y Mercado. Published by Newspaper: “El Comercio”. <http://elcomercio.pe/politica/719910/noticia-aprobacion-presidente-alan-garcia-baja-26>

- When surveyed in September 2009, only 1% of Peruvians opined that the actual government was not corrupt.¹⁸ In 2010, 47% of Peruvians believed that the major problem of the country was corruption¹⁹, even worst than unemployment and delinquency.
- **Public Interest**
 - Most Peruvians (88%) believe that their country is governed for the benefit of “powerful interests,” as opposed to “the good of everyone”.²⁰
 - In 2010, 74% of Peruvians consider that the Congress is corrupt and 40% consider that the Law is not respected because it is created to favor the “powerful”²¹.
- **Regional Context**
 - To put the above numbers into regional context, 44% of Latin Americans have “a lot” or “some” confidence in “government,”²² 51.7% approve of how their President runs their country,²³ and 70% believe their country is governed for the benefit of powerful interests.²⁴

Toward Democracy²⁵

- In 2003, the attitude of the Peruvian people toward democracy showed an alarming retrogression. One survey showed that while in 1996, 63% of the population preferred democracy to any other form of government, in 2003, that figure had decreased to 52% and in 2004 to 45%.²⁶
- In 2004, 70% of the people surveyed considered that, “a hard line approach by the

¹⁸ “Public Opinion Status regarding Corruption 2009”. by Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. September 2009. p. 5. At: www.pucp.edu.pe/iop/sondeos.php.

¹⁹ Opinion poll prepared by Ipsos Apoyo Opinión y Mercado. April 2010. At: <http://www.ipsos-apoyo.com.pe/corrupcion-y-agenda-electoral>.

²⁰ “2008 Report. Latinobarómetro”. Corporación Latinobarómetro. Santiago de Chile. p. 83. At: www.latinobarometro.org

²¹ “Sixth National Survey about the perception of corruption”. Proética, Ipsos Apoyo Opinión y Mercado and CONFIEP. 2010. p. 47

²² “2008 Report. Latinobarómetro”. Corporación Latinobarómetro. Santiago de Chile. p. 92. At: www.latinobarometro.org

²³ “2009 Report. El Barómetro Iberoamericano de Gobernabilidad 2009”. p. 8. At: <http://www.cimaiberoamerica.com/>

²⁴ “2008 Report. Latinobarómetro”. Corporación Latinobarómetro. Santiago de Chile. p. 83. At: www.latinobarometro.org

²⁵ We intend to identify, if possible, a data bank or independent reports, which would allow us to describe public attitudes towards democracy across and during all of the following key and recent, historical periods for democracy in Peru: 1997-1999; 2000-2001; and 2002 forward.

²⁶ “Informe-Resumen Latinobarómetro 2004. Una década de mediciones”. Corporación Latinobarómetro. Santiago de Chile, August 2004. p. 6. At: www.latinobarometro.org

government would not be bad for the country”.²⁷ That percentage dropped to 23% in 2008.²⁸

- Interestingly, in 2008, 56% of Peruvians “strongly agree[d]” that they would not mind a non-democratic government in power if it could resolve economic problems.²⁹ Forty percent felt that democracy works worse in Peru than in the rest of Latin America.³⁰
- In 2009, 69.3% of Peruvians opined that democracy was not perfect but is the best kind of government.³¹ Sixty-six percent of the population stated a preference for democracy over other kinds of government; however, only 31% of those surveyed were satisfied with the performance of democracy in Peru. Thirteen percent of the population considered that sometimes an authoritarian government or a dictatorship may be better than democracy and 13% said that they do not have any preference for any kind of government.³²
- When surveyed again in 2010, a majority of 53% Peruvians recognized democracy as the most preferable model of government. Only 24% of Peruvians said that in certain circumstances a non-democratic government would be preferable over a democratic one and 16% would not mind having a non-democratic or democratic government³³.

Toward the Rule of Law

- **Observation and Enforcement of the Law**
 - In 2004, the public attitude toward the rule of law was low in comparison to its increasing tendency in favor of authoritarian attitudes. On a scale of one to ten where one meant that the State does not fully observe the law and ten meant that the State does fully observe the law, Peru received a score of 3.89.³⁴
 - When surveyed again in 2008, Peruvians expressed a similar attitude. On a scale of one to ten where one meant that the State is unable to enforce any laws, and ten

²⁷ “2008 Report. Latinobarómetro”. Corporación Latinobarómetro. Santiago de Chile. p. 21. At: www.latinobarometro.org.

²⁸ “Public Opinion Status regarding Corruption 2008”. Ipsos Apoyo y Mercado S.A. and Proética. 2008. p. 76.

