



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

Distr.: General  
12 January 2011  
English  
Original: Spanish

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

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

**Initial reports submitted by States parties under article 35 of  
the Convention**

**Peru\***

[8 July 2010]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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## I. Introduction

1. The process of ensuring compliance with the Convention on the Rights of Persons with Disabilities and taking stock of achievements and challenges faced since its entry into force two years ago has provided us with an understanding of the true scale of the gap between what is and what ought to be. That contrast has pointed up the fact that the State is indeed more than just the central government, the executive branch, or the sum of the three branches of government established in the Constitution. Moreover, as the recently adopted Act on Offences and Penalties for Non-Compliance with the Omnibus Act on Persons with Disabilities and its Implementing Regulations has revealed, it is not simply by issuing decrees or taking particularly drastic measures that we change social and cultural norms or reduce discrimination.

2. We know that modern States face the major challenge of abandoning a futile, aid-based approach and moving towards sustainable development. Under these new circumstances, an increased public budget and its effective management play a decisive role in heightening the impact of public policies. We must therefore turn our attention to determining when and how strategic planning should be incorporated into the country's social and economic affairs. There is a direct relationship between a stable economic climate and the quantity and quality of equal opportunities for persons with disabilities seeking to share in the rewards of economic development. In an enabling environment of this sort, States will also be better placed to meet their obligations under international human rights treaties.

3. This could be described as a "structural approach" to disability issues; in the latest working papers published by public institutions on the subject, it is defined as adherence to the principles of a form of governance which involves de-politicizing social policies or, to be more precise, social programmes, and using them to mitigate poverty and to overcome apparently insignificant factors that turn out to be crucial in assessing the impact of social investments. Two examples will be used to support this argument and expand upon the reasons why the State should focus its main efforts on capacity-building.

4. The first example involves employment programmes designed to alleviate poverty. We are aware that, in the Andean highlands, there are heads of household who do not allow children who have a mild or moderate disability to work. This is another way that disability issues are kept out of sight. There are also still some cases in which families hide disabled children or family members.

5. The second example concerns the failure to meet quotas for persons with disabilities in education or employment owing to a lack of candidates having the necessary technical or professional qualifications; for example, the 5 per cent quota of university places reserved by law for persons with disabilities is not being filled.

6. These examples provide an indication of the level of responsibility borne by the Government, which has the task of implementing public policies and monitoring their impact, and by civil society. The Convention plays a key role in this regard by setting down legally binding obligations in operational and conceptual terms and clearly establishing the objective of preventing any further impairment of the human rights of persons with disabilities.

7. We believe that taking a realistic approach to the use of budgetary and planning measures to address the problems faced by persons with disabilities and their families is a way of showing respect for the dignity of persons with disabilities. We already have some experience in working on the development of technical agendas in conjunction with civil society organizations formed by persons with disabilities. As part of those initiatives, an

effort is made to characterize the dynamics of countries such as Peru and to explain why it is important for actions and changes in attitudes to be the result of a dual approach.

8. In that regard, the lead agency in the field of disability has published a disability “workbook”<sup>1</sup> which sets out technical guidelines for addressing disability issues and, more generally, issues of concern to highly vulnerable populations from a strategic planning perspective, given the need to consolidate (harmonize) the widely varying array of plans in existence, which, in their current uncoordinated state, prevent the Government from increasing the effectiveness of its fiscal and social policy measures. The document entitled “Lineamientos para incorporar el tema discapacidad dentro del proceso de planificación de las entidades públicas” (guidelines for incorporating disability issues into public planning) is another practical guide on budgetary allocations for action in the field of disability.

## II. Achievements

9. Particular progress has been made in the last two years in engendering a stronger commitment at the sectoral level to a more inclusive society which fosters equal opportunities. In addition to public-sector efforts, the private sector has been working in the field of corporate responsibility, and civil society has organized efforts to promote and disseminate capacity- and skill-building initiatives for persons with disabilities.

10. Without neglecting the programming of activities provided for in their operational plans, and in spite of budgetary constraints, public institutions have backstopped the process of State reform by promoting and consolidating basic regulatory frameworks for the coordinated efforts required to implement public policies to support the social and economic integration of persons with disabilities, and particularly those living in extreme poverty.

11. Examples of achievements in this field include the establishment of multisectoral commissions to implement the 2009–2018 Equal Opportunities Plan for Persons with Disabilities and the Convention on the Rights of Persons with Disabilities by Supreme Decrees Nos. 007-2008-MIMDES and 080-2008-PCM, respectively. These two commissions have supported the mainstreaming of disability issues and an inter-sectoral initiative to incorporate disability issues into the strategic budget planning process of the Ministry of Economic Affairs and Finance. The aim of this effort is to improve the monitoring of benchmarks and indicators, such as those adopted in the 2009–2018 Equal Opportunities Plan for Persons with Disabilities, in terms of both quantitative measurements and the design of baselines.

12. Another strategic achievement was the adoption of Act No. 29392 on Offences and Penalties for Non-Compliance with the Omnibus Act on Persons with Disabilities and its Implementing Regulations, which authorizes the Ministry of Women and Social Development to impose penalties for violations of laws that protect the labour, education and accessibility rights of persons with disabilities. The National Council for the Integration of Persons with Disabilities (CONADIS) has the specific task of assessing the complaints and preparing the case files that serve as a basis for decisions to impose penalties or fines, depending on whether the offence is classed as minor, serious or very serious.

13. However, preventive action and interventions in public and private institutions continue to form part of the CONADIS awareness-raising policy.

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<sup>1</sup> See [www.conadisperu.gob.pe/web/principal.php](http://www.conadisperu.gob.pe/web/principal.php).

