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UNITED STATES OF AMERICA

MCC ANTICORRUPTION THRESHOLD PROGRAM

TRAINING PLAN FOR ACTIVITY 1A (TRAINING WORKSHOPS – JUDICIARY)

13 JULY 2009

This publication was produced for review by the United States Agency for International Development. It was prepared by Management Systems International.

MCC ANTICORRUPTION THRESHOLD PROGRAM

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Washington, DC 20024



Contracted under ENGAGE IQC DFD-I-00-08-00072-00 TO 371
Submitted July 13, 2009

This report is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development, the Millennium Challenge Corporation or the United States Government.

TRAINING PLAN FOR ACTIVITY 1A (TRAINING WORKSHOPS – JUDICIARY)

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EXECUTIVE SUMMARY

Peru was selected as eligible for MCC Threshold Assistance in 2006. The purpose of the MCC Threshold Program is to help countries make policy and institutional changes to improve their performance on the MCC indicators in order to improve their chances of qualifying for MCC compact eligibility status in the future.

The Anticorruption component of the Threshold Program is developed around a framework based on the existence of three “drivers” of corruption in Peru:

- a. Lack of awareness about the problem, action being taken to fight against it, and the positive roles citizens can play in fighting corruption;
- b. Weak enforcement due to inefficient controls, investigation, and sanction mechanisms; and
- c. Opportunities that exist for corruption due to inefficient government processes and limited access to information.

Using this framework as a basis, four public offices were selected by the Government of Peru (GOP) to participate in the Threshold Program: the Judiciary, the Ministry of Internal Affairs (MOI), the Office of the Comptroller General (OCG) and the Ombudsman Office.

In order to address these drivers of corruption, the Threshold Program will focus assistance to the Judiciary on two activities that will improve the effectiveness of internal control mechanisms:

1. Foster awareness among citizens about OCMA’s existing corruption control mechanisms, the results they produce, and how citizens can better participate.
2. Strengthening OCMA’s investigation and sanctioning role at the national and local levels.

The development of training workshops is part of Activity 1:

Foster awareness among citizens about OCMA’s existing corruption control mechanisms, the results they produce, and how citizens can better participate.

For this Activity, 64 training workshops will take place in two rounds during the implementation of the project, and throughout the 29 judicial districts. Each workshop should include a minimum of 50 participants among leaders of civil society and representatives from the media.

The objective of the workshops is to inform and educate civil society about the mechanisms available for citizen participation in the control of corruption. They will also focus on building citizen awareness of their rights and obligations when interacting with the Judiciary.

The workshops will include the following for the participants: Materials, refreshments and lunch.

Through the above activities, we intend to achieve the following:

- I. 64 training workshops completed
 - a. 6 workshops in the Judicial District of Lima (3 each year)
 - b. 4 workshops in the Judicial District of North Lima (2 each year)

- c. 2 workshops in the remaining judicial districts of Peru (1 each year)
- II. 3,200 people trained at the national level on the mechanisms available for citizen participation in the control of corruption in the Judiciary. (Among representatives of civil society and the media).
- III. 29 working groups organized in the ODECMA's to train citizens about the mechanisms available for citizen participation in the control of corruption in the Judiciary.

I. INTRODUCTION

A. The context of the OCMA

The Judiciary is aware that citizens perceive the justice service as corrupt and slow¹. The previous President of the Judiciary (from 2007 to 2008) launched some initiatives to improve efficiency and reduce this perception, such as:

- i. The creation of a database for Supreme Court jurisprudence;
- ii. The redesign and standardization of the functions of the Judiciary as an organization;
- iii. The opening of new offices at the justice of the peace level;
- iv. The publication of curriculums vitae and incomes of judges and;
- v. The strengthening of human resources through adequate training in administrative procedures

An important activity has been to continue with the implementation of the New Penal Process Code, which is projected to be implemented in all of the country by 2012, contributing to the reduction of the time for the resolution of penal processes. The President also designated an Advisory Committee to propose measures that will help to accelerate the judicial reform process, based on the outlines given by the Special Commission for Justice Administration Reform (CERIAJUS).

Continuing this line of work, the new President of the Supreme Court announced a series of measures to promote efficiency in judicial work. The measures proposed in this context included the redefinition of the Judicial Office model, the establishment of concrete goals for the resolution of cases for each jurisdictional body, as well as the implementation of information systems for jurisdictional support. Specifically for the fight against corruption, the President of the Supreme Court proposed prioritizing preventive control, with the intensive use of technology and information systems. Also proposed is a rigorous accreditation system for lawyers before the Judiciary.

Additionally, the National Judiciary Council (CNM) concluded the merit-based selection process for five new Supreme Court judges. As a result, for the first time in six years the Supreme Court will function with a total of 18 judges.

To complement these efforts and produce tangible results in a short time frame, the Internal Affairs Office of the Judiciary (OCMA) has started a series of actions to improve the internal control mechanisms. Thus far, activities have included:

- a. Making disciplinary processes flow more smoothly.
- b. The identification and sanction of litigants and lawyers involved in corrupt practices (through agreements with the Bar Association and the Public Ministry);
- c. The monitoring of the economic incomes of judicial officials, and;

¹ There are a number of opinion surveys that account for this situation. The Anticorruption Threshold Program has also conducted a survey on this specific aspect. In this case, the confidence levels obtained are rather low.

- d. Improvement in the monitoring of the decentralized offices of the OCMA that operate at the judicial district level (ODECMAS).

In 2007 these actions led to the suspension of 52 judges including the President of the Superior Court of Justice in Lima.

In spite of all these efforts the OCMA has weaknesses that limit the effectiveness of the internal control mechanisms and that have been identified by the Peruvian Government to be addressed through the Threshold Program.

One weakness is **the low incidence of "legitimacy" in the reports or complaints from citizens and lawyers about corruption**. Often the majority of the reports that the OCMA receives are based on disagreements between parties as to the meaning of the rulings. The current legal administrative framework requires initiating an investigation in all cases, even when it has been verified that they are "evidently inadmissible". This highlights how an important amount of the OCMA's resources are used to deal with these types of cases, which shows inefficiency in expenditures.

