



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Combined second and third periodic reports submitted by
Peru under article 35 of the Convention, due in 2018***

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* The present document is being issued without formal editing.



I. Methodology

1. In accordance with article 35 of the Convention, the Peruvian State submits the present report, which contains the replies to the list of issues and constitutes the second and third periodic reports submitted to the Committee.

2. The National Council for the Integration of Persons with Disabilities took the leading role in the preparation of this report by conducting consultations with representatives of the sectors¹ and State agencies² that deal with disability issues. The draft report was sent by email to all the entities concerned, so that they could provide input on the proposed text; the subsequent approval of the document was also communicated by email. In order to gather contributions from civil society, the draft report was published on the National Council's website for seven calendar days and a meeting was held with persons with disabilities and representatives of the sectors concerned and the Ombudsman's Office. The comments received were incorporated into the present document.

II. List of issues

A. Purpose and general obligations (arts. 1–4)

3. The Government has taken steps to bring its legislation into line with the Convention. In 2012, the General Act on Persons with Disabilities³ was enacted in order to establish a legal framework for the promotion, protection and realization, on an equal footing, of the rights of persons with disabilities. It committed to gradually eliminating the barriers that give rise to and aggravate the exclusion of people on the basis of disability and to making the protection and support of this community a priority. The regulations implementing the Act were promulgated in 2014.⁴

4. Legislation has been enacted to promote the inclusion of persons with disabilities, including a law on safeguarding the rights of persons with psychosocial disabilities⁵ through a community-based, participatory and intersectoral approach, in which outpatient treatment is preferred and institutionalization is used only as an exceptional measure; a law providing for the prevention and treatment of Alzheimer's disease and other dementias⁶ and establishing a legal regime that promotes early detection and diagnosis, early intervention, health protection, comprehensive education and the integration of persons with autism spectrum disorder in the workforce and society;⁷ a law on the issuance of disability certificates by

¹ Ministry of Foreign Affairs, Ministry of Transport and Communications, Ministry of Housing, Construction and Sanitation, Ministry of Labour and Job Creation, Ministry of Health, Ministry for Women and Vulnerable Groups, Ministry of Education, Ministry of Justice and Human Rights, Ministry of Development and Social Inclusion, Ministry of Culture, Ministry of Foreign Trade and Tourism and the Office of the President of the Council of Ministers (National Secretariat for Digital Government).

² National Civil Service Authority, National Institute for the Defence of Competition and the Protection of Intellectual Property, Peruvian Sports Institute, National Institute of Statistics and Data Processing, Office for Standards for Welfare, National Elections Office, National Migration Authority, Social Health Insurance Programme, National Centre for Strategic Planning, National Health Authority, Ombudsman's Office and the judiciary.

³ Congressional Act No. 29973. Published in *Diario Oficial El Peruano*, the State's official gazette, on 24 December 2012.

⁴ Ministry for Women and Vulnerable Groups, Supreme Decree No. 002-2014-MIMP. Published in *Diario Oficial El Peruano* on 8 April 2014.

⁵ Congressional Act No. 29889, amending article 11 of Act No. 26842, the General Health Act. Published in *Diario Oficial El Peruano* on 23 June 2012.

⁶ Congressional Act No. 30795 on the Prevention and Treatment of Alzheimer's Disease and Other Dementias. Published in *Diario Oficial El Peruano* on 18 June 2018.

⁷ Congressional Act No. 30150 on the Protection of Persons with Autism Spectrum Disorder. Published in *Diario Oficial El Peruano* on 8 January 2014.

certifying doctors employed by public and private health facilities;⁸ a law providing for the official recognition of Peruvian Sign Language⁹ as the language of hard-of-hearing persons throughout Peru and requiring entities to provide interpretation services; a law regulating telecommuting as a special labour arrangement that does not require the worker to be physically present and that relies on information and telecommunication technology;¹⁰ a law extending postnatal leave for the mothers of children with disabilities¹¹ and granting public and private sector workers leave to attend to the health care and therapy of their children with disabilities, of children with disabilities under their guardianship or of persons with disabilities who are dependent on them or under their guardianship;¹² a law establishing offences and penalties applicable to situations where visually impaired persons in the company of their guide dogs are prevented from entering or remaining in a place or moving from one place to another;¹³ a law promoting urban accessibility for children and adolescents with disabilities, with particular emphasis on public and privately owned recreational spaces that feature playground equipment and are open to the public;¹⁴ a law promoting access to assistive technologies, devices and compensatory aids for persons with disabilities;¹⁵ a law promoting the rights of persons of short stature and a culture of respect and equal, non-discriminatory treatment;¹⁶ and a law providing for free urban and intercity public land transport services for persons with severe disabilities.¹⁷

5. Standards for recognizing the legal capacity of persons with disabilities have been established through the judiciary's adoption of a protocol on legal assistance for persons with disabilities.¹⁸ Additionally, the district-level plenary meeting of the family division of the Santa High Court of Justice, which was held on 15 July 2016 to address "the deprivation of civil rights and the right of persons with disabilities to equal recognition of legal capacity", concluded that the provisions of the Civil Code that establish the absolute and relative incapacity of certain persons to exercise their rights should not be applied because they are incompatible with the Convention. It was also concluded that the courts should seek to uphold the right of persons with disabilities to equal recognition of legal capacity.

6. With regard to the mainstreaming of the human rights approach to disability in public plans and policies, the various sectors and levels of government are required to include the disability perspective in all their policies and programmes in a cross-cutting manner.¹⁹

⁸ Executive branch, Legislative Decree No. 1246, adopting various measures to simplify administrative procedures. Published in *Diario Oficial El Peruano* on 10 November 2016.

⁹ Congressional Act No. 29535, formally recognizing Peruvian Sign Language, published in *Diario Oficial El Peruano* on 21 May 2010.

¹⁰ Congressional Act No. 30036, regulating telecommuting. Published in *Diario Oficial El Peruano* on 5 June 2013.

¹¹ Congressional Act No. 29992, amending Act No. 26644, extending postnatal leave in cases of births of children with disabilities. Published in *Diario Oficial El Peruano* on 6 February 2013.

¹² Congressional Act No. 30119, granting public and private sector workers the right to take leave to attend to the health care and rehabilitation therapy of persons with disabilities. Published in *Diario Oficial El Peruano* on 3 December 2013.

¹³ Congressional Act No. 30433, amending Act No. 29830 on the promotion and regulation of the use of guide dogs by persons with visual impairments. Published in *Diario Oficial El Peruano* on 13 May 2016.

¹⁴ Congressional Act No. 30603, guaranteeing the right to play and urban accessibility for children and adolescents with disabilities. Published in *Diario Oficial El Peruano* on 5 July 2017.

¹⁵ Congressional Act No. 30669, promoting access to assistive technologies, devices and compensatory aids for persons with disabilities. Published in *Diario Oficial El Peruano* on 4 July 2017.

¹⁶ Congressional Act No. 30687, on promoting the rights of persons of short stature. Published in *Diario Oficial El Peruano* on 29 November 2017.

¹⁷ Congressional Act No. 30412, amending article 20 of Act No. 29973, General Act on Persons with Disabilities, providing free public land transport for persons with severe disabilities. Published in *Diario Oficial El Peruano* on 13 January 2016.

¹⁸ Administrative Decision No. 010-2018-CE-PJ, published in *Diario Oficial El Peruano* on 20 January 2018.

¹⁹ Act No. 29973, art. 4 (2).

7. The Equal Opportunities Plan for Persons with Disabilities for 2009–2018²⁰ outlines initiatives to be taken in the areas of health, work, education and social development. These initiatives are being carried out by various sectors in order to improve the care of children under 5 years of age, expand early detection and treatment programmes, implement inclusive education policies at all levels, increase budgetary allocations, teacher training and accessible materials, promote the adoption of children with disabilities, promote the inclusion of persons with disabilities in the workforce and strengthen the legal framework on monitoring compliance with the employment quota in private companies with more than 50 employees.

8. In view of the approaching conclusion of the Equal Opportunities Plan for Persons with Disabilities for 2009–2018, and in accordance with the regulations governing national policies, a new policy on equal opportunities for persons with disabilities will be drawn up, with a priority focus on national objectives and actions. Inputs for that policy will include the draft equal opportunities plan for 2018–2021, which was prepared by the National Council for the Integration of Persons with Disabilities, together with various government entities.²¹ The draft plan includes contributions made by the Ombudsman’s Office and organizations of persons with disabilities during the pre-publication stage²² and in various dialogue forums.

9. Under the National Plan of Action for Children and Adolescents 2012–2021,²³ strategic objective No. 4 guarantees the protection of children and adolescents from 0 to 17 years of age and establishes, as an expected outcome, that children and adolescents with disabilities will have access to specialized education and health services by 2021. In 2016, it was reported that 98 per cent of students with disabilities who were enrolled in a special basic education centre had completed the school year. This indicator has been influenced by the increase in the budget for the refurbishment of premises, the recruitment and training of teaching and non-teaching staff and the provision of educational materials and equipment. In addition, the information required to be submitted for online birth certificates makes it possible to detect risks in newborns. That has been a factor in improving the rate of detection of disability in children with disabilities before 3 years of age, which currently stands at 65 per cent.

10. Under the National Plan against Gender-Based Violence for 2016–2021,²⁴ action is being taken to eradicate violence against women and girls with disabilities by placing emphasis on intersectional discrimination.

11. Disability issues have been mainstreamed in the National Consumer Protection Plan for 2017–2020,²⁵ which formalizes a commitment by the Superintendent of Banking, Insurance and Pension Fund Administrators, the Ministry of Health and the National Institute for the Defence of Competition and the Protection of Intellectual Property to create consumer information tools for persons with disabilities.

²⁰ Ministry for Women and Vulnerable Groups. Supreme Decree No. 007-2008-MIMDES. Published in *Diario Oficial El Peruano* on 23 December 2008.

²¹ The participants included representatives of the Ministry of Education, the Ministry of Health, the Ministry of Culture, the Ministry for Women and Vulnerable Groups, the Ministry of Housing, Construction and Sanitation, the Ministry of Defence, the Ministry of Economic Affairs and Finance, the Ministry of Development and Social Inclusion and the Ministry of Foreign Affairs. Other participants included the National Institute of Rehabilitation, the National Customs and Tax Authority, the Regulating Agency for Private Investment in Telecommunications, the National Identity and Civil Status Registry, the National Labour Inspection Authority, the National Programme for Family Welfare, the National Prison Institute, the Peruvian Sports Institute, the National Elections Office, and the Superintendent of Banking, Insurance and Pension Fund Administrators.

²² Ministry for Women and Vulnerable Groups, Ministerial Decision No. 119-2016-MIMP. Published in *Diario Oficial El Peruano* on 24 May 2016.

²³ Ministry for Women and Vulnerable Groups. Supreme Decree No. 001-2012-MIMP. Published in *Diario Oficial El Peruano* on 20 April 2012.

²⁴ Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2016-MIMP. Published in *Diario Oficial El Peruano* on 26 July 2016.

²⁵ Office of the President of the Council of Ministers, Supreme Decree No. 024-2017-PCM. Published in *Diario Oficial El Peruano* on 15 March 2017.

12. The National Plan of Action to Combat Trafficking in Persons for 2017–2021²⁶ features a disability perspective and provides for activities, goals and objectives to be modified based on the particular needs of persons with disabilities.

13. The National Human Rights Plan for 2018–2021²⁷ makes it a priority to mainstream the human rights approach throughout society and in State initiatives, including those that relate to compliance with international standards on disability and those focused on protecting civil, economic, social, cultural and other rights. A total of 36 disability-specific indicators and targets have been adopted in this regard.

14. The National Accessibility Plan for 2018–2023 provides guidance on how to plan initiatives in a cross-cutting, coordinated fashion, on the basis of the General Act on Persons with Disabilities. The Plan will ensure that urban infrastructure and facilities meet the appropriate conditions for persons with disabilities to access the physical environment, transport services and information and communications on an equal footing with others.

15. The National Policy on Consumer Protection and Defence²⁸ provides for the creation of consumer information tools for persons with disabilities. Steps are being taken to draw up a national policy on the promotion of employment opportunities for persons with disabilities, the purpose of which is to help persons with disabilities formally enter the labour market by establishing guidelines to strengthen their skills and improve their environments.

16. The National Plan for Persons with Autism Spectrum Disorder for 2018–2021, which is currently being drafted, provides for actions in the areas of health, education, work, transport, social development and family protection, with a view to meeting the specific needs of persons with autism spectrum disorder. The draft has been shared with persons with disabilities, their representative organizations and the Ombudsman's Office to seek their input. So far, the draft plan has been favourably received and is in the last stage of the approval process.

17. The Puno Concerted Regional Development Plan to 2021, which sets out policies in favour of persons with disabilities, emphasizes the fulfilment of the employment quota. Regional plans have been approved that serve as planning instruments for matters related to disability. Regions issuing such plans include the Regional Government of Lambayeque,²⁹ the Regional Government of Ayacucho³⁰ and the Regional Government of Apurímac.³¹

18. Since 2013, specific budgetary programmes have been developed in the areas of education and health to improve services for persons with disabilities. Measures have also been taken to help persons with disabilities to join the workforce. Such measures have been allocated sufficient budget for their implementation.