14. Another achievement has been the approval of the 40 per cent increase proposed by CONADIS in the 2010 public budget in order to fund the opening of 12 new regional coordination offices. These new offices, together with the 11 existing ones, will provide full coverage at national level, thereby fostering better coordination with regional and local governments, private agencies and organizations formed by persons with disabilities.

15. The approval of this larger budget allocation also means that CONADIS must comply with the results-based budget requirements of the Ministry of Economic Affairs and Finance. It must therefore meet targets in four areas: the provision of biomechanical aids, the recognition and accreditation of persons with disabilities, the provision of technical assistance to regional and local governments in opening disability services offices, and capacity-building for local and regional officials.

16. The work of regional and local governments deserves special mention, given the influential role that they play in the decentralization process and in the effort to achieve tangible results as swiftly as possible. Under the current legislation, they are responsible for establishing and running disability services offices within the framework of their organizational structures. To that end, the public budget acts for 2009 and 2010 authorized the implementation of specific budget items. A national network of offices set up by 25 regional and 1,834 local (district and provincial) governments will provide direct services to the disabled. By the end of 2009, 8 regions and 328 municipalities had opened specialized advisory offices for persons with disabilities. The multisectoral commissions established to monitor compliance with the Equal Opportunities Plan and the Convention are developing a public impact plan in this regard; this plan is closely linked to the training provided by the CONADIS technical secretariat to public officials and civil society organizations.

17. As part of its 2009–2013 Strategic Institutional Plan, CONADIS (a public agency that reports to the Ministry of Women and Social Development) and the Special Commission on Disability of Congress have also been directly involved in developing legislation relating to issues that are of vital importance to persons with disabilities. Legislation of this type includes Supreme Decree No. 013-2009-MIMDES of 2009, which provides for the adoption of the implementing regulations for Act No. 28530 on the Promotion of Internet Access for Persons with Disabilities and the Adaptation of Public Internet Booths; a bill to amend articles 43, 241 and 274 of the Civil Code, which deal with the unequivocal expression by persons with disabilities of their wishes; and a draft supreme decree to replace Supreme Decree No. 129-95-EF, which deals with waivers of customs duties and other taxes on imports of special vehicles and prostheses for the exclusive use of persons with disabilities.

18. Ministerial Decision No. 498-2009-MIMDES establishing the Order of Merit for the Social Inclusion of Persons with Disabilities has made a decisive contribution to placing disability rights on the public agenda in Peru and promoting good practice with respect to persons with disabilities. Thus, campaigns are being implemented not only to identify violations and impose the relevant sanctions, but also to acknowledge individual efforts and public-spirited actions to promote a more inclusive society.

19. Other achievements under the Convention have included the adoption of Act No. 29478, which deals with the provision of facilities to enable persons with disabilities to vote; Act No. 29524 on Deafblind Persons, which recognizes deafblindness as a single disability; Administrative Decision No. 0269-2009 of the National Identity and Civil Status Registry (RENIEC), which establishes that national identity documents are to be issued free of charge to persons with disabilities and provides for expedited procedures for persons, especially children, who do not have a birth certificate; and legislation on health-care provisions for members of the armed forces and police.

20. The above provides an outline of some of the achievements to date. More detailed information is provided in the tables which have been included at the suggestions of the United Nations. These tables conform to the guidelines which were provided for their preparation and which were discussed at a special meeting of the multisectoral commission set up in 2008 to monitor the implementation of the Convention. At that meeting, a decision was taken to require ministries, autonomous bodies, and regional and provincial governments to provide information on progress made in implementing the Convention. The multisectoral commission also called on civil society to designate representatives of each of the recognized disabilities in Peru, and steps have been taken to address their main demands. (The 2009–2018 Equal Opportunities Plan for Persons with Disabilities was the outcome of public hearings organized by the Peruvian Government.) Civil society also has access to the media through, for example, the radio programme “Sin Barreras” (without barriers), which is broadcast by a State-owned radio station; the new programme “Fortaleciendo Capacidades” (capacity-building) ([www.radiobacan.com/bacan\\_tv.php](http://www.radiobacan.com/bacan_tv.php)); forums on the website of CONADIS, which is the lead agency in the field of disability; and the online survey on the website of the Special Commission on Disability of Congress.

21. This year, with the support of the United Nations Development Programme (UNDP), widely attended workshops and public hearings on issues relating to the human rights of persons with disabilities within the framework of the Convention were held in 14 regions of the country. These events were attended by experts from the Special Commission on Disability of Congress and CONADIS, who took note of the main contributions and concerns expressed by civil society. That information has been incorporated into this document.

#### **A. Guidelines for a new approach to disability issues based on the provisions of the Convention**

22. During the last two years, in addition to its efforts to work effectively in order to reach its targets and achieve a high level of budget performance, the lead agency in the field of disability in Peru, CONADIS, has focused on assessing developments in the field of disability over the last decade and gauging the outlook for the future. The study is directly linked to new aspects of social policy, as well as to other elements which have been taking on greater significance in the development and implementation of public policies.

23. One example would be the increasing importance of statistics, a field in which there are currently no baselines for disability that would allow us to accurately measure the situation of persons with disabilities in Peru. As yet we also have not defined base years for use in monitoring essential legislation more closely (e.g., Supreme Decree No. 027-2007-PCM, which sets out binding domestic policies in the public sector). More accurate data are also needed in order to set sectoral priorities for implementation of the 2009–2018 Equal Opportunities for Persons with Disabilities Plan and the Convention on the Rights of Persons with Disabilities. In addition, CONADIS is working with its Ecuadorian counterpart on a pilot project to create a baseline for the border region between Peru and Ecuador under the Peru-Ecuador Bilateral Good Neighbour Agreement.

24. National plans are being developed in line with economic policies under Plan Peru 2021, which was prepared by the National Centre for Strategic Planning (CEPLAN). Incorporating disability issues into that context will involve directly addressing the issue of sectoral mainstreaming and budgetary allocations. At the same time, it will also entail tying in the human rights problems faced by persons with disabilities with national strategies such as the “Crecer Juntos” (let’s grow together) social programme and strategic budget programmes, such as the “Articulación Nutricional” (food network) programme.