²⁹ “2008 Report. Latinobarómetro”. Corporación Latinobarómetro. Santiago de Chile. p. 84. At: www.latinobarometro.org

³⁰ “2008 Report. Latinobarómetro”. Corporación Latinobarómetro. Santiago de Chile. p. 105. At: www.latinobarometro.org

³¹ “El Barómetro Iberoamericano de Gobernabilidad 2009”. Consorcio Iberoamericano de Investigaciones de Mercados y Asesoramiento. 2009. p. 228. At: <http://www.cimaiberoamerica.com/>

³² “Public Opinion Status regarding Presidential Vote Intentions and Politics Perceptions”. Opinión Pública de la Pontificia Universidad Católica del Perú. November 2009. p. 11. At: www.pucp.edu.pe/iop/sondeos.php

³³ “Sixth National Survey about the perception of corruption”. Proética, Ipsos Apoyo Opinión y Mercado and CONFIEP. 2010. p. 56.

³⁴ “Informe-Resumen Latinobarómetro 2004. Una década de mediciones”. Corporación Latinobarómetro. Santiago de Chile, August 2004. p. 19. At: www.latinobarometro.org

means that the State is able to enforce all laws, Peru obtained a score of 4.4.³⁵ 79% percent of the persons surveyed felt that Peruvian citizens do not comply with laws.³⁶

- Nowadays the perspective is more negative: 82% believe that Peruvian citizens do not comply with laws³⁷, being some of the main reasons for such behavior: (i) Lack of ethical values and civic sense (43%), and (ii) Law does not adequate to reality (37%).
- A 2010 opinion survey shows that 1 out of 5 individuals who went through a procedure before a Public agency considers that the latter does not comply with the Law when executing their duties (16%), does not treat individuals in a fair manner (17%), does not watch over the citizens interests (21%), nor is led by honest public officers (19%)³⁸.

- **Bribery of Officials**

- Peruvians expressed confidence in being able to bribe the police or judges. In 2008, 58% of Peruvians indicated a high or very high probability of being able to bribe a policeman to avoid being stopped.³⁹ Meanwhile, 47% believed in the high or very high probability of being able to bribe a judge to obtain a favorable sentence.⁴⁰
- In 2010 the percentage decreased for policemen (51% of Peruvians think they have high probability in being able to bribe them) but increased for judges (49% believe they have high probability of being able to bribe them)⁴¹.
- We shall also point out that in 2010 only 20% of Peruvians highly resent corrupt practices such as “bribing an authority to avoid a fin” or “giving a gift to accelerate a procedure”, 76% are more tolerant –being more “against” than “in favor” of such corrupt practices– and a small 4% is comfortable with them⁴². Accordingly, 47% of Peruvians admitted having given gifts or bribing and only 1% expressed they had reported offerings or corrupt acts as the aforementioned.

- **Corruption**

- When asked how much progress (much, something, little, or nothing) had been

³⁵ “2008 Report. Latinobarómetro”. Corporación Latinobarómetro. Santiago de Chile. p. 41. At: www.latinobarometro.org

³⁶ “Public Opinion Status regarding Corruption 2008”. Ipsos Apoyo y Mercado S.A. and Proética. 2008. p. 57.

³⁷ “Sixth National Survey about the perception of corruption”. Proética, Ipsos Apoyo Opinión y Mercado and CONFIEP. 2010. p. 46.

³⁸ “Boletín CAD No. 125”. November 2010. Ciudadanos Al Día. At: <http://www.ciudadanosaldia.org/boletines/default.htm#>

³⁹ “2008 Report. Latinobarómetro”. Corporación Latinobarómetro. Santiago de Chile. p. 49. At: www.latinobarometro.org.

⁴⁰ Ibidem.

⁴¹ “Sixth National Survey about the perception of corruption”. Proética, Ipsos Apoyo Opinión y Mercado and CONFIEP. 2010. p. 31.

⁴² Ibid. p. 21.

made in the last two years to reduce corruption in State institutions, only 17% of Peruvians felt that “much” or “something” had been done.⁴³

- In 2009, 94% of Peruvians considered that corruption is a very serious problem⁴⁴ and 46% of the population considered that the key element to win a trial in Peru is to have money.
- Of the percentage of Peruvians that disapprove of Alan Garcia’s government, in 2009: (i) 36% disapprove because there is too much corruption and (ii) 27% disapprove because they consider Alan Garcia to be corrupt.⁴⁵ When surveyed again in 2010, Peruvians have a more critical position: (i) 43% disapprove the President because there is too much corruption and (ii) 28% consider him corrupt⁴⁶.
- In 2010, 39% of Peruvians believed that corruption will increase in the next five years and 42% consider the effectiveness of corruption complaints as null⁴⁷.