A second limitation is the **low capacity of the administration and investigation procedures of the OCMA**. This gives rise to long delays in the processing of administrative-disciplinary procedures up to their conclusion with a final resolution. Between 2005 and 2006, for example, the total number of disciplinary processes carried out by the OCMA represented only 0.11% of all cases judged by the Judiciary. This percentage of investigated cases turns out to be considerably low given that in reality there are high rates of citizens experiencing acts of corruption in the diverse jurisdictional bodies.

A third weakness is found in the **politics and institutional relations between the OCMA and the CNM**. The OCMA is a structural part of the Judiciary, while the CNM is a constitutionally autonomous agency. The OCMA carries out the investigation of corrupt acts committed by judges and only proposes the sanctions of separation or dismissal, while the CNM decides if the proposed sanctions are applicable or not, and then carries them out. An element to take into account, although not of absolute importance, is the lack of capacity of the OCMA to generate efficient investigation processes with adequate supporting evidence. Reality shows that a great number of proposals carried out by the OCMA are not received by the CNM. For example, between 2005 and 2006, the OCMA proposed the dismissal of 40 judges. The CNM only approved 17 dismissals².

B. Threshold Program

In the context of the activities of the Millennium Challenge Corporation (MCC), Peru was selected as eligible for MCC Threshold Assistance in 2006. The purpose of the MCC Threshold Program is to help countries make policy and institutional changes to improve their performance on the MCC indicators in order to improve their chances of qualifying for MCC compact eligibility status in the future.

The Anticorruption component of the Threshold Program is developed around a framework based on the existence of three "drivers" of corruption in Peru:

- a. Lack of awareness about the problem, action being taken to fight against it, and the positive roles citizens can play in fighting corruption;
- b. Weak enforcement due to inefficient controls, investigation, and sanction mechanisms; and

² The reference and the conceptual framework have been taken from the contract between USAID and MSI.

- c. Opportunities that exist for corruption due to inefficient government processes and limited access to information.

Using this framework as a basis, four public offices were selected by the Government of Peru (GOP) to participate in the Threshold Program: the Judiciary, the Ministry of Internal Affairs (MOI), the Office of the Comptroller General (OCG) and the Ombudsman Office.

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For this Activity, 64 training workshops will take place in two rounds during the implementation of the project, and throughout the 29 judicial districts. Each workshop should include a minimum of 50 participants among leaders of civil society and representatives from the media.

The objective of the workshops is to inform and educate civil society about the mechanisms available for citizen participation in the control of corruption. They will also focus on building citizen awareness of their rights and obligations when interacting with the Judiciary.

II. DESCRIPTION OF WORKSHOP METHODOLOGY

A. Objectives

- Create awareness among citizens of the existing mechanisms for complaint, control and sanction procedures in the Judiciary (through the OCMA and ODECMAs).
- Inform the citizens about their rights and obligations within the Judicial System

B. Profile of the Participants

The profile of the workshop participants consists of two target groups:

- **Primary Group:** composed of representatives from institutions linked to the justice sector, such as: law faculty deans, student unions, networks such as the committees providing social oversight of the justice system that occur in nine regions, the network of PROJUR in Cajamarca and Apurímac., the Red de Universidades por el Acceso a la Justicia, Justicia Viva, the law clinics that have a presence in Arequipa and Lima, and the Programa Nacional de Educación Legal para la Inclusión Social as well as human rights organizations³, litigant associations and bar associations. This first group will constitute the core engine of the working groups and will support as advisors other institutions that do not have legal training. However, it is understood that initially, these networks are few and have a small area of impact.
- **Secondary Group:** made up of institutions from different social sectors but characterized as being regional and provincial centers with influence over broader groups, and concerned with themes of governance, democracy, etc.

The objective of having identified this profile is to reach citizens so they can gain awareness of the existence of an internal control system within the Judiciary, which obliges us to carefully choose how to transmit the message. As noted earlier, the meaning of civil society⁴ that we are working with is very broad. The members of the public that will be attending the workshops are those who are interested in or somehow connected to the Judiciary and have the ability to influence other groups of citizens.

Additionally, seeking to have a perspective of gender equity, in each of the workshops we plan to have the participation of female leaders and ensure opportunities for their opinions to be heard and encourage their active participation. Likewise, in the formation of the working groups, we will seek the participation of at least one female regional leader.

In this context, the workshop participants would have the following characteristics:

- Balance in the participation of men and women;

³ There will be databases delivered by the CNDHH, PROJUR and CAJ

⁴ Civil society is defined as the area of social interaction – different from the market and the State, but not contrary to them – consisting of the sphere of voluntary associations, social movements, forms of public communication and various organizational networks of citizens. This suggests the challenge of a very large scope of organizations that do not necessarily act in an institutional and permanent way; this is in addition to the low proportion of organizations in specific regions of the country or their weak representativeness and legitimacy.

- Minimum high school education, but the majority will have higher education⁵;
- Experience with diverse educational activities;
- Involvement in public sector work;
- Experience in citizen participation initiatives;
- Basic knowledge of how the public apparatus and institutions function;
- Public sector experience as well as experience evaluating the problem of corruption and the Judiciary;
- Local level leadership

It is important to clarify that we are not working with grassroots personnel in the organizations but rather with their leaders. An ideal level of institutional participation is reflected in the following table:

List of participants from civil society for the OCMA Workshops	
Institutions	Quota
Professional Associations, primarily Bar Associations	5
Union Representatives	3
Associations connected to the judicial sector	8
Regional Fronts	2
Businesspeople/Chambers of commerce	4
Universities/law schools	7
Churches/Vicarías de solidaridad	5
Participatory forums	5
NGOs, primarily those connected to the justice system or to democratic and citizen-oriented issues	10
Print Media	3
Radio Media	3
TV Media	2
Political Organizations	4
Total	60⁶

⁵ Those from the Primary Group will have legal training

⁶ There are 60 in order have some leeway to change the invitations.