19. Under national legislation, the denial of reasonable accommodation is considered to be an act of discrimination on grounds of disability.³² Refusal to make reasonable

²⁶ Ministry of the Interior, Supreme Decree No. 017-2017-IN. Published in *Diario Oficial El Peruano* on 8 June 2017.

²⁷ The Ministry of Justice and Human Rights, Supreme Decree No. 002-2018-JUS. Published in *Diario Oficial El Peruano* on 1 February 2018.

²⁸ Office of the President of the Council of Ministers, Supreme Decree No. 006-2017-PCM. Published in *Diario Oficial El Peruano* on 27 January 2017.

²⁹ Regional Government of Lambayeque, Regional Ordinance No. 027-2015-GR.LAMB/CR Regional Plan for Equal Opportunities for Persons with Disabilities 2015–2021. Published in *Diario Oficial El Peruano* on 5 December 2015.

³⁰ Regional Government of Ayacucho, Regional Ordinance No. 006-2014-GRA/CR on the Regional Plan for Persons with Disabilities in the Ayacucho Region 2012–2020. Published in *Diario Oficial El Peruano* on 22 August 2014.

³¹ Regional Government of Apurímac, Regional Ordinance No. 008-2017-GR-APURIMAC, statement of public need and regional interest regarding the provision of services for persons with disabilities in education, health and employment in the Apurímac region.

³² Congressional Act No. 29973, article 8.2.

accommodation for workers with disabilities in the workplace is considered to be a hostile act that may result in dismissal.³³

20. The pejorative language used in the Criminal Code to refer to persons with disabilities was eliminated in 2017 through Legislative Decree No. 1323, which provides for measures to intensify the fight against femicide, domestic violence and gender-based violence.³⁴ In that regard, the term “suffering from a disability”, in article 122 (3) (b), has been amended to “has a disability” and article 121-A has been repealed.

B. Specific rights

Equality and non-discrimination (art. 5)

21. Article 323 of the Criminal Code,³⁵ on discrimination and incitement to discrimination, provides that anyone who engages in acts of distinction, exclusion, restriction or preference that nullify or impair the recognition, enjoyment or exercise of any right of a person or group of persons recognized in law, the Constitution or the human rights treaties to which Peru is a party, on grounds of age, sex or disability, will be punished by a custodial sentence of between 2 and 3 years or by 60 to 120 days of community service. It is considered to be an aggravating factor when the perpetrator is a civil servant or when the act involves physical or mental violence.

22. The General Act on Persons with Disabilities provides that any discriminatory act based on disability that affects the rights of persons with disabilities is null and void. Such acts are considered to include any distinction, exclusion or restriction on the grounds of disability that has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal footing, of one or more rights, including the denial of reasonable accommodation. Positive measures aimed at achieving de facto equality for persons with disabilities are not considered discriminatory.³⁶

23. Within this legislative framework, regional and local governments, including the governments of San Martín,³⁷ Huancavelica³⁸ and Lambayeque, have approved various regulatory instruments related to non-discrimination against persons with disabilities.³⁹

24. In the area of education, the commission of acts of discrimination based on a person’s origin, race, religion, nationality, age, sex, gender, disability, or any other ground by teachers at higher education establishments is considered to be very serious misconduct in the disciplinary code of public sector workers.⁴⁰

25. The National Commission against Discrimination, which is the body responsible for monitoring and investigating acts of discrimination, issuing opinions and providing technical advice on the development of equality and non-discrimination policies, has set up a virtual platform to enable citizens to file complaints of discrimination in a swift, flexible and straightforward manner.

26. If a consumer with disabilities experiences discrimination, he or she may submit a complaint to the National Institute for the Defence of Competition and the Protection of

³³ Ministry of Labour and Job Creation, Supreme Decree No. 003-97-TR, Consolidated Text of the Labour Productivity and Competitiveness Act. Article 29 (h).

³⁴ Congress of the Republic. Published in *Diario Oficial El Peruano* on 6 January 2017.

³⁵ Executive branch. Legislative Decree No. 1323. Published in *Diario Oficial El Peruano* on 6 January 2017.

³⁶ Congressional Act No. 29973, article 8.2.

³⁷ Regional Government of San Martín, Regional Ordinance No. 009-2014-GRSM/CR. Published in *Diario Oficial El Peruano* on 13 June 2014.

³⁸ Regional Government of Huancavelica, Regional Ordinance No. 289-GRHVCA/CR. Published in *Diario Oficial El Peruano* on 22 January 2015.

³⁹ Regional Government of Lambayeque, Regional Ordinance No. 027-2015-GR.LAMB/CR. Published in *Diario Oficial El Peruano* on 27 November 2015.

⁴⁰ Ministry of Education, Supreme Decree No. 010-2017-MINEDU. Regulations governing the Act on higher education establishments and the public service of their teachers. Published in *Diario Oficial El Peruano* on 25 August 2017.

Intellectual Property in person or by telephone, email or mobile application. He or she may also file an administrative complaint whereby, following verification of the violation, a declaration is issued that may result in administrative sanctions and corrective measures in favour of the consumer. To date, a number of cases relating to accessibility, refusal to provide health insurance and refusal to enrol children in school, among others, have been resolved in favour of persons with disabilities.

27. A web portal⁴¹ containing information on consumer rights, available mechanisms for the resolution of consumer disputes, consumer associations, legislation and case law relevant to consumers has been made available to the public, as have various information tools. This web page has a large-print tool and informational videos in sign language. In addition, 2,000 Braille information cards on consumer issues have been distributed.

28. The Ombudsman's Office takes action against public institutions or public service providers when a fundamental right is violated or at risk of being violated. It also files petitions with a view to addressing or resolving situations of helplessness that affect or threaten fundamental rights. Such documents may be formally submitted at any branch of the Ombudsman's Office or through its website.

29. The National Council for the Development and Inclusion of Persons with Disabilities deals with complaints of non-compliance with article 8 of the General Act on Persons with Disabilities, which relates to the right to equality and non-discrimination, by taking action against public or private bodies that violate that article.

Women with disabilities (art. 6)

30. Act No. 30364 on the Prevention, Punishment and Eradication of Violence against Women and Family Members⁴² establishes equality and non-discrimination as guiding principles by prohibiting all forms of discrimination, which is understood to be any type of gender-based distinction, exclusion or restriction whose purpose or result is to undermine or nullify the recognition, enjoyment or exercise of the rights of persons. The Act also provides that women and family members have the right to a life free from violence and the right to be valued, educated and free from all forms of discrimination, stigmatization and stereotyped patterns of behaviour, as well as from social and cultural practices based on concepts of inferiority and subordination.

31. The National Plan against Gender-Based Violence 2016–2021⁴³ has been drawn up with a focus on gender, human rights, interculturalism, intersectionality, comprehensiveness and age. It describes violence against women with disabilities as a form of gender-based violence and recognizes that women and girls with disabilities are often at greater risk of violence, injury, abuse, neglect, ill-treatment and exploitation. It also recognizes that women with disabilities may be subject to double discrimination, which in some cases means that extreme forms of violence such as sexual abuse and rape go unpunished.

32. The Plan sets out two strategic objectives aimed at changing cultural and sociocultural patterns that perpetuate unequal power relations and hierarchical differences. Such relations and differences legitimize and exacerbate gender-based violence, which disproportionately affects all women, including women with disabilities, in the family, society and in public and private institutions.

33. Provision has been made for actions that promote capacity-building, the prevention of gender-based violence in the education system and the self-regulation of information handling in cases of gender-based violence. The actions in question are targeted at media and advertising associations and advertisers with a view to promoting changes in sociocultural patterns that give rise to gender-based violence and carrying out comprehensive, coordinated initiatives for the prevention of such violence and for the care, protection and recovery of victims and the punishment and rehabilitation of perpetrators.

⁴¹ www.consumidor.gob.pe.

⁴² Congressional Act No. 30364. Published in *Diario Oficial El Peruano* on 23 November 2015.

⁴³ Ministry for Women and Vulnerable Groups, Supreme Decree No. 008-2016-MIMP. Published in *Diario Oficial El Peruano* on 26 July 2016.

34. In relation to policies on the sexual and reproductive rights of women with disabilities, the General Act on Persons with Disabilities provides that the State guarantees the right of persons with disabilities to freely decide how to exercise their sexuality and fertility.⁴⁴ The Family Planning Technical Standard⁴⁵ establishes that public health facilities must offer free comprehensive services, without distinction, including the management of medical records, counselling and contraception, including emergency contraception. The Standard makes clear that social inclusion is a key factor in sexual and reproductive health care and that vulnerable groups should be guaranteed access to sexual and reproductive health services without discrimination on the basis of disability.

35. The law on the prevention, punishment and eradication of violence against women and family members provides for an intersectional approach to the issue of violence and that factors such as disability are linked to violence against women. A basic protocol for joint action on issues such as prevention, care, protection, prior detection, ongoing intervention, punishment and rehabilitation in response to violence against women takes special account of the situation of women with disabilities and women belonging to indigenous, Andean, Amazonian and Afrodescendent communities. A person with a disability who is subjected to one of the forms of violence prohibited under the aforementioned law has the right to free and immediate specialist legal assistance and representation, in his or her own language, provided by the public and private services intended for this purpose.

36. The national observatory on violence against women and family members prepares reports, studies and proposals on violence against women and family members, focusing specifically on the situation of persons with disabilities as a vulnerable group. It provides for the active participation of organizations that protect the rights of women, children, adolescents, older persons, persons with disabilities, as well as the private sector, particularly businesses, in programmes for the prevention of violence and the care and recovery of victims.⁴⁶

Children with disabilities (art. 7)

37. A law has been passed to prohibit the use of corporal and other humiliating punishment against children and adolescents at school and in the home, community, workplace and all other places where children and adolescents spend time.⁴⁷

38. A law has also been passed to protect children and adolescents who are without parental care, or at risk of losing access to such care.⁴⁸ This law seeks to uphold the rights of such children and adolescents to live, grow and develop within their family.

39. Under article 125 of the Criminal Code, a custodial sentence of between 1 and 4 years is imposed on any person who exposes or, in the same circumstances, abandons children, persons unable to care for themselves, persons whom he or she is legally responsible for protecting, or persons in his or her care, to a risk of death or to a grave and imminent danger to health.⁴⁹

40. The implementing regulations of the law establishing parameters and procedural guarantees for the primary consideration of the best interests of the child⁵⁰ have been adopted. Under these regulations, it is stated that the principles of equality and non-discrimination apply, inter alia, to children and adolescents with disabilities. The regulations also state that, in order to determine the best interests of the child, the authorities will ensure that the child is entitled, on an equal footing with other children, to express his or her views, particularly if

⁴⁴ Article 9.2 of Act No. 29973.

⁴⁵ Ministry of Health, Ministerial Decision No. 652-2016/MINSA, published in *Diario Oficial El Peruano* on 2 September 2016; amended by Ministerial Decision No. 536-2017/MINSA. Published in *Diario Oficial El Peruano* on 12 July 2017.

⁴⁶ Article 46 of Act No. 30604.

⁴⁷ Congressional Act No. 30403. Published in *Diario Oficial El Peruano* on 30 December 2015.

⁴⁸ Executive branch, Legislative Decree No. 1297. Published in *Diario Oficial El Peruano* on 30 December 2016.

⁴⁹ Congressional Act No. 26926. Published in *Diario Oficial El Peruano* on 21 February 1998.

⁵⁰ Ministry for Women and Vulnerable Groups, Supreme Decree No. 002-2018-MIMP. Published in *Diario Oficial El Peruano* on 1 June 2018.

he or she has a disability. Lastly, the regulations establish that public policies will ensure social inclusion through targeted measures to eliminate the barriers that hinder access to social and welfare services aimed at children and adolescents, particularly those who have a disability or are subjected to exclusion and/or living in poverty.⁵¹

41. Peru has created advisory councils of children and adolescents to act as participatory bodies at the national, regional and local levels. These councils, whose members are democratically elected by their peers, are aimed at ensuring that all children's views on public policies concerning childhood and adolescence are made known to the authorities. They represent all children and adolescents in their respective areas. In some cases, however, express provision has been made for the participation of children with disabilities, including in the District Municipality of Carabayllo,⁵² the Municipality of El Agustino⁵³ and the Metropolitan Municipality of Lima.

42. The law promoting non-violent school environments⁵⁴ regulates the prohibition of bullying among pupils. In that regard, the Ministry of Education has conducted the preventive campaign "Bullying Isn't Funny: Report It" in order to reduce violence in schools.

43. Guidelines on managing a harmonious environment in school and preventing and addressing violence against children and adolescents⁵⁵ have been adopted. These guidelines provide for adaptation to the system of communication used by pupils with disabilities to promote their participation in an equitable manner, thereby ensuring that persons with disabilities are represented; they also provide for the development of strategies for the participation of pupils with disabilities in sessions on the prevention of school violence.

44. There are two ways to report school-related abuses: a toll-free hotline for students, teachers and parents to report cases of physical or psychological abuse occurring in educational institutions; and SiseVe, an online portal that allows anyone who has been a victim of school violence to file a report.⁵⁶ SiseVe allows victims to specify possible factors having led to the violence, including discrimination on the grounds of visual, auditory, mental, physical or intellectual disabilities. Victims are provided with a list of establishments within their area that provide protection services, such as health units, municipal offices of the Ombudsman for Children and Adolescents, police stations and prosecutors' offices. They are also advised on how to avoid similar situations in the future. The platform allows representatives of schools and education authorities at the local, regional and national levels to follow up on cases. It also provides information to pupils, teachers, families and head teachers on actions on how to prevent and deal with violent acts. The toll-free hotline is staffed by trained personnel who offer guidance to victims.