Toward the Legal Profession

• General Opinion

- A study from IMASEN shows that the 32.6% of the population has an unfavorable or very unfavorable opinion of the legal profession in the country, while only 19.8% has a favorable or very favorable opinion.⁴⁸

• Corruption in the Profession

- Those who expressed an unfavorable or very unfavorable opinion were asked about the most disappointing fact regarding the legal profession in Peru. About 70% responded that it was a high level of corruption. About 21% responded that it was a lack of professional ability.⁴⁹

• Trust in Lawyers

- In 2009, when asked about lawyers: (i) 63% of the persons surveyed agreed that: “it is hard to trust in lawyers, but they are necessary when you have problems” (ii) 19% agreed that “they are trustworthy professionals that help you when you have

⁴³ “2008 Report. Latinobarómetro”. Corporación Latinobarómetro. Santiago de Chile. p. 47. At: www.latinobarometro.org.

⁴⁴ “Public Opinion Status regarding Corruption”. Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. September 2009. p. 4. At: www.pucp.edu.pe/iop/sondeos.php

⁴⁵ October 2009 Report. Ipsos Apoyo Opinión y Mercado S.A. p. 13.

⁴⁶ Ipsos Apoyo Opinión y Mercado. Opinion poll dated April 2010. At: <http://www.ipsos-apoyo.com.pe/corrupcion-y-agenda-electoral>

⁴⁷ “Boletín CAD No. 124”, October 2010. Ciudadanos Al Día. At: <http://www.ciudadanosaldia.org/boletines/default.htm#>

⁴⁸ IMASEN poll on the legal profession. At: Pásara, Luis. La enseñanza del derecho en el Perú: su impacto sobre la administración de justicia. Ministerio de Justicia del Perú. Lima, August 2004. p. 110.

⁴⁹ Ibidem.

legal problems”; and, (iii) 13% agreed that “they are the ones who encourage corruption in the judicial system”.⁵⁰

- According to the Global Competitiveness Report 2010 – 2011, the ethical behavior of Peruvian firms is ranked in position 86 out of 139 countries⁵¹.

Toward the Judiciary

• Confidence in the Judiciary

- According to APOYO, in 1993, 72% of the population had no confidence in the judicial branch.⁵² Ten years later, this number rose to 78% of the population; only 15% of the population gave the judicial branch a vote of confidence.⁵³
- In 2009, 12% of the population had a lot of or some confidence in the judicial branch, while 86% of the population had a little or no confidence.⁵⁴
- In 2009, 6% percent of the population characterizes the performance of the judicial branch as good or very good, while 34% of the population labels it as bad or very bad. These percentages have increased from 2006, when only the percentages for ‘good or very good’ and ‘bad or very bad’ were 3% and 47%, respectively.⁵⁵
- In 2010, 90% of Peruvians believed that the Judiciary and judges do not supervise themselves or among each other because “they all have something to hide”. An optimistic majority of 72% think that despite corruption in the Judiciary “there are some honest judges that fight against corruption”. However, 87% believe that those honest judges “may enter into the Judiciary with noble intentions but they will finally give in to corruption”.⁵⁶
- In 2011, less than 20% of Peruvians trust the Judiciary⁵⁷.

• Corruption in the Judiciary

- In 2004, 70% of interviewees considered the judiciary to be the most corrupt

⁵⁰ “Public Opinion Status regarding Justice” prepared by Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. October 2009. p. 7. At:

www.pucp.edu.pe/iop/sondeos.php

⁵¹ “Global Competitiveness Report 2010 – 2011”, published on 2010 by the World Economic Forum. p, 273.

⁵² Ibid. p. 9. 2008 Report. Latinobarómetro. Corporación Latinobarómetro. Santiago de Chile. p. 21. At: www.latinobarometro.org.

⁵³ Ibid. p. 9

⁵⁴ “Public Opinion Status regarding Presidencial Vote Intentions and Politics Perceptions” prepared by Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. November 2009. p. 8. At: www.pucp.edu.pe/iop/sondeos.php

⁵⁵ “Public Opinion Status regarding Justice”. Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. October 2009. p. 11. At: www.pucp.edu.pe/iop/sondeos.php.

⁵⁶ “Estate and Public Opinion”. Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. May 2010. p 5.

⁵⁷ Opinion poll performed by Pontificia Universidad Católica del Perú. At:

http://www.pucp.edu.pe/puntoedu/index.php?option=com_content&task=view&id=4383

institution in the country.⁵⁸ Although this number dropped to 61% in 2008, the judiciary continued to be perceived as the most corrupt Peruvian institution.⁵⁹

- In 2009, the judiciary is perceived as the second most corrupt Peruvian institution, preceded only by the Congress⁶⁰ and 35% of Peruvians opine that corruption is the main problem of the judicial system.⁶¹
- Even nowadays, 21% of Peruvians think that the Judiciary is “very corrupt” and 49% say it is “corrupt”⁶².