25. Platforms for dialogue have also been developed. One example is the National Anti-Poverty Round Table, whose 579 forums (26 at the regional level, 146 at the provincial level, 400 at the district level and 7 in various population centres) can complement the work being done with regional and local governments.

26. These inputs for the redesign of a baseline assessment of developments in the field of disability are part of the critical analysis of the available information, which includes the data contained in the draft CEPLAN Plan Peru 2021 in tables such as the following:

### **Educational Coverage of the Disabled Population in Peru**

(In percentages, by age group)

	<i>Ages 3-5</i>		<i>Ages 6-11</i>		<i>Ages 12-16</i>	
	<i>1993</i>	<i>2006</i>	<i>1993</i>	<i>2006</i>	<i>1993</i>	<i>2006</i>
Peru	13.2	64.3	64.6	88.3	54.7	80.4
Disability						
Physical	28.1	57.7	65.4	85.9	61.8	82.1
Learning	33.5	87.3	59.0	89.2	46.2	71.0
Sight	41.5	80.7	76.5	98.4	64.5	94.7
Hearing	50.2	86.8	74.3	96.8	60.0	80.8
Speaking	33.6	71.2	52.1	92.0	44.5	66.7
Hearing and speaking	22.7	60.7	41.9	65.9	41.5	38.0
Other/multiple	23.5	34.6	42.0	58.1	36.3	44.6

*Source:* Ministry of Education, ESCALE statistics on education, 2009.

27. According to the Ministry of Education, there has been an increase in the school enrolment rate for persons with some kind of disability in all age groups; the 3–5 age group lags the farthest behind in this respect. The question that the State should then ask is whether, once these pupils finish school, this greater educational coverage will translate into better and more numerous employment and learning opportunities. A particularly pertinent issue, within the framework of the Decade of Inclusive Education in Peru, is the situation faced by persons with learning difficulties after leaving school.

28. As provided for in existing international and domestic legislation on the rights of persons with disabilities, words need to be turned into action based on effective policies aimed at creating a genuinely inclusive, equal opportunity society. Although the public institutions involved with disability issues at an operational level may be meeting their budgetary and quantitative targets, they also need to identify the factors that are standing in the way of the full social and economic integration of persons with disabilities, as well as any new elements which can foster progress in this area.

29. Concerns such as these were the driving force behind a number of initiatives in 2009, existing budgetary constraints notwithstanding, such as the establishment of round tables and agreements aimed at helping people to become more knowledgeable about disabilities such as deafblindness and at improving related services. Efforts also continued to be directed towards prevention and mitigation of the growing impact of risk factors for disability, such as air pollution and traffic accidents.

30. Given these developments, it is the duty of the State, as part of its efforts to improve the quality of public services, to provide special training to civil servants who come into direct contact with persons with disabilities and their families. This effort is founded upon

the belief that a stronger institutional framework is a basic building block for the creation of a modern government apparatus that works to serve the country's citizens.

31. The steps taken by the Ministry of Economic Affairs and Finance to draw up a strategic programme on disability are also part of the effort to reassess the situation. A formal request was submitted to the General Secretariat of the Ministry for confirmation that public bodies would have the operational programming infrastructure they would need to target and allocate budget resources for disability-related issues. Following receipt of this confirmation, CONADIS has taken on the task of notifying the various sectors of these new measures, which are intended to lead to a more structured approach to disability-related issues. Strategic budget planning is expected to help to overcome a structural shortcoming in the organization of sectoral functions which has prevented public bodies from identifying the needs of persons with disabilities or from earmarking budgetary resources to address them. This anomaly had also impeded more in-depth monitoring of State action on behalf of this segment of the population. The clarification provided by the Ministry should be a first step towards resolving the problem during the budget planning stage for relevant activities, projects and programmes.

32. With the incorporation of a strategic programme on disability into the 2011 Finance Act, the necessary framework will be in place for the creation of synergies among sectoral commitments, thus enabling CONADIS to fully perform its role as a specialized body responsible for providing technical assistance and promoting disability rights, oversight, legislative improvements and sectoral coordination.

33. Until this is accomplished, however, the current operating structure of CONADIS (and it should be noted here that we are preparing the ground for reversing this situation in 2010) restricts the scope of its work in effectively mainstreaming disability-related issues (including budget commitments). The State intends to consolidate a supra-regional position so that it can monitor compliance with legislative provisions and support the delivery of services to persons with disabilities in order to speed progress in bringing all spheres of the public sector into compliance with the Convention.

## **B. Participation of civil society in the work of the multisectoral commission responsible for implementing the Convention**

34. With a view to promoting the direct participation of civil society, hearing its members' opinions and obtaining inputs for the improvement of public policies on disability, CONADIS, as the technical secretariat of the multisectoral commission responsible for following up on and developing measures to implement the Convention on the Rights of Persons with Disabilities, invited associations of persons with disabilities and their relatives to take part in the election of the five representatives of persons with disabilities and their families who are to sit on the commission.

35. This invitation to civil society representatives garnered little response from associations of persons with disabilities and their families. The only representatives to be named were from the Associations of Visually Impaired Persons, the Associations of Persons with Physical Disabilities and the Associations of Deaf-Blind Persons.

36. CONADIS and the Special Commission on Disability of Congress are working with the media to advocate the participation of associations of persons with disabilities, their families and individuals with disabilities. Examples of their efforts include the radio programme called "Sin Barreras" (without barriers), which is broadcast nationally and is now also being broadcast over the Internet; the creation of forums on institutional web portals; the organization of decentralized public hearings; and the development of a weekly television programme on disability to be broadcast in partnership with the State television

channel. People are encouraged to provide contributions, suggestions and ideas that can help to improve the design of policies, plans and projects for persons with disabilities.

