

# NEWSLETTER

January 2022 / Year 2- No. 7

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## EJE NO PENAL LAUNCHES PROPOSAL TO IMPROVE CONSTITUTIONAL JUSTICE

Constitutional justice seeks to preserve the fundamental rights of individuals through processes such as Amparo, Habeas Corpus, Habeas Data, Compliance or Unconstitutionality. Given its importance, within the Peruvian legal system, it is necessary to modernize and improve it. In this edition of our Newsletter, the executive coordinator of the Improvement Program of The Justice Administration System - Eje No Penal, Oscar Zapata Alcázar, makes an important proposal to digitize and change phy-

sical and virtual files, with the consequent reduction in time and costs. In addition, as part of the principle of transparency and a necessary account of these accomplishments, Eng. Pedro Fuentes, head of the Project Monitoring and Supervision Unit of the Program, takes a thorough assessment of the activities carried out with the three beneficiary institutions (Constitutional Court, National Board of Justice and Ministry of Justice and Human Rights) that has been carried out by Executing Unit 003 during the current period.

Participant institutions:

Cooperating Source:



Oscar Zapata Alcázar, Executive Coordinator of the Improvement Program of The Justice Administration System - Eje No Penal

## TIMES OF CHANGE: FOR MODERN JUSTICE

### WRITES:

#### **OSCAR ZAPATA ALCÁZAR**

*Executive Coordinator of the Improvement Program of The Justice Administration System - EJE NO PENAL.*

This is a proposal to generate substantive changes in the process of modernization and improvement of CONSTITUTIONAL JUSTICE in the most important institutions of the Justice System of the Peruvian State in order to make it faster, more efficient, predictable and secure.

It happens, as is well known to all, that constitutional justice, among other matters, protects the fundamental rights of the person who, because they are such, impose a prompt and agile response that replenishes them, as long as they have been violated.

However, the delay in resolving and protecting this protection of rights averages about 3 years, as can be seen in the attached statistical tables. In these tables it will be clear that the average

Participant institutions:

Cooperating Source:



may be higher if we take into account that actions for the protection of rights are dealt with by the Judiciary (in two instances) and by the Constitutional Court (via appeal).

The factors why this delay is so long are multiple, but undoubtedly the most important is that relating to the PROCESS, which far from being DYNAMIC, EFFICIENT AND SAFE, is slow and unsafe because it does not meet the most elementary standards of modernity and continues to be substantiated in stitched physical files, since no fastener can withstand the ordering the number of sheets that are processed.

This dramatic diagnosis is most likely answered by the urgent need to modernize the process through its digitalization, virtualization and interoperability, which will surely bring about some regulatory changes that will be required to carry out this proposal.

These last three concepts mentioned represent a dramatic change that will generate a wonderful response to the need we have to achieve prompt and secure constitutional justice.

DIGITIZATION will allow the exchange of physical files for virtual files with the consequent disappearance of manipulation and the incorporation of search engines that provide those who study the file with tools of great versatility and unlimited efficiency. Of course, the security of the file will be guaranteed, as well as its sending to officials who need to see it without any time parameters, since it can result in a fraction, regardless of the distance.

It is also worth mentioning the reduction in the deadlines for transfer, notification, storage infrastructure and, as a result, the decrease in the cost of constitutional justice.



DIGITIZATION will allow the exchange of physical files for virtual format with the consequent disappearance of manipulation and the incorporation of search engines that make it easier for those who study the file with tools of great versatility and efficiency without limits.



A special comment should be made regarding considering as unnecessary the justification for the delay in the outcome of justice, the lack of budget to settle courts and constitutional chambers throughout the country, given that virtual justice should not be subject to a specific natural judge, since virtuality would eliminate the concept of barriers by location and geographical districts.

By the way, this virtual process must be accompanied by the redesign of the processes in the management of DATA through DOCUMENTARY PROCESSING platforms and RECEPTION DESK that allow the unification at the national level of all the management of the entry and exit of documents, as well as their referrals within each institution. Later, you will see attach a sizing of the problem to realize that the resources currently available are not only sufficient, but could even be left over.

