



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the combined second and third periodic reports of Peru\*

#### I. Introduction

1. The Committee considered the combined second and third periodic reports of Peru<sup>1</sup> at its 634th and 638th<sup>2</sup> meetings, held on 14 and 16 March 2023. At its 647th meeting, held on 23 March 2023, it adopted the present concluding observations.
2. The Committee welcomes the combined periodic reports of Peru, which were prepared in accordance with the Committee's reporting guidelines. It also acknowledges the additional information submitted to the Committee in writing.
3. The Committee appreciated the constructive dialogue held with the delegation. It also appreciated the presence of the high-ranking delegation, the distinguished members of which included the Deputy Minister for Women and Vulnerable Groups and the Chair of the National Council for the Integration of Persons with Disabilities.

#### II. Positive aspects

4. The Committee notes with appreciation the legislative measures taken to promote the rights of persons with disabilities, in particular the adoption of:
  - (a) The General Act on Persons with Disabilities and its implementing regulations (Act No. 29973), in 2012;
  - (b) Legislative Decree No. 1384, under which the legal capacity of persons with disabilities was recognized and regulated on a basis of equality with others, in 2018.
5. The Committee welcomes the measures taken to establish a public policy framework for promoting the rights of persons with disabilities, including the:
  - (a) National Policy on Combating Trafficking in Persons and Related Forms of Exploitation to 2030, adopted in 2021;
  - (b) National Multisectoral Policy on Disability for Development to 2030, adopted in 2021;
  - (c) National Culture Policy 2030, adopted in 2020;
  - (d) National Gender Equality Policy, adopted in 2019;
  - (e) National Accessibility Plan for 2018–2023, adopted in 2018;

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\* Adopted by the Committee at its twenty-eighth session (6–24 March 2023).

<sup>1</sup> [CRPD/C/PER/2-3](#).

<sup>2</sup> See [CRPD/C/SR.634](#) and [CRPD/C/SR.638](#).



- (f) National Consumer Protection and Defence Policy, adopted in 2017.

### **III. Principal areas of concern and recommendations**

#### **A. General principles and obligations (arts. 1–4)**

6. The Committee is concerned about the following:

(a) The absence of specific mechanisms for monitoring and enforcing compliance with the General Act on Persons with Disabilities and other disability-specific legislation, including in the private sector;

(b) Meagre budgetary allocations, which have neutered laws and public policies on disability;

(c) That the National Council for the Integration of Persons with Disabilities does not have a strategy and action plan to support and follow up on the adoption of specific measures by each State institution in fulfilment of the duty of those institutions to guarantee the rights of persons with disabilities in all areas of their lives;

(d) The lack of progress in the implementation of the National Multisectoral Policy on Disability for Development to 2030, adopted in 2021, the failure of many sectors report on their implementation of the Policy and the failure to consult organizations of persons with disabilities on it;

(e) That the requirements to be met by Peruvian Sign Language interpreters, including experience requirements, have not yet been approved by the Ministry of Education, continuing to delay the application of Act No. 29535 of 2010, under which Peruvian Sign Language was recognized, and the Act's implementing regulations, adopted in 2017;

(f) That the medical approach to disability continues to prevail in the disability evaluation system and that obtaining a disability certificate and disability card is a long and arduous process that places an excessive financial burden on persons with disabilities. Specific support requirements and referral mechanisms are, moreover, neglected.

**7. The Committee recommends that the State party promote a cross-cutting and far-reaching strategy to give effect to all the rights enshrined in the Convention and, in particular, that it:**

**(a) Create plans and mechanisms for effective follow-up and monitoring of the implementation of the Convention;**

**(b) Set aside the resources needed to ensure that public policies for the realization of the rights of persons with disabilities are effective;**

**(c) Provide the National Council for the Integration of Persons with Disabilities with the resources it needs to act effectively on its mandate to ensure that the design and implementation of public policies is informed by a cross-cutting disability perspective, through follow-up, supervision and technical assistance to the relevant sectors;**

**(d) Establish the necessary measures and mechanisms for monitoring and reporting on the progress and outcome of the National Multisectoral Policy on Disability for Development to 2030, guaranteeing the participation of persons with disabilities and their representative organizations;**

**(e) Urge the Ministry of Education to take urgent steps to approve the requirements, including experience requirements, that Peruvian Sign Language Interpreters must meet to obtain certification, in accordance with the implementing regulations of Act No. 29535;**

**(f) Change the technical standard for disability certification to simplify such certification and set up a system for the holistic and multidisciplinary rights-based assessment of support needs. Furthermore, the Committee recommends that the State**

**party ensure effective referral to the relevant services, in coordination with the National Council for the Integration of Persons with Disabilities, so that the issuance of disability cards is automatic and free of additional administrative barriers.**

8. The Committee notes with concern that, although government sectors are obliged under article 14 of the General Act on Persons with Disabilities to consult organizations of persons with disabilities before the adoption of laws, policies and programmes, consultation is still not systematic. In particular, the congress has not yet brought its rules of procedure into line with the Act, which it tried to replace over the objections of such organizations. In addition, the National Council for the Integration of Persons with Disabilities has not established an advisory board of representatives of organizations of persons with disabilities, a step that would enhance their participation in efforts to coordinate cross-government disability laws, policies and programmes, including the implementation of the Convention.