37. In order to encourage these good practices, the Ministry of Women and Social Development adopted Ministerial Decision No. 498-2009, which laid out the rules of procedure for the award of decorations in the women and social development sector and created the Order of Merit for the Social Inclusion of Persons with Disabilities. The main objective of this initiative is to place the issue of disability on the public agenda by recognizing, as a matter of policy, the work carried out by organized civil society and by individuals and thus raising awareness among public officials, the staff of public and private institutions and the public in general about the rights of persons with disabilities.

38. These and other achievements are described in the tables given later in this document; more needs to be done, however, in order to increase the participation of civil society and its organizations, particularly those that represent persons with disabilities and their relatives. The aim here is to ensure that the approach taken by the State in providing services and promoting integration will engage the beneficiaries of its policies and public investment in a two-way partnership, as discussed at the beginning of this document. A report recently produced by UNDP on the level of human development in Peru in 2009 explores this subject as well.<sup>2</sup>

### C. Statistical review

39. According to the Continuous National Survey carried out by the National Institute of Statistics (INEI) in 2006,<sup>3</sup> 8.4 per cent of the population in Peru has some form of disability; this means that 8 out of 100 people who were canvassed at the national level stated that they have at least one disability. The percentage was higher in urban areas (8.9 per cent) than in rural areas (6.9 per cent), with women in both urban and rural areas reporting higher rates of disability.

40. The most prevalent form of disability is visual disability (4.5 per cent), followed by motor disability (2.7 per cent) and hearing disability (2.2 per cent). The least prevalent forms of disability are speech and communication disabilities (0.7 per cent and 0.6 per cent, respectively). The full results are shown in the following table:

#### **Percentage of the population who reported having a physical or mental difficulty or limitation, by area of residence, type of disability and sex, 2006**

(Prevalence rate)

<i>Type of disability/sex</i>	<i>Total</i>	<i>Urban</i>	<i>Rural</i>
Sight	<b>4.5</b>	5.0	3.2
Men	<b>3.8</b>	4.1	2.9
Women	<b>5.2</b>	5.8	3.5
Motor <sup>1</sup>	<b>2.7</b>	2.7	2.5
Men	<b>2.2</b>	2.2	2.1
Women	<b>3.1</b>	3.2	2.8

<sup>2</sup> See [www.pnud.org.pe/data/publicacion/idh2009vol1.pdf](http://www.pnud.org.pe/data/publicacion/idh2009vol1.pdf).

<sup>3</sup> See [www1.inei.gob.pe/biblioineipub/bancopub/Est/Lib0734/Libro.pdf](http://www1.inei.gob.pe/biblioineipub/bancopub/Est/Lib0734/Libro.pdf): Statistical research was carried out on the basis of a sample of 382,000 private households at the national level in urban and rural areas in the country's 24 departments and the Constitutional Province of Callao.

<i>Type of disability/sex</i>	<i>Total</i>	<i>Urban</i>	<i>Rural</i>
Hearing	<b>2.2</b>	2.2	2.1
Men	<b>2.2</b>	2.2	2.1
Women	<b>2.2</b>	2.2	2.2
Mental <sup>2</sup>	<b>1.1</b>	1.2	1.1
Men	<b>1.0</b>	1.0	0.9
Women	<b>1.3</b>	1.3	1.2
Speech	<b>0.7</b>	0.7	0.6
Men	<b>0.8</b>	0.9	0.7
Women	<b>0.6</b>	0.6	0.6
Communication	<b>0.6</b>	0.7	0.5
Men	<b>0.7</b>	0.7	0.5
Women	<b>0.6</b>	0.7	0.5
Other <sup>3</sup>	<b>0.1</b>	0.1	0.1
<b>Total</b>	<b>8.4</b>	<b>8.9</b>	<b>6.9</b>
<b>Men</b>	<b>7.6</b>	<b>8.0</b>	<b>6.5</b>
<b>Women</b>	<b>9.2</b>	<b>9.9</b>	<b>7.4</b>

*Source:* National Institute of Statistics (INEI) – Continuous National Survey, 2006.

<sup>1</sup> Includes limited use of the upper or lower extremities.

<sup>2</sup> Includes learning and comprehension difficulties.

<sup>3</sup> Includes other difficulties or limitations.

41. The correlation between type of disability and regional distribution was as follows:

#### **Percentage of the population with a disability, by type of disability and department, 2006**

(Prevalence rate)

<i>Department</i>	<i>Total</i>	<i>Sight</i>	<i>Motor<sup>1</sup></i>	<i>Hearing</i>	<i>Mental<sup>2</sup></i>	<i>Speech</i>	<i>Communication</i>
Amazonas	<b>7.2</b>	4.7	1.5	1.8	0.8	0.8	0.6
Ancash	<b>6.9</b>	2.9	2.9	1.7	1.3	0.6	0.7
Apurimac	<b>5.6</b>	2.3	2.2	1.6	0.6	0.6	0.4
Arequipa	<b>10.4</b>	5.0	4.1	4.0	1.1	0.6	0.7
Ayacucho	<b>6.7</b>	2.7	2.0	1.7	1.5	0.5	0.5
Cajamarca	<b>7.3</b>	4.0	2.5	2.2	0.9	0.7	0.6
Cusco	<b>8.5</b>	2.8	3.5	3.7	0.8	0.6	0.4
Huancavelica	<b>6.6</b>	4.2	1.6	2.0	0.7	0.5	0.3
Huánuco	<b>4.5</b>	1.6	1.6	1.3	0.8	0.6	0.6
Ica	<b>9.2</b>	5.3	2.6	1.9	1.6	0.9	0.8
Junín	<b>5.0</b>	2.2	1.4	1.7	0.5	0.5	0.4
La Libertad	<b>7.1</b>	4.8	1.8	1.5	0.6	0.6	0.5
Lambayeque	<b>2.2</b>	0.5	0.9	0.4	0.4	0.4	0.4
Metropolitan Lima <sup>3</sup>	<b>11.7</b>	6.7	3.5	2.9	1.6	1.0	0.9
Lima-Provinces <sup>4</sup>	<b>11.7</b>	7.4	3.4	2.5	1.7	0.7	0.7