Participant institutions:

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We need to bear in mind that the digitalization process that was previously an option today is a requirement to which State entities must respond, particularly those of the justice system, since they obviously suffer a notorious lack of management that severely affects the efficiency of the country, legal stability, the public budget and the economy of citizens.

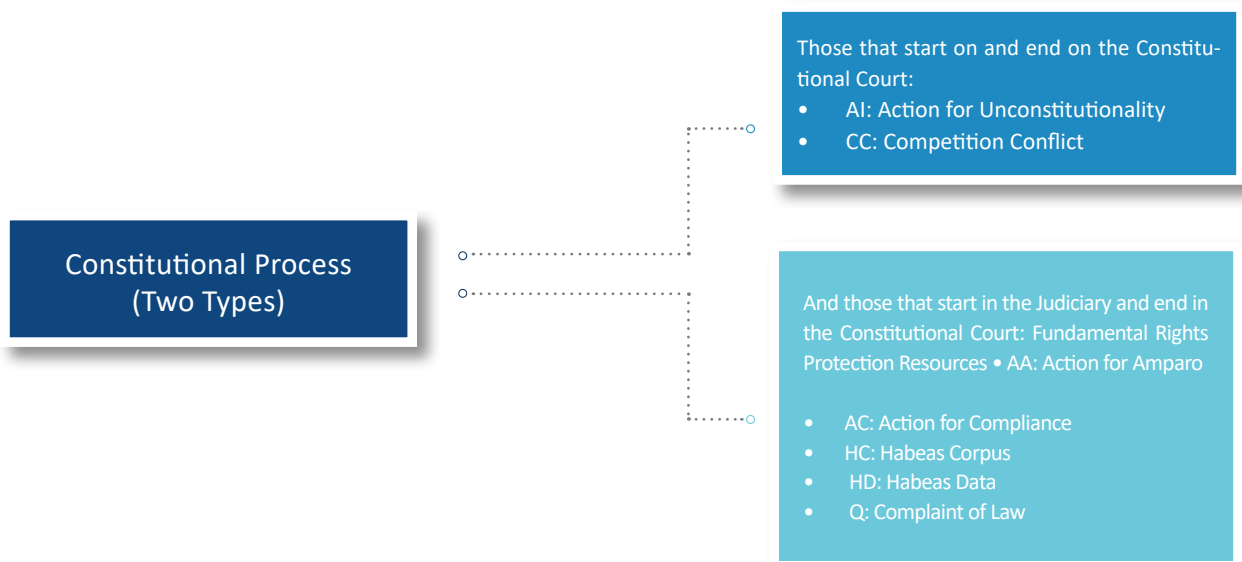
VIRTUALIZATION will make it possible for citizens to reduce the costs of justice significantly since they will not have to travel in search of a court or a courtroom or pay the expenses of a lawyer to attend the hearings, among many other factors.

It will also enable the need for evidentiary information to be obtained INTEROPERATING with other

institutions without generating requests, orders and intolerable terms of response.

In the following graph we show the types of constitutional process and where they begin and end, thus intending to denote the degree of difficulty generated in the very processing of the procedure since there is no system that allows the institutions involved, such as the Judiciary and the Constitutional Court, to interoperate.

With this graph we intend to show the universe of the problem. In almost 26 years, the Constitutional Justice files reached the Constitutional Court total approximately 128,000 cases and even though the number seems very huge, it is not, if you contrast it with the number of economic resources and infras-



Participant institutions:

Cooperating Source:



**CONSTITUTIONAL COURT PROCEDURAL BURDEN SITUATION**  
*Cases admitted to the Constitutional Court, since its entry into office in 1996, until 12.31.2021*