Awareness-raising (art. 8)

45. Since 2009, the weekly programme *Sin Barreras* (No Barriers) has been broadcast on the TV Perú television channel and on Radio Nacional del Perú with the aim of promoting the rights of persons with disabilities, publicizing State services and disseminating success stories. This was the first programme on Peruvian television to use sign language.

46. The National Council for the Development and Inclusion of Persons with Disabilities has published a guide on how to interact appropriately with persons with disabilities. The Council has promoted the "Say It with Respect!" campaign on television, radio and social networks with a view to eradicating the use of derogatory terms to address persons with disabilities. A number of national authorities and artists have participated in the campaign. Additional campaigns are carried out in coordination with public bodies and private

⁵¹ Article 30.2.3 of the regulations implementing the Act establishing parameters and procedural guarantees for the primary consideration of the best interests of the child.

⁵² Municipality of Carabayllo, Municipal Ordinance No. 339-2015-MDC. Published in *Diario Oficial El Peruano* on 20 February 2016.

⁵³ Municipality of El Agustino, Municipal Ordinance No. 600-2016-MDA. Published in *Diario Oficial El Peruano* on 24 July 2016.

⁵⁴ Congressional Act No. 29719. Published in *Diario Oficial El Peruano* on 25 June 2011.

⁵⁵ Ministry of Education, Supreme Decree No. 004-2018-MINEDU. Published in *Diario Oficial El Peruano* on 13 May 2018.

⁵⁶ <http://publico.siseve.pe/Cuenta/ReportarCaso>.

companies to highlight the capacities of persons with disabilities and to promote a culture of respect.

Accessibility (art. 9)

47. The National Accessibility Plan has been adopted in accordance with the Fourth Final Supplementary Provision of the General Act on Persons with Disabilities.⁵⁷ The Plan sets out three strategic approaches relating to institutions; management and refurbishment; and the management of knowledge for accessibility. It establishes objectives, indicators, actions and annual goals for promoting a coordinated legal framework for accessibility based on public policy and its application in all sectors and levels of government; promoting public policy to establish results-oriented accessibility; promoting measures to achieve universal accessibility in management and development tools; promoting knowledge generation and good practice in the field of accessibility; and implementing communication strategies for recognizing the right to accessibility.

48. The institutions responsible for implementing the National Accessibility Plan include the Office of the President of the Council of Ministers, the Ministry of Housing, Construction and Sanitation, the Ministry of Transport and Communications, the Ministry of Development and Social Inclusion, the Ministry for Women and Vulnerable Groups, the Ministry of Labour and Job Creation, the Ministry of Health, the Ministry of Education, the Ministry of Culture, and regional and local authorities. There are plans to establish a temporary multisectoral committee to monitor and evaluate the implementation of the Plan. The committee will be made up of representatives of the above-mentioned bodies and of the National Federation of Persons with Disabilities.

49. As part of the drafting process, the Government held five round tables and two validation workshops, which were attended by representatives of organizations of, and for, persons with disabilities.⁵⁸ Provision was made to publish an advance version of the draft plan so that proposals and comments could be received from citizens.⁵⁹

50. Proposals have been submitted for the updating of the technical standards of the national building regulations, specifically in relation to the accessibility of buildings and the urban environment. These proposals, which are being reviewed by the corresponding sectoral body,⁶⁰ include technical specifications intended to improve compliance with accessibility standards, thereby helping to eliminate architectural and urban barriers.

51. The Public Sector Budget Act, adopted in 2012, establishes that local and regional governments are required to use up to 0.5 per cent of their institutional budgets to carry out works, maintenance, repairs or adjustments aimed at improving or providing access to urban infrastructure in cities.

52. The municipalities are responsible for supervising and monitoring compliance with accessibility standards in the urban environment and buildings under their jurisdiction. The National Council for the Development and Inclusion of Persons with Disabilities is authorized to sanction breaches of regulations governing standards on accessibility and urban and architectural adaptations for persons with disabilities in public buildings. The Council's auditing and sanctions office was established in 2016, since which time it has been conducting information campaigns and auditing accessibility levels. As a result of these

⁵⁷ Ministry of Housing, Construction and Sanitation, Supreme Decree No. 012-2018-VIVIENDA. Published in *Diario Oficial El Peruano* on 8 August 2018.

⁵⁸ The participants included representatives of Sense Internacional, Paz y Esperanza, Sociedad y Discapacidad, Sociedad Peruana de Síndrome Down, Plan Internacional, Centro de Empoderamiento de Personas con Discapacidad, Comisión de Damas Invidentes del Perú, Asociación Autismo Perú, Federación Nacional de Mujeres con Discapacidad del Perú and the disability and rights unit of the National Human Rights Coordinator.

⁵⁹ Ministry of Housing, Construction and Sanitation, Ministerial Decision No. 014-2018-VIVIENDA. Published in *Diario Oficial El Peruano* on 19 January 2018.

⁶⁰ Standing commission for the updating of the national building regulations of the Ministry of Housing, Construction and Sanitation.

actions, the customer service platforms of the various ministries' headquarters now meet minimum physical access requirements.

53. As part of efforts to adapt the urban environment, 250 plaques featuring street names in Braille have been installed in the historic centre of Lima. Audio traffic lights have also been installed at certain intersections.

54. The Regional Government of Puno has disseminated technical accessibility standards to local governments, which report that 45 per cent of their physical environments have been made accessible, including through the installation of pavement ramps. The Regional Government of Ucayali carries out monitoring visits to different bodies in order to determine accessibility levels for persons with disabilities and gives informative talks, highlighting the importance of complying with accessibility standards. In February 2016, the District Municipality of Miraflores issued an ordinance regulating universal accessibility and promoting inclusion in the Miraflores district⁶¹ by establishing conditions that give persons with disabilities access to public and private infrastructure. The ordinance also provides for the implementation of measures to promote good accessibility practices by private companies.

55. Two goals under the Programme on Incentives for the Improvement of Municipal Management have been met: 239 municipalities nationwide have carried out an assessment of accessibility levels in their localities and municipal offices have been established for the care of persons with disabilities.⁶²

56. With regard to public transport, the Government acknowledges that the bus fleet does not meet accessibility requirements. For this reason, the National Human Rights Plan provides for the amendment of national regulations on the technical characteristics of vehicles that provide land transport for persons and the establishment of a multisectoral transport committee that includes persons with disabilities with a view to identifying transport barriers and public policy proposals to overcome them.

57. The latest transport projects, such as line 1 of the Lima Metro, and the Metropolitano bus service, have accessible facilities to ensure the mobility of persons with disabilities, including pedestrian ramps, tactile paving, lifts with Braille buttons, stair lifts that carry wheelchairs, accessible toilets, reserved areas in trains and special turnstiles.

58. The law governing the provision of services to persons with disabilities, pregnant women and older persons in airports, airfields, land, rail, sea and river terminals and public transport facilities⁶³ sets out the principle of mobility and the right to enjoy the greatest possible degree of autonomy in using means of transport. To date, regulatory measures implementing that law have not been established.

59. The Ministry of Transport and Communications has developed a technical standard that establishes the requirements applicable to services, infrastructure and other aspects of air transport to ensure access for persons with disabilities and persons with reduced mobility. An advance version of this standard was published on the institution's website to give civil society the opportunity to comment on it. The technical standard is now in the final stages of adoption.

60. The General Act on Persons with Disabilities recognizes the right of persons with disabilities to use augmentative or alternative means or formats of communication in legal and administrative proceedings.⁶⁴ Upon request, public bodies, public service providers, pension fund administrators and banking, financial and insurance institutions send information, receipts and account statements in media and formats accessible to users with disabilities.

⁶¹ District Municipality of Miraflores, Municipal Ordinance No. 454/MM. Published in *Diario Oficial El Peruano* on 5 February 2016.

⁶² Goal 2 concerned the assessment of accessibility levels for persons with disabilities (2014) and goal 7 concerned the assessment of urban accessibility levels for persons with disabilities and reduced mobility (2016).

⁶³ Congressional Act No. 28735. Published in *Diario Oficial El Peruano* on 18 May 2006.

⁶⁴ Article 21 of Act No. 29973.

61. The Act recognizing deafblindness as a single disability and establishing provisions on services for deafblind persons⁶⁵ and the Act on the official recognition of Peruvian Sign Language⁶⁶ state that any public or private body that provides public services is required to make available a guide interpreter for deafblind persons and an interpreter for deaf persons at their request.

62. The Act on the promotion of Internet access for persons with disabilities and the adaptation of public Internet booths requires public bodies and universities to incorporate accessibility options so that persons with disabilities have access to the information on their web pages or portals.⁶⁷ To this end, the Act includes an annex containing guidelines on the accessible design of web pages, which are currently being updated by the Secretariat for Digital Government of the Office of the President of the Council of Ministers.

Equal recognition before the law (art. 12)

63. Congress has been considering two bills amending various articles of the Civil Code, the Code of Civil Procedure and the Public Notaries Act⁶⁸ in order to expressly recognize the full legal capacity of persons with disabilities by removing limitations on the performance of legal acts and replacing guardianship with models of support. The Congressional Commission of Social Inclusion and Persons with Disabilities of Congress recently issued a preliminary opinion, which was drafted with contributions from organizations of persons with disabilities⁶⁹ and the relevant public bodies.

64. A legislative decree is currently being prepared by the executive branch, within the framework of the powers delegated by the legislative branch, to establish measures to promote the inclusion of persons with disabilities and guarantee their right to exercise legal capacity on an equal footing.⁷⁰ The proposal is intended to enable those persons to overcome the legal limitations they face when exercising their will because of their disability, and to provide a system of support.

65. The aim of the National Human Rights Plan is to promote a normative framework that protects and upholds the right of persons with disabilities to exercise their legal capacity. It states that the Ministry of Justice and Human Rights will provide legal representation, in accordance with public defence standards, to prevent or reverse interdiction orders, and draft or amend regulations to incorporate reasonable accommodation and support systems for persons with disabilities.

66. As regards the amendment of legislation on the notarial system, a working group⁷¹ has been set up to propose new implementing regulations for the Public Notaries Act that incorporate measures to encourage persons with disabilities to exercise their civil rights without diminishing the legal certainty of the notarial documents they conclude.

67. Legislative Decree No. 1310, which approves additional measures to streamline administrative procedures, establishes special guardianship through notarial channels for older people who are classified as pensioners or who are beneficiaries of Act No. 29625 on the Reimbursement of National Housing Fund Contributions to Workers, with the sole purpose of allowing such persons who are “without due discernment” or are “suffering a

⁶⁵ Congressional Act No. 29524. Published in *Diario Oficial El Peruano* on 2 May 2010.

⁶⁶ Congressional Act No. 29535, published in *Diario Oficial El Peruano* on 21 May 2010.

⁶⁷ Congressional Act No. 29535, published in *Diario Oficial El Peruano* on 25 May 2005.

⁶⁸ Congress of the Republic. 2016–2021 parliamentary term. Bill No. 792/2016-CR, amending various articles of Legislative Decree on the Civil Code (No. 295), relating to the legal capacity of persons with disabilities, and bill No. 872/2016-CR, amending the Code of Civil Procedure and the Public Notaries Act with regard to the exercise of the legal capacity of persons with disabilities.

⁶⁹ The document was prepared within the framework of the Working Group on the Legal Capacity of Persons with Disabilities, established in January 2018 and comprising representatives of Congress, the Ministry of Foreign Affairs, the Ministry of Justice and Human Rights, the Ministry of Labour and Employment, the Ministry of Culture, the National Council for the Integration of Persons with Disabilities and the Office of the Ombudsman.

⁷⁰ Congressional Act No. 30823. Published in *Diario Oficial El Peruano* on 19 July 2018.

⁷¹ Comprising the Council of Notaries, Associations of Notaries and the Ministry of Justice and Human Rights.

mental impairment that prevents them from expressing their free will” to receive their pension or to have their financial contributions reimbursed.⁷² There are plans to amend these provisions within the framework of the legislative decree being drafted by the executive branch.

Access to justice (art. 13)

68. The Council of Notaries is working on the draft implementing regulations for Legislative Decree No. 1049, establishing minimum physical infrastructure standards for notaries’ offices and methods to allow public instruments to be read by notaries or third persons when a person with disabilities cannot read them, among other mechanisms to ensure accessibility.

69. In 2016, the judiciary approved the National Plan on Access to Justice for Vulnerable Persons for 2016–2021,⁷³ which removes legal barriers and promotes measures to ensure the full enjoyment of the right to justice. Component No. 4 of the Plan, on action to support persons with disabilities, sets out measures to make court facilities more accessible and to facilitate the participation of persons with disabilities in judicial processes through virtual means. It also provides for the creation of an information system that identifies persons with disabilities.