<i>Department</i>	<i>Total</i>	<i>Sight</i>	<i>Motor<sup>1</sup></i>	<i>Hearing</i>	<i>Mental<sup>2</sup></i>	<i>Speech</i>	<i>Communication</i>
Loreto	<b>4.1</b>	2.2	1.3	0.6	0.4	0.4	0.3
Madre de Dios	<b>2.6</b>	0.8	1.0	0.5	0.4	0.5	0.3 <sup>a</sup>
Moquegua	<b>9.9</b>	3.1	4.9	3.0	1.9	0.6	0.8
Pasco	<b>10.3</b>	5.8	2.5	2.4	2.3	0.6	0.7
Piura	<b>6.6</b>	3.3	2.4	1.3	0.9	0.6	0.5
Puno	<b>9.0</b>	4.8	2.9	2.4	1.5	0.4	0.4
San Martín	<b>6.6</b>	4.2	1.6	1.3	0.8	0.6	0.5
Tacna	<b>6.2</b>	2.9	2.7	1.4	1.0 <sup>a</sup>	0.4 <sup>a</sup>	0.4 <sup>a</sup>
Tumbes	<b>3.4</b>	1.1	1.3	0.8	0.8	0.8	0.7
Ucayali	<b>8.5</b>	5.7	2.4	1.2	0.6	0.7	0.3 <sup>a</sup>
<b>Total</b>	<b>8.4</b>	<b>4.5</b>	<b>2.7</b>	<b>2.2</b>	<b>1.1</b>	<b>0.7</b>	<b>0.6</b>

Source: National Institute of Statistics (INEI) – Continuous National Survey, 2006.

<sup>a</sup> This is an indicative value only, as the variation coefficient is over 15 per cent.

<sup>1</sup> Includes limited use of the upper or lower extremities.

<sup>2</sup> Includes learning and comprehension difficulties.

<sup>3</sup> Includes Lima Province and the Constitutional Province of Callao.

<sup>4</sup> Does not include Lima Province.

42. Consolidated statistics published in 2009<sup>4</sup> show the distribution of persons with disabilities by region:

#### Percentage of the population with disabilities, by department

INEI census values, adjusted on the basis of a prevalence study conducted by the National Rehabilitation Institute (INR)

Updated to 2006 based on the INEI 2005 census

<i>Department</i>	<i>Urban and rural populations with disabilities</i>					
	<i>Urban</i>		<i>Rural</i>		<i>Total</i>	
	<i>Percentage</i>	<i>Percentage</i>	<i>Percentage</i>	<i>Percentage</i>	<i>Percentage</i>	<i>Percentage</i>
Lima	852 834	37.86	34 054	2.73	<b>886 888</b>	<b>25.34</b>
Puno	72 759	3.23	207 318	16.62	<b>280 077</b>	<b>8.00</b>
Cusco	80 868	3.59	141 954	11.38	<b>222 822</b>	<b>6.37</b>
Piura	141 914	6.30	70 977	5.69	<b>212 891</b>	<b>6.08</b>
La Libertad	134 030	5.95	71 476	5.73	<b>205 506</b>	<b>5.88</b>
Cajamarca	41 448	1.84	135 717	10.88	<b>177 165</b>	<b>5.06</b>
Junín	107 900	4.79	59 626	4.78	<b>167 525</b>	<b>4.78</b>
Ancash	85 824	3.81	80 582	6.46	<b>166 406</b>	<b>4.75</b>
Arequipa	111 278	4.94	22 079	1.77	<b>133 357</b>	<b>3.81</b>
Huánuco	41 898	1.86	73 347	5.88	<b>115 245</b>	<b>3.29</b>

<sup>4</sup> *Estudio de Línea de Base: Demanda Laboral de Trabajadores con Discapacidad en las Empresas del Perú* [Baseline study: Demand for workers with disabilities in companies in Peru], Japan International Cooperation Agency and CONADIS, 2009, p. 38.

Department	Urban and rural populations with disabilities					
	Urban		Rural		Total	
	Percentage	Percentage	Percentage	Percentage	Percentage	Percentage
Lambayeque	85 599	3.80	22 827	1.83	<b>108 426</b>	<b>3.10</b>
Ayacucho	47 755	2.12	59 750	4.79	<b>107 506</b>	<b>3.07</b>
Loreto	60 595	2.69	39 667	3.18	<b>100 262</b>	<b>2.87</b>
Callao	97 763	4.34	125	0.01	<b>97 888</b>	<b>2.79</b>
San Martín	54 288	2.41	31 434	2.52	<b>85 722</b>	<b>2.45</b>
Apurímac	26 355	1.17	58 628	4.70	<b>84 983</b>	<b>2.43</b>
Huancavelica	20 724	0.92	47 900	3.84	<b>68 624</b>	<b>1.96</b>
Ica	55 189	2.45	10 728	0.86	<b>65 916</b>	<b>1.88</b>
Amazonas	19 598	0.87	34 179	2.74	<b>53 776</b>	<b>1.54</b>
Ucayali	28 608	1.27	14 470	1.16	<b>43 078</b>	<b>1.23</b>
Pasco	23 652	1.05	16 715	1.34	<b>40 367</b>	<b>1.15</b>
Tacna	24 328	1.08	3 867	0.31	<b>28 195</b>	<b>0.81</b>
Tumbes	19 147	0.85	2 370	0.19	<b>21 517</b>	<b>0.62</b>
Moquegua	12 389	0.55	4 615	0.37	<b>17 005</b>	<b>0.49</b>
Madre de Dios	5 632	0.25	3 119	0.25	<b>8 750</b>	<b>0.25</b>
<b>Total</b>	<b>2 252 375</b>	<b>99.99</b>	<b>1 247 525</b>	<b>100.01</b>	<b>3 499 899</b>	<b>100.00</b>

43. **Disability, by age group and sex:** The population group containing the largest proportion of persons with disabilities is the 60-and-over age group, with 39.9 per cent of the total, followed by the 40–59 age group (27.5 per cent). When breaking down the results by sex, there is a similar trend, with 39.7 per cent of men and 40.0 per cent of women aged 60 or over reporting some form of disability.