The following table shows the authorities from the Public Sector that could be invited to the Workshops:

Public authorities invited	
Central government	2
Local government	2
Regional government	2
Public Ministry	2
Police	2
Total	10

C. Methodology and focus of the workshops

This proposal is based on a curriculum model based on an approach by competences that develops three dimensions of the participant:

- Knowing (awareness)
- Being (attitudes)
- Doing (skills)

The OCMA workshop participant will assume his/her responsibility in strengthening the system of control of the Judiciary, will learn about the OCMA’s mechanisms for reports, controls and sanctions and will commit to collectively participate in the working groups in their region.

The methodology proposed for the workshops is active, participatory, and collaborative. The structure and methodology of the workshops was based on training and preparation received by the members of the Anticorruption Threshold Program and a group of OCMA judges in the ATINCHIK Center.

The aim of the workshops is to develop basic abilities in the participants, manage theoretical concepts and cultivate the necessary attitudes to facilitate learning among the participants (adult leaders of social organizations). The idea is to motivate learning in such a form that through study a contrast is generated between their own reality and experience.

As we have seen, the training workshops have a technical orientation, with the idea that the participants have a basic understanding of the obligation of the Judiciary to fight internal corruption. However, they have placed special emphasis on the discussion of practical cases, in order to have the existing mechanisms be adequately internalized by citizens. The practical examples and the discussion will facilitate the replication of the workshops in the different environments of the participants (civil society organizations and communication media).

In this sense, the topics that are touched upon through learning experiences that require leadership, initiative, and responsibility, such as dialogues and reflections from specific situations, among others. The reading of texts and development of activities proposed in the materials that are designed will be of utmost importance to facilitate the analysis and discussion of the topics.

The workshop instructors will be trained to have a single message and their work will be based on PowerPoint format. Likewise, to foster the best workshop management there will be a facilitator's guide (see Annex D) and there will also be training by an expert in the facilitation of educational activities. This facilitator's guide is a product of the training and preparation that the members of the Anticorruption Threshold Program and a group of OCMA judges received at the ATINCHIK Center.

D. Number of workshops and scope of intervention

The training workshops should be developed on a national level, in the 29 judicial districts. During the execution of the project there will be 64 workshops, with 32 held each year. They will begin in June of 2009, based on the timeline in Annex A.

E. Thematic content of the workshops

The initial outline of the thematic content for the workshops is as follows:

- 1) **Corruption in Peru and the Threshold Program:** This section is oriented to present corruption as a problem and its impact on people as well as the exercise of citizen rights. Its impact on development will also be seen. The themes to be covered are the following:
 - Effects of corruption in the daily lives of Peruvians. The presence of corruption in all social groups. The economic impact of corruption.
 - Large-scale and everyday corruption. The responsibility of citizens in perpetuating the environment of corruption in the country.
 - Presentation of the different workshop components and activities. Strengthening of anticorruption mechanisms through material, technical and procedural improvements and the strengthening of citizen involvement in fighting and reporting corruption.
 - Presentation of the global strategy. The Threshold Program. The three causes of corruption in Peru according to the Threshold Program.

- 2) **The Judiciary in the Peruvian Justice System:** A good justice system can be correctly designed but not produce the intended effects if the rules are not followed in reality. In this context, the Judiciary is the "Last Defense" of legality, because: i) as a general rule any decision of another state institution can be reviewed before it; and ii) it is the institution that as a last resort defines and applies the rules of the Justice System, to resolve conflicts. In agreement with the Peruvian institutional framework, the OCMA and the ODECMA have mechanisms designed to ensure the integrity and transparency of the Judiciary. The themes to be covered are the following:
 - Description of the Judiciary in the political structure of the Peruvian State. Structure, composition, and organization of the Judiciary.
 - Role and importance of the Judiciary. Functions of the Judiciary. Its role in society.
 - The effects of a dysfunctional Judiciary. Corruption in the Judiciary.
 - Role of the OCMA in the Judiciary. Structure and organization of the OCMA. The ODECMA.

3) Mechanisms to control corruption in the judicial system

The objective of this section is to present the mechanisms to control corruption that exist before the OCMA and the ODECMA in a practical manner, so that citizens can collaborate and participate more actively in these duties. The themes to be covered are the following:

- Control mechanisms of the OCMA and the ODECMA.
- Results obtained thus far. Statistics.
- Practice cases, group discussions
- Steps to report a complaint. The problem of obtaining evidence. Practical advice. Forms and directions.
- Improvements to be implemented under the Threshold Program. Material tools and technologies used in OCMA investigations.

F. Materials

For the workshops, we will have three types of materials:

- Supporting materials that will be used in the workshops themselves, such as audio clips, graphics, and displays.
- Material to deepen the understanding of content addressed in the workshop that will be given to each participant. This consists of materials developed by the Threshold Program team, the consultant David Lovatón, and the OCMA team. This material will be used as a self-evaluation and will support the replication of the workshops.
- Recommended reading material selected by the consultant and the Component I team (30 to 40 pages maximum for evaluation). The complete readings packet will be delivered in digital form.

These materials will be composed of original text and will contain an introduction to a theme and related problems. They will include complementary readings and motivational questions to guide the correct use of the written materials. Additionally, they should have a self-evaluation section so that the participant can review what they have learned.

These materials will also contain a collection organized by subject with academic texts, official documents, newspaper or journal articles and national and international laws. The written materials will also contain a CD with all the readings and the complementary legislation that is considered pertinent.

As part of the pedagogical strategy we will use fictitious cases related to the procedures for a complaint in the OCMA and ODECMA, and will use the forms that exist for these types of cases.

The sections that will be kept in mind are:

Beginning of the study: In this first section, the purpose of the model will be explained and the basic concepts will be briefly developed.