**9. The Committee recommends that the State party amend the congressional rules of procedure to make certain that committees hold consultations on bills related to persons with disabilities and their representative organizations, and ensure that all public entities guarantee that such consultations are held and that persons with disabilities participate in decision-making processes at all levels of government and in all areas of public policy related to issues that affect them. Likewise, the National Council for the Integration of Persons with Disabilities should establish its advisory board, which should include representatives chosen by organizations of persons with disabilities to ensure that such persons participate in its activities.**

## **B. Specific rights (arts. 5–30)**

### **Equality and non-discrimination (art. 5)**

10. The Committee is concerned about:

(a) The persistence of discrimination, despite the laws prohibiting all forms of discrimination, in all areas of the lives of persons with disabilities, in particular the refusal to provide reasonable accommodation in the public and private sectors, in violation of the Convention and the right to equality;

(b) The lack of information, including disaggregated data, on the situation of women and girls with disabilities, Indigenous persons with disabilities and persons of African descent with disabilities and on the impact of legislation and public policies on their rights under the Convention.

**11. Recalling its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party:**

(a) **Develop a comprehensive anti-discrimination framework for persons with disabilities that covers State and non-State actors and provides protection from direct and indirect discrimination, denial of reasonable accommodation, harassment and intersectional discrimination. The Committee also recommends that the State party provide effective legal remedies and redress for all forms of discrimination, including sanctions and compensation, and that it develop clear procedures and set aside sufficient financial resources for the provision of reasonable accommodation. In addition, it recommends that the State party instruct the National Consumer Protection Authority and the National Institute for the Defence of Competition and Protection of Intellectual Property to initiate ex officio proceedings to monitor discrimination on grounds of disability in the private sector;**

(b) **Ensure that data-collection systems and assessments of the impact of legislation and policies include indicators and disaggregated data concerning the situation of women and children with disabilities and Indigenous persons and persons of African descent with disabilities.**

### **Women with disabilities (art. 6)**

12. The Committee is concerned about:

(a) The lack of information on the impact of the National Gender Equality Policy on girls and women with disabilities;

(b) The failure of the risk assessment procedure, as part of which the forms of violence that women are subjected to by their partners are identified, to identify the specific forms of violence that women with disabilities are subjected to by their family members, guardians and caregivers;

(c) The failure of the Act on the Prevention, Punishment and Eradication of Violence against Women and Family Members (Act No. 30364) to incorporate a disability perspective or to expressly specify the need to change certain spaces to ensure that they suit victims of gender-based violence and to provide reasonable accommodation when necessary.

**13. The Committee recalls its general comment No. 3 (2016) on women and girls with disabilities and Sustainable Development Goal 5 and recommends that the State party:**

**(a) Ensure that all steps taken to give effect to the National Gender Equality Policy and to promote gender equality incorporate a disability perspective and include indicators and disaggregated data on the situation of girls and women with disabilities;**

**(b) Redesign the risk assessment procedure to ensure that the forms of violence that girls and women with disabilities are subjected to by family members, guardians and caregivers are identified;**

**(c) Ensure that all support services for survivors of violence are accessible to and include women and girls with disabilities, not least by amending the Act on the Prevention, Punishment and Eradication of Violence against Women and Family Members (Act No. 30364) to have it incorporate a disability perspective.**

**Children with disabilities (art. 7)**

14. The Committee is concerned about:

(a) The large number of children and adolescents with disabilities living in institutions administered by the National Comprehensive Family Welfare Programme and in rural and remote areas;

(b) The few records concerning day care for children with disabilities kept by the national childcare programme known as Cuna Más, the objective of which is to enhance the development of children under 36 months of age in localities characterized by poverty and extreme poverty;

(c) The significant inequality gaps in the provision of health services, early diagnoses, access to therapy and rehabilitation and access to assistive technologies and devices to improve the quality of life of children and adolescents with disabilities;

(d) The limited participation of children and adolescents with disabilities in the advisory councils of children and adolescents throughout the State party.

**15. Recalling its 2022 statement made jointly with the Committee on the Rights of the Child, the Committee recommends that the State party:**

**(a) Ensure that children and adolescents with disabilities, especially those living in rural and remote areas, in Indigenous communities and in migrant and refugee communities, are afforded effective and appropriate protection, care and support and are included in the community;**

**(b) Allocate the financial and human resources to expand the coverage of Cuna Más with a view to enhancing child development, ensuring the incorporation of a disability perspective, as well as the creation and implementation of permanent staff training systems, thereby guaranteeing the efficiency and quality of care for children with disabilities;**

**(c) Develop an action plan and set aside human and financial resources for the provision of timely and early services to ensure the well-being of children with disabilities;**

(d) **Ensure that all advisory councils of children and adolescents include children with disabilities and that all their activities are accessible.**

#### **Awareness-raising (art. 8)**

16. The Committee notes measures taken by the State party to raise awareness of the rights of persons with disabilities. It is concerned, however, about the persistence of negative stereotypes about and prejudice against persons with disabilities, in particular stereotypes and prejudices that reinforce the notion that persons with psychosocial disabilities are dangerous. The Committee is also concerned about the inability of current communication campaigns to combat media-facilitated stigmatization of persons with disabilities, including as a result of private initiatives such as those of the Teletón Foundation, which lend support to the view of persons with disabilities as beneficiaries of charity.