- **Judicial Independent and Impartiality**

- In 2009, 91% of the population thinks that judges do not grant equal treatment to all parties. Fifty-three percent believes that Peruvian judges are not independent of politicians’ pressure and 48% agree that “*justice is slow but arrives.*”⁶³
- The Global Competitiveness Report 2010 – 2011, ranked Peruvian Judicial independence in position 119 out of 139 countries⁶⁴.

2. Structure and composition of the legal profession⁶⁵

Data on Women in the Legal Profession

- Traditionally, the legal profession has been seen as a profession practiced mainly by men. However, we know that (i) in the year 2000, more women than men were applying to law schools⁶⁶ and (ii) in 2002, almost half of the persons that were licensed to practice law

⁵⁸ “Third Public Opinion Status regarding Corruption”. Apoyo Opinión y Mercado. Lima, September 2004. p. 21. At: www.apoyo.com

⁵⁹ “Fifth Public Opinion Status regarding Corruption”. Apoyo Opinión y Mercado. 2 . p. 53. At: <http://www.proetica.org.pe/convenios.php?llave=5>

⁶⁰ “Public Opinion Status regarding Corruption” prepared by Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. September 2009. p. 5. At: www.pucp.edu.pe/iop/sondeos.php

⁶¹ “Public Opinion Status regarding Justice” prepared by Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. October 2009. p. 13. At: www.pucp.edu.pe/iop/sondeos.php

⁶² Sixth National Survey about the perception of corruption. Proética, Ipsos Apoyo Opinión y Mercado and CONFIEP. 2010. p. 45.

⁶³ “Public Opinion Status regarding Justice” prepared by Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. October 2009. p. 10. At: www.pucp.edu.pe/iop/sondeos.php.

⁶⁴ “Global Competitiveness Report 2010 – 2011”, published on 2010 by the World Economic Forum. p, 273.

⁶⁵ Please note that we have found no detailed and up-to-date information on the structure and composition of the legal profession in Peru. If you are aware of an organization which tracks this information, please email ecolomer@nycbar.org.

⁶⁶ GONZALEZ MANTILLA, Gorki. “La Enseñanza del Derecho en el Perú: cambios, resistencias y continuidades” At: <http://www.derechoshumanos.udp.cl/wp-content/uploads/2009/07/peru1.pdf>.

were female.⁶⁷

- In 2010, a survey reflected that more than 65% of Peruvians consider their society as chauvinist and over 30% of Limeñan women expressed feeling discriminated⁶⁸.

Number of Law Schools

- In 2009 the National Assembly of Rectors reported that there were 70 universities in Peru, of which 49 have law schools.⁶⁹
- According to CONAFU, in 2011 there are more than 114 universities in Peru⁷⁰, of which 72 have Law Schools⁷¹.
- On August 1, 2009, the Lima Bar Association presented a proposal to Congress to prevent the creation of more non-accredited law faculties.⁷²

Legal Clinics and Pro Bono Services at Law Schools

- According to Law Schools websites, only 22 out of 72 Law Schools offer courses about Ethics and/or Social Responsibility of the legal profession (29.73% of Law Schools)⁷³.
- In addition, only 12 Law Schools have declared to provide free legal services through Clinics and Consulting organizations (16.67% of Law Schools) which are run by students and/or professors, on a non-mandatory basis.

Number of Law Students

⁶⁷ PÁSARA, Luis. “La enseñanza del derecho en el Perú: su impacto sobre la administración de justicia”. Ministerio de Justicia del Perú. Lima, August 2004. p. 30. At: <http://www.justiciaviva.org.pe/nuevos/2004/informefinal.pdf>

⁶⁸ “Gender: Still A Lot To Do”. Public opinion Survey prepared by Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. June 2010. p. 1.

⁶⁹ National Assembly of Rectors. At: <http://www.anr.edu.pe>

⁷⁰ Information obtained from the National Assembly of Rectors (ANR), National Council for the Universities Operating Authorization (CONAFU) and Universidadperu.com. At: http://www.anr.edu.pe/portal/index.php?option=com_content&view=article&id=135&Itemid=96

<http://www.anr.edu.pe/conafu/univer.html>

<http://www.unelcomercio.pe/lima/481397/noticia-no-se-podria-estudiar-carrera-derecho-exceso-abogados-rsidadperu.com/universidades-peru.php>

⁷¹ Information obtained from each university website.