Development of contents: In this section there will be basic texts that will develop the ideas and fundamental concepts of each chapter. Here we will present a brief introduction as well as questions that are intended to facilitate comprehension and analysis.

Evaluating ourselves: Here we will present self-diagnostic questions in order to analyze and reflect on the areas studied.

Readings to consult: This section will consist of an introduction to the complementary readings to expand on the information given in each chapter.

Reference bibliography (see Annex B)

G. Tentative program for each workshop

Each training workshop last for six teaching hours (from 8:00 am to 2:00 pm). They will be organized in three sessions: the first will last one hour and 30 minutes, the second one hour and 30 minutes, and the third two hours and 45 minutes.

From 3pm on, time will be devoted to the launch of working groups to present the goals, the role of the ODECMA's, and the expectations about the roles of the organizations and of social leaders.

The details of the schedule are as follows:

7:30 - 8:00	Sign-in and delivery of materials
8:00 - 8:15	Workshop Introduction
8:15 - 8:30	Opening
8:30 - 9:30	Presentation: Corruption in Peru and the Threshold Program
9:30 - 11:00	Presentation: The Judiciary and the Peruvian Justice System
11:00 - 11:15	Coffee break
11:15 - 12:15	Presentation: Mechanisms to control corruption in the judicial system
12:15 - 13:00	Group work
13:00 - 13:45	Full session for principal conclusions
13:45 -14:00	Closing
14:00	Lunch
15.30	Launch of Working Groups

III. DESIGN AND EXECUTION OF THE WORKSHOPS

The stages for execution of the training workshops are as follows.

A. Design of the thematic content of the workshops

The following steps are involved:

1. Definition and development of a training plan that includes the outline of a participant profile, the methodological focus, the structure of contents, methodology and educational materials. This will be done in coordination with the OCMA to incorporate their expectations for the activities and the contents of Module 3 that correspond directly with the nature of its functions and procedures.
2. Design, production and printing of the educational materials to be used.

B. Establishment of a network of contacts

For this, we expect to identify the most relevant civil society organizations in each department, as well as their most representative leaders. The most relevant mass media will also be identified (written press, radio, and television) in each department. This also involves making contact with representative regional figures such as authorities from the justice system, local and regional governments, police and the church.

As has been noted, being our primary public institutions and leaders linked to the justice system will meet to look to open permanent spaces for dialogue with these institutions, supporting us with their national networks.

C. Selection of the participants in the 29 judicial districts.

The first task is to coordinate with the OCMA and the authorities corresponding to the 29 judicial districts (President of the Court and staff from the ODECMA). This coordination should include, as a minimum, the following:

- Selection of the dates to hold the workshops.
- Commitment to participate from Judiciary representatives.
- Commitment for administrative support from the Judiciary, when required.

D. Workshop invitations

In order to ensure the greatest participation from civil society organizations and the media, we propose that the invitations be done by the head of the OCMA.

Additionally, these initiations should have the names and logos of all the entities involved (Judiciary, OCMA, MCC and USAID).

E. Execution

For the execution itself one should consider that:

1. It is necessary to find an ideal location, for approximately 60 participants.
2. The location of the workshop should have the necessary furnishings and equipment to hold the event.
3. Lunch and snacks should be included for the participants.
4. There should be staff in charge of the direction of the event. They should have experience in education for adults and/or trainings.
5. There should be support staff provided by the Judiciary.
6. The event should be locally advertised: radio, written press, and television.
7. The educational material to be used should be published, printed and distributed.
8. The participation of OCMA officials and corresponding ODECMA personnel should be coordinated.

All of these organizational and logistical tasks should be carried out directly by MSI staff. Each workshop will be executed with the participation of a technical team and an administrative team:

Technical Team

1. MSI Coordinator
2. Expert 1 (when possible)
3. Expert 2 (OCMA and ODECMA)

Administrative Team

4. MSI Administrator
5. Support Staff ODECMA 1 (Judiciary)
6. Support Staff ODECMA 2 (Judiciary)
7. Support Staff ODECMA 3 (Judiciary)

F. Materials for the participants

The workshop participants will receive the following materials:

- Individual folders containing the following:
 - Study materials that consist of approximately 100 pages per module (including didactic treatment, thematic development and complementary readings).
 - CD with complementary information on the materials and rules of OCMA.
- Work material: folders, blocks, and pens.

For good workshop management the following instruments will be developed:

- Registration card for organizations identifying if they work in justice sector areas and/or corruption, as well as their interests.
- Cases brought before the OCMA and an account of how the complaint proceeded (newspaper clippings could be used as examples).

G. Complimentary materials

This deals with multimedia and web contents. For this purpose, the webpage of the Threshold Program and of the OCMA will be used. The following information will be included on these web pages:

- Video of the master conferences.

- Written materials in PDF format.

H. Publicity and advertisements for the workshops

To achieve adequate publicity for this activity and an efficient advertising campaign, a specialist has been contracted to create an identity and visual image for the training workshops. With their input we will develop:

- Brochures
- Posters
- Large Posters
- Banners
- Sleeves, separators, and binders for materials
- CD covers

IV. SUSTAINABILITY

The proposal for sustainability of this training program is based on the **creation of working groups, beginning with the first 32 training sessions in 2009**. The participation of citizen organizations with legitimate and broad regional coverage will be sought. Additionally, their leaders should be known for their public participation. Similarly, mass media will be invited. The objective of these working groups is ***“To have channels for information and support between the OCMA and the citizenry, to promote actions that strengthen the system of prevention, control and sanction of corruption in the Judiciary.”***

The formation of these working groups would stem from the training workshops where, at the end of the activity, the participating organizations would be invited to a meeting to create the working groups. This invitation would be extended in a way that would not create an environment where certain organizations feel excluded or where there was favoritism for certain organizations or people, creating an unnecessary climate of tension.