HISTORICAL DISTRIBUTION OF FILE ENTRY										HISTORICAL DISTRIBUTION OF THE PUBLICATION OF FILES											
Año	TYPE OF PROCESS							NSP	Total	Año	TYPE OF PROCESS							NSP	Total		
	AA	AC	HC	HD	Q	AI	CC				AA	AC	HC	HD	Q	AI	CC				
Total	90,487	11,250	19,283	2,280	4,807	609	135	1,017	128,851	Total	89,160	11,155	18,801	2,111	4,780	594	131	1,017	126,732		
	70.23%	8.7%	15.0%	1.8%	3.7%	0.5%	0.1%				70.35%	8.80%	14.84%	1.67%	3.77%	0.47%	0.10%				
	128,107						744				126,007						725				
	99.42%						0.58%				99.43%						0.57%				
	PJ						TC				PJ						TC				

Abbreviations:

GUARDIANSHIP  
PROCESS

AA: Amparo Action  
AC: Action for Compliance  
HC: Habeas Corpus  
HD: Habeas Data  
Q: Complaint of Law

ORGANIC  
PROCESSES

AI: Action for Unconstitutionality  
CC: Competition Conflict

NSP: They will not be published or were annulled

tructure that are available for their attention.

It is true that this figure does not include the number of constitutional cases that are resolved in the judiciary and are not grounds for constitutional remedy. This figure cannot be visualized in the Judiciary statistical data.

With the following diagram we intend to point out the steps that the constitutional process goes through, which begins in the in the Judiciary and ends in the Constitutional Court. We also refer to the Number of Constitutional Courts and Chambers existing in the Judiciary, the same ones that are mostly located in Lima.



VIRTUALIZATION will make it possible for citizens to reduce the costs of justice significantly since they will not have to travel in search of a court or a courtroom or pay the expenses of a lawyer to attend the hearings, among many other factors.

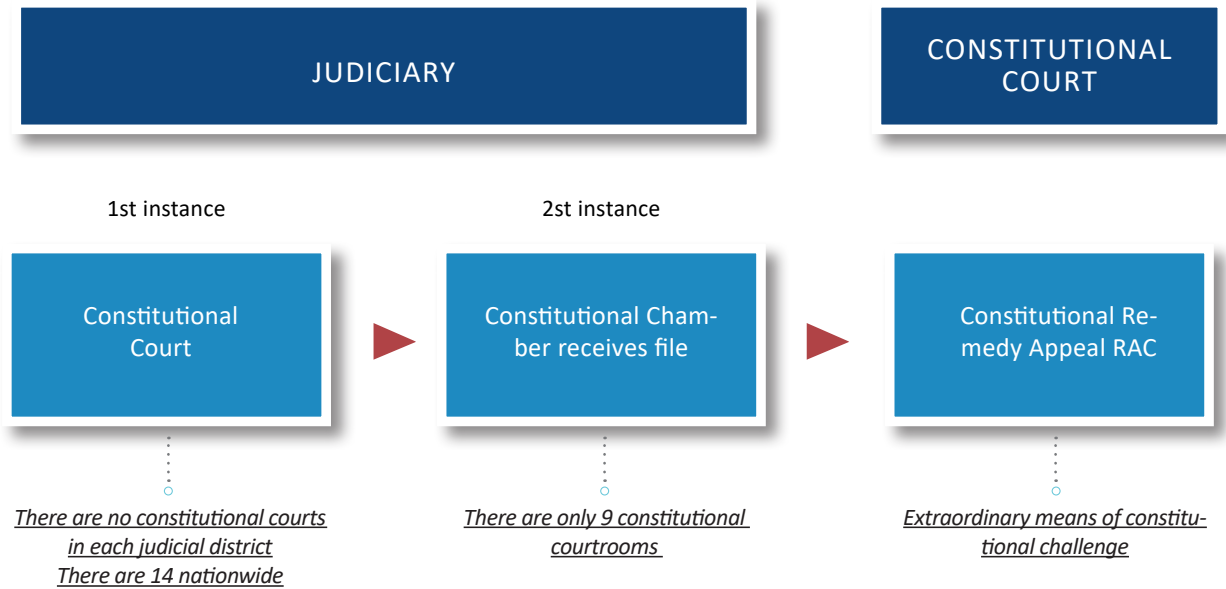


Participant institutions:

Cooperating Source:



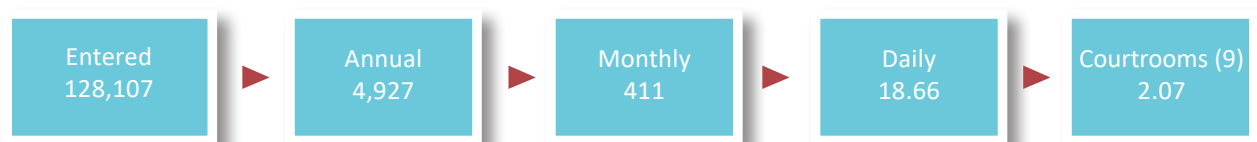
**DIAGRAM OF THE CONSTITUTIONAL PROCESS**



In the following three tables we make a theoretical analysis of the distribution of cases by Courts, Courtrooms and Constitutional Court with the sole purpose of measuring the small load that each one should bear with the infrastructure currently installed.

By the way, it does not take into account that each magistrate has advisers who facilitate the work, as is also the case in the Courtrooms and the Courts.

**PROCEDURAL BURDEN IN 26 YEARS AND ITS THEORETICAL ASSIGNMENT TO THE CONSTITUTIONAL COURTS IN THE JUDICIARY**

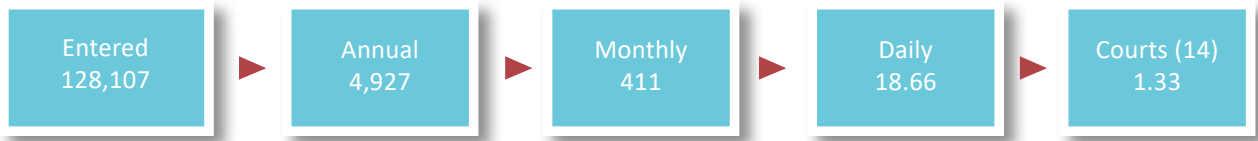


*This is a theoretical indicator per courtroom to determine how many files could have been handled by each one*

Participant institutions:

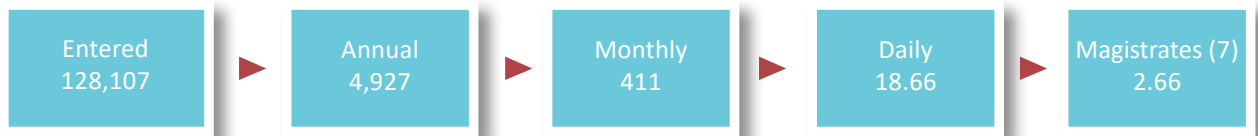
Cooperating Source:

PROCEDURAL BURDEN IN 26 YEARS AND ITS THEORETICAL ASSIGNMENT TO THE CONSTITUTIONAL COURTS IN THE JUDICIARY



*This is a theoretical indicator per court to determine how many files could have been handled by each one.*