⁷² “CAL presenta propuesta al Congreso para evitar creación de más facultades de derecho”. ANDINA, August 1, 2009. At: www.andina.com. According to the information provided by the Lima Bar Association, on May 18, 2010 the Congress Commission of Education, Science, Technology, Culture, Cultural Heritage, Youth and Sport debated the proposal in order to prevent the creation of more non-accredited law faculties. The Commission agreed to prepare a draft-Law, but has not yet provided a draft. At: [http://www2.congreso.gob.pe/Sicr/ApoyComisiones/comision2009.nsf/0721F4CB210B7DA90525773B0055F6F4/\\$FILE/ACTAEDUCACION18-05-2010.pdf](http://www2.congreso.gob.pe/Sicr/ApoyComisiones/comision2009.nsf/0721F4CB210B7DA90525773B0055F6F4/$FILE/ACTAEDUCACION18-05-2010.pdf)

⁷³ For example: “Ethics and Professional Responsibility” at Pontificia Universidad Católica del Perú, “Forensic Deontology” at Universidad Nacional Mayor de San Marcos and “Professional Ethics” at Universidad de Lima, among other universities.

- During 2003, the National Assembly of Rectors recorded 44,153 law students in Peru; almost one in ten Peruvian university students (9.57%) had chosen law as a field of study.⁷⁴
- In 2008, there were approximately 82,000 law students in Peru.⁷⁵
- In 2010, the National Assembly of Rectors reported that there were 782,970 students considering all Peruvian universities⁷⁶ and the same number of Law students as of 2008 (82,000 which represent 10.47% of the university population).⁷⁷

Number of Lawyers in the Country

- In May 2008, the Academic Director of the Lima Bar Association indicated that there were approximately 76,000 lawyers in Peru.⁷⁸
- In May 2010, there were approximately more than 97,000 lawyers in Peru.⁷⁹

Concentration of Lawyers Geographically

- There is no precise data of the geographic concentration of lawyers in Peru.⁸⁰
- According to demographic indicators, the most densely populated Peruvian cities are Lima, Arequipa, Trujillo, Chiclayo, and Piura.⁸¹

Percentage of lawyers in private practice, judiciary, government agencies, etc.:

- There is no direct data that reflects the distribution of lawyers across sectors.⁸²
- There is data, however, that may indirectly hint at the future distribution of Peruvian lawyers. Current law students in Peru project their future professional practices as follows: non-litigation (36.4%), litigation (23.3%), and public sector positions (11.2%).⁸³ The professional sectors, which receive the least amount of student interest, are the

⁷⁴ Ibid. p. 38.

⁷⁵ Article published in Newspaper: “Peru 21”. August 28, 2009. At: www.justiciaviva.org.pe/nuevos/2008/octubre/.../parar_fabrica.doc

⁷⁶ “Second National University Census”. National Assembly of Rectors. At: http://www.anr.edu.pe/portal/index.php?option=com_content&view=article&id=135&Itemid=96

⁷⁷ Article published in Newspaper: “El Comercio” on May 20, 2010. At: <http://elcomercio.pe/lima/481397/noticia-no-se-podria-estudiar-carrera-derecho-exceso-abogados>

⁷⁸ <http://elcomercio.pe/ediciononline/html/2008-05-29/el-peru-llegara-tener-150-mil-abogados-mercado-laboral-esta-sobresaturado.html>

⁷⁹ Article published in Newspaper: “El Comercio” on May 20, 2010. At: <http://elcomercio.pe/lima/481397/noticia-no-se-podria-estudiar-carrera-derecho-exceso-abogados>

⁸⁰ If you know of an organization that tracks this information, please email ecolomer@nycbar.org.

⁸¹ At: <http://www.inei.gob.pe/biblioineipub/bancopub/Est/Lib0007/caP0105.htm>

⁸² If you know of an organization that tracks this information, please email ecolomer@nycbar.org.

⁸³ Pásara, p.62.

judiciary (6.5%), district attorney (5.1%), and academia (3.3%).⁸⁴

3. Data on legal needs

- To the best of our knowledge, there is no available data set that gives a complete picture of the legal needs of the Peruvian population.⁸⁵
- Research from the Peruvian Ombudsman reveals there is great unmet legal need in the area of family law, including associated domestic violence issues, and in administrative legal matters. Regarding the latter, the Peruvian Ombudsman System's Annual Report indicated that the most common public complaints made between January and December 2008 related to delays in administrative agency proceedings, most of them relating to the public pension fund.⁸⁶
- In 2010 the Lima Bar Association reported the following fields of legal need among the underprivileged: Legal representation in Criminal Law (51.50% of all cases), Family Law (27.93% of all cases), Civil Law (15.46% of all cases), Labor Law (2.37% of all cases), Administrative Law (1.62% of all cases), Pension Law (1% of all cases) and Other cases (0.12% of all cases).⁸⁷

4. Provisions related to access to justice

Constitutional Rights

- Article 139, number 16 of the Constitution prescribes as a duty of the judiciary the administration of justice and the defense of people with limited resources. This constitutional precept grants individuals (a) the right to have court fees waived and (b) the right to receive legal representation. Additionally, article 2, number 2 establishes that Peruvians are equal before the law. Article 2, number 20 establishes that all individuals have the right to formulate petitions before the judicial and governmental authorities.