17. **The Committee urges the State party to take proactive measures to promote awareness of the Convention and the Optional Protocol, including by launching communication campaigns to combat stigmatization and negative stereotypes related to disability and foster recognition and respect for the right to equality of persons with disabilities, in line with a human rights-based approach, and to create and implement permanent training programmes for the entire State apparatus, including newly elected authorities, in the design and delivery of which organizations of persons with disabilities are involved. It also recommends that the State party refrain from providing resources to private initiatives such as those organized by Fundación Teletón.**

#### **Accessibility (art. 9)**

18. The Committee notes with concern that:

(a) The State party's current legal framework on accessibility for persons with disabilities does not create binding legal standards, adopted in consultation with persons with disabilities, including uncommon disabilities such as short stature, and their organizations, that address all areas covered by the Convention, such as transportation, or the respective processes, complaints procedures and evaluation mechanisms;

(b) Public transportation, including boarding stations, is not fully accessible to persons with disabilities, a situation that is worse outside the city of Lima, and that the objectives associated with making public transportation accessible do not ensure that persons with disabilities have access to it on a footing of equality with others;

(c) Regional and local governments do not use the 0.5 per cent of their budgets set aside for accessibility.

19. **Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party:**

(a) **Promulgate binding legislation to ensure accessibility in all areas covered by article 9 of the Convention and the direct application of such legislation at all levels of government. It also recommends that the State party establish instances and procedures to enforce accessibility laws, set up complaint and monitoring mechanisms and make available effective remedies for non-compliance, as well as mechanisms for ongoing consultations with organizations of persons with disabilities and such persons themselves, including those with uncommon disabilities such as short stature, to ensure that the principle of universal design is followed.**

(b) **Take specific measures to ensure that all transportation infrastructure projects and that all invitations to tender for contracts to operate public transport services on a given route include accessibility requirements, and increase the number of public transport fleets and boarding stations accessible to persons with disabilities. Likewise, it recommends that the State party ensure that all new infrastructure, including the new line of the Lima subway, follows the principle of universal design;**

(c) **Create mechanisms, including for technical support, to ensure that regional and municipal governments use the funds set aside for accessibility improvements.**

**Right to life (art. 10)**

20. The Committee is concerned about the lack of data on persons with disabilities who died as a result of the coronavirus disease (COVID-19) pandemic, including in public and private institutions, as the State party had one of the world's highest mortality rates.

21. **The Committee recommends that the State party investigate the impact of the COVID-19 pandemic on the lives of persons with disabilities, including older persons, and take the measures necessary to ensuring that priority is given to the lives of persons with disabilities, including during emergencies.**

**Situations of risk and humanitarian emergencies (art. 11)**

22. The Committee notes with concern that:

(a) In recent months, as a result of the current political situation, persons with disabilities have been denied their fundamental rights, including their right to protest, arbitrarily detained, injured and denied access to services and support;

(b) As there are no protocols informed by a disability perspective, persons with disabilities are denied protection and help, including in the form of accessible warnings and messages, evacuation, shelters and other services and arrangements, in the event of floods, mudslides, earthquakes and other natural and weather-related disasters;

(c) The insufficient consultation of organizations of persons with disabilities on planning, implementing, monitoring and evaluating strategies for disaster risk reduction and climate change mitigation.

23. **The Committee recommends that the State party:**

(a) **Take effective measures to ensure the life, safety and rights of persons with disabilities, women and girls in particular, in the current political situation, including the right to peaceful assembly and protest;**

(b) **Develop and follow protocols for the inclusion of persons with disabilities in all phases, including prevention and preparedness, rescues, recovery, reconstruction and reconciliation, of the planning and provision of services in situations of risk and humanitarian emergencies, not least climate-related hazards, and have the protocols ensure universal access to environments, services, messages and information, such as temporary shelters, evacuation, accessible warnings and the dissemination of information in all accessible formats, including Braille and Peruvian Sign Language;**

(c) **Ensure that disaster risk reduction plans and climate change strategies and policies at all levels are formulated together with persons with disabilities and are explicitly tailored to their specific requirements in all situations of risk, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030.**

**Equal recognition before the law (art. 12)**

24. The Committee is concerned about the failure to enforce Legislative Decree No. 1384, under which the legal capacity of persons with disabilities is recognized and regulated on a basis of equality with others. The Committee notes with concern that:

(a) The strategy for setting up the support and safeguards system has not been implemented and that there are still limits on legal capacity and refusals to recognize it, including substitute decision-making on an informal basis;

(b) The judicial interdiction orders disqualifying persons with disabilities from managing their affairs that were issued before the reform have not been rescinded;

(c) Measures have not been taken in all sectors to raise awareness of or disseminate information about the reform and its implications or to communicate with the persons with disabilities affected by the reform;

(d) Judges and notaries public are unfamiliar with the paradigmatic shift from substitute decision-making to supported decision-making;

(e) Insufficient investment has been made, including in the multidisciplinary teams that support the justice sector, to promote supported decision-making;

(f) Sexual assault is punishable under article 172 of the Criminal Code when the victims are unable to consent. Persons unable to consent include persons with “mental abnormalities” or “mental retardation”; this provision is incompatible with the reforms to the exercise of legal capacity under which the right of persons with disabilities to make decisions, including those related to sexual and reproductive rights, is recognized.