PROCEDURAL BURDEN IN 26 YEARS AND ITS THEORETICAL ASSIGNMENT TO THE CONSTITUTIONAL COURT

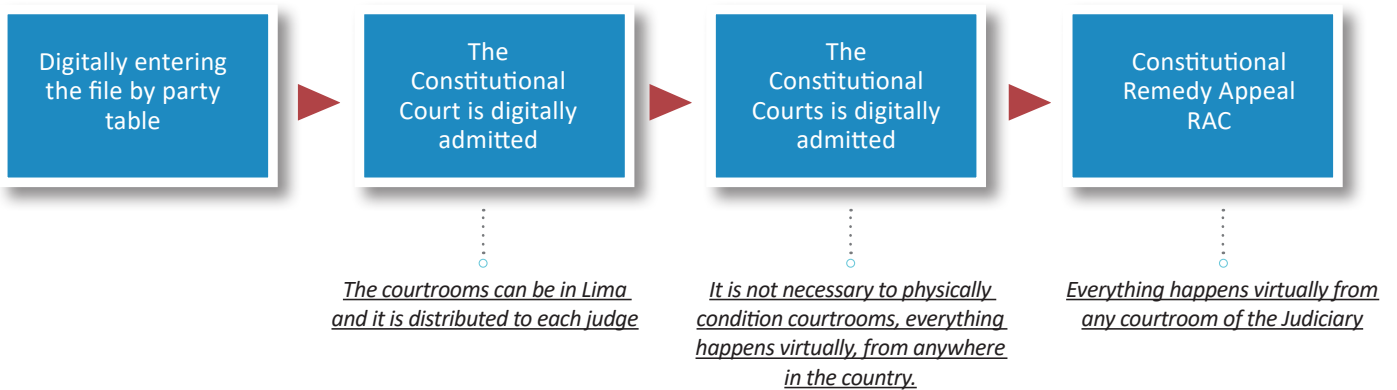


*This is a Per Capita per Magistrate indicator. How many files should a magistrate attend to per day so as not to increase the burden. In other words, a magistrate must attend to 2.66 files per day.*

Finally, below, we also attach a theoretical diagram of what could be the process seen in a MACRO form. In short, and as is necessary, there is an urgent need to modernize constitutional justice in our country by turning it digital. And now we are working hard with the actors involved in this change: the Constitutional Court and the Judiciary, thanks to the support of our cooperating source, the World Bank.

**PROPOSED SOLUTION**

*The proposal is that the entry of the files, from the beginning, be carried out digitally by the digital Reception Desk, this allowing a significant reduction in the response time for the plaintiff. In short, the flow would be as follows.*



Participant institutions:

Cooperating Source:



*Pedro Fuentes, Head of the Project Monitoring and Supervision Unit of the Improvement Program of The Justice Administration System - Eje No Penal*

## BALANCE SHEET AND NEW PROJECTS FOR THE COMING MONTHS

### ENTREVISTA

**PEDRO FUENTES,**  
*Head of the Project Monitoring and Supervision Unit of the Improvement Program of The Justice Administration System - Eje NO PENAL*

Pedro Fuentes, is an economic engineer from the National University of Engineering (UNI), specializing in project management and public investment projects. With more than eight (08) years of experience in planning initiatives financed by international cooperation, he currently serves as head of the Project Monitoring and Supervision Unit (USMP) of the Improvement Program of The Justice Administration System - Eje No Penal - World Bank.

In this stretch of 2022, he stops his work to talk to us about goals and perspectives, in a year of economic recovery and objectives set to be met.

Participant institutions:

Cooperating Source:





**1. What does the UMSP you direct do?**

The Project Monitoring and Supervision Unit - UMSP, is a line organizational unit of the Executing Unit 003 MINJUSDH responsible for planning, organizing, directing, coordinating and controlling the monitoring and supervision tasks of the Program.

**2. How many projects does the MSP have assigned?**

It has 3 projects under its responsibility:

- Improving the Services of the National Board of Justice - JNJ. Within the framework of the implementation of the Electronic Judicial File

— EJE. (CUI 2412541).

- Improvement of the Justice Administration Services of the Constitutional Court - TC. Through the implementation of the Electronic Judicial File — EJE. (CUI 2412543).
- Improvement of Free Legal Advisory Services (ALEGRA) - MINJUSDH. To achieve the proper implementation of the Electronic Judicial File - EJE. (CUI 2412545).

**3. ¿Cuál es la inversión en cada uno de los proyectos mencionados?**

Investment Costs IP JNJ, CUI No. 2412541

Components / Actions	Updated investment costs (S/)	Updated investment costs (US\$)	Percentage (%) of investment
Component 1: Higher Levels of Modernization of Management Systems	4,610,000	1,170,051	10.0%
Component 2: Higher Technology Platform Capacity	33,589,522	8,525,259	73.0%
Component 3: Increased User Relationship Management Capabilities	2,257,800	573,046	4.9%
Project Management	5,561,916	1,411,654	12.1%
<b>TOTAL COST</b>	<b>46,019,238</b>	<b>11,680,010</b>	<b>100.0%</b>

Source: MEF Investment Consultation as of 08.05.2022. C.C. S/ 3.94  
(According to Multiannual Macroeconomic Framework 2022-2025) Own elaboration.

