



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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Implementation of the Convention on the Rights of Persons with Disabilities

List of issues to be taken up in connection with the consideration of the initial report of Peru (CRPD/C/PER/1), concerning articles 1 to 33 of the Convention

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

1. Please provide more information on the legal remedies and actions available to persons with disabilities in cases of disability-based discrimination, including denial of reasonable accommodation, under the legislation of Peru (art. 4).
2. Please provide examples of consultation mechanisms currently in place that enable organizations representing persons with disabilities to participate actively in the discussion of public affairs (policies, legislative initiatives, implementation of the Convention on the Rights of Persons with Disabilities and monitoring mechanisms, among others), especially with regard to the exercise of their rights.

B. Specific rights

Equality and non-discrimination (art. 5)

3. According to the initial report of the State party (CRPD/C/PER/1, para. 59), the term discrimination on the basis of disability is not explicitly provided for in the legal framework of the State party. Please indicate the steps being taken by the State party to define discrimination on the basis of disability in the State party's Constitution or other relevant legislation. Please explain whether such a definition would encompass both direct and indirect discrimination and extend to acts of discrimination by public and private actors. Please clarify if the refusal of reasonable accommodation will be defined as a form of disability-based discrimination, and if discrimination by association to disability is included. Furthermore, please clarify what sanctions and penalties are foreseen in law and applied in practice when there are breaches of the anti-discrimination laws.
4. According to the report of the State party (para. 59), the public budget acts for the 2009 and 2010 fiscal years contained two sections authorizing local and regional

governments to allocate 0.5 per cent of their budgets to address disability issues. Please provide information on the percentage of the budget allocated by local and regional governments under these two articles, and the measures taken to ensure that funds reach the intended beneficiaries, as well as their outcomes so far.

5. Please provide information on the ways in which the Government of Peru mainstreams the rights of persons with disabilities in the general policies that target indigenous communities in Peru.

Awareness-raising (art. 8)

6. Please provide information on whether the State of Peru oversees the way private entities promote the image of persons with disabilities in awareness-raising campaigns in order for them to be in conformity with the Convention.

Accessibility (art. 9)

7. Please provide further information on the implementation of the 2006 Supreme Decree No. 011-2006-VIVIENDA. Please clarify to what extent Regulation A.120 on Accessibility for Persons with Disabilities and Older Adults is reflected in national building regulations, in particular the progress made by the Technical Committee for the Regulation of Physical Accessibility toward developing universal design requirements for architectural structures and urban buildings. Please provide information on the implementation of measures to meet the target figure for accessibility of 60 per cent in 2010 (one of three national policies on disability) as set by Supreme Decree No. 027-2007-PCM (CRPD/C/PER/1, para. 61). Please provide information on the number of complaints, if any, that have been brought under the Act on Offences and Penalties for constructions that did not meet accessibility standards (*ibid.*).

Equal recognition before the law (art. 12)

8. Please provide data on the percentage of persons with disabilities placed under guardianship in relation to the total number of persons with disabilities in the State party. Please also provide information on the legal criteria for placing a person under guardianship and on the procedure for challenging such a decision. Please explain the way in which persons are deemed to be “unable to look after themselves due to a physical or mental disability” (CRPD/C/PER/1, para. 59).

Liberty and security of the person (art. 14)

9. Please provide information on the grounds for involuntary internment, especially Act 29737, adopted in 2011, which authorizes involuntary internment for persons with mental disabilities. Please explain the compatibility of this law with article 14 of the Convention. Please provide data on the number of persons who are deprived of their liberty under this Act or analogous laws.

Freedom from exploitation, violence and abuse; protecting the integrity of the person (arts. 16-17)

10. Please provide information on the percentage of persons with disabilities forced to live in institutions, and on measures taken to prevent abuses. Please indicate how persons with disabilities are protected from forced sterilization and forced abortion, and if these conducts are defined as a crime in the criminal code in the State party’s legal framework. Please outline the measures in place to protect women and children with disabilities from sexual abuse.

Liberty of movement and nationality (art. 18)

11. Please provide information concerning the use of derogatory terms in and the discriminatory contents of the Foreigners Act (Ley de Extranjería, Decree No. 703) and the by-law on nationality, which impose restrictions on persons with disabilities. The former establishes that “foreigners who suffer from mental alienation (sic), paralysis, blindness, mute-deafness, who cannot take care of themselves, will be allowed to enter Peru only if they have someone to look after and take responsibility for them.” The by-law on nationality establishes that, as a prerequisite to acquire the Peruvian nationality by *jus sanguinis*, applicants must be in full possession of their mental capacities.

