

PERU

**VICTIMS OF CORRUPTION:
NATIONAL LEGAL
FRAMEWORKS
DATABASE
2022**

SOURCE: ANONYMOUS

VICTIMS OF CORRUPTION WORKING GROUP

UNCA CIVIL **Coalition**
SOCIETY

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1. Legal Standing

1.1 Legal standing for civil society organisations and/or citizens in corruption-related cases

Civil society organisations and individual citizens do not have legal standing in corruption-related cases.

1.2 Type of Cases

N/A

1.3 Legal basis under which citizens have legal standing

There is no legal basis under which citizens have legal standing.

1.4 Citizens and/or civil society's intervention in corruption cases in other capacities (e.g. third party contributors, expert input, etc)

N/A

1.5 State's entitlement to represent the citizens collectively in corruption cases and whether its intervention excludes direct intervention by citizens

In Peru, corruption cases are framed as crimes against the Peruvian State; thus, the parties involved are the Public Prosecutor's Office (which carries out the investigation and eventual denunciation) and the Attorney General's Office (an entity attached to each State agency that acts as the "State's attorney" in its capacity as victim). The Procurator's Office intervenes mainly for the purposes of the possible civil reparation to be paid by those found guilty. Said reparation is destined to public funds.

1.6 Legal standing of any foreign government or foreign-based non-governmental institution to bring corruption cases on behalf of this country's citizens

No foreign State or non-state institution of a foreign country is invested with legal standing to intervene on behalf of its citizens.

2. Cases

2.1 Existence of corruption-related cases brought to Court by civil society organisations, journalists, or citizens

According to this source, there are no corruption-related cases brought to Court by civil society organisations, journalists, or citizens.

3. Collective Damage

3.1 Legal instruments that enable claiming reparation, compensation, or restoration of collective damages in any field (environmental damages, human rights, corruption, among others)

There are no legal instruments that enable claiming reparation, compensation, or restoration of collective damages in any field.

3.2 Procedures for advancing class-actions

N/A

4. The Role of the victims of corruption

4.1 Definition of victims of corruption or common definition used by the courts in this country

There is no definition of victims of corruption. The Peruvian State is usually considered the aggrieved party, but the term “victim of corruption” is not used specifically.

4. 2 Cases that recognize the role of victims

There are no cases that recognize the role of victims.

4. 3 Corruption-related court cases (criminal, civil, administrative) that awarded compensation to individuals or to identifiable or non-identifiable groups of victims to repair the damage caused by the corruption offense

There are no corruption-related court cases that awarded compensation to individuals or to identifiable or non-identifiable groups of victims to repair the damage caused by the corruption offense.

4.4 Innovative or effective mechanisms that can be considered good practice regarding the recognition and compensation of victims in corruption-related cases

There are no innovative or effective mechanisms that can be considered good practice regarding the recognition and compensation of victims in corruption-related cases

5. Available Information

5.1 Information published by enforcement authorities (including control agencies) about corruption enforcement actions

In Peru, enforcement authorities publish information about corruption enforcement actions. Type of information:

- The initiation of investigations
- The conclusion of investigations whether the investigated person has been acquitted or not
- The enactment of sanctions

5.2 Feasible access to information on ongoing or concluded cases

It is not possible to access information on ongoing cases; exceptionally, in emblematic cases, information is leaked to the media. It is also possible to monitor cases that are in stages regulated as public; for example, judicial hearings for pretrial detention requests; for incidents related to the process; or when the case moves to the trial stage (oral trial), which by law are public. In the case of already concluded proceedings, it is possible to access information to the extent of having the file number by resorting to the archives of the Judiciary and with the respective formalities (payment of photocopying costs, etc.).

5.3 Ways for citizens or civil society organisations to gather information on whether corruption cases are being investigated or trialed

One way to access information on cases is through dissemination by the entities involved. For example, the Comptroller's Office reports administrative sanctions; the Attorney General's Office reports from time to time the total number of cases followed at the national level.

6. Supplementary information

6.1 Main identified barriers that prevent CSOs, citizens, and journalists from standing as victims of corruption cases

The approach to corruption and, therefore, public policies and the regulatory framework circumscribe corruption to crimes typified under the label of "Against Public Administration" so that the State is conceived as the "victim" and specific individuals, groups or collectives are not identified as victims.

6.2 Other aspects, issues, provisions, or practices linked to the role, recognition, and compensation of victims of corruption

N/A