70. Courtrooms are currently being adapted for use by older people and persons with disabilities at the high courts of Callao, Lima Norte, Piura and Ventanilla. In addition, access ramps have been installed and bathrooms have been refurbished. A judicial alert system for older persons, which is a computer application system that notifies judges through their institutional email address and mobile telephones when older people or persons with disabilities are involved in the proceedings, is being introduced so that their cases can be given priority and be dealt with swiftly. The system was implemented in family, labour, administrative and criminal cases in 2017.

71. A judicial assistance protocol for persons with disabilities⁷⁴ has been approved and is applied in all high courts. The protocol establishes guidelines so that justice officials can provide appropriate assistance to persons with disabilities, while recognizing their legal capacity and right to receive support to enable them to participate.

72. Furthermore, mobile offices have been set up under the Mobile Justice Protocol to allow vulnerable people access to justice.⁷⁵ They can submit complaints and notices, and hearings and other necessary judicial acts can be held at these offices until a final judgment is delivered.

73. The Ministry of Justice and Human Rights will implement a streamlined procedure to allow everyone to exercise their right to lodge complaints with the administrative authorities.⁷⁶ Moreover, the development of systems to assist persons with disabilities in expressing their will has been set as a criterion for the approval of the draft laws.

Liberty and security of the person (art. 14)

74. In 2012, Act No. 29889⁷⁷ laid down provisions to uphold the rights of persons with mental disabilities, recognizing that everyone has the right to enjoy the highest possible level of mental health care without discrimination. The Act also established outpatient care in family, community and social settings as a priority; persons were to be placed in institutions

⁷² Articles 43 (2) and 44 (2) of the Civil Code.

⁷³ Judiciary. Administrative Decision No. 090-2016-CE-PJ. Published in *Diario Oficial El Peruano* on 12 April 2018.

⁷⁴ Judiciary. Administrative Decision No. 010-2018-CE-PJ. Published in *Diario Oficial El Peruano* on 20 January 2018.

⁷⁵ Judiciary. Administrative Decision No. 264-2017-CE-PJ. Published in *Diario Oficial El Peruano* on 29 September 2017.

⁷⁶ Article 2 of Legislative Decree No. 1310.

⁷⁷ Congressional Act No. 29889. Published in *Diario Oficial El Peruano* on 24 June 2012.

only on an exceptional basis, when it offered greater therapeutic benefits to the patient than any other form of medical intervention.

75. As regards measures to eliminate the declaration of criminal responsibility in criminal proceedings, criminal responsibility is an element of culpability that needs to be determined in order for criminal penalties to be imposed. It cannot be “declared” as such; rather, it is ascertained through the analysis carried out by justice officials in order to issue an indictment or deliver a guilty verdict. Thus, the notion of declaring criminal responsibility does not exist in either the Criminal Code or the Code of Criminal Procedure.⁷⁸

76. The National Interoperability Plan for the Justice Administration System incorporates the principles of accessibility and multilingualism by providing for electronic access to legal services and information and by making all services linguistically accessible.

77. National policies have been approved to ensure that legal safeguards for persons with disabilities are respected. These include a National Plan on Preventive Measures and the Treatment of Adolescents in Conflict with the Law,⁷⁹ the National Policy on Property-related Offences,⁸⁰ the National Policy on Trafficking in Persons and Related Forms of Exploitation⁸¹ and the National Prison Policy.⁸²

78. The provision contained in article 23 of Legislative Decree No. 1348 adopting the Code of Criminal Responsibility for Adolescents complies with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, since it avoids confining juvenile offenders and allows for intermediate treatment and the adoption of other measures, such as outpatient treatment or admission to a mental health centre. Judges may order outpatient treatment or admission to a mental health centre to preserve the physical and mental integrity of adolescents who are not liable to prosecution and to prevent them from posing a threat to society. No action has been taken to repeal the provision.⁸³

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

79. In December 2015, Peru adopted a law expanding the functions of the Ombudsman’s Office by placing it in charge of the national mechanism for the prevention of torture.⁸⁴ The Ombudsman enjoys structural and functional independence and its duties include assessing the treatment of persons deprived of their liberty on a regular basis to better protect them against torture and other cruel, inhuman or degrading treatment or punishment.

Freedom from exploitation, violence and abuse (art. 16)

80. The Act on the Prevention, Punishment and Eradication of Violence against Women and Family Members places particular emphasis on persons with disabilities. Measures taken in follow-up to the Act include the approval of a risk assessment procedure⁸⁵ that adopts a human rights-based approach and takes into account discrimination on the grounds of disability. A section of the assessment is designed to identify persons with disabilities. The victim is regarded as vulnerable if the partner or ex-partner humiliates or excludes the victim because the victim’s disability makes everyday tasks difficult. Furthermore, the disabilities

⁷⁸ Ministry of Justice. Official Communication No. 507-2017-JUS/VMDHAJ of 22 December 2017. Page 5.

⁷⁹ Ministry of Justice. Supreme Decree No. 14-2013-JUS. Published in *Diario Oficial El Peruano* on 1 December 2013.

⁸⁰ Ministry of Justice. Supreme Decree No. 006-2014-JUS. Published in *Diario Oficial El Peruano* on 12 July 2014.

⁸¹ Ministry of Justice. Supreme Decree No. 001-2015-JUS. Published in *Diario Oficial El Peruano* on 23 January 2015.

⁸² Ministry of Justice. Supreme Decree No. 005-2016-JUS. Published in *Diario Oficial El Peruano* on 15 July 2016.

⁸³ Ministry of Justice. Official Communication No. 507-2017-JUS/VMDHAJ of 22 December 2017, p. 5.

⁸⁴ Congressional Act No. 30394. Published in *Diario Oficial El Peruano* on 22 December 2017.

⁸⁵ Ministry for Women and Vulnerable Groups. Supreme Decree No. 006-2016-MIMP. Published in *Diario Oficial El Peruano* on 22 July 2016.

of children, adolescents and older people who are victims of domestic violence are recorded in the risk assessment.

81. The purpose of the Basic Protocol on Joint Proceedings is to coordinate care services for victims of violence in terms of prevention, comprehensive health care, protection, redress and rehabilitation. The Protocol takes an intersectional approach without discrimination and places priority on groups requiring special protection, including women with disabilities. Victims are referred to the service or institution best suited to provide care.

82. Women's Emergency Centres⁸⁶ must be accessible and their facilities are being adapted to that end. The Comprehensive Care Guidelines for Women's Emergency Centres⁸⁷ establish standards for providing quality care to users of the Centres and set out core principles for dealing with persons with disabilities. Between 2011 and 2018, 757 persons with disabilities received support. Between 2015 and February 2018, 11 persons with disabilities were victims of attempted femicide.

83. With respect to penalties for the offences of causing minor bodily harm, Act No. 30364, amending article 122 of the Criminal Code, establishes the physical or mental disability of the victim as an aggravating factor.

84. The Legislative Decree on Strengthening Efforts to Tackle Femicide and Family and Gender-based Violence⁸⁸ inserted articles 122-B, 153-B, 153-C and 168-B into the Criminal Code, recognizing the disability of the victim as an aggravating factor for offences relating to assault against women or members of the family group, sexual violence, slavery and forced labour, as well as other forms of exploitation.

85. The Regional Government of Arequipa declared the elimination of violence against women, adolescent girls, older people and persons with disability to be of public necessity and regional interest, in order to strengthen gender relations based on equality.⁸⁹

86. The Emergency Committee for Proposing Measures for the Prevention of Violence against Women and the Protection and Care of Victims⁹⁰ was set up in order to devise a workplan for the implementation of public policy to prevent violence against women and to protect and care for victims. Part of the Committee's work was to update the Intersectoral Protocol on Action against Femicide.⁹¹

Protecting the integrity of the person (art. 17)

87. The General Health Act⁹² safeguards the rights of persons with mental health problems and provides that everyone has the right to enjoy the highest possible level of mental health care without discrimination. The State has been making efforts to ensure that a sufficient number of mental health-care programmes and services are available throughout the country.

88. Under the Act, mental health-care services must adopt a community-based, interdisciplinary, comprehensive, participatory, decentralized and intersectoral approach;

⁸⁶ Specialist, interdisciplinary and public services that provide comprehensive care, free of charge, to help protect persons affected by sexual, gender-based or domestic violence and assist them in their recovery and access to justice. They take action to prevent violence, promote a democratic culture and ensure respect for human rights.

⁸⁷ Ministry for Women and Vulnerable Groups. Ministerial Decision No. 157-2016-MIMP. Published in *Diario Oficial El Peruano* on 26 July 2016.

⁸⁸ Executive branch. Legislative Decree No. 1323. Published in *Diario Oficial El Peruano* on 5 January 2017.

⁸⁹ Regional Government of Arequipa. Regional Ordinance No. 265-AREQUIPA. Published in *Diario Oficial El Peruano* on 10 March 2014.

⁹⁰ Office of the President of the Council of Ministers. Supreme Decision No. 129-2018-PCM, establishing an ad hoc multisectoral committee known as the Emergency Committee for Proposing Measures for the Prevention of Violence against Women and the Protection and Care of Victims. 8 June 2018.

⁹¹ Ministry for Women and Vulnerable Groups. Supreme Decree No. 004-2018-MIMP. Published in *Diario Oficial El Peruano* on 13 June 2018.

⁹² Congressional Act No. 26842 as amended by Act No. 29889. Published in *Diario Oficial El Peruano* on 24 June 2012.

provide outpatient care within family, community and social settings; use institutionalization only in exceptional cases as a last resort; seek the free, voluntary and informed consent of patients, except in emergency situations; and regularly review diagnoses and reports recommending the institutionalization of patients.

89. The implementing regulations for the Act establish a community mental health-care model that places emphasis on promoting and protecting health and ensuring continuity of care, while encouraging the involvement of grass-roots organizations. They also foster the provision of comprehensive physical, psychological and social care, with multidisciplinary teams and approaches; support reintegration into society and the labour market; and promote in-service training on mental health issues for medical care teams.⁹³

90. The Technical Health Standard for Community Mental Health Centres⁹⁴ was developed with a view to improving the mental health and quality of life of the population. It has been applied to 40 centres that care for persons with severe mental disabilities who had been neglected by their families. The community mental health policy has substantially increased the number of persons with mental and behavioural disorders who have received treatment, from 468,623 in 2009 to 960,313 in 2017.

91. The objective of the National Plan to Strengthen Community Mental Health Services for the period 2018–2021⁹⁵ is to progressively improve public access to preventive care, treatment, recovery and psychosocial rehabilitation services in the health service network, from primary care upwards. In that vein, community mental health centres, inpatient units for mental health and addiction, and sheltered homes will be set up in all regions of the country. The National Plan set the goal of deinstitutionalizing 452 persons with mental disabilities by 2021.

Liberty of movement and nationality (art. 18)

92. In April 2017, Peru approved its migration policy for the period 2017–2025,⁹⁶ establishing a normative framework with a focus on human rights, equality and non-discrimination. The Legislative Decree on Migration⁹⁷ provides that vulnerable foreign nationals, particularly persons with disabilities, are exempt from administration fees for issuing documents and the relevant residency or temporary stay permits, and that any fines imposed on such persons must be waived. It also states that the National Migration Authority and the Ministry of Foreign Affairs will notify the competent authorities in order for them to take the appropriate administrative or judicial action to protect the rights of persons with disabilities.⁹⁸

93. When Peruvian or foreign nationals apply for family reunification, their adult sons or daughters are considered to be part of the family unit if they are unmarried and unable to care for themselves as a result of a duly certified physical or mental disability.

94. The implementing regulations for the Legislative Decree on Migration⁹⁹ allow persons with disabilities to apply for an electronic passport in person and, if necessary, in the company of a carer. They are also entitled to an extension of the standard immigration control period. Furthermore, the regulations state that persons with severe disabilities whose parents or guardians have been expelled or ordered to leave owing to an irregular immigration status

⁹³ Ministry of Health. Supreme Decree No. 033-2015-SA. Published in *Diario Oficial El Peruano* on 6 October 2015.

⁹⁴ Ministry of Health. Ministerial Decision No. 574-2017-MINSA, approving Technical Health Standard No. 138-MINSA/2017/2DGIESP, the Technical Health Standard for Community Mental Health Centres. Published in *Diario Oficial El Peruano* on 21 July 2017.

⁹⁵ Ministry of Health. Ministerial Decision No. 356-2018-MINSA. Published in *Diario Oficial El Peruano* on 24 April 2018.

⁹⁶ Ministry of Foreign Affairs. Supreme Decree No. 015-2017-RE. Published in *Diario Oficial El Peruano* on 27 April 2015.

⁹⁷ Legislative Decree on Migration (No. 1350). Published in *Diario Oficial El Peruano* on 7 January 2017.

⁹⁸ Article 11 of Legislative Decree No. 1350.

⁹⁹ Ministry of the Interior. Supreme Decree No. 007-2017-IN. Published in *Diario Oficial El Peruano* on 27 March 2017.

will be given assistance when leaving the country, and that the parents of persons with disabilities may apply for restrictions on re-entry to be lifted.

95. Guidelines have been approved for granting temporary residence permits to the foreign parents of Peruvian nationals who are minors or adults with permanent disabilities, when the parents are in an irregular situation because the visa or migration status with which they entered the country has expired, or when they are in a regular situation and decide to apply for such permits.¹⁰⁰

Living independently and being included in the community (art. 19)

96. Non-contributory pensions are granted to persons with severe disabilities living in poverty who receive no income or pension from the public or private sectors, in order to improve their quality of life. The pension amounts to 300 soles (S/.) every two months. The target population is 137,073 individuals nationwide. In March 2018, there were 14,486 recipients in 14 regions across the country and plans were in place to reach 84,391 by 2021.