**25. The Committee recommends that the State party:**

(a) **Develop, approve and implement in an appropriate manner, and in a process involving consultation, the strategy for the implementation of the support and safeguards system, including by funding community-driven support networks and services;**

(b) **Quickly restore the legal capacity of persons currently under guardianship;**

(c) **Organize public campaigns, the dissemination of information and the training of judges, notaries public, public officials, the private sector, persons with disabilities and their families and communities on Legislative Decree No. 1384;**

(d) **Ensure that the Ministry of Justice and Human Rights monitors the enforcement of Legislative Decree No. 1384 as it relates to notarial matters and make it possible to submit complaints where notaries public refuse to attend to cases involving persons with disabilities;**

(e) **Strengthen the capacities of the multidisciplinary teams that support the judicial sector to assess and identify support requirements and the wishes and preferences of users, including through alternative means of communication accessible to persons with disabilities;**

(f) **Amend article 172 of the Criminal Code to ensure that persons with disabilities can exercise their sexual and reproductive rights, including the right to consent to sexual relations, on a basis of equality with others.**

**Access to justice (art. 13)**

26. The Committee notes with concern that:

(a) Access to justice for persons with disabilities, particularly for persons with disabilities belonging to Indigenous communities and women and girls with disabilities who are victims of violence or abuse, is limited;

(b) No provision is made for procedural adjustments for persons with disabilities in the Code of Criminal Procedure and that judges need additional information and training on making those adjustments;

(c) It is possible, under article 162 of the Code of Criminal Procedure, to limit a person’s ability to testify on the basis of his or her “physical or mental fitness”, which amounts to discrimination based on actual or perceived disability;

(d) Persons with intellectual or psychosocial disabilities have been found “unfit to stand trial” under article 20 of the Criminal Code, in the absence of procedural guarantees in criminal proceedings, and have consequently been deprived of their liberty;

(e) The majority of the courts and of judicial and administrative facilities in the State party are physically inaccessible.

**27. The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities of 2020 and target 16.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Ensure the participation of persons with disabilities in different capacities in all stages of the judicial and administrative process, and establish a permanent**

training programme for the entire justice sector so that the rights of persons with disabilities are known and guaranteed;

(b) **Guarantee procedural and age-appropriate adjustments in all judicial proceedings for persons with disabilities, regardless of the disability, including by covering the cost of the adjustments, and access to official information and communication about proceedings in accessible formats, including with the use of captioning, the services of mediators, Braille, Easy Read and sign language;**

(c) **Amend the Criminal Code and the Code of Criminal Procedure, with the participation of and in close consultation with organizations of persons with disabilities, to ensure that persons with disabilities have access to justice on an equal basis with others, including by making procedural adjustments;**

(d) **Review and rectify the cases of persons with disabilities who are currently deprived of their liberty because they have been found unfit to stand trial and provide them with effective means of filing complaints for violations of their rights;**

(e) **Ensure the physical accessibility of courts and judicial and administrative facilities, particularly by following the principle of universal design, to guarantee access to judicial proceedings for persons with disabilities on an equal basis with others.**

#### **Liberty and security of person (art. 14)**

28. The Committee notes with concern that:

(a) **Persons with intellectual and psychosocial disabilities continue to be deprived of their liberty in public and private psychiatric institutions and that such institutions are not subject to sufficient oversight and monitoring;**

(b) **There is little information on the situation of persons with disabilities deprived of their liberty and significant overcrowding in prisons, which, together with inadequate infrastructure, has a negative impact on accessibility and support for persons with disabilities deprived of their liberty.**

29. **Recalling its guidelines on the right to liberty and security of persons with disabilities, the Committee urges the State party to:**

(a) **Ensure that all relevant legislation, including the Criminal Code, the Code of Criminal Procedure and the Mental Health Act, prohibits deprivation of liberty on the grounds of actual or perceived disability. In addition, it urges the State party to ensure that procedures safeguard the right to informed consent and the right to liberty and security of persons with disabilities in health services, to guarantee the availability of effective remedies and the adoption of oversight measures, including independent oversight, in public and private mental health services with a view to preventing arbitrary deprivation of liberty and to impose sanctions for non-compliance and violations of users' rights;**

(b) **Develop a strategy to address overcrowding and inadequate infrastructure in the prisons that responds to requests for reasonable accommodation and leads to the adoption of accessibility measures. In addition, it urges it to systematically collect disaggregated data on persons with disabilities deprived of their liberty.**

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

30. The Committee finds it deeply troubling that, in psychiatric institutions, persons with disabilities, particularly persons with psychosocial or intellectual disabilities, continue to be subjected, without their consent, to coercive measures such as immobilization, isolation, forced medication, electroconvulsive therapy, institutionalization and physical or pharmacological restraint and that the Ministry of Health does not have mechanisms to monitor such cruel, inhuman or degrading treatment or punishment; it is also troubled by the feeble monitoring efforts made by the national mechanism for the prevention of torture.