#### Percentage of the population with a disability, by age group and sex, 2006

(Percentage distribution)

Sex	Total	Up to 11 years	12 to 17 years	18 to 24 years	25 to 39 years	40 to 59 years	60 years and over
Men	<b>100.0</b>	8.8	7.0	7.0	12.8	24.8	39.7
Women	<b>100.0</b>	5.7	6.2	5.6	12.9	29.6	40.0
<b>Total</b>	<b>100.0</b>	<b>7.1</b>	<b>6.5</b>	<b>6.2</b>	<b>12.8</b>	<b>27.5</b>	<b>39.9</b>

Source: National Institute of Statistics (INEI) – Continuous National Survey, 2006.

#### Percentage of the population with a disability, by age group and department, 2006

(Percentage distribution)

Department	Total	Up to 11 years	12 to 17 years	18 to 24 years	25 to 39 years	40 to 59 years	60 years and over
Amazonas	<b>100.0</b>	6.7	6.7	5.1	11.8	32.7	36.9
Ancash	<b>100.0</b>	5.6	4.9	4.7	10.7	25.7	48.4
Apurímac	<b>100.0</b>	7.1	7.5	4.9	8.6	19.5	52.5
Arequipa	<b>100.0</b>	4.2	3.3	4.8	12.9	26.1	48.8
Ayacucho	<b>100.0</b>	10.9	8.0	5.8	10.9	22.5	41.9

<i>Department</i>	<i>Total</i>	<i>Up to 11 years</i>	<i>12 to 17 years</i>	<i>18 to 24 years</i>	<i>25 to 39 years</i>	<i>40 to 59 years</i>	<i>60 years and over</i>
Cajamarca	100.0	6.6	5.8	4.6	11.4	25.0	46.5
Cusco	100.0	5.3	4.1	4.8	13.1	28.6	44.1
Huancavelica	100.0	5.4	5.3	4.8	10.7	28.2	45.6
Huánuco	100.0	9.6	7.7	5.9	12.2	24.1	40.6
Ica	100.0	6.1	7.2	6.9	14.4	28.0	37.5
Junín	100.0	6.8	5.6	6.2	12.3	23.8	45.3
La Libertad	100.0	6.0	6.9	5.9	10.9	28.9	41.4
Lambayeque	100.0	10.1	5.9	6.6	12.5	20.0	44.9
Metropolitan Lima <sup>1</sup>	100.0	7.7	7.2	7.2	14.2	27.8	35.9
Lima-Provinces <sup>2</sup>	100.0	5.8	7.6	7.0	10.7	27.0	42.0
Loreto	100.0	11.3	8.6	7.2	12.8	28.0	32.1
Madre de Dios	100.0	17.9	8.6 <sup>a</sup>	5.9 <sup>a</sup>	11.6	24.1	31.8
Moquegua	100.0	3.8	4.1	5.3	12.5	28.8	45.4
Pasco	100.0	6.8	6.9	6.4	11.0	29.2	39.6
Piura	100.0	7.6	7.9	6.7	11.0	27.2	39.7
Puno	100.0	6.4	4.9	4.2	10.3	27.5	46.8
San Martín	100.0	7.1	7.0	6.2	15.9	36.3	27.4
Tacna	100.0	3.6 <sup>a</sup>	4.0 <sup>a</sup>	3.4 <sup>a</sup>	11.8	30.1	47.1
Tumbes	100.0	13.4	8.7	7.6	12.0	17.3	41.0
Ucayali	100.0	6.6	6.8	6.3	14.7	36.7	28.9
<b>Total</b>	<b>100.0</b>	<b>7.1</b>	<b>6.5</b>	<b>6.2</b>	<b>12.8</b>	<b>27.5</b>	<b>39.9</b>

Source: National Institute of Statistics (INEI) – Continuous National Survey, 2006.

<sup>a</sup> This is an indicative value only, as the variation coefficient is over 15 per cent.

<sup>1</sup> Includes Lima Province and the Constitutional Province of Callao.

<sup>2</sup> Does not include Lima Province.

44. **Disability by level of education:** State-provided special education uses an inclusive approach to help integrate persons with special educational needs into community life and ensure that they participate in society. The law establishes the right to attend a regular school and make use of special testing systems in Braille for the blind and in sign language for the deaf, as well as containing provisions regarding the adaptation of the infrastructure of educational facilities and the curriculum. Despite these efforts, the exclusion of children with disabilities still occurs: one out of every five persons with disabilities has no schooling and only 11.3 per cent reach higher education.