97. According to the National Family Strengthening Plan for the period 2016–2021,¹⁰¹ 1,600 homes with at least one dependent adult are expected to benefit from the home carer service by 2021.

98. In February 2015, Peru entered into an agreement with the People's Republic of China¹⁰² for the donation of 28,995 wheelchairs, which were distributed throughout the country among persons with physical disabilities living in poverty or extreme poverty.

99. Regional or municipal services offices for persons with disabilities are responsible for providing technical or biomechanical aids and medicine, especially to those on a low income. Persons with disabilities and their families, carers and personal assistants have taken part in capacity-building sessions to promote independent living.

100. Measures have been adopted in Piura,¹⁰³ Cajamarca¹⁰⁴ and Arequipa¹⁰⁵ to promote the inclusion of persons with disabilities in the community. In Puno, S/. 9,980,616.88¹⁰⁶ were invested in a project to improve the productive and commercial capacities of persons with disabilities through the development of family child-rearing practices, benefiting more than 10,000 people identified as living in poverty in 50 districts.

Freedom of expression and opinion, and access to information (art. 21)

101. The State must ensure that persons with disabilities have access to the format and mode of communication of their choice.¹⁰⁷ In this respect, State bodies and private companies have developed initiatives to provide accessible information. In recognition of that obligation, public bodies will take action under the National Accessibility Plan to make information accessible to persons with disabilities.

102. Public bodies, public service providers, pension fund administrators, banking and financial institutions and insurance providers must issue information, bills and account statements in accessible modes and formats when requested to do so by persons with disabilities. As an example, the social health insurance system has introduced consent forms in Braille, which contain the necessary information to enable persons with visual impairments

¹⁰⁰ Ministry of the Interior. Supreme Decree No. 001-2017-IN. Published in *Diario Oficial El Peruano* on 3 January 2017.

¹⁰¹ Ministry for Women and Vulnerable Groups. No. 003-2016-MIMP. Published in *Diario Oficial El Peruano* on 12 March 2016.

¹⁰² Ministry of Foreign Affairs. Supreme Decree No. 007-2015-RE. Published in *Diario Oficial El Peruano* on 13 February 2015.

¹⁰³ Regional Government of Piura. Regional Ordinance No. 322-2015/GRP-CR. Published in *Diario Oficial El Peruano* on 22 July 2015.

¹⁰⁴ Regional Government of Cajamarca. Regional Ordinance No. 09-2015-GRCAJ-CR. Published in *Diario Oficial El Peruano* on 27 July 2015.

¹⁰⁵ Regional Government of Arequipa. Regional Ordinance No. 328-AREQUIPA. Published in *Diario Oficial El Peruano* on 30 December 2015.

¹⁰⁶ Approximately US\$ 3,000,000 at the current rate of exchange.

¹⁰⁷ Article 21 of Act No. 29973.

to make informed decisions about whether to undergo procedures recommended by health-care professionals.

103. Four universities have accessible library services for persons with visual impairments.¹⁰⁸ These include computer workstations with screen reader and magnification software, library assistance and assisted reading, text adaptation and the conversion of printed text into accessible digital formats.

104. The Act on the Promotion of Internet Access for Persons with Disabilities and the Adaptation of Public Internet Booths,¹⁰⁹ passed in 2005, requires public bodies and universities to include accessible options for persons with disabilities. The Secretariat of Digital Government, under the President's Office of the Council of Ministers, has been setting up a working group in collaboration with the Ministry of Housing, Construction and Sanitation, the Ministry of Education, the Ministry for Women and Vulnerable Groups and the National Council for the Integration of Persons with Disabilities in order to devise digital accessibility initiatives and update the accessibility guidelines for government websites and applications.

105. The implementing regulations for the Act on the Official Recognition of Peruvian Sign Language¹¹⁰ were approved in August 2017. They set out measures including: (i) research into and teaching and dissemination of Peruvian sign language; (ii) mechanisms to provide and monitor sign language interpretation services for deaf persons; (iii) the provision of training on Peruvian sign language and the qualification of proficient sign language users as interpreters; and (iv) the creation of a register of interpreters for deaf persons. Deadlines have also been set for the competent authorities to define standards for the effective implementation of the regulations.

106. The Ministry of Education has developed a model linguist profile, outlining the areas of performance and the functions, general competence and professional skills expected of linguists to facilitate the teaching of Peruvian sign language and to give hard-of-hearing students insights into deaf culture. A draft version of the model profile was made available on the Ministry of Education website for 30 days. It is currently in the final stages of the approval process.

107. The requirements and profile of Peruvian sign language interpreters are being developed, taking into consideration the fundamental role of interpreters; their personal, intellectual and ethical characteristics; their professional and academic skills; and their relationship with the deaf community and its language. To that end, a sectoral commission was set up within the Ministry of Education¹¹¹ to devise assessments for interpreters undergoing training. A final proposal will be put forward within 180 calendar days.

108. With regard to the implementation of training programmes, the National Council for the Integration of Persons with Disabilities has been working with the Ministry of Education to incorporate the training programme for Peruvian sign language interpreters into the national vocational qualifications catalogue, with a view to balancing the supply of trainees with market demand.

109. Regarding the provision of interpretation services by public or private bodies or institutions that provide public services or that deal with members of the public, the National Council for the Integration of Persons with Disabilities has officially requested all ministries, their agencies and regional governments to provide interpretation services for hard-of-hearing persons. During the six months following the entry into force of the implementing regulations, the Council offered technical assistance to more than 40 bodies.

¹⁰⁸ The Pontifical Catholic University of Peru, Antonio Ruiz de Montoya University, the University of the Pacific and the National University of San Marcos.

¹⁰⁹ Congressional Act No. 28530. Published in *Diario Oficial El Peruano* on 25 May 2005.

¹¹⁰ Ministry for Women and Vulnerable Groups. Supreme Decree No. 06-2017-MIMP. Published in *Diario Oficial El Peruano* on 15 August 2017.

¹¹¹ Ministry of Education. Ministerial Decision No. 144-2018-MINEDU. Published in *Diario Oficial El Peruano* on 27 March 2018.

110. As a mechanism for the provision of sign language services, the Ombudsman's Office, the National Migration Authority, the Private Investment Regulator for Telecommunications, the National Public Records Office, the National Customs and Tax Authority, the Ministry of Culture and the Ministry of Education have set times when Peruvian sign language interpretation is available. Appointments can be made using an online form available on their respective websites. Other bodies have trained their public service staff in basic Peruvian sign language.

111. The National Council for the Integration of Persons with Disabilities has approved a protocol¹¹² to provide interpretation services to deaf or hard-of-hearing persons dealing with the Council. Its support platform has an interpreter to provide assistance in person and a software application has been adapted to enable deaf persons to communicate with the Council remotely via video link and receive assistance by a Peruvian sign language interpreter. The virtual support platform also provides help to deaf persons who need to contact any public or private body or institution without an interpretation service that provides public services or that deals with members of the public.

Respect for home and the family (art. 23)

112. Peru has adopted measures to ensure that parents are not separated from their children on grounds of disability. In that connection, the National Family Strengthening Plan for 2016–2021 seeks to promote the right to family life for all, including persons with disabilities.

113. The Legislative Decree on the Protection of Children and Adolescents who are without Parental Care or at Risk of Losing It¹¹³ states that children or adolescents will not be separated from their families solely on the grounds of their disability or that of any of their family members, under any circumstances. The implementing regulations establish procedural safeguards and criteria aimed at ensuring that the best interests of the child are the paramount consideration in any situation.¹¹⁴ They also provide that the disabilities of children, adolescents, their parents or persons responsible for their care, or a lack of financial resources, should be regarded as signs that the family is in need of appropriate support and not as justification for separating such children from their parents or persons responsible for their care.

114. Procedures have been adopted with a view to enhancing protection factors and reducing or eliminating risk factors for the personal, family and social situation of children or adolescents through protection measures, assessments and family capacity-building designed to avoid situations that leave families vulnerable.¹¹⁵

115. If a child or adolescent is at risk or in a vulnerable family situation, the authorities are required to fill out a risk assessment form,¹¹⁶ indicating whether the minor has a disability of any kind in order for the appropriate action to be taken.

Education (art. 24)

116. The General Education Act¹¹⁷ states that education must be governed by the principles of quality, equality, inclusion, democracy, ethics, interculturalism, environmental awareness and creativity, and must promote students' learning objectives. The principle of inclusion means that education must also accommodate persons with disabilities, especially in rural areas, regardless of ethnicity, religion, sex or any other cause of discrimination.

¹¹² National Council for the Integration of Persons with Disabilities. Presidential Decision No. 015-2018-CONADIS/PRE. Published in *Diario Oficial El Peruano* on 14 February 2016.

¹¹³ Executive branch. Legislative Decree No. 1297. Published in *Diario Oficial El Peruano* on 30 December 2016.

¹¹⁴ Ministry for Women and Vulnerable Groups. Supreme Decree No. 02-2018-MIMP. Published in *Diario Oficial El Peruano* on 1 June 2018.

¹¹⁵ Article 24 of Legislative Decree No. 1297.

¹¹⁶ Ministry for Women and Vulnerable Groups. Ministerial Decision No. 065-2018-MIMP. Published in *Diario Oficial El Peruano* on 13 March 2018.

¹¹⁷ Congressional Act No. 28044. Published in *Diario Oficial El Peruano* on 8 October 2003.

117. The Act provides that the education authorities must take affirmative action to tackle inequality, develop and execute education projects directed towards reversing situations of inequality and/or inequity, and implement inclusive education programmes for persons with learning difficulties or special educational needs at all levels.¹¹⁸

118. The right of persons with disabilities to have access to inclusive, quality education on an equal footing with others is recognized in the Act. To that end, it promotes and ensures their inclusion in education institutions at the various stages and levels and in the different types of education provided by the national system. It also ensures that the infrastructure, furniture and equipment are physically accessible; that adapted and accessible educational material is supplied; that adequately trained teachers are available; and that Braille, sign language and other modes, means and formats of communication are taught.

119. This has been reinforced with the recent approval of legislation promoting inclusive education,¹¹⁹ which states that education institutions must adopt measures to ensure the accessibility, availability, acceptability and adaptability of education services. Institutions are also required to develop personalized learning plans. Furthermore, the law states that inclusive education should not impose any additional costs on pupils with special educational needs, which includes persons with disabilities.

120. In 2013, budget proposal No. 106, “Inclusion of Children and Young People with Disabilities in Basic and Vocational Education”, was formulated with the aim of granting persons with mild or moderate disabilities access to public education institutions; persons with severe disabilities access to special public education institutions; and children with disabilities under 3 years of age access to Early Intervention Programmes. It is worth noting that the allocation has been increased from S/. 13,733,998 across five regions to S/. 195,157,669 in all regions of the country.

121. With the resources allocated, an additional 42 teachers and 156 non-teaching staff members were recruited at Special Basic Education Centres, and a further 26 special education professionals were hired by the regional education directorates. Furthermore, 579 regular basic, special basic, alternative and vocational education institutions underwent maintenance and refurbishment to make them accessible; 102 Early Intervention Programme professionals received training, technical assistance and education management courses as part of the Secondary Specialism in Special Education Programme; 3,133 teachers attended virtual courses on inclusive education; and technical assistance and support was given to 257 Special Basic Education Centres and 59 Early Intervention Programmes to strengthen education management. Educational equipment and other resources were provided to 248 Special Basic Education Centres, 24 resource centres and 61 Early Intervention Programmes. Lastly, 69 public education institutions and 4 private basic institutions providing special and alternative education have received the “Escuelas Valora” award for best practice in inclusive education.¹²⁰

122. As regards access to inclusive education, 74,106 students with disabilities are currently enrolled in different forms of basic and vocational education in the public and private sectors.

123. The standards and guidelines for the school year require regular and alternative basic education institutions in both the public and private sectors to set aside at least two places per class for students with mild or moderate disabilities. When enrolling, students with disabilities must provide a disability certificate or, if they do not have one, a sworn statement from the father, mother or legal guardian attesting to their condition.

124. The standards on the administrative contracting of the services of teaching support staff within the framework of budget proposals Nos. 0090, 0091 and 0106, approved on a yearly basis, give priority to the recruitment of non-teaching and educational support professionals who fit five profiles: Peruvian sign language interpreters, model linguists,

¹¹⁸ Article 18 of Act No. 28044.

¹¹⁹ Congressional Act No. 30797. Published in *Diario Oficial El Peruano* on 21 June 2018.

¹²⁰ Ministry of Education. Official Communication No. 1006-2017-MINEDU/VMGP-DIGESE of 29 December 2017.

physiotherapists, occupational therapists and specialists in special basic education within the regional education directorates.

125. In 2016, a technical standard was approved for the refurbishment of infrastructure and the acquisition of specific technical and educational materials for students with special educational needs linked to disability, benefiting 401 basic and vocational education institutions.

126. In 2017, 579 regular basic, alternative basic, vocational and special education institutions received grants to refurbish infrastructure and acquire technical and educational materials for students with special educational needs linked to disability.¹²¹ Of these, 270 are Special Basic Education Centres and 309 are inclusive education institutions of the kinds mentioned above.