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

12. Please indicate if there are any social programmes aimed at preventing persons with disabilities from being forced to live in residential homes or other institutions, in particular, programmes that provide personal assistance that persons with disabilities might need in order to live in the community. Please provide information on the number of persons with disabilities in institutional care, as well as on the available measures designed to enable them to live independently in the community.

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

13. According to the report of the State party, a bill has been submitted to amend articles 43, 241 and 274 of the Civil Code, “which currently state that persons who are deaf mutes, deaf-blind or blind mutes and who are unable to unequivocally express their will as a result of their absolute legal disability may not marry and that this situation constitutes grounds for annulment” (para. 75). Please clarify the content of these amendments, their compatibility with the Convention, and the time frame for their enactment into law.

Education (art. 24)

14. Please provide data, if available, on the percentage of children and adolescents with disabilities who attend special schools, regular schools with reasonable accommodation, or who are unable to attend school due to a disability, disaggregated by urban and rural areas and by sex. Please clarify the meaning of the statement according to which special education has an inclusive approach (CRPD/C/PER/1, para. 44). Please provide information on whether and to what extent textbooks and other educational materials are available in alternative formats for students with disabilities.

15. Please provide further information with respect to the percentage of persons with disabilities who have access to education at the university level (*ibid.*).

Health (art. 25)

16. Please provide data on the number of hospitals or care centres accessible to persons with disabilities, offering in particular rehabilitation and mental health services, disaggregated by urban and rural areas. Please indicate how the State ensures the provision of health-care services that are as close as possible to the beneficiaries’ own communities and gender sensitive, in accordance with articles 19 and 25 of the Convention.

Work and employment (art. 27)

17. Please provide information on barriers to employment for women and men with disabilities, including problems in relation to administering the 3 per cent employment quota. Please provide further information on a comprehensive, seriously structured and coordinated State policy for the promotion of equal employment opportunities for women and men with disabilities.

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

18. Please provide information on the measures adopted to grant non-contributory pensions to persons with disabilities, including those who need more intensive support, especially those living in extreme poverty.

Participation in political and public life (art. 29)

19. Please indicate what measures were put in place in the past municipal and national public elections to ensure the exercise of political rights of persons with disabilities. Please also provide information on the procedures put in place to process complaints about exclusion from the electoral registries, the inaccessibility of voting places, the lack of special formats for facilitating the vote of persons with sight disabilities, and the lack of accessible information about political campaigns.

20. Please provide information on whether legislation, including the Constitution, provides for the exclusion of persons from electoral processes on disability grounds, as well as on measures to prevent the exclusion of persons with disabilities from the electoral registries. Please indicate the manner in which a person with a disability may be deprived of his or her right to vote when placed under guardianship. Please clarify whether assisted voting is provided for in the State party's legislative framework.

Statistics and data collection (art. 31)

21. Please provide additional information on the systems in place to collect statistical data about persons with disabilities (including persons with psychosocial impairments), disaggregated by sex, and also on the indicators and benchmarks used to assess the impact and results of the public policies designed for the implementation of the Convention.

National implementation and monitoring (art. 33)

22. Please provide information on the revision of the structure of the National Council for the Integration of Persons with Disabilities (CONADIS), including the composition and the nomination process of its members. Please indicate how CONADIS interacts and coordinates its actions with the multisectoral committee in charge of implementing the Convention, the multisectoral committee responsible for monitoring and following up on the 2009-2018 Equal Opportunities Plan for Persons with Disabilities, and the Special Commission on Disability of Congress.

23. Please provide information on the powers and remedies that may be used by the multisectoral committees to ensure that their recommendations receive appropriate attention by the ministries and executive agencies to which they are addressed. Please provide information on the extent to which organizations of persons with disabilities monitor the actions of the multisectoral committees, ministries and executive agencies.

24. Please provide more information on the measures Peru intends to take in order to ensure the election of all five representatives of organizations of persons with disabilities who are to sit on the multisectoral commission to follow up on and develop measures to implement the Convention on the Rights of Persons with Disabilities (CRPD/C/PER/1, paras. 34-35). Please also provide more information on the status of the representatives of organizations of persons with disabilities in the commission, as they are not listed among its members in paragraph 54 of the initial State party report.

C. Children with disabilities (art. 7)

25. Please provide details on the specific strategic objectives for children with disabilities set out in the national action plan for children and adolescents (2002–2010) under the responsibility of the Ministry of Women and Social Development, including the content of these objectives, a timeline of their implementation and the results achieved so far (CRPD/C/PER/1, para. 84).

26. Please provide information on the ways in which Peru intends to deal with the alarming practices of hiding and ending the life of boys and girls with disabilities in rural areas (*ibid.*, para. 4), and on measures it plans to take to ensure the full and equal inclusion of the above-mentioned children in society.