#### Percentage of the population with a disability, by level of education, area of residence and sex, 2006

(Percentage distribution)

<i>Area of residence/sex</i>	<i>Total</i>	<i>No schooling<sup>1</sup></i>	<i>Primary</i>	<i>Secondary</i>	<i>Higher</i>
Urban	100.0	100.0	100.0	100.0	100.0
Men	43.6	29.6	44.3	46.6	49.1
Women	56.4	70.4	55.7	53.4	50.9

<i>Area of residence/sex</i>	<b>Total</b>	<i>No schooling<sup>1</sup></i>	<i>Primary</i>	<i>Secondary</i>	<i>Higher</i>
Rural	<b>100.0</b>	100.0	100.0	100.0	100.0
Men	<b>47.7</b>	29.6	61.6	64.7	65.6
Women	<b>52.3</b>	70.4	38.4	35.3	34.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Men</b>	<b>44.4</b>	<b>29.6</b>	<b>48.6</b>	<b>47.8</b>	<b>49.5</b>
<b>Women</b>	<b>55.6</b>	<b>70.4</b>	<b>51.4</b>	<b>52.2</b>	<b>50.5</b>

*Source:* National Institute of Statistics (INEI) – Continuous National Survey, 2006.

<sup>1</sup> Includes nursery school.

### Percentage of the population with a disability, by level of education and department, 2006

(Percentage distribution)

<i>Department</i>	<b>Total</b>	<i>No schooling<sup>1</sup></i>	<i>Primary</i>	<i>Secondary</i>	<i>Higher</i>
Amazonas	<b>100.0</b>	28.2	52.2	13.8	5.8
Ancash	<b>100.0</b>	38.0	41.3	13.7	7.1
Apurímac	<b>100.0</b>	48.7	33.8	13.3	4.2
Arequipa	<b>100.0</b>	17.0	39.2	28.4	15.5
Ayacucho	<b>100.0</b>	41.7	39.8	13.5	5.0
Cajamarca	<b>100.0</b>	44.7	41.9	9.7	3.6
Cusco	<b>100.0</b>	37.0	35.6	18.8	8.6
Huancavelica	<b>100.0</b>	41.6	40.8	13.6	4.0
Huánuco	<b>100.0</b>	42.2	41.4	12.2	4.3
Ica	<b>100.0</b>	13.4	39.1	31.6	15.9
Junín	<b>100.0</b>	24.8	41.8	23.1	10.3
La Libertad	<b>100.0</b>	22.2	43.4	23.4	10.9
Lambayeque	<b>100.0</b>	38.1	40.6	16.4	4.9 <sup>a</sup>
Metropolitan Lima <sup>2</sup>	<b>100.0</b>	10.6	34.4	39.5	15.4
Lima-Provinces <sup>3</sup>	<b>100.0</b>	16.5	45.5	29.5	8.5
Loreto	<b>100.0</b>	21.0	49.3	23.1	6.5
Madre de Dios	<b>100.0</b>	22.8	50.4	20.8	6.0 <sup>a</sup>
Moquegua	<b>100.0</b>	19.7	43.2	24.7	12.4
Pasco	<b>100.0</b>	29.0	43.8	19.1	8.1
Piura	<b>100.0</b>	28.9	45.5	19.4	6.1
Puno	<b>100.0</b>	34.1	43.4	14.8	7.7
San Martín	<b>100.0</b>	22.0	55.4	17.1	5.6
Tacna	<b>100.0</b>	18.8	46.8	25.6	8.7 <sup>a</sup>
Tumbes	<b>100.0</b>	25.4	51.9	16.4	6.3 <sup>a</sup>
Ucayali	<b>100.0</b>	12.6	49.7	27.9	9.7
<b>Total</b>	<b>100.0</b>	<b>21.2</b>	<b>39.4</b>	<b>28.1</b>	<b>11.3</b>

*Source:* National Institute of Statistics (INEI) – Continuous National Survey, 2006.

<sup>a</sup> This is an indicative value only, as the variation coefficient is over 15 per cent.

<sup>1</sup> Includes nursery school.

<sup>2</sup> Includes Lima Province and the Constitutional Province of Callao.

<sup>3</sup> Does not include Lima Province.

### Percentage of the population with a disability, by type of disability and level of education, 2006

(Percentage distribution)

<i>Level of education</i>	<i>Total</i>	<i>Sight</i>	<i>Motor<sup>1</sup></i>	<i>Hearing</i>	<i>Mental<sup>2</sup></i>	<i>Speech</i>	<i>Communication</i>
No schooling <sup>3</sup>	<b>21.2</b>	17.5	27.0	29.2	35.0	46.8	44.9
Primary	<b>39.4</b>	38.9	40.8	41.1	41.6	34.2	34.2
Secondary	<b>28.1</b>	30.8	22.9	20.8	18.4	15.1	16.5
Higher	<b>11.3</b>	12.8	9.2	9.0	5.0	3.9	4.4
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source:* National Institute of Statistics (INEI) – Continuous National Survey, 2006.

<sup>1</sup> Includes limited use of the upper or lower extremities.

<sup>2</sup> Includes learning and comprehension difficulties.

<sup>3</sup> Includes nursery school.

45. **Disability by employment status and occupational category:** Persons with disabilities should have the opportunity to freely choose their occupation within the context of an open and accessible labour market and working environment. However, the actual situation is otherwise, and it is difficult for them to obtain jobs. A number of steps have been taken to combat the exclusion of persons with disabilities from the labour market. These measures include a commitment on the part of the State to hire a given percentage of persons with disabilities and tax benefits for companies that employ persons with disabilities.

46. According to the Continuous National Survey results, 48.2 per cent of persons with disabilities of working age were in employment, which is 18.5 per cent lower than the rate of employment for persons without disabilities. These statistics provide evidence of the exclusion of people in this sector of the population from the labour market.

47. The following table shows the percentages of persons with disabilities of working age, by type of disability, and the percentages of persons with disabilities aged 14 and over who are in employment, by type of disability.

### Percentage of persons with disabilities of working age, by type of disability and employment status, 2006

(Percentage distribution)

<i>Employment status</i>	<i>Total</i>	<i>Sight</i>	<i>Motor<sup>1</sup></i>	<i>Hearing</i>	<i>Mental<sup>2</sup></i>	<i>Speech</i>	<i>Communication</i>
Employed	<b>48.2</b>	48.6	38.5	44.7	31.4	28.9	19.1
Unemployed <sup>3</sup>	<b>51.8</b>	51.4	61.5	55.3	68.6	71.1	80.9
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source:* National Institute of Statistics (INEI) – Continuous National Survey, 2006.