Bar Regulations

- The statutes of the bar associations in Peru contain general provisions that seek to protect the right of defense of every person. For example, article 3, section e of the Statute of the Lima Bar Association establishes the protection of the right of defense as a principle and a goal of the institution.⁸⁸

⁸⁴ Ibidem.

⁸⁵ If you are aware of a public or private organization that collects or reports this information, please email ecolomer@nycbar.org.

⁸⁶ “Decimosegundo Informe Anual de la Defensoría del Pueblo” and “Decimotercer Informe Anual de la Defensoría del Pueblo”. At: <http://www.defensoria.gob.pe/modules/Downloads/informes/anales/resumen-12-espanol.pdf> <http://www.defensoria.gob.pe/modules/Downloads/informes/anales/informe-anual-13.pdf>

⁸⁷ “2010 Annual Report”. Defensoría Social del Colegio de Abogados de Lima. At: <http://www.cal.org.pe/defensoria/informe.pdf>.

⁸⁸ Statute of the Lima Bar Association. Article 3, e). At: www.cal.org.pe/estatuto.htm

Codes of Ethics

- On May 15, 1997, the Code of Ethics of the Peruvian Bar Associations was approved.⁸⁹ This Code regulates all bar associations in the country, in every field of the practice of law. To practice law in Peru it is a requirement to be a member of a bar association in the country. It is not necessary; however, to be a member of the bar association pertaining to the jurisdiction in which one practices. Each bar association has a Tribunal of Ethics with disciplinary faculties provided by its own Statute. For example, in 2004, the Board of Ethics of the Lima Bar Association sanctioned six lawyers with disciplinary measures ranging from a three-month suspension to expulsion.⁹⁰

Law School Curricula related to Education about Professional Ethics, Social Responsibility, Public Interest, and Human Rights

- To the best of our knowledge, there exists no consolidated resource about law school courses on professional ethics and the social responsibility of lawyers.⁹¹
- A study about the legal teaching structure in Peru affirms that “courses on legal ethics are offered in two or no more than three law schools”.⁹² Two of the most prestigious Peruvian law schools, Pontificia Universidad Católica del Peru and Universidad de Lima offer courses on professional ethics.⁹³

5. Provisions of legal services to the poor

Role of the Government and Governmental Programs

- **ALEGRA**: The Ministry of Justice runs ALEGRA (Asistencia Legal Gratuita). This program provides free legal defense and advice to individuals.⁹⁴ Free mediation services are also available. Between 2004 and February 2008, ALEGRA established 20 service centers in different cities in Peru. Currently, they run 29 centers and assist individuals in cases involving family law and sexual abuse.⁹⁵ In addition to the free legal services provided by WEC, legal orientation, judicial aid, and psychological support are also

⁸⁹ Code of Ethics of the Peruvian Bar Associations. At: www.cal.org.pe/cod_eti_cole_pe.htm

⁹⁰ At: http://www.cal.org.pe/med_discipl.htm

⁹¹ If you are aware of a public or private entity that has consolidated this information, please email ecolomer@nycbar.org.

⁹² MacLean, Roberto. The legal teaching structure in Peru. Notes for a diagnostic. 2004. Special Conference for the Centenary of the Association of American Law Schools. At: www.aals.org/2000international/spanish/peru.htm

⁹³ Universidad de Lima Law school offers an obligatory course in the last semester named Professional Ethics and also offers an elective course entitled General Ethics. For more in depth information, please visit http://fresno.ulima.edu.pe/sf/sf_bd6100.nsf/default/opp2?OpenDocument&dn=1.1.2.2. Pontificia Universidad Católica del Peru Law school offers as an obligatory course Professional Ethics in the third semester. At: <http://www.pucp.edu.pe/estudios/panelcarrera.php?rama=004&espec=0&etapa=02>

⁹⁴ For more information, visit: <http://www.minjus.gob.pe/alegra/index.html>

⁹⁵ At: http://www.mimdes.gob.pe/pncvfs/estadisticas/casos_2004d.xls

provided. This program was awarded with “Good Practices in Public Management” award in 2009⁹⁶.

- Peruvian Ombudsman System: An autonomous constitutional agency whose mission it is to protect the constitutional rights of the community, supervise compliance by the government of its constitutional obligations and ensure the rendering of public services. It is the responsibility of the Ombudsman to promote constitutional procedures that protect human rights.⁹⁷
- Civil Service for Law Degree Candidates: The Ministry of Justice runs the Civil Service for Law Degree Candidates (“Servicio Civil de Graduandos,” or SECIGRA DERECHO).⁹⁸ This program provides law students the opportunity to work part-time in the public administration.