31. **The Committee recommends that the State party immediately take the measures provided for in the Mental Health Act prohibiting coercive treatment, including isolation, electroconvulsive therapy and medication with psychotropic drugs without consent. It also recommends that it amend the Act to explicitly prohibit all restrictive measures such as the use of physical, mechanical and pharmacological restraints. In addition, it should strengthen existing mechanisms for the oversight and monitoring of public and private mental health institutions.**

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

32. The Committee is deeply concerned about:

(a) The violence that occurs in rehabilitation and therapy centres, many of them private, where children with autism are subjected to “cures” and “treatments” such as sleep deprivation, extreme diets, having barrels put over their heads and the use of straitjackets;

(b) The violence to which women and girls with disabilities are subjected, in particular women and girls from Indigenous groups and in remote and rural areas;

(c) The deaths that have occurred in institutions, including psychiatric hospitals, and into which there have not been thorough criminal investigations.

33. **The Committee recommends that the State party:**

(a) **Strengthen its systematic oversight strategy and its mechanism for the evaluation of public and private rehabilitation and therapy centres, as well as service providers for persons with disabilities, to protect the personal integrity of children with disabilities, including by sanctioning or permanently closing centres and other service providers that persist in such degrading treatment;**

(b) **Establish a monitoring mechanism to detect, prevent and punish violence against girls and women with disabilities, especially those from Indigenous groups in remote and rural areas;**

(c) **Ensure thorough criminal investigation of deaths in institutions, including psychiatric hospitals, the punishment of those responsible and restorative justice for the family members of the victims.**

**Protecting the integrity of the person (art. 17)**

34. The Committee notes with concern that:

(a) Women and girls with disabilities who have been sterilized without their consent, including in psychiatric and social care institutions, have not been included in the register of victims of forced sterilization or made parties to criminal proceedings instituted to address the forced sterilization of women;

(b) The updated family planning technical standard states that consent for female sterilization does not apply to women with psychosocial disabilities.

35. **The Committee recommends that the State party:**

(a) **Take measures to ensure that the women with disabilities who are survivors of forced sterilization are provided with redress and reparations and that the perpetrators, including those responsible for psychiatric and social care institutions, are prosecuted;**

(b) **Incorporate into the updated family planning technical standard the specific measures, including the provision of reasonable accommodation, support and other means of verification, that ensure the informed consent of women with psychosocial disabilities so that they can make their own decisions related to their bodies and sexuality, as well as their reproductive health.**

**Liberty of movement and nationality (art. 18)**

36. The Committee is concerned about:

(a) The lack of accessibility of information, procedures and support centres for migrants, refugees, asylum-seekers and internally displaced persons with disabilities and the lack of comprehensive and systematic identification of migrants and internally displaced persons with disabilities, their needs and the difficulties they face in gaining access to employment opportunities, public services, transportation and documentation, including disability certificates and disability cards;

(b) The failure of the National Migration Policy 2017–2025 to adopt specific measures for the assistance of refugees and migrants with disabilities. In addition, to obtain an official disability certificate, such persons must be in a regular migratory situation, a requirement that prevents persons with disabilities in an irregular migratory situation from gaining access to services and benefits.

**37. The Committee recommends that the State party:**

**(a) Systematically and comprehensively identify migrants, refugees, asylum-seekers and internally displaced persons with disabilities and their needs, process their applications for migration regularization so that they can obtain the disability certificates that will give them access to benefits and services in a timely manner and ensure that the physical environment of migration centres, as well as migration information and communication, is accessible.**

**(b) Ensure that all migration regulations and policies, including the National Migration Policy 2017–2025, have a disability perspective, to ensure that the rights of this group are respected as they transit through or settle in the State party.**

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

38. The Committee is particularly alarmed by:

(a) The existence of plans to build new residential centres for children and adults with disabilities, which will function as locked institutions and have high levels of overcrowding;

(b) The absence of a national, multisectoral and comprehensive deinstitutionalization strategy that seeks to deinstitutionalize persons with disabilities who are living in sheltered housing and the failure of this sheltered housing to ensure the participation of organizations of persons with disabilities or empower such persons to exercise their right to live independently and be included in the community;

(c) The joined bills 00648/2021-CR, 01125/2021-CR, 01264/2021-CR and 02266/2021-CR, on the right to personal assistance for persons with disabilities, which are not informed by an approach that prioritizes the wishes and preferences of users, including the explicit recognition of a right to personal assistance with clear obligations for the State to guarantee the provision of these services, and make no provision for the funding needed for the materialization of the right.