127. With regard to reasonable accommodation in regular education institutions, educational materials and other resources were made accessible by producing texts in Braille and embossed text in communication and mathematics subjects. These services need to be extended to all education institutions that require them.

128. There are resource centres for special basic education institutions in every region nationwide, providing educational support, advice, information and special resource libraries. They also produce and distribute material specifically designed for students with disabilities.

129. In relation to curriculum adjustments, teachers at education institutions of various types and levels attended by students with special education needs linked to disability are required to diversify and adapt their individual curricula to the characteristics and needs of each student. The Support and Advisory Service for Students with Special Educational Needs provides them with the necessary assistance to be able to continue improving and enhancing the curricula. There are currently 287 such services nationwide, with 1,214 teaching and non-teaching professionals serving 3,595 inclusive basic and vocational education institutions, promoting the inclusion of 13,563 students with mild or moderate disabilities.

130. The national basic education curriculum,¹²² approved in 2016, applies to students in special, alternative and regular basic education and takes a rights-based, inclusive approach to the development of graduation profiles, with respect for diversity. It was launched in 2017 at primary education institutions in urban areas and will ultimately be introduced into rural secondary schools and non-school initial education, advanced level alternative basic education and special basic education institutions in 2019.

131. The National Resource Centre for Special Basic Education holds community workshops on Peruvian sign language and Braille in order to help remove attitudinal and environmental barriers to the full inclusion of persons with sensory disabilities.

132. In terms of tertiary education, the State needs to intensify its efforts, in cooperation with private education institutions, to enable persons with disabilities to access universities, institutes or schools and to complete their studies by ensuring adequate admissions procedures; providing adapted curricula, methodologies, materials and assessments; and training teaching staff.

133. In accordance with the Act on Higher Education Institutes and Schools and Public Sector Higher Education Teaching Staff,¹²³ as well as its implementing regulations,¹²⁴ the education service seeks to provide specialist, intercultural and inclusive teaching that allows for equal opportunities and adequately prepares graduates for the world of work.

¹²¹ Ministry of Education. Ministerial Decision No. 347-2017-MINEDU. Published in *Diario Oficial El Peruano* on 16 June 2017.

¹²² Ministry of Education. Ministerial Decision No. 281-2016. Published in *Diario Oficial El Peruano* on 3 June 2016.

¹²³ Congressional Act No. 30512. Published in *Diario Oficial El Peruano* on 2 November 2016.

¹²⁴ Ministry of Education. Supreme Decree No. 010-2017-MINEDU. Published in *Diario Oficial El Peruano* on 25 August 2017.

134. The Universities Act¹²⁵ states that university services should endeavour to integrate persons with disabilities. In addition, the General Academic Guidelines for Higher Education¹²⁶ adopt a cross-cutting approach to disability, establishing that education services must guarantee inclusive education that recognizes and values diversity by providing educational support and making the appropriate physical adaptations that students with disabilities require.

135. According to the 2017 school census, there are 197 Special Basic Education Centres nationwide that cater for the educational needs of students with disabilities. A bilingual and bicultural education plan is currently under development and is aimed at 74 hard-of-hearing students in intermediate and advanced levels of study at the Hipólito Unanue Alternative Basic Education Centre.

136. A study conducted by the Ministry of Education of 117 universities found that 66 per cent had documented admissions procedures for persons with disabilities, 19 per cent had established procedures for adapting curricula, methodologies, materials and assessments, and only 16 per cent had a training programme on diversity for teaching staff.

137. With regard to measures to eliminate educational exclusion based on disability, especially of persons with intellectual and/or psychosocial disabilities, particularly in private educational centres, guidelines¹²⁷ have been introduced to foster harmony and to prevent and deal with violence in schools. Cases of violence are reported through the SíseVe online portal. Furthermore, technical assistance and training on areas relating to the promotion of harmony and the prevention and handling of violence in schools is given to specialists in regional education directorates across the country.

Health (art. 25)

138. The State has an obligation to ensure that persons with disabilities have access to high-quality comprehensive health care, including rehabilitation and sexual and reproductive health services, and to provide access to trained personnel and suitable infrastructure and equipment.¹²⁸

139. The comprehensive health insurance scheme has adopted a rate book¹²⁹ that provides for persons living in poverty or extreme poverty to have access to services free of charge. This arrangement is available to persons with disabilities who meet the relevant criteria, children under the age of 5 years who have disabilities, pregnant women with disabilities and persons with disabilities who have been abandoned by their families. There are also affordable rates for those who are able to pay for health care. These include: (a) the entrepreneur rate, under which persons with disabilities who pay taxes in categories 1 and 2 of the new simplified single system of the National Customs and Tax Authority contribute S/. 20 or S/. 50 per month (dependants also receive benefits at no extra cost); and (b) the independent rate, which is available to self-employed workers with disabilities, university students, dependent minors, older persons and persons who have no other insurance. Contributions start at S/. 39 and rise to S/. 115 for three or more beneficiaries.

140. As part of the insurance packages offered under the social health insurance system, additional optional insurance plans are available for a monthly fee ranging from S/. 137 to S/. 215 depending on the person's age.

141. In order to improve health-care services for persons with disabilities, the following targets have been set for 2021 under the National Human Rights Plan: 80 per cent of persons with disabilities under the age of 30 years have a disability certificate; 80 per cent of children under the age of 5 years who have been identified as having a disability or being at risk of

¹²⁵ Congressional Act No. 30220. Published in *Diario Oficial El Peruano* on 9 July 2014.

¹²⁶ Ministry of Education. General Secretariat Decision No. 311-2017-MINEDU. Published in *Diario Oficial El Peruano* on 17 October 2017.

¹²⁷ Ministry of Education. Supreme Decree No. 004-2018-MINEDU. Published in *Diario Oficial El Peruano* on 13 May 2018.

¹²⁸ Article 26 of Act No. 29973.

¹²⁹ Ministry of Health. Comprehensive health insurance scheme, Administrative Decision No. 287-2017/SIS. Published in *Diario Oficial El Peruano* on 23 December 2017.

acquiring one receive early intervention treatment; 40 per cent of persons with mental impairments receive community-based care and rehabilitation; the percentage of persons with disabilities who have insurance has increased.

142. The National Sexual and Reproductive Health Strategy¹³⁰ is aimed at improving sexual and reproductive health in Peru, with a focus on reducing maternal and perinatal mortality. This will be achieved by providing better maternity care, widening access to enhanced prenatal care and to qualified health-care professionals specializing in childbirth and neonatal care, improving how health-care facilities respond to obstetric and neonatal emergencies, helping people to achieve their reproductive goals, improving the reproductive health of adolescents, preventing the vertical transmission of HIV and syphilis, and combating gender-based violence.

143. In the technical guidelines on family planning, social inclusion is highlighted as a key factor in ensuring that vulnerable groups have access to sexual and reproductive health services without discrimination on the basis of disability.

144. Implementing regulations for the legislation that establishes the rights of users of health services have been adopted to ensure that persons with disabilities have effective access to private health insurance.¹³¹ The regulations prohibit discrimination on the grounds of disability and stipulate that information on the rights of persons with disabilities and on the content of health insurance plans and policies should be provided to insured persons in appropriate formats.

145. Health insurance companies are obliged to offer health plans that provide coverage for persons with disabilities based on an assessment of insurable risks.¹³² Compliance is monitored by the Superintendent of Banking, Insurance and Pension Fund Administrators. Institutions administering health insurance funds must make available to policyholders, through appropriate means, suitable and sufficient information on coverage, the network of providers and other relevant aspects.¹³³ The National Health Authority monitors compliance in this regard.

146. Under the regulations on the handling of claims and complaints made by customers of public, private and public-private institutions administering health insurance funds and health-care service providers, including management units,¹³⁴ those bodies have an obligation to ensure that persons with disabilities can access the complaints register for the health sector. Work is currently under way on draft legislation that would make it a serious offence to discriminate against service users, or against their family members or other persons entitled to priority treatment in the provision of health care or health coverage, on any grounds, including origin, ethnicity, sex, gender, language, religion, opinion, economic status, sexual orientation or disability.

Habilitation and rehabilitation (art. 26)

147. The technical health guidelines on the implementation of the community-based rehabilitation strategy were approved in June 2017. The strategy focuses on the overall development of the community in terms of rehabilitation, equal opportunities and social inclusion for all persons with disabilities through their own efforts and those of their families, organizations and the community, as well as health, education and social services provided

¹³⁰ Ministry of Health. Ministerial Decision No. 771-2004/MINSA. Published in *Diario Oficial El Peruano* on 27 July 2004.

¹³¹ Ministry of Health. Supreme Decree No. 027-2015-SA. Published in *Diario Oficial El Peruano* on 13 August 2015.

¹³² Superintendent of Banking, Insurance and Pension Fund Administrators. Decision No. 3203-2013 of 24 May 2013.

¹³³ Ministry of Health. Supreme Decree No. 013-2015-SA. Published in *Diario Oficial El Peruano* on 7 May 2015.

¹³⁴ Ministry of Health. Supreme Decree No. 030-2016-SA. Published in *Diario Oficial El Peruano* on 27 July 2016.

by governmental and non-governmental bodies. The strategy also contributes to reducing poverty.¹³⁵

148. Primary health-care facilities are responsible for the implementation of the community-based rehabilitation strategy, while secondary and tertiary health-care facilities are responsible for providing community health workers with technical training and for coordinating the comprehensive rehabilitation services required by persons with disabilities.

149. The guidelines specify that health-care workers are responsible for conducting outreach activities in the community and preparing the relevant situation analysis and workplan. They coordinate these activities with local authorities and train community health workers in how to identify and care for persons with disabilities. Following the implementation of the strategies, the information collected on persons with disabilities living in the community will be used to plan activities that promote comprehensive rehabilitation and social inclusion. To date, 139 health-care professionals have been trained in the city of Trujillo, Lima and Amazonas.

150. The directive on standards for the comprehensive rehabilitation of persons with disabilities in the social health insurance system¹³⁶ adopts a holistic approach that enhances quality of life for persons with disabilities and improves their inclusion in society and the workforce. It covers the functional, professional and social rehabilitation of insured persons with disabilities at all stages of life, irrespective of the type and severity of their disability. Since 2014, five operational units providing basic services for professional and social rehabilitation have been established for insured persons with disabilities in the regions of Ayacucho, Tumbes, Tacna, Ica and Lima. A further three units are in the process of being set up in the regions of Ucayali, Huánuco and Juliaca.

151. A total of 178 health-care service providers in the social health insurance system, offer rehabilitation services. A total of 50.6 per cent of them are located in Lima and Callao. There are 4 centres providing comprehensive care for patients with chronic needs and 4 centres and 13 smaller units providing professional and social rehabilitation services in 17 regions of the country. These services are staffed by professional multidisciplinary teams that include rehabilitation doctors, physical, occupational and speech therapists, learning specialists, psychologists and social workers. The teams provide comprehensive rehabilitation services in all primary, secondary and tertiary health-care facilities.

152. In 2017, 34,143 patients with moderate and severe disabilities were treated by external specialists under arrangements made by the National Rehabilitation Institute. A total of 76.08 per cent of the patients used the comprehensive health insurance scheme. In addition, 212,395 physical therapy sessions, 38,454 occupational therapy sessions, 56,471 speech therapy sessions, 19,261 psychoeducation sessions and 24,854 social services sessions took place. These sessions were provided by departments specializing in the following areas: psychomotor development; learning; intellectual impairment and social adaptation; motor unit and pain; amputees, burns and posture disorders; central nervous system damage; and spinal cord injuries.¹³⁷

153. Technical guidelines have been approved for the issuance of disability certificates to persons with disabilities, including the evaluation and certification stages of the process.¹³⁸ A computer application has been developed to encourage use of the guidelines. Certifying establishments enter data from the evaluation and assessment of persons with disabilities and then issue the certificate. Between 2015 and 2017, 2,256 medical specialists and surgeons throughout the country received training on the issuance of disability certificates. As a result, the number of certifying establishments rose from 49 in 2015 to 698 this year.

¹³⁵ Ministry of Health. Ministerial Decision No. 457-2017/MINSA. Published in *Diario Oficial El Peruano* on 15 June 2017.

¹³⁶ Health Insurance Scheme. Decision No. 107-GCPS-ESSALUD-2017.

¹³⁷ <http://www.inr.gob.pe/transparencia/relaciones%20publicas/NotasDePrensa2018/N.P%20006.pdf>.

¹³⁸ Ministry of Health. Ministerial Decision No. 981-2016/MINSA. Published in *Diario Oficial El Peruano* on 23 December 2016.

Work and employment (art. 27)

154. Under Peruvian legislation, persons with disabilities are recognized as having the right to employment on an equal basis with others, to freely choose and accept work, to enjoy equal opportunities, to receive equal pay for work of equal value and to have access to fair, safe and healthy working conditions. By law, the Ministry of Labour and Job Creation, the National Council for the Integration of Persons with Disabilities and regional governments are responsible for promoting and guaranteeing respect for the employment rights of persons with disabilities, ensuring they can exercise those rights and supporting them in the development of their skills and abilities.¹³⁹

155. In this connection, there is recognition of the difficulties persons with disabilities face in obtaining employment as a result of, inter alia, their level of education, a lack of accessibility measures, denial of reasonable accommodations and prejudiced attitudes. Measures including improved training, job placement and micro-entrepreneurship programmes are needed to increase employment rates among persons with disabilities.