The functions of the working groups will essentially be as follows:

- Inform the working group members about the situation of each ODECMA, their problems and successes, as well as the specific challenges in their respective judicial district.
- Identify the main types of cases that arrive at the ODECMA and the responses offered by the current system of control, in order to seek the type of support they require from civil society to fight corruption.
- Promote activities of awareness and information to both citizen organizations and individual citizens regarding their rights as litigants and the cases that can be brought before the OCMA-ODECMAs; this will be done through a series of activities such as forums, seminars, workshops, chats, etc. The execution of these activities will be done with constant advising from the OCMA and ODECMA.

The working groups are not envisioned as spaces for complaints or individual demands; they are instead a way to bring the justice system closer to the people. To be lasting, the working groups should implement the following:

- Linking the working groups in a national monitoring network by the Development Unit of the OCMA. This linking implies a continuation of the activities and technical support for the various actions undertaken by the working groups, especially in publicity and training.
- A web page link to the working groups, with a summary of their members and activities as well as their contact information.
- Publicize nationwide the experience as a best practice for linking up with civil society.

For more details please see Annex C.

V. ANNEXES

A. Activity Timeline (DATES TENTATIVE AND SUBJECT TO APPROVAL)

“OCMA Dialogues Promoting Judicial Transparency”
Training Workshops - 2009

Judicial Districts		June				July				August				September				October				November				December			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1	Lima		1								12																	31	
		13								15																12			
2	Lima Norte			2												18													
				20												19													
3	La Libertad			3																									
				20																									
4	Callao				4																								
					27																								
5	Cusco					6																							
						11																							
6	Lambayeque															20													
																26													
7	Arequipa									10																			
										8																			
8	Piura				5																								
					27																								
9	Ucayali					7																							
						11																							
10	Junín						8																						
							18																						
11	Huancavelica								9																				
									21																				
12	Puno									11																			
										8																			

"OCMA Dialogues Promoting Judicial Transparency"

Training Workshops - 2009

Judicial Districts		June				July				August				September				October				November				December			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
13	Cajamarca									13																			
										15																			
14	Loreto										14																		
											22																		
15	Huaura											15																	
												29																	
16	Huanuco												16																
												5																	
17	Cerro de Pasco													17															
														8															
18	Ancash														19														
															19														
19	Ayacucho															21													
																26													
20	Amazonas																22												
																	3												
21	Cañete																	23											
																		10											
22	El Santa																		24										
																			17										
23	Madre de Dios																			25									
																				24									
24	Apurimac																				26								
																					7								

"OCMA Dialogues Promoting Judicial Transparency"
Training Workshops - 2009

Judicial Districts		June				July				August				September				October				November				December							
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4				
25	Tacna																							27									
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26	Moquegua																							28									
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27	Ica																							29									
																				28													
28	San Martín																							30									
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29	Tumbes																							32									
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National and international laws:

Constitución política del Perú

Convención Americana de Derechos Humanos

Convención Interamericana contra la corrupción

Convención ONU contra la corrupción

Ley orgánica del Poder Judicial

Ley Orgánica del Ministerio Público

Ley Orgánica del Consejo Nacional de la Magistratura (CNM)

Ley Orgánica del Tribunal Constitucional (TC)

Ley Orgánica de la Defensoría del Pueblo

Reglamento de la OCMA

Ley y reglamento de acceso a la información pública

Código Procesal Constitución.

C. Working groups “Working with OCMA for Judiciary transparency”⁷

i. Objectives

The working groups seek to be a space to coordinate with civil society organizations interested in strengthening the transparency and integrity of the work of judges at all levels of the Judiciary.

The groups will be lead by the head of the ODECMA, who will take on a series of responsibilities to ensure that these groups operate on time and allow for a greater portion of the population that uses or may use the Judiciary to have access to adequate information about the functioning of the Judiciary’s control system.

The objective of these working groups is ***“To have channels for information and support between the OCMA and the citizenry, to promote actions that strengthen the system of prevention, control and sanction of corruption in the Judiciary.”***

ii. Steps for the working group formation

The formation of these working groups would stem from the training workshops where, at the end of the activity, the participating organizations would be invited to a meeting to create the working groups following lunch. This invitation would be extended in a way that would not create an environment where certain organizations feel excluded or where there was favoritism for certain organizations or people, creating an unnecessary climate of tension.

The establishment of the groups would be the responsibility of the OCMA and ODECMA representative, who should present the objectives of the groups, the working dynamics proposed, the locations where they will occur, and the first announcement.

The local media will be invited to the formation of the working groups through the Calandria network of communicators.

iii. Types of functions

The functions of the working groups will essentially be as follows:

- Inform the working group members about the situation of each ODECMA, their problems and successes, as well as the specific challenges in their respective judicial district.
- Promote activities of awareness and information to both citizen organizations and individual citizens regarding their rights as litigants and the cases that can be brought before the OCMA-ODECMAs; this will be done through a series of activities such as forums, seminars, workshops, chats, etc. The execution of these activities will be done with constant advising from the OCMA and ODECMA.
- Establish ties with universities and specifically law schools so they can incorporate themes on anticorruption in the Judiciary in their courses.

The working groups are not envisioned as spaces for complaints or individual demands; they are instead a way to bring the justice system closer to the people.

⁷ When this annex was created, a new regulation for the OCMA was approved, in which the name “ODICMAs” was replaced by “ODECMAs”

iv. The role of the ODECMA's

The ODECMA's should take on responsibilities in their leadership role as follows:

- Call monthly meetings
- Propose a minimum structure for the groups
- Develop an agenda for each meeting, in consensus with the institutions
- Prepare work materials for the meetings, such as statistics, cases, etc.
- Advise the initiatives for the training activities of the various organizations
- Prepare the contents of the training activities
- Promote agreements or working documents with the law faculty from local universities.
- Promote agreements with the Bar Associations and other associations to publicize the work of the ODECMA's.

v. Continuation mechanisms

The proposal is that the OCMA, with the support of the Threshold Program, follows-up on the functioning of these working groups by requesting reports to the ODECMA's, and on the other hand through a resolution in which the ODECMA's assume the leadership with all the implicit responsibilities.