Investment Costs IP CC, CUI No. 2412543

Components / Actions	Updated investment costs (S/)	Updated investment costs (US\$)	Percentage (%) of investment
Component 1: Updating processes for adaptation to the EJE	3,081,000	781,980	27.3%
Component 2: Adequate ICT support infrastructure for the adoption of the EJE	6,076,135	1,542,166	53.8%
Component 3: Adequate capacities of jurisdictional staff for the management of the EJE	1,200,588	304,718	10.6%
Project Management	936,000	237,563	8.3%
<b>TOTAL COST</b>	<b>11,293,723</b>	<b>2,866,427</b>	<b>100.0%</b>

Source: MEF Investment Consultation as of 08.05.2022. C.C. S/ 3.94  
(According to Multiannual Macroeconomic Framework 2022-2025) Own elaboration.

Participant institutions:

Cooperating Source:

## Investment Costs IP MINJUSDH, CUI No. 2412545

Components / Actions	Updated investment costs (S/)	Updated investment costs (US\$)	Percentage (%) of investment
Component 1: Infrastructure Optimization and Improvement	22,296,707	5,659,063	35.1%
Component 2: Process Optimization and Improvement	5,917,989	1,502,028	9.3%
Component 3: Implementation of an optimal information and communication technology (ICT) system	26,730,980	6,784,513	42.1%
Component 4: Improving staff skills and user information	3,739,962	949,229	5.9%
Project Management	4,819,500	1,223,223	7.6%
<b>TOTAL COST</b>	<b>63,505,137</b>	<b>16,118,055</b>	<b>100.0%</b>

Source: MEF Investment Consultation as of 08.05.2022. C.C. S/ 3.94  
 (According to Multiannual Macroeconomic Framework 2022-2025) Own elaboration.a.

**4. What is your balance sheet in the middle of the year and what is next for the coming 06 months?**

## Financial Execution 2022 — First Semester (S/)

INVESTMENT PROGRAM "IMPROVEMENT OF NON-CRIMINAL JUSTICE SERVICES THROUGH THE IMPLEMENTATION OF THE ELECTRONIC JUDICIAL FILE (EJE)" WITH CUI No. 2413068		TOTAL 2022		
TOTAL 2022	INVESTMENTS	TOTAL	ROOC	RO
		3,463,778	199,963	3,263,815
<b>1</b>	<b>PROJECTS OF THE EU PMSAJ MINJUSDH</b>	806,534	199,963	606,571
1.1	Improvement of the services of the National Board of Justice - JNJ, within the framework of the implementation of the Electronic Judicial File - EJE with CUI 2412541	173,102	14,062	159,040
1.2	Improvement of the services of the Constitutional Court through the implementation of the Electronic Judicial File with CUI 2412543	312,022	185,902	126,121
1.3	Improvement of the Free Legal Advice (ALEGRA) services, to achieve the proper implementation of the Electronic Judicial File (EJE) with CUI 2412545	321,410	-	321,410
<b>2</b>	<b>PROGRAM MANAGEMENT</b>	2,657,244	-	2,657,244
2.1	Program Administration	2,590,744	-	2,590,744
2.2	Evaluation Studies (Base, Intermediate and Final Line)	66,500	-	66,500

Source: SIAF-MEF system as of 08.05.2022. Own elaboration.