156. A national policy on the promotion of employment opportunities for persons with disabilities is being developed with input from persons with disabilities, workers' unions, private sector companies and the Ombudsman's Office. The draft policy was made available¹⁴⁰ for 30 days to give persons with disabilities the opportunity to submit comments. The aim of the policy is to ensure that persons with disabilities have opportunities to access suitable dependent or independent employment on an equal basis by implementing specialized strategies designed to upgrade their skills and promote inclusive workplaces.

157. One mechanism that contributes to the inclusion of persons with disabilities in the workforce is the legislation governing teleworking¹⁴¹ and the corresponding regulations.¹⁴² The legislation makes provision for vulnerable population groups to undertake teleworking. Employers can use teleworking as a way to meet their obligations under the employment quota for persons with disabilities. The national teleworking policy, which is currently being drafted, will support the use of technology and new ways of working for persons with disabilities and other vulnerable population groups.

158. A number of affirmative measures are in place. For example, in merit-based public sector selection processes, a 15 per cent bonus is added to the scores of persons with disabilities who pass the assessment test and meet the criteria for the position.¹⁴³ Under the employment quota,¹⁴⁴ public bodies are obliged to ensure that persons with disabilities make up a minimum of 5 per cent of their workforce. Private companies with more than 50 employees must ensure that persons with disabilities make up at least 3 per cent of their staff.

159. The first audit of quota obligations was conducted in 2015. At that time, only 47 companies that were obliged to comply with the quota were actually doing so, while a further 678 employed some persons with disabilities but had not reached the required number. A total of 2,100 persons with disabilities were employed by the companies audited. In 2016, however, the number of companies obliged to meet the quota rose to 5,824; of those, 28 met the quota and 1,114 employed some persons with disabilities but had not reached the required number. A total of 2,967 persons with disabilities were employed that year. Preliminary figures for 2017 put the number of persons with disabilities in employment at 3,471.

160. A directive entitled "Guidelines for the implementation and provision of employment services with a disability perspective"¹⁴⁵ has been approved. It makes provision for specialized strategies and methodologies designed to ensure that the services offered by job

¹³⁹ Article 45 of Act No. 29973.

¹⁴⁰ Ministry of Labour and Job Creation. Ministerial Decision No. 235-2017-TR. Published in *Diario Oficial El Peruano* on 15 December 2017.

¹⁴¹ Congressional Act No. 30036. Published in *Diario Oficial El Peruano* on 5 June 2013.

¹⁴² Ministry of Labour and Job Creation. Supreme Decree No. 017-2015-TR. Published in *Diario Oficial El Peruano* on 3 November 2015.

¹⁴³ Article 48 of Act No. 29973.

¹⁴⁴ Article 49 of Act No. 29973.

¹⁴⁵ Ministry of Labour and Job Creation. Ministerial Decision No. 105-2015-TR. Published in *Diario Oficial El Peruano* on 13 May 2015.

centres suit the needs and attributes of persons with disabilities, including those with intellectual and/or psychosocial impairments.

161. The action plan on employment for persons with mental and intellectual impairments was developed using the supported employment methodology.¹⁴⁶ Under the plan, the employment of persons with intellectual impairments was included in public policy for the first time. As a result, 48 persons with Down syndrome or Asperger syndrome were placed in mainstream employment and received training and support directly related to their job.

162. The action plan to improve the employability of persons with disabilities and increase their employment has been implemented in the country's job centres.¹⁴⁷ The plan included vocational training for persons with disabilities, job placement services for persons with disabilities, the certification of specialized procedures, the improved use of the supported employment methodology for persons with mental and intellectual impairments, and self-employment training for persons with disabilities and members of their families.

163. The State is obliged to set aside 10 per cent of the budget allocated to temporary job creation programmes for the development of projects designed to promote the employment of persons with disabilities.¹⁴⁸ In line with that obligation, the following actions have been taken: (i) the budget allocated to the action plan on employment for persons with mental and intellectual impairments has been increased to S/. 323,000.00; and (ii) the budget allocated to the action plan to improve the employability and employment of persons with disabilities has risen to S/. 4,105,051.11. A project was set up in job centres to promote employment and job training and increase the employability of vulnerable groups.

164. In 2013, a budget programme was put in place to help young persons with disabilities obtain employment in five regions of Peru. The programme was allocated a budget of S/. 850,300 and addressed a range of issues, including unemployment, information, job training, job placements and follow-up. In 2014, the programme was separated into two activities under budget programme No. 0116 on the improvement of employability and employment (PROEMPLEO), with a particular focus on specialized training and job placements for persons with disabilities as part of the Productive Young People Programme and Impulsa Perú (Peru Moving Forward).

165. With regard to the job quota in the public sector, the percentage of employees who have disabilities is recorded by each institution. Very few institutions have reached or exceeded the 5 per cent minimum level required by law. The National Council for the Integration of Persons with Disabilities and the National Civil Service Authority will therefore strengthen oversight mechanisms to ensure that persons with disabilities are employed by public institutions. In 2018, the Council launched audit exercises for ministries and regional governments.

166. In addition, within the framework of the legislative powers granted to the executive branch,¹⁴⁹ a bill is being drafted on promoting the employment of persons with disabilities.

167. The National Human Rights Plan sets forth the following goals for 2021: a significant reduction in the number of persons with disabilities who are unemployed; job placements for 5,000 persons with disabilities; the completion of 2,558 employment quota audits in the private sector; and the provision of guidance on job quotas to 3,463 private employers.

Reply to the question raised in paragraph 25 of the list of issues

168. Persons with disabilities have the right to request reasonable accommodations in the workplace.¹⁵⁰ In that connection, the technical guidelines on the design, implementation and delivery of reasonable accommodations for persons with disabilities employed in the private

¹⁴⁶ Ministry of Labour and Job Creation. Supreme Decree No. 076-2013-TR. Published in *Diario Oficial El Peruano* on 30 April 2013.

¹⁴⁷ Ministry of Labour and Job Creation. Ministerial Decision No. 106-2015-TR. Published in *Diario Oficial El Peruano* on 13 May 2015.

¹⁴⁸ Article 46 of Act No. 29973.

¹⁴⁹ Congressional Act No. 30823. Published in *Diario Oficial El Peruano* on 19 July 2018.

¹⁵⁰ Article 50 (1) of Act No. 29973.

sector and the Reasonable Accommodation Request Form¹⁵¹ have been approved. These guidelines establish the regulations governing requests for reasonable accommodations in the workplace and the obligation of private employers to provide them.

169. Guidelines have been drafted on the provision of advisory and guidance services relating to reasonable accommodations for persons with disabilities working in the private sector. The draft was made available¹⁵² for comments from persons with disabilities, and the document has reached the final approval stage.

170. Private companies can claim additional income tax deductions for expenses incurred as a result of providing reasonable workplace accommodations for persons with disabilities.¹⁵³

171. With respect to reasonable workplace accommodations for employees with disabilities in the public sector, the National Council for the Integration of Persons with Disabilities is drafting a policy containing general guidelines on how to give effect to this right and respond to the particular needs of persons with disabilities, as well as on how to request such accommodations.

172. The Council has already adopted a directive regulating the internal implementation mechanism for support measures, including personal assistance and reasonable accommodations, for persons with disabilities,¹⁵⁴ with the aim of promoting decent working conditions and combating workplace discrimination.

173. The directive regulating the management of selection processes under Act No. 30057 on the Civil Service¹⁵⁵ states that in merit-based public sector selection processes, the relevant body must ensure that suitable access arrangements are in place for candidates with disabilities in the locations used for the various stages of the selection process and must adapt tests and assessments according to the requirements and assistance needs of persons with disabilities and provide reasonable accommodations and support as necessary.

174. The National Human Rights Plan contains indicators relating to reasonable accommodations for persons with disabilities, including the following goals for 2021: 40 public bodies in the executive branch have received training or advice from the National Civil Service Authority on how to apply reasonable accommodations in selection processes; 20 public bodies in the civil service have implemented the general technical guidelines on making reasonable accommodations for persons with disabilities participating in selection processes.

Adequate standard of living and social protection (art. 28)

175. Since 2015, social programmes run by the Ministry of Development and Social Inclusion must mainstream disability issues, use a rights-based approach¹⁵⁶ and prepare an annual disability plan.

176. Under the national childcare programme known as Cuna Más, the child-to-caregiver ratio is lower for groups that include a child with a disability. Instructions are being prepared on how to provide appropriate care for children with disabilities. In Peru, 89 children's centres providing comprehensive support services are physically accessible to persons with disabilities.

¹⁵¹ Ministry of Labour and Job Creation. Ministerial Decision No. 127-2016-TR. Published in *Diario Oficial El Peruano* on 29 June 2016.

¹⁵² Ministry of Labour and Job Creation. Ministerial Decision No. 236-2017-TR. Published in *Diario Oficial El Peruano* on 16 December 2017.

¹⁵³ Ministry of Economic Affairs and Finance. Supreme Decree No. 2087-2013-EF. Published in *Diario Oficial El Peruano* on 22 November 2013.

¹⁵⁴ National Council for the Integration of Persons with Disabilities. Presidential Decision No. 032-2018-CONADIS/PRE. Published in *Diario Oficial El Peruano* on 11 April 2018.

¹⁵⁵ National Civil Service Authority. Executive Presidential Decision No. 060-2016-SERVIR-PREM. Published in *Diario Oficial El Peruano* on 12 April 2016.

¹⁵⁶ Ministry of Development and Social Inclusion. Ministerial Decision No. 165-2015-MIDIS. Published in *Diario Oficial El Peruano* on 23 July 2015.

177. Under the National Direct Assistance Programme for the Very Poor (JUNTOS), priority is given to home visits to households that include persons with disabilities. The visits are intended to improve access to health and education services.

178. Under the Pension 65 national solidarity and assistance programme, persons with disabilities are accorded priority access to pensions.¹⁵⁷ Another element of the programme is the provision of online training to workers employed in local offices throughout the country on how to interact appropriately with persons with disabilities, as well as on how to handle cases and make referrals.

179. Under the Techo Propio housing programme, families receive a one-time bonus that they can use either for making home improvements or for purchasing a home if they do not already own one. Families that include a person with a disability are allocated an additional 20 points in their Housing Bonus application. Building plans must conform to the accessibility standards in force.

180. National legislation provides for economic benefits to be paid to all insured persons who can demonstrate that their earning capacity as a worker is impacted by a physical or mental disability. The monthly disability pension paid out by the National Pension System is equivalent to 50 per cent of the recipient's salary or reference income. It may not exceed the maximum amount of the disability pension, which currently stands at S/. 857.36. Insured persons who require permanent care from another person receive a monthly bonus in addition to their disability pension. The total amount of the two benefits may not exceed the maximum pension amount granted under the National Pension System.

181. Insured persons who acquire a disability and who have a dependent spouse and/or children who meet the age requirement for the orphan's pension receive an additional pension amount. The top-up is calculated at between 2 and 10 per cent of their wage or reference income for a spouse and between 2 and 5 per cent for each child. The total amount received may not exceed the maximum pension amount granted under the National Pension System.

182. When a parent dies, his or her children are entitled to an orphan's pension if they are below 18 years of age or if they are aged over 18 years and are unable to work owing to a disability acquired before they reached the age of majority.

183. The Office for Standards for Welfare, in coordination with the National Council for the Integration of Persons with Disabilities, is drafting amendments to the Consolidated Administrative Procedures with the aim of removing the requirement for persons with disabilities to be deprived of their civil rights in order to receive a disability pension.

184. Persons with disabilities registered in the National Pensions System who have made contributions for 20 years and who meet the other requirements set forth in the current regulations can apply for early retirement from the age of 55 without being liable for the deductions usually made for early retirement.

Participation in public and political life (art. 29)

185. The National Elections Office has issued directives on the following matters: voting and voter registration for persons with disabilities;¹⁵⁸ arrangements for certain groups, including persons with disabilities, to use fast-track voting procedures;¹⁵⁹ priority services for persons with disabilities, pregnant women and senior citizens during elections;¹⁶⁰ and the

¹⁵⁷ Ministry of Development and Social Inclusion. Directorate Decision No. 075-2017-MIDIS/P65-DE on the prioritization of the programme's target population.

¹⁵⁸ National Elections Office. Administrative Decision No. 224-2006-J/ONPE. Published in *Diario Oficial El Peruano* on 30 September 2006.

¹⁵⁹ National Elections Office. Administrative Decision No. 080-2006-J/ONPE. Published in *Diario Oficial El Peruano* on 31 March 2006.

¹⁶⁰ National Elections Office. Administrative Decision No. 341-2002-J-ONPE. Published in *Diario Oficial El Peruano* on 19 October 2002.

elimination of fines for persons with disabilities who are selected at random to serve as electoral officers but who are unable to perform that function.¹⁶¹

186. For each election, regional electoral offices are issued with guidelines on making voting booths accessible and giving priority to persons with disabilities, installing temporary polling stations in locations that are quick and easy to access, selecting and reserving special parking spaces for vehicles transporting voters with disabilities (depending on the infrastructure at the polling station), and identifying and signposting access routes.