Role of Bar Associations and Bar Programs

- Article 7 of the Code of Ethics of the Peruvian Bar Associations imposes on all lawyers the duty to defend the poor when they are asked to do so, or when such duty is imposed on them by the courts.⁹⁹

Role of Private Bar and Programs

- The Lima Bar Association (Colegio de Abogados de Lima) promotes pro bono work. Run out of the Social Outreach office, the Social Defenders Program (Defensoría Social) has fifty six lawyers who provide free legal advice to the poorest of the poor in Lima.¹⁰⁰ In specific cases that have weighty social implications, it acts by *motu proprio*.
- 56 volunteering lawyers trained by Universidad San Martín de Porres are enrolled at the Social Defenders Program run by the Lima City Bar, in order to render pro bono counsel and legal representation in 6 offices (being 2 located within prisons): Sede Central - Miraflores, Sede Lima - Palacio, Sede CONADIS, Sede Lima Norte, Sede Penal Santa Mónica and Sede Penal San Pedro - Ex Lurigancho. In addition, the Bar promotes Free legal campaigns called “*Caravana Jurídica del CAL*” (Legal Caravan from the Lima City Bar) and has launched a Prize “Lawyer of the Year” to reward the lawyer who attended more pro bono cases or a single case with high social impact¹⁰¹.
- The Social Defenders Program also carries out a Registry in which volunteering lawyers are expected to enrol in order to provide free legal services, in compliance of requirement set forth in article 288 of the Judiciary Organic Law and the Ethics Code for the legal profession. To date there are 164 lawyers registered. The Program also provides

⁹⁶ “Boletín CAD No. 83”, December 2009. Ciudadanos Al Día. At: http://www.ciudadanosaldia.org/boletines/repositorio/b83/BoletinCAD_83_%20Democracia_28dic09.pdf

⁹⁷ For more in depth information, visit:

⁹⁸ For more information, visit: <http://www.minjus.gob.pe/secigra/>

⁹⁹ Code of Ethics of the Peruvian Bar Associations. Visit: www.cal.org.pe/cod_eti_cole_pe.htm

¹⁰⁰ For more in depth information, visit: <http://www.cal.org.pe/defensoria/index.php>

¹⁰¹ At: <http://www.cal.org.pe/defensoria/index.php>

orientation through its website, where citizens may find FAQ and responses regarding common legal needs (i.e. the procedure to obtain alimentary pension)¹⁰².

- According to the Social Defenders Program Report¹⁰³, in 2010 they rendered pro bono services to 11,818 individuals, 802 were legally represented and 17 recovered their liberty of freedom. The Social Defenders Program also provided legal counsel through a radio program called “*Abogados a la Orden*” (Lawyers at your service) at Radio Nacional every Thursday from 8:30am to 9:00am, and carried out workshops about “Orientation and Prevention to Juvenile Delinquency” and “Understanding the Code of the Child and the Adolescent”.

Role of law schools and programs including service requirements before admission to practice:

- No single resource exists, which lists the legal aid programs operating out of law schools.¹⁰⁴ After reviewing universities official curricula at their websites (among those who have one), we may say that nowadays only 22 out of 72 Law Schools offer courses about Ethics and/or Social Responsibility of the legal profession (29.73% of Law Schools).
- 12 out of 72 Law Schools run Clinics and Consulting groups that provide Free Legal Services (16.67% of Law Schools), which are mostly on a non-mandatory basis. The following Law Schools offer clinics for students.
 1. Pontificia Universidad Católica del Perú runs PROSODE, a Spanish acronym for Proyección Social del Derecho. Founded in 1992, this legal clinic works in three fields of activity: free legal consulting, legal education (chats, workshops, and empowerment), and dissemination (radio programs).¹⁰⁵
 2. Pontificia Universidad Católica del Perú also runs the “Legal Clinic”, which was founded in 1999 and provides legal representation to underprivileged citizens¹⁰⁶.
 3. THEMIS, an association of students from the Pontificia Universidad Católica del Peru, works jointly with *Defensoría del Pueblo* (National Ombudsman) to provide legal advice to low income citizens, mainly from the South Lima area.
 4. Universidad Femenina del Sagrado Corazón (UNIFE) has legal offices that provide advice to underprivileged people. The students from UNIFE must work in these offices for a period of six months to graduate. This is the only Law School where we have found a mandatory requirement.
 5. Universidad Nacional Mayor de San Marcos¹⁰⁷

¹⁰² Ibidem.

¹⁰³ At: <http://www.cal.org.pe/defensoria/informe.pdf>

¹⁰⁴ If you know of a public or private organization that collects this information, please email ecolomer@nycbar.org.

¹⁰⁵ Henry Armas, “*Learning Participation: The Case of PROSODE, Peru, PLA Notes*”.December 2003. p31-35. Available at: http://www.planotes.org/documents/plan_04806.pdf.