Participant institutions:

Cooperating Source:

## Execution of investments by the EU 003-1437: PMSAJ for the First Semester 2022 (S/)

Nº	INVESTMENTS / SHARES	Updated Cost	PIM 2022	Execution 2020	Execution 2021	Execution 2022	Cumulative Execution	% umulative Progress	% rogress of the PIM
<b>1</b>	<b>PROJECT OF EU PMSAJ MINJUSDH</b>	<b>120,818,098</b>	<b>16,924,059</b>	<b>76,000</b>	<b>2,883,091</b>	<b>806,534</b>	<b>3,765,625</b>	<b>3.1</b>	<b>4.8</b>
1.1	Improvement of the services of the National Board of Justice -JNJ (...), with CUI No. 2412541	46,019,238	5,871,351	-	214,007	173,102	387,109	0.8	2.9
1.2	Improvement of the administration of justice services of the Constitutional Court (...) with CUI No. 2412543	11,293,723	2,653,304	31,000	1,694,647	312,022	2,037,669	18.0	11.8
1.3	Improvement of Free Legal Advice Services (ALEGRA (...), with CUI No. 2412545	63,505,137	8,399,404	45,000	974,437	321,410	1,340,847	2.1	3.8
<b>2</b>	<b>PROGRAM MANAGEMENT</b>	<b>23,847,331</b>	<b>5,328,804</b>	<b>1,404,089</b>	<b>4,938,395</b>	<b>2,657,244</b>	<b>8,999,728</b>	<b>37.7</b>	<b>49.9</b>
<b>TOTAL</b>		<b>144,665,429</b>	<b>22,252,863</b>	<b>1,480,089</b>	<b>7,821,486</b>	<b>3,463,778</b>	<b>12,765,352</b>	<b>8.8</b>	<b>15.6</b>

Source: MEF friendly consultation at 08.05.2022

The following goods and/or services have been scheduled to be contracted for the next few months:

#### National Board of Justice

- Service for the preparation of a study containing a diagnosis and progressive proposals for reduction of the provisional nature of judges and prosecutors of the National Board of Justice.
- Implementation of the technical standard for the management of the quality of services in the Directorate of Evaluation and Ratification.
- Improvement of the institutional Data Center (Phase II).
- Acquisition of wireless solution (Phase II).

- Core Integrated System.
- Specialized service for the implementation of the National Registry of Judges and Prosecutors.
- Specialized service for the implementation of improvements in the registration and presentation of general and career information for judges and prosecutors in the judiciary.
- Specialized service for the implementation of improvements in the registration of curricular information and validation of judges and prosecutors.
- Digitization of documents with legal value in the National Board of Justice.
- Implementation of the Document Management System.
- Development of courses for technical staff (Stage I).

Participant institutions:

Cooperating Source:

### Constitutional Court

- Preparation of a study that determines and identifies the procedural actions that take place, from the entry to the publication of the resolution that concludes the case, in the processes of unconstitutionality and jurisdictional conflicts.
- Development of a computer system that allows the entry, processing, drafting of resolutions, entry of documents, notifications and other procedural actions that occur in the processes of unconstitutionality and conflicts.
- Purchase of a continuous power supply system (UPS - Isolation Transformer, Rack PDU, Automatic Transfer Switch, PC Enclosure Cabinet).
- Equipment and installation service of the Video Surveillance System at the Constitutional Court headquarters.
- Purchase of a network storage system for video surveillance.
- Fiber-optic backbone implementation service.
- Service to expand the coverage of the wireless network of the Constitutional Court premises in the district of San Isidro.
- Adaptation of courtrooms, furniture, audio equipment and improvement of lighting in the headquarters of the city of Arequipa.
- Adaptation of courtrooms, furniture, audio equipment and lighting improvement at the headquarters of the city of Lima (San Isidro) and Lima (Cercado).
- Digital Transformation training service for Constitutional Court users (OTI - General).
- Service for the dissemination of the new services of the Constitutional Court Project at the national level in relation to the EJE.
- Media Training service for the spokesperson of the Constitutional Court.
- Service for the production of informative videos on deconcentrated audiences.
- Communication services related to the dissemination of the new functions of the Constitutional Court in relation to the electronic judicial file.
- Service for the development of a decentralized hearing strategy and a plan for expanding hearings for the Constitutional Court.