**39. The Committee, recalling its general comment No. 5 (2017) on living independently and being included in the community and the Committee’s guidelines on deinstitutionalization, including in emergencies, urges the State party to:**

**(a) Adopt a national, multisectoral strategy for the deinstitutionalization of persons with disabilities, particularly children, with the participation of organizations of persons with disabilities, that includes specific time frames, the necessary financial resources and guaranteed access to housing alternatives in the community that prioritize their wishes and preferences, to support networks and services, including peer support, and to comprehensive assistance with their basic needs;**

**(b) Create a multisectoral commission of inquiry, with the participation of the Ombudsman’s Office and organizations of persons with disabilities, to document all forms of institutionalization and other related human rights violations, conduct awareness campaigns, recommend reforms and propose comprehensive reparations programmes;**

(c) **Amend joined bills 00648/2021-CR, 01125/2021-CR, 01264/2021-CR and 02266/2021-CR to ensure that the right to personal assistance of persons with disabilities is recognized in law and thus to ensure that there are State guarantees of and funding arrangements for these services that are informed by an approach that prioritizes user autonomy, independence and control. Personal assistance services, which should be gender-, age- and culturally appropriate, should enable persons with disabilities to choose how and where they wish to live, to assert their will and to express their preferences.**

#### **Personal mobility (art. 20)**

40. The Committee finds it troubling that, despite the obligation to provide assistive technologies, particularly for personal mobility, established in article 33 of the General Act on Persons with Disabilities, there is no national strategy for the provision of such technologies once the need has been identified and the disability has been certified, not even to persons enrolled in the contributory social security system or the Comprehensive Health Insurance System; persons with disabilities therefore often rely on donations from local authorities or the National Council for the Integration of Persons with Disabilities or have to purchase their own assistive devices, thereby making it difficult to ensure all aspects of personal mobility on an equal basis with others.

41. **The Committee recommends that the State party develop and implement a strategy, coordinated by the Ministry of Health, the Ministry's Comprehensive Health Insurance System and the National Council for the Integration of Persons with Disabilities, to ensure the availability, accessibility and affordability of assistive devices and technologies, including personal mobility devices and technologies, throughout the country, not least by providing financial assistance to cover the costs, in whole or in part, of those devices and technologies.**

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

42. The Committee notes that public television provides interpretation in Peruvian Sign Language; however, the Committee notes with concern that:

(a) Access to information is still incipient and very basic; there is no guarantee of Peruvian Sign Language interpretation in the media or in public institutions providing services, no training of interpreters for deafblind people and a lack of programmes for augmentative and alternative communication;

(b) Although Peruvian Sign Language is recognized, there is still, as a result of the absence of training and accreditation programmes, a shortage of interpreters;

(c) There are barriers to access to public information and communication for persons with disabilities, including websites and media services, and no legally binding information and communication standards to ensure that public information is accessible.

43. **The Committee recommends that the State party:**

(a) **Allocate financial and human resources to public institutions providing services so that they have qualified sign language interpreters and ensure that the media broadcast information accompanied by sign language interpretation at all times and in all television programming in addition to public television, with regular oversight by the Ministry of Transport and Communications;**

(b) **Develop and implement a strategy for the training and accreditation of interpreters, as well as for augmentative and alternative communication;**

(c) **Adopt, in consultation with organizations representing persons with disabilities, legally binding information and communication standards for public and private websites and media services to ensure that all public information is accessible to all persons with disabilities – for example, with the help of augmentative and alternative communication.**

**Respect for privacy (art. 22)**

44. The Committee is concerned about the provision by the National Registry Office, at the request of private companies and without prior informed consent, of confidential data and sensitive information concerning persons with disabilities, which is a clear violation of their right to privacy highly likely to result in their being denied services provided by these companies because of their disability.

**45. The Committee recommends that, by law, the State party expressly prohibit the National Registry Office from disclosing data, including data related to personal disability data, to third parties and that confidentiality and privacy provisions be adopted, including remedial action for breaches of privacy.**

**Respect for home and the family (art. 23)**

46. The Committee is deeply concerned about the lack of support for families to prevent family separation and the removal of children with disabilities and their placement in residential care, in which children remain beyond the age of majority. It also finds it troubling that, between 2015 and 2021, only one child with a disability was adopted, that very few have access to foster care, that there is no clear strategy to promote the adoption of children with disabilities and their placement with dignity in homes or with families and that women with disabilities who give birth are discouraged from having more children.

**47. The Committee urges the State party to help families of persons with disabilities, including parents with disabilities, fulfil their parental responsibilities and ensure that children, including children with disabilities, can exercise their right to grow up in a family or family environment when their immediate family is unable to care for them; the State party is also urged to commit to a plan to invest in community-based family support services, including for extended families, foster care and public information and awareness campaigns promoting the adoption of children with disabilities and to train health personnel and society at large to respect the right of persons with disabilities to make their own decisions, including on sexual and reproductive matters.**

**Education (art. 24)**

48. The Committee is concerned about:

(a) The large percentage of students with disabilities who do not begin educational programmes and/or fail to remain in them because they lack the necessary wherewithal and because, without having the means to prove it, they are still denied admission on the grounds of disability and the limited development and reach of the Educational Support Service;

(b) The limited number and coverage of early intervention programmes, which offer specialized services only to children under 3 years of age;

(c) The increase in the bullying of children, including children with disabilities, and the failure of schools to adopt protocols or offer training to prevent, monitor and combat the bullying of children with disabilities.