¹⁰⁶ Legal Clinic of the Pontificia Universidad Católica del Perú: At: http://facultad.pucp.edu.pe/derecho/index.php?option=com_detalle&task=view&secc=11&cat=120&cont=420&btn_back=1&Itemid=76

6. Universidad Nacional de Cajamarca¹⁰⁸
7. Universidad Nacional San Antonio Abad de Cuzco¹⁰⁹
8. Universidad Nacional de Tumbes¹¹⁰
9. Universidad Los Ángeles de Chimbote¹¹¹
10. Universidad Católica Santo Toribio de Mogrovejo¹¹²
11. Universidad de Piura¹¹³
12. Universidad Privada del Norte¹¹⁴
13. Universidad Privada Antenor Orrego¹¹⁵
14. Universidad Privada Antonio Guillermo Urrello¹¹⁶

Role of NGOs, pro bono institutions, legal aid organizations and foundations:

- In 2007 there were 998 NGOs (874 local and 124 foreign -called “ENIEX”, which stands for non government foreign organization-) registered at the government agency Agencia Peruana de Cooperación Internacional - APCI.
- In 2008, this sum decreased to 750 NGOs (635 local and 115. foreign), because 248 of them (239 local and 9 foreign) did not renew their registration at APCI¹¹⁷.
- These NGOs carry out diverse missions and projects related to poverty and subsistence, health , children’s issues, domestic violence issues, environment, micro-enterprise and legal aid, among others¹¹⁸.
- NGOs play an important role in the promotion of democratic values and the delivery of legal services to the poor. In this regard, NGOs can be classified in two categories: a) the

¹⁰⁷ Free Legal Consulting of the Universidad Nacional Mayor de San Marcos:
<http://www.unmsm.edu.pe/derecho/consultorio.html>

¹⁰⁸ Free Legal Consulting of the Universidad Nacional de Cajamarca:
<http://www.unc.edu.pe/documentos/curriculos/derecho%20-%20curriculo.pdf>

¹⁰⁹ Free Legal Consulting of the Universidad Nacional San Antonio Abad:
<http://dr.unsaac.edu.pe/>

¹¹⁰ Free Legal Consulting of the Universidad Nacional de Tumbes: www.untumbes.edu.pe/,

¹¹¹ Free Legal Consulting of the Universidad Los Ángeles de Chimbote:
http://www.uladech.edu.pe/index.php?option=com_content&view=article&id=324&Itemid=409

¹¹² Legal Clinic of the Universidad Católica Santo Toribio de Mogrovejo:
<http://www.usat.edu.pe/usat/cidaj>

¹¹³ Free Legal Consulting of the Universidad de Piura: <http://udep.edu.pe/servicios.html>

¹¹⁴ Free Legal Consulting of the Universidad Privada del Norte:
<http://www.upnorte.edu.pe/notasver.asp?cn=1417>

¹¹⁵ Free Legal Consulting of the Universidad Privada Antenor Orrego:
<http://www.upao.edu.pe/consultoriojuridico/index.aspx>

¹¹⁶ Free Legal Consulting of the Universidad Privada Antonio Guillermo Urrello:
http://www.upagu.edu.pe/index.php?option=com_content&view=article&id=86&Itemid=148

¹¹⁷ At: <http://www.apci.gob.pe/servicio.php?TIPO=VIG>

¹¹⁸ Agencia Peruana de Cooperación Internacional – APCI. At:
<http://www.apci.gob.pe/principal.php>

academic ones, or those that work on research and legislation initiatives¹¹⁹ and b) the social aid organizations, which are those that provide social aid in several fields, including free legal assistance.¹²⁰ Among the most recognized in the latter category are NGOs defending and promoting women's and children's rights.

6. Miscellaneous

Internet Usage

- In 2002, only 19% of Peruvians responded affirmatively when asked if they had ever used the internet.
- In 2010, 58% of Peruvians expressed they do use the internet. However the practice differs geographically. In Lima 59% use the internet, while in the east of the country the percentage is 47% (in this zone people express having a limited and sparely use of the internet, mostly through “public cabins” since they do not have computer equipment at their homes)¹²¹.

Trust in Newspapers

- In 2008, only 35% of Peruvians had “a lot” or “some” confidence in their newspapers.¹²²

¹¹⁹ For instance, Ciudadanos al Día, an NGO that tries to create incentives and new tools to improve the quality of public service through transparency, participation and surveillance. At: www.ciudadanosaldia.com.

¹²⁰ Two well recognized NGOs known for espousing their obligation and responsibility to provide free legal aid are Manuela Ramos and Flora Tristán. At: www.manuela.org.pe/serv_legal.asp and www.flora.org.pe/comisaria.htm

¹²¹ “National Use of the Internet”. Public opinion Surrey prepared by Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú. June 2010. p. 1.

¹²² Ibid. p. 83.