Additionally, the ODECMA's should commit themselves to advising on the content of those replication activities.

It will be proposed that the OCMA includes on its web page information on different working groups that have been formed in the judicial districts.

vi. The sustainability of the working groups

To ensure they are lasting, we propose three strategies, although their success will depend on the commitment of the Presidents of the Courts and the responsible counterparts from the ODECMA's.

- Linking the working groups in a national monitoring network by the Development Unit of the OCMA. This linking implies a continuation of the activities and technical support for the various actions undertaken by the working groups, especially in publicity and training.
- A web page link to the working groups, with a summary of their members and activities as well as their contact information.
- Publicize nationwide the experience as a best practice for linking up with civil society.

vii. Management instruments for the working groups

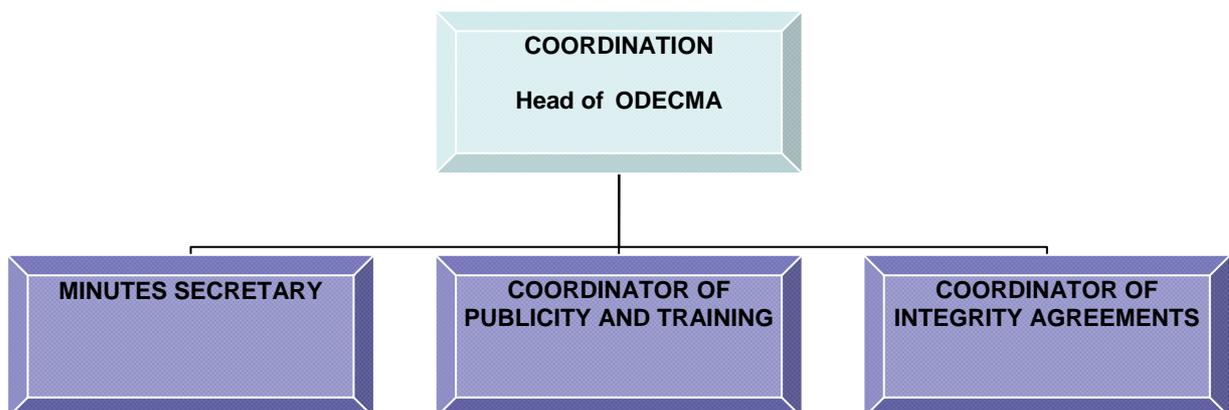
Guide on how to lead a working group

Introduction

The working groups, with representatives from civil society, are likely to have different expectations and interests. Because of this, it is important to establish from the beginning the working rules for these spaces so that there will not be any false expectations and the objectives will be clear.

Structure of the working groups

The following structure is proposed:



Rules

- The meetings will be called by the president of the working group. It is proposed that for the first two months the meetings be held bimonthly. Later, they should be held once a month.
- The first meetings should be held in the area of the Superior Courts from 5 to 7 pm.
- The invitations will be sent via email or telephone one week prior to the meeting.
- In each meeting, there should be a signed list of attendees.
- At the beginning of each meeting, the most recent agreements will be presented.
- The agreements will be recorded by the minutes secretary and will be signed at the end of each meeting.
- The coordinator of the working group will establish the agenda for each meeting and will read it at the beginning of the meeting. The attendees will be asked to indicate if there is some other point that should be added to the agenda.

D. Facilitator's Guide

I. DESCRIPTION OF THE WORKSHOPS

The development of training workshops is part of Activity I:

Foster awareness among citizens about OCMA's existing corruption control mechanisms, the results they produce, and how citizens can better participate.

For this Activity, 64 training workshops will take place in two rounds during the implementation of the project, and throughout the 29 judicial districts. Each workshop should include a minimum of 50 participants among leaders of civil society and representatives from the media.

The objective of the workshops is to inform and educate civil society about the mechanisms available for citizen participation in the control of corruption. They will also focus on building citizen awareness of their rights and obligations when interacting with the Judiciary.

The workshops will include the following for the participants: Materials, refreshments and lunch.

Objectives of the training workshops

- a. Inform the citizens about the procedures for reports, controls, and sanctions that exist in the Judiciary (through the OCMA and the ODECMA's)
- b. Inform citizens about their rights and obligations, within the Judicial System.

Educational focus of the workshops

This proposal is based on a curriculum model based on an approach by competences that develops three dimensions of the participant:

- Knowing (awareness)
- Being (attitudes)
- Doing (skills)

Profile of Participants

Engaging citizens in order to make them aware of the existence of the Judiciary's system of control and to deepen their knowledge about it obligates us to carefully choose who will transmit that message.

As noted earlier, the meaning of civil society⁸ that we are working with is very broad. The members of the public that will be attending the workshops are those who are interested in or somehow connected to the Judiciary and have the ability to influence other groups of citizens.

⁸ Civil society is defined as the area of social interaction – different from the market and the State, but not contrary to them – consisting of the sphere of voluntary associations, social movements, forms of public communication and various organizational networks of citizens.

To this end, the profile of the workshop participants consists of two target groups:

1. A primary group composed of representatives from institutions linked to the justice sector, such as: law faculty deans, student unions, networks such as the committees providing social oversight of the justice system that occur in nine regions, the network of PROJUR in Cajamarca and Apurímac., the Red de Universidades por el Acceso a la Justicia, Justicia Viva, the law clinics that have a presence in Arequipa and Lima, and the Programa Nacional de Educación Legal para la Inclusión Social as well as human rights organizations⁹, litigant associations and bar associations.

This first group will constitute the core engine of the working groups and will support as advisors other institutions that do not have legal training. However, it is understood that initially, these networks are few and have a small area of impact.

2. A secondary group made up of institutions from different social sectors but characterized as being regional and provincial centers with influence over broader groups, and concerned with themes of governance, democracy, etc.

It is worth highlighting the participation of representatives from the local media as well as associations such as businesspeople through their Chambers of Commerce.

