**PERU: DPLF expresses concern over reactivation of the election process**

**of judges of the Constitutional Court**

Washington D.C., April 28, 2021

The Plenary of the Peruvian Congress has decided to reactivate the Special Commission in charge of evaluating candidates for the position of judges of the Constitutional Court. This Commission was deactivated in November 2020, in the context of the deep political crisis that the country was going through, after several parliamentary benches withdrew their members amid serious questions about its opacity, inconsistencies in the evaluation of the files and the arbitrary disqualification of several candidates through decisions contrary to the rules of the competition that were not rectified.

Furthermore, despite the fact that the Special Commission submitted the text of its Rules of Procedure to an open consultation, in which it received contributions or observations from national and international civil society and specialized public bodies such as the National Justice Board (JNJ), the Ombudsman's Office (DP) and the National Civil Service Authority (SERVIR), these contributions were not analyzed or debated, in order to guarantee a transparent, public, merit-based, participatory and merit-based mechanism that respects the principles of equality and non-discrimination.

DPLF expresses its deep concern about the reactivation of this selection process, adopted after the electoral results of April 11, 2021, which defined the composition of the future Parliament and the holding of a second round for the presidential election.

We consider that the election of the members of the highest body of constitutional control requires maximum democratic legitimacy and conditions that guarantee the confidence of the citizenry in the objectivity of the procedure and in the independence of those who are finally elected, **conditions that have been severely affected after the serious political crisis that occurred in November 2020 and the public’s reproach to the role played by Congress, expressed in massive citizen protests in the main cities of the country.**

Likewise, citizen confidence in the outcome of the election has been compromised by the serious irregularities that occurred during its development. The reactivated Special Commission is composed, for the most part, of legislators who participated in such decisions and who did not adopt measures to correct or clarify the reported irregularities, which **does not guarantee that, in the future, this body will conduct an objective and unquestionable evaluation procedure.**

In accordance with international standards, the Peruvian State is obliged to guarantee the independence of the justice system, which includes, among other things, the existence of adequate mechanisms to select its high authorities that satisfy minimum requirements of transparency, publicity, meritocracy, equality and citizen participation.

Recognizing the constitutional competence of Congress to elect the members of the Constitutional Court, and the urgent need to replace six of its seven members -who currently have an expired mandate-, we are concerned that the reactivation of this process - by an outgoing Congress and seriously questioned by society - may culminate in appointments that not only lack legitimacy, but also come from a mechanism without adequate safeguards to eliminate undue influence, with a high cost for the independence of constitutional justice in Peru.