**49. Taking note of its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.a of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Allocate greater financial resources to efforts to provide reasonable accommodation to students with disabilities, as well as to develop and expand the coverage of the Educational Support Service, and create a permanent monitoring mechanism to ensure access to school for all students with disabilities;**

(b) **Allocate more human and financial resources with a view to creating more early intervention programmes and increasing the age of the children eligible for them to ensure that they can transition to inclusive education;**

(c) **Adopt anti-bullying and programmes and protocols to eliminate the abuse and harassment of children with disabilities in schools.**

**Health (art. 25)**

50. The Committee finds it troubling that persons with disabilities who are affiliated with the Comprehensive Health Insurance System lack access to comprehensive health services, including specialized health services, that the requirement to provide care on the basis of free and informed consent is not respected in all medical interventions and that compliance with existing regulations on living wills and access to support is lacking.

**51. The Committee urges the State party to adopt regulations for the Comprehensive Health Insurance System to increase the availability and coverage of health services for persons with disabilities, including specialized services and those required by persons with chronic diseases and those living with rare diseases, to ensure compliance with the requirement to provide care on the basis of the free and informed consent of all persons with disabilities, including in mental health services, and to ensure that living wills are respected and that there is access to support**

**Habilitation and rehabilitation (art. 26)**

52. The Committee is concerned about the lack of access by persons with disabilities to rehabilitation services, most providers of which are located in the provincial capitals and in Lima.

**53. The Committee recommends that the State party increase access by persons with disabilities to habilitation and rehabilitation services, particularly in rural and remote areas.**

**Work and employment (art. 27)**

54. While noting with appreciation the State party's efforts to increase job placement for persons with disabilities, the Committee remains concerned about:

(a) The persistently low employment rate among persons with disabilities, women with disabilities and persons with intellectual and psychosocial disabilities in particular, and the failure, in practice, to fill employment quotas;

(b) The significant wage gap between persons with disabilities and others, which is made wider still when disability is accompanied by additional causes of vulnerability, such as being a woman or living in a rural area;

(c) The greater likelihood that persons with disabilities will work in the informal sector and be excluded from social protection;

(d) The lack of inclusiveness and accessibility in educational and vocational training programmes, the lack of vocational programmes where needed and the lack of information on reasonable accommodation for employment;

(e) The Government's decision to discontinue the programme of supported employment for persons with intellectual disabilities and persons with autism.

**55. Recalling its general comment No. 8 (2022), the Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals, revise its strategies, in a coordinated manner, to adopt effective measures to promote the employment of persons with disabilities in the formal labour market with clear incentives, ensuring accessibility in work establishments, access to reasonable accommodation and support, as well as oversight and sanctions dissuasive enough to enforce compliance with the legally established employment quota; and that it launch an ongoing vocational education and training programme that provides guidance on employment for persons with disabilities and gives employers information on reasonable accommodation.**

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

56. The Committee notes with concern that:

(a) The level of poverty among persons with disabilities is high and that specific measures to support them and improve their economic situation have not been taken;

(b) The Household Targeting System, which assesses eligibility for social protection programmes, does not take into account the additional cost of living with a disability or in a family with a member with a disability;

(c) The National Non-Contributory Pension for Persons with Severe Disabilities in Poverty (CONTIGO) is only for “persons with severe disabilities in poverty or extreme poverty” and that the National Direct Assistance Programme for the Very Poor (JUNTOS) does not adequately address the needs of families of children with severe disabilities;

(d) Persons with disabilities who are CONTIGO beneficiaries and receive orphan’s benefits automatically lose their benefits if they find employment or receive any other income, no matter how small the amount, a situation that strongly discourages them from seeking employment and additional income;

(e) The housing options available to persons with disabilities living in poverty are limited and that existing programmes have a limited impact.

**57. Taking into account the relationship between article 28 of the Convention and target 1.3 of the Sustainable Development Goals, the Committee recommends that the State party reform contributory and non-contributory social protection programmes, including JUNTOS, CONTIGO, orphan’s benefits and conditional transfer programmes to incorporate a disability perspective and thus ensure that they do not reproduce inequality and that their eligibility criteria do not prevent persons with disabilities from entering the labour market. It also recommends that the State party reform the Household Targeting System to take into account the additional cost of living with a disability and that, in consultation with organizations of persons with disabilities, it design and implement housing programmes for persons with disabilities, including persons with disabilities living in poverty.**

#### **Participation in political and public life (art. 29)**

58. The Committee notes with concern that:

(a) Although legal guardianship was abolished pursuant to Legislative Decree No. 1384, the National Registry Office, which administers the electoral roll, maintains that judicial interdiction orders, including disqualification from voting, are binding until the courts officially overturn them, so persons with disabilities who have been subjected to judicial interdiction remain unable to exercise their right to vote;

(b) There is no support system for the establishment, registration or operation of organizations of persons with disabilities and that international aid to help persons with disabilities organize, mobilize and advocate for themselves is increasingly scarce.