187. Upon request, persons who require mobility assistance or who have a visual impairment are allowed to be accompanied into the voting booth. Braille versions of ballot papers can be provided if required. Electoral officials receive training on the special provisions that can be made for persons with disabilities.

188. Electronic voting booths are equipped with headphones that allow voters with visual impairments to listen to instructions, thereby ensuring their vote remains confidential. In February 2018, a committee was formed to evaluate how on-site electronic voting systems could be improved, with a view to formulating proposals to update the existing regulations on the adjustments made for persons with disabilities and other priority groups.¹⁶²

189. The Equal Opportunities Policy for Persons with Disabilities will include a strategic action aimed at providing support for persons with disabilities and making reasonable accommodations to ensure that they can exercise their right to vote autonomously and that voting is accessible.

190. In the first instance, the Sixth Administrative Chamber of the High Court of Lima declared unconstitutional the limitations placed on the ability of persons with physical, visual or psychosocial impairments to fully exercise their right to vote in a confidential, independent and accessible manner. It ordered the National Elections Office to design, regulate and implement an inclusive workplan that, within a maximum period of three years, will ensure that such persons are able to exercise their right to vote in the 2021 presidential elections, in accordance with the provisions of the General Act on Persons with Disabilities, the Constitution of Peru and the Convention.¹⁶³

Participation in cultural life, recreation, leisure and sport (art. 30)

191. The National Institute for the Defence of Competition and Protection of Intellectual Property has drawn up draft amendments to the Copyright Act that would enable persons with visual impairments to have access to the printed text of published works. The proposals include the possibility of waiving certain ownership rights in Peru linked to reproduction, distribution and making available to the public, thereby allowing cross-border exchanges and the importation of works in accessible formats, among other arrangements. The draft has been made available to the competent public bodies and organizations of persons with disabilities. Their input will be analysed and a bill will be submitted to the Institute's Board of Directors so that approval can be sought from the relevant bodies.

192. With respect to participation in cultural activities, persons with disabilities are entitled to a discount of 50 per cent on the price of tickets for cultural, sporting and leisure events organized by State bodies. The discount can be applied to a maximum of 25 per cent of the total number of tickets on sale. In the case of cultural, sporting and leisure events organized by companies and private institutions, a discount of 20 per cent is available on a maximum of 10 per cent of the total number of tickets.¹⁶⁴ A 50 per cent discount is applied to admission prices for State-run museums and archaeological or historical sites. Admission is free for

¹⁶¹ National Elections Office. Administrative Decision No. 176-2013-J/ONPE. Published in *Diario Oficial El Peruano* on 10 September 2013.

¹⁶² National Elections Office. Administrative Decision No. 00024-2018-JN/ONPE. Published in *Diario Oficial El Peruano* on 6 February 2018.

¹⁶³ Judgment handed down in Case No. 14940-2016-0-1801-JR-CA-06, dated 13 December 2017.

¹⁶⁴ Article 44 of Act No. 29973.

everyone on the first Sunday of every month, as set forth in the price list approved each tax year for services provided by the Ministry of Culture.¹⁶⁵

193. Following the issuance of a directive on the evaluation of museums, exhibition halls and repositories of the National System of State Museums, only 24 museums run by the Ministry of Culture were found to be accessible for persons with visual, hearing and physical impairments.¹⁶⁶ In an effort to rectify this situation, proposals for projects in museums are required to take account of accessibility measures for persons with disabilities. Examples of equipment installed in museums include audio aids, QR code readers and other technological devices that help persons with disabilities understand information.

194. The General Act on the National Library of Peru¹⁶⁷ and the accompanying regulations¹⁶⁸ take account of the principle of accessibility and the right of persons with disabilities to consult materials. In addition, they recognize the need to accord them priority and to ensure that suitable materials and technological aids are available to them. In January 2018, cutting-edge devices and readers, including text readers, book scanners and Braille equipment, were acquired for persons with visual impairment or who are blind or deafblind.

195. Activities to promote reading spaces for persons with visual impairment have been undertaken in coordination with the provincial municipalities of Huamanga, Santa, Tarma and Jauja and the district municipality of Yauyos. Work is also under way to install five accessible reading spaces in residential care homes.

196. Within the framework of the Qhapac Ñan Andean Road System, the authorities have sought to guarantee the full and effective participation of persons with disabilities through informational activities and participatory planning processes for the development of joint initiatives and inclusive experiences. An Inclusion Committee has been created to develop cultural heritage management initiatives that are inclusive of persons with visual impairments. Such persons conduct visits and inspections of archaeological sites to identify barriers and then lead workshops at which they propose reasonable accommodations. The first such initiative took place at the Huaycán de Cieneguilla archaeological site.

197. The National Sports Policy¹⁶⁹ sets forth guidelines designed to encourage wider participation in sports activities and improve the nation's sporting performance and quality of life. The relevant authorities in the National Sports System have been working to facilitate the full participation in sports of persons with disabilities through activities including training staff to identify and develop sporting talent in school students who have disabilities and developing infrastructure and equipment to encourage wider participation in sports activities and make them accessible for persons with disabilities.

198. Athletes with disabilities have access to a suite of benefits according to their level and needs. These benefits include psychological support, physiotherapy, sports medicine and nutrition to complement their training, treat existing injuries and help them avoid new ones that might affect their performance in elite sports.

199. In preparation for the Sixth Parapan American Games, to be held in Lima in 2019, the accommodation provided for athletes with disabilities will be adapted as necessary to ensure that they can access and move around it independently.

200. The updated version of the Peruvian Tourist Signage Manual¹⁷⁰ makes provision for fully accessible signage for persons with disabilities, including signs in Braille and in

¹⁶⁵ Ministry of Culture. Ministerial Decision No. 504-2017-MC. Published in *Diario Oficial El Peruano* on 28 December 2017.

¹⁶⁶ Ministry of Culture. Directive No. 02-2014-VMPCIC/MC.

¹⁶⁷ Congressional Act No. 30570. Published in *Diario Oficial El Peruano* on 31 May 2017.

¹⁶⁸ Ministry of Culture. Supreme Decree No. 010-2017-MC. Published in *Diario Oficial El Peruano* on 6 December 2017.

¹⁶⁹ Ministry of Education. Supreme Decree No. 003-2017-MINEDU. Published in *Diario Oficial El Peruano* on 12 May 2017.

¹⁷⁰ Ministry of Foreign Trade and Tourism. Ministerial Decision No. 368-2016-MINCETUR. Published in *Diario Oficial El Peruano* on 5 November 2016.

multiple languages. Public investment projects in the tourism sector, including architectural plans, are designed in accordance with the National Building Regulations.

201. The Good Practice Guide on Accessibility in the Tourism Sector is currently being updated. Taking into consideration the guidelines published by the World Tourism Organization, the Guide incorporates contributions from persons with disabilities who participated in a number of focus groups. The draft will be circulated at the national level.

202. The Special Oversight Commission for the Peruvian Tourism Plan, a joint initiative with the United Nations Educational, Scientific and Cultural Organization (UNESCO), is the executive agency responsible for the formulation, coordination, direction, implementation and supervision of investment in tourism projects in Peru. The Plan includes guidelines for tourism projects that include communications and information components, such as interpretation centres, interpretive trails and rooms designed for persons with visual impairments (provision of tactile museum resources and materials in Braille, and training for specialist guides).

203. Projects in urban public spaces incorporate accessible architectural design elements such as ramps across uneven ground and tactile paving to guide persons with physical and sensory impairments. Although it is difficult to make suitable adjustments to buildings that have been designated as cultural heritage sites, progressive changes will be made wherever possible.

Statistics and data collection (art. 31)

204. The first national special survey on disability was conducted in 2012. The survey gathered reliable statistical data on the number of persons with disabilities in Peru, the types of disabilities they have, their sociodemographic and economic circumstances and the degree to which they are able to function in the personal, family, social and employment spheres. The information was used to design appropriate policies, plans and programmes for persons with disabilities. The survey found that 5.2 per cent of the population (1,575,402 persons) has a disability.

205. Since 2014, the national household survey, the demographic and family health survey, the national survey of budget programmes and the regular survey of employment in Lima metropolitan area, all of which are conducted by the National Institute of Statistics and Data Processing, have included a question designed to collect information on disability.¹⁷¹

206. The demographics sections of the national censuses conducted in 2017, namely the twelfth population survey, the seventh housing survey and the third survey of indigenous communities, included a question designed to identify persons with disabilities in Peru. The results for this population will be analysed against all the variables on the census form and the information will be disaggregated by local geographical area. The surveys therefore represent valuable decision-making tools for government authorities at all levels.

International cooperation (art. 32)

207. The voluntary national review is the first report describing how Peru is implementing the 2030 Agenda for Sustainable Development. The review presents a vision of Peru in the year 2030 that was shaped on the basis of foresight studies and contributions made in previous consultation and discussion processes. According to the vision, by 2030, all persons will be able to fulfil their potential. To achieve this, basic development conditions must be met and limitations overcome. In connection with persons with disabilities, certain elements must be in place, including: (i) access to basic services; (ii) suitable new technologies; (iii) healthy and nutritious food; (iv) access to health services; (v) quality education; and (vi) the construction and adaptation of facilities based on their needs. The vision statement also makes express mention of the intention to eradicate discrimination and the need to provide equal opportunities for all and ensure full respect for and exercise of human rights. Annual reports will be prepared on the progress made in implementing the Sustainable Development

¹⁷¹ The most relevant information is analysed and published in the annual report on the living conditions of persons with disabilities in Peru.

Goals in Peru. The reports will include lessons learned and the relevant indicators and actions for each group of stakeholders at the different levels. They will also contain information on persons with disabilities with regard to the progress made in implementing specific indicators.

208. In order to formulate the indicators, the National Centre for Strategic Planning conducted national consultations to identify the priorities and visions of Peruvian citizens. Groups traditionally excluded from decision-making processes, such as persons with disabilities, were made a priority in the consultation process.

National implementation and monitoring (art. 33)

209. The National Council for the Integration of Persons with Disabilities is the institution that specializes in disability issues. It is attached to the Ministry for Women and Vulnerable Groups and has technical, administrative, economic and financial autonomy. In February 2018, as part of the process to strengthen its role as the lead agency in this area, the Council approved its Strategic Institutional Plan for 2018–2021.¹⁷² The Plan sets forth the Council's institutional mission to guarantee and protect the human rights of persons with disabilities to ensure their full and effective inclusion in society. With a view to fulfilling that mission, the Plan contains objectives in strengthening the management of disability policies through intersectoral and intergovernmental cooperation, increasing the independence of persons with disabilities and their autonomy in exercising their rights, improving the quality of public and private services and modernizing institutional management.

210. The Council is the lead agency in the National System for the Integration of Persons with Disabilities, a functional system responsible for ensuring compliance with the public policies that guide the work of the State in the area of disability. In that capacity, the Council intends to establish a national working group. The creation of the group, which is to be comprised of regional governors, represents a turning point in coordinated efforts with regional and local governments and the adoption of the regulatory framework for the system and the Implementation Plan.

211. A system will be developed for the follow-up, monitoring and evaluation of disability policies at the three levels of government in order to assess the progress made in implementing the policies.

212. To facilitate the imposition of sanctions¹⁷³ for infringements of the General Act on Persons with Disabilities, work has begun on the internal regulatory framework that will pave the way for the development of the administrative sanctions procedure. Regional governments are also involved in joint efforts to monitor compliance with the Act and report non-compliance.

213. Persons with disabilities will be able to participate in the activities of the National Council for the Integration of Persons with Disabilities through the Advisory Board. The Board is made up of eight representatives chosen by organizations of persons with physical, hearing, visual, mental or intellectual impairments and deafblind persons, as well as persons with disabilities representing the Armed Forces and the National Police and sports associations for persons with disabilities.¹⁷⁴

214. The representatives of persons with visual impairments and deafblind persons were selected in 2015; the remainder have not yet been chosen. To complete the process of setting up the Advisory Board, the National Council for the Integration of Persons with Disabilities is drafting a directive on the call for candidates and the election of the members of the Board. The document has reached the final approval stage and the Board is expected to assume its functions this year.

215. With regard to an independent mechanism for monitoring the Convention, the General Act on Persons with Disabilities provides for a subunit for the defence and promotion of the

¹⁷² National Council for the Integration of Persons with Disabilities. Presidential Decision No. 016-2018-CONADIS/PRE. 16 February 2018.

¹⁷³ Article 80 of Act No. 29973.

¹⁷⁴ Article 65 (2) of Act No. 29973.

rights of persons with disabilities. Located within the Ombudsman's Office, the subunit is responsible for monitoring the implementation of the Convention.

216. Article 61 of the Regulations on the Organization and Functions of the Ombudsman's Office regulates the functions of the subunit for human rights and persons with disabilities and establishes as its main activity the shaping and implementation of the Office's policy regarding protection for human rights and persons with disabilities. The subunit is responsible for the Programme for the Defence and Promotion of the Rights of Persons with Disabilities, which develops the Office's guidelines on promoting and guaranteeing the rights of persons with disabilities and on monitoring and evaluating the Government's efforts to remove barriers. The Programme is responsible for conducting independent monitoring.¹⁷⁵

¹⁷⁵ Ombudsman's Office. Official Communication No. 123-2018/DP-ADHPD. 8 June 2018.