### Ministry of Justice and Human Rights

- Refurbishment of ALEGRA Comas headquarters.
- Refurbishment of ALEGRA Santa Anita headquarters.
- Refurbishment of ALEGRA San Juan de Lurigancho headquarters.
- Refurbishment of ALEGRA Lima Centro headquarters.
- Refurbishment of ALEGRA Villa El Salvador headquarters.
- Refurbishment of ALEGRA Villa María del Triunfo headquarters.
- Refurbishment of ALEGRA San Juan de Miraflores headquarters.
- Refurbishment of ALEGRA Lima Norte headquarters.
- Development of courses within the framework of the Training Plan.

#### 5. How do your Unit's projects align with the objectives of the Annual Operating Plan (AOP)?

The Annual Operating Plan (AOP) is based on the Logical Framework and the Program Assessment Document (PAD). The AOP is comprised of at least four sections:

- Executive summary of the actions to be executed in the year.
- The description of the activities to be carried out annually, the budget allocated, the period of execution of each activity.
- Budget programming by quarter and by components in accordance with the annual budget approved by the General Directorate of Public Budget.

#### 6. What does the rescheduling of the AOP respond to?

The rescheduling of the AOP is supported according to the variation of the modified institutional budget (PIM) 2022, equivalent documents, modification reports in the Investment phase, terms of reference, specifications, reference amounts, quotations, technical offers, cost structure, technical criteria by project supervisors.

Participant institutions:

Cooperating Source:

Likewise, problems and/or risks have been identified by beneficiary entities, mainly in the case of the National Board of Justice, such as longer review times of the terms of reference and/or technical specifications of the requirements, as well as their own referral. On the other hand, there is also a longer period for verification of deliverables and/or products submitted in due course and their respective conformity.

**7. What are the monthly Investment Committees?**

The Justice and Human Rights Sector Investment Monitoring Committee, which is temporary in nature, is responsible for monitoring the Entity’s prioritized investment portfolio.

This Committee has the following functions:  
To follow up on the prioritized investment portfolio of justice and human rights sector and other investments considered relevant by the Committee.

To issue recommendations and proposals of corrective measures on the progress of the physical and financial execution of investment projects and other investments foreseen in the Sector’s Multiannual Investment Program (PMI), for the budget documents, if applicable.

To establish agreements, deadlines and responsible parties in order to comply with investment programming, which shall be recorded by the OPMI in the Investment Tracking System.

To provide information on the progress of the referred investments, on a monthly basis, which shall be sent to the holders of the Sector’s specifications and to the general secretaries.

Other functions that are necessary to fulfill the assignment or that correspond in accordance with the applicable regulations.

**8. What is reported at the monthly Investment Committees and how often is it done?**

The committee reports on the progress of the UEI’s investments, the annual execution per sheet and the monthly execution. It is held every month.

**9. What is the execution percentage of the projects programmed for the 2022 period (budget programming versus execution)?**

MONTH	CONSTITUTIONAL COURT		
	PROGRAMADO	EJECUTADO	%EJECUCIÓN
January	0.00	12,600.00	0%
February	0.00	45,175.00	0%
March	0.00	0.00	0%
April	0.00	6,000.00	0%
May	8,340.00	21,000.00	252%
June	59,040.00	88,327.00	150%
Julio	786,986.15	22,100.00	3%

MONTH	NATIONAL BOARD OF JUSTICE		
	PROGRAMADO	EJECUTADO	%EJECUCIÓN
January	0.00	0.00	0%
February	68,888.40	95,055.00	138%
March	129,351.20	57,300.00	44%
April	80,725.60	133,267.00	165%
May	0.00	0.00	0%
June	0.00	26,400.00	0%
Julio	26,400.00	56,965.00	216%

MONTH	MINJUSDH		
	PROGRAMADO	EJECUTADO	%EJECUCIÓN
January	20,000.00	37,500.00	188%
February	20,000.00	87,081.00	435%
March	20,000.00	38,759.00	194%
April	156,000.00	56,460.00	36%
May	54,000.00	68,650.00	127%
June	73,747.73	32,960.00	45%
Julio	3,100,661.12	79,499.00	3%


Participant institutions:


Cooperating Source:



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