Therefore, we have defined a **profile of a participant** in our workshops as a person that:

- A minimum high school education, with most having post-secondary instruction¹⁰
- Experience with diverse educational activities;
- Involvement in public sector work;
- Experience in citizen participation initiatives;
- Basic knowledge of how the public apparatus and institutions function;
- Public sector experience as well as experience evaluating the problem of corruption and the Judiciary;
- Local level leadership

Methodology

The methodology proposed for the workshops is active, participatory, and collaborative. The structure and methodology of the workshops was based on training and preparation received by the members of the Anticorruption Threshold Program and a group of OCMA judges in the ATINCHIK Center.

The aim of the workshops is to develop basic abilities in the participants, manage theoretical concepts and cultivate the necessary attitudes to facilitate learning among the participants (adult leaders of social organizations). The training workshops have a technical orientation, with the idea that the participants have a basic understanding of the obligation of the Judiciary to fight internal corruption.

However, they have placed special emphasis on the discussion of practical cases, in order to have the existing mechanisms be adequately internalized by citizens. The practical examples and the

This suggests the challenge of a very large scope of organizations that do not necessarily act in an institutional and permanent way; this is in addition to the low proportion of organizations in specific regions of the country or their weak representativeness and legitimacy.

⁹ There will be databases delivered by the CNDHH, PROJUR and CAJ

¹⁰ Those from the first group will have judicial training

discussion will facilitate the replication of the workshops in the different environments of the participants (civil society organizations and communication media).

II. PRELIMINARY ASPECTS

PRELIMINARY ASPECTS OF THE WORKSHOPS TO KEEP IN MIND		
Title: "OCMA Dialogues Promoting Judicial Transparency"	Group of Participants: Directors of local NGOs, labor associations, Chambers, Universities, Professional colleges, Social organizations, the media	Location and Date:
Emotional Objective: Participants feel that there exists a will to change in the Judiciary because of OCMA actions	Cognitive Objectives: <ul style="list-style-type: none"> • Participants know the functions of the OCMA • Participants know the mechanisms to fight corruption in the Judiciary • Participants know the 5 Rights of a Litigant 	Voluntary Objectives: <ul style="list-style-type: none"> • Participants commit to spread corruption-fighting mechanisms • Participants decide to participate in the working groups • Participants decide to complete 5 urgent actions.
Style: Horizontal: Does not look at us as a teacher would Equal and not vertical treatment Less formal: Generate trust, without legal language, but rather colloquial Empathy: we share the same problem	Setting: Working groups of 10 people Decoration: Flags of the Judiciary and OCMA, banners Materials, folder and posters	Innovation: Citizen participation at the dialogue

III. WORKSHOP SCRIPT

TOTAL TIME	AGENDA	PEDOGOGICAL EMPHASIS	KEY POINTS TO CONSIDER	TIME FOR THE FACILITATOR	MODULES
7:30 to 8:00 a.m.	Sign in and distribution of materials				
8:00 to 8:30 a.m.	Opening and overview of the workshop	MOTIVATIONAL START	Formal opening: Protocol (the authorities) Welcome: Head table Presentation of Objectives Overview of the Methodology Demonstration of potential benefits of the workshop	30 min	INTRODUCTION AND PRESENTATION
8:30 to 9:30 a.m.	Presentation of Topic I: The impact of corruption in Peru and the Threshold Program	EXPERIENTIAL REFLECTION	Presentation of caricatures or similar: litigant, attorney, citizen, operator. Alternatively, seek examples of experiences where there has been corruption Visualization cards (where appropriate). Ask if corruption exists in Peru. Ask if there are outlets to overcome the problem. Participants respond using the cards. Presentation about corruption in Peru.	45 min. (15 min. margin)	MODULE I

TOTAL TIME	AGENDA	PEDOGOGICAL EMPHASIS	KEY POINTS TO CONSIDER	TIME FOR THE FACILITATOR	MODULES
9:30 to 11:00 a.m.	Presentation of Topic 2: Structure of the State, the Judiciary, and the role of OCMA	ANALYSIS	<p>Preliminary questions to the participants about their experiences with corruption in the State and in the Judiciary (where appropriate).</p> <p>Presentation about the structure of the State and the location of the Judiciary. Explanation about the importance of the Judiciary.</p> <p>Intervention with the participants: Questions/comments</p> <p>Hang posters or something visual to show the structure of the Peruvian State</p>	45 minutes	MODULE 2
		OPINION OF THE PARTICIPANTS	<p>Ask the participants to identify what are the 4 basic rights of litigants.</p> <p>Groups of participants (at each table) work on the answer</p> <p>Collect the responses of each group and display them on a board at the front</p>	30 minutes (15 min. margin)	
11:00 to 11:15 a.m.		COFFEE BREAK			

TOTAL TIME	AGENDA	PEDOGOGICAL EMPHASIS	KEY POINTS TO CONSIDER	TIME FOR THE FACILITATOR	MODULES
11:15 a.m. to 12:15 p.m.	Presentation of Topic 3: Mechanisms to control corruption in the judicial system	PRESENTATION OF THE CENTRAL THEME	<p>Presentation about mechanisms to fight corruption in the Judiciary. Include explanation about the functions and structure of the OCMA and the ODECMA's. Include procedures. Requirements.</p> <p>Actions and successes of OCMA (institutional video)</p>	45 minutes (15 min. margin)	MODULO 3
12:15 to 13:00 p.m.	Work in groups	GENERATION OF COMMITMENT	<p>Request that the participants establish urgent actions in the fight against corruption in the Judiciary</p> <p>Work in groups</p>	45 minutes	
13:00 to 13:45 p.m.	Full session and conclusion		<p>Expression of interest in participation in the working groups</p> <p>Full session to present results and agreements</p>	45 minutes	

IV. CONTENTS OF EACH STAGE

OPENING:

Invited authorities handle the opening ceremonies of the event.