**59. The Committee recommends that the State party:**

(a) **Restore the right to vote to all persons with disabilities who lost that right as a result of judicial interdiction, automatically including them on the electoral roll, and have the National Registry Office organize outreach campaigns to inform such persons of their right to vote;**

(b) **Design and implement, with the participation of organizations of persons with disabilities, a programme of financial and legal support for the establishment, registration and operation of organizations of persons with disabilities, with full respect for their independence.**

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

60. The Committee is concerned about the lack of physical accessibility and the lack of accessible information and communication in recreational centres for persons with disabilities, as well as about limited funding for the promotion of culture and recreational activities, a situation that hampers the enjoyment of this right.

**61. The Committee recommends that the State party develop a handbook on accessibility standards for the accessibility of the physical environment, information and communications to ensure that all persons with disabilities of any kind have access**

to recreational activities and that it allocate human and financial resources for the promotion of cultural, sporting and recreational activities for persons with disabilities.

### C. Specific obligations (arts. 31–33)

#### Statistics and data collection (art. 31)

62. The Committee is concerned about shortcomings in data and statistics on the situation of persons with disabilities at the State, regional and municipal levels. Since 2012, the year of the first national specialized survey on disability, there has been no other specialized survey to look into the specific needs of persons with disabilities; these data are needed to effectively inform the formulation and implementation of policies for compliance with the Convention.

63. **The Committee recommends that the State party comprehensively collect disaggregated data and statistics at the State, regional and municipal levels using the brief set of questions on disability of the Washington Group on Disability Statistics and have the National Institute of Statistics and Information Management conduct the second national survey on disability with a view to gathering specific information on persons with disabilities that is not considered in periodic data-collection strategies and better informing policy and efforts to implement the Convention.**

#### International cooperation (art. 32)

64. The Committee finds it troubling that the indicators proposed by the National Centre for Strategic Planning to monitor the country's progress towards the Sustainable Development Goals are not informed by a disability perspective, a shortcoming that makes it difficult for persons with disabilities and their representative organizations to contribute to the efforts made by international development agencies and the State.

65. **The Committee recommends that the State party, together with the institutions responsible for monitoring progress towards the Sustainable Development Goals and in broad consultation with persons with disabilities and their representative organizations, develop and implement a plan to identify all aspects of disability.**

#### National implementation and monitoring (art. 33)

66. The Committee notes with concern that:

(a) The National Council for the Integration of Persons with Disabilities, in its role as a governmental coordinating body and focal point for disability, is not fully operational, as a new Chair has not been appointed since the expiration of the previous Chair's term of office in October 2022, the advisory board has not been established and representatives of civil society organizations have not been chosen;

(b) The Regional Disability Services Offices are not operational in some regional and local governments despite the existence of an express obligation in the law, and most regional and local governments do not use the 0.5 per cent of their budgets that is set aside for the operations of the Offices;

(c) Despite the designation of an independent unit of the Ombudsman's Office to promote, protect and monitor the implementation of the Convention, the additional resources it would need to fulfil its mandate and organize activities to promote, protect and monitor the enjoyment of rights enshrined in the Convention have not been set aside.

67. **The Committee recommends that the State party take into account the Committee's guidelines on independent monitoring frameworks and their participation in the work of the Committee<sup>3</sup> and that it:**

(a) **Strengthen the National Council for the Integration of Persons with Disabilities by giving it a larger budget and thus enabling it to effectively coordinate**

<sup>3</sup> CRPD/C/1/Rev.1, annex.

and support efforts to implement the Convention and bring the procedures for the election of the Chair, the establishment of the advisory board and the election of civil society representatives to as prompt a conclusion as possible;

(b) Ensure that regional and local governments comply with their obligation to open Regional Disability Services Offices and Offices for the Protection, Participation and Organization of Persons with Disabilities in their respective jurisdictions and provide them with the resources that they need for their work, and create mechanisms, including for technical support, to ensure that regional and municipal governments use the funds set aside for their work;

(c) Allocate additional human, technical and financial resources to the Ombudsman's Office and its independent monitoring unit so that it can fulfil its mandate to monitor the implementation of the Convention effectively and independently, in coordination with organizations of persons with disabilities.

## **IV. Follow-up**

### **Dissemination of information**

68. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to the measures that must be taken urgently, the Committee wishes to draw the State party's attention to the recommendations made in paragraphs 25, on equal recognition before the law, 39, on living independently and being included in the community, and 49, on inclusive education.

69. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and the parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

70. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its next periodic report.

71. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

### **Next periodic report**

72. The State party has opted to submit its periodic reports under the simplified reporting procedure. The Committee will prepare the list of issues prior to reporting and request the State party to submit its replies within one year of receipt of the list of issues. The replies of the State party, expected by 28 February 2030, will constitute its combined fourth to sixth periodic reports.

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