MOTIVATIONAL START

OBJECTIVES:

Show that the objectives are the following:

- Participants know the change that exists in the Judiciary, through the actions of the OCMA. Highlight the participation and protagonistic role of the citizen in this action.
- Participants know the mechanisms in the fight against corruption.
- Generate citizen commitment to participate in the working group of the ODECMA.

METHODOLOGY

Show that the methodology is the following:

- Work with a participative methodology. The idea is to involve everyone in an active manner, seeking contributors in the fight against corruption.
- For such an effect the following will be used:
 - Displays
 - Graphics
 - Discussion and work in groups
- Take advantage of the occasion to present the Anticorruption Threshold Program

BENEFITS

- Citizens who know their rights and know where/to whom they can turn
- Citizens who know the 5 Rights of the Litigant
- Participants receive hard copies of informational material: Posters, CD's, Folder

EXPERIENTIAL REFLECTION

I. GRAPHIC AIDS

Presentation of graphic aids that show corruption scenarios (approximately 3 to 5 minutes).

Alternatively, seek examples of experiences where there has been corruption – their own or others – that deal with corruption in Peru. **THIS WILL DEPEND ON THE PLACE, AUDIENCE, AND CULTURE.**

2. CONSULTATIONS WITH PARTICIPANTS

- **Ask participants if they have experienced or known people who have experienced anticorruption cases.**

For this part, the participants do not speak, they are asked only to show cards.

The red card is for cases that they ARE FAMILIAR WITH. The white card is for cases that they ARE NOT FAMILIAR WITH.

PARTICIPANTS SHOW CARDS. MOST LIKELY, THE MAJORITY OF CARDS WILL BE RED.

- After we finish seeing the results we would like to ask them the following question: **Do you believe that something can be done against corruption? Are there ways out?**

In this part, people do not speak; they are asked to only show cards.

The white card is for cases they believe SOMETHING CAN BE DONE ABOUT. The red card is for cases they believe NOTHING CAN BE DONE ABOUT.

PARTICIPANTS SHOW CARDS.

Alternatively, seek examples of experiences where there has been corruption – their own or others – that deal with corruption in Peru. **THIS WILL DEPEND ON THE PLACE, AUDIENCE, AND CULTURE.**

IN EXCEPTIONAL CASES A PARTICULAR INDIVIDUAL COULD BE INVITED TO SPEAK ABOUT THE TOPIC OF STATE CORRUPTION, FROM OWN EXPERIENCE (PERSONAL, ACADEMIC OR PROFESSIONAL (15 MINUTES)). IN THIS CASE THE PRESENTATION WOULD SUBSTITUTE FOR ITEMS 1 AND 2.

3. REFLECTIONS ON CORRUPTION

Highlight that corruption consists of a transaction in which two actors participate: **The solicitor and the person that accepts. Therefore corruption occurs because we encourage or tolerate it!!!**

In this context, have we considered the consequences?

We are aware that these exercises are real and we are not creating this problem indirectly.

Have we thought about the consequences?

4. PRESENTATION ABOUT CORRUPTION

ANALYSIS

I. ASK THE PARTICIPANTS:

In this part participants are asked to **SPEAK** and **EXPRESS** their experiences or knowledge of **CORRUPTION CASES** in the **JUDICIARY**.

IN EXCEPTIONAL CASES A PARTICULAR INDIVIDUAL COULD BE INVITED TO SPEAK ABOUT THE TOPIC OF STATE CORRUPTION, FROM OWN EXPERIENCE (PERSONAL, ACADEMIC OR PROFESSIONAL (15 MINUTES)).

2. PRESENTATION ABOUT THE STRUCTURE OF THE STATE AND THE JUDICIARY.

OPINIONS OF THE PARTICIPANTS

I. GROUP WORK

- a. Tell the participants that they will work in groups. Each group is defined by the table at which they are seated (approximately 10 people each).
- b. Pass out cards.
- c. Tell the group how much time they have to work in groups and to write on their card **4 rights** that a citizen has before the Judiciary when they are pursuing some (legal) process, when they are a litigant.
- d. The time assigned for this task is **15 to 20 minutes**.
- e. Then, the participants turn in their cards to the facilitator.
- f. The facilitator classifies the cards and hangs them on the wall, IN FIVE CATERGORIES. The time assigned for this is **10 to 15 minutes**.
- g. Arrive at the conclusion that there are 5 basic rights of a litigant:
 - The right to be treated well, with dignity.
 - The right to receive service free of charge. The fees are clearly defined.
 - The right to having their process completed in a reasonable amount of time. Respect for the time periods of the processes.
 - The right to present a complaint before the control offices (OCMA, ODECMA), if the above rights were not observed.

PRESENTATION OF THE CENTRAL THEME

I. PRESENTATION OF THE MECHANISMS TO COMBAT CORRUPTION IN THE JUDICIARY

GENERATION OF COMMITMENT

I. WORK IN GROUPS: THREE URGENT ACTIONS

- a. Tell the participants that they will work in groups. Each group is defined by the table at which they are seated (approximately 10 people each).
- b. Pass out cards. Give three cards to each table (the cards should be large to allow reading from a distance)
- c. Ask that each group discuss/propose actions or activities that people can be agreed upon (participate in or execute) to fight corruption in the Judiciary. This commitment should be made as leaders and as organizations.
- d. They should indicate three actions. One on each card.
- e. They should ask that each group designate a spokesperson to read the agreements afterwards.

This activity should last for **60 minutes**.

- f. Each one of the spokespersons should read the commitments proposed on the three cards and the institutions to which the members of the work group belong.
- g. The facilitator should collect the cards and organize them in columns. Those that are repetitive should go in the same column.
- h. On a separate card, make a note of the organizations represented at the table.
- i. The facilitator should summarize the types of commitments that have been made (by categories).
- j. The facilitator should indicate that after lunch working groups will be set up, and invite the participants who would like to become members to join.

Explain that the working group will be a space to coordinate the execution of the commitments and promote the replication of the workshops.

Thank the attendees for their participation.

This activity should last about **30 minutes**.