*Note:* The working-age population is defined as persons aged 14 and over.

<sup>1</sup> Includes limited use of the upper or lower extremities.

<sup>2</sup> Includes learning and comprehension difficulties.

<sup>3</sup> Includes unemployed and economically inactive persons.

### Percentage of employed persons with disabilities over the age of 14, by type of disability and occupational category, 2006

(Percentage distribution)

<i>Employment status and occupational category</i>	<i>Total</i>	<i>Sight</i>	<i>Motor<sup>1</sup></i>	<i>Hearing</i>	<i>Mental<sup>2</sup></i>	<i>Speech</i>	<i>Communication</i>
Employer or business owner	<b>6.8</b>	7.1	7.6	6.7	5.0	3.4	3.0
Self-employed	<b>50.4</b>	50.2	55.6	53.3	50.0	33.0	39.8
Dependent	<b>27.4</b>	29.5	21.1	23.1	19.6	32.5	23.7
Unpaid family worker	<b>11.9</b>	9.5	12.5	13.7	20.9	27.8	30.9
Domestic worker	<b>3.1</b>	3.4	2.8	2.8	3.8 <sup>a</sup>	2.3 <sup>a</sup>	1.8 <sup>a</sup>
Other	<b>0.4</b>	0.3 <sup>a</sup>	0.4	0.4 <sup>a</sup>	0.8 <sup>a</sup>	1.0 <sup>a</sup>	0.9 <sup>a</sup>
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

*Source:* National Institute of Statistics (INEI) – Continuous National Survey, 2006.

<sup>a</sup> This is an indicative value only, as the variation coefficient is over 15 per cent.

<sup>1</sup> Includes limited use of the upper or lower extremities.

<sup>2</sup> Includes learning and comprehension difficulties.

48. **Disability by ethnic origin:** The majority of persons with disabilities in Peru have Spanish as their mother tongue, since 7 out of 10 people learn Spanish during childhood. Quechua is the next most common mother tongue, with 24 per cent of persons with disabilities speaking that language. Only 1.2 per cent of the population with disabilities is deaf mute.

### Percentage of persons with disabilities, by language learned during childhood, area of residence and sex, 2006

(Percentage distribution)

<i>Area of residence/sex</i>	<i>Total</i>	<i>Spanish</i>	<i>Quechua</i>	<i>Other languages<sup>1</sup></i>	<i>Deaf mute</i>
Urban	<b>100.0</b>	78.3	19.0	1.9	0.8
Men	<b>100.0</b>	78.7	18.3	1.9	1.0
Women	<b>100.0</b>	77.9	19.6	1.8	0.7
Rural	<b>100.0</b>	47.7	42.2	7.6	2.4
Men	<b>100.0</b>	49.6	40.2	7.5	2.6
Women	<b>100.0</b>	46.0	44.0	7.7	2.2
<b>Total</b>	<b>100.0</b>	<b>71.7</b>	<b>24.0</b>	<b>3.1</b>	<b>1.2</b>
<b>Men</b>	<b>100.0</b>	<b>72.0</b>	<b>23.4</b>	<b>3.2</b>	<b>1.4</b>
<b>Women</b>	<b>100.0</b>	<b>71.5</b>	<b>24.5</b>	<b>3.0</b>	<b>1.0</b>

*Source:* National Institute of Statistics (INEI) – Continuous National Survey, 2006.

<sup>1</sup> Includes Aymara, Asháninka, Aguaruna, Shipibo-Conibo, other indigenous languages and foreign languages.

49. **Comments:** More statistical work needs to be done, as more accurate and up-to-date data on the number of persons living in Peru are required. This is demonstrated by the

report published by the Japan International Cooperation Agency and CONADIS<sup>5</sup> which notes that the data from previous censuses have yielded differing results:

### Main statistics on disability in Peru

<i>Census or survey</i>	<i>Year</i>	<i>General population</i>	<i>Persons with disabilities</i>	<i>Percentage</i>
INEI census	1981	17 762 231	26 560	0.15
INEI census	1993	22 639 443	288 526	1.27
INR prevalence study	1993	22 639 443	2 961 239	13.08
Household Survey on Disability – Lima-Callao	2005	8 030 533	457 550	5.70
Continuous National Survey – Nationwide	2006	27 219 264	2 368 076	8.70
Continuous National Survey – Metropolitan Lima	2006	8 184 427	892 102	10.90

50. As a result, since 2005, CONADIS has been proposing that the Ministry of Economic Affairs and Finance and INEI provide funding for a survey of available census data on the sociodemographic characteristics of persons with disabilities.

51. The Household Survey on Disability in Metropolitan Lima in 2005<sup>6</sup> was an early achievement, although its coverage was limited to Lima. There is also a pilot project to carry out a census in Tumbes; the funding for that pilot is being arranged under the Ecuador-Peru Binational Border Region Development Plan.

52. This year, a framework agreement has been signed with INEI which provides for the development of a handbook on statistical methodologies for local and regional governments that are planning to survey the population with disabilities. One of the most prominent initiatives of this type has been undertaken by the Regional Government of Lambayeque, which sponsored the founding of the first inter-university council for the social inclusion of persons with disabilities. One of the objectives of that council is to compile information on disabilities at the regional level.

## III. Specific information relating to the implementation, in law and in fact, of articles 1 to 33 of the Convention

### A. Background

53. By Supreme Decree No. 080-2008-PCM, Peru established a multisectoral commission to follow up on and develop measures to implement the Convention on the Rights of Persons with Disabilities. This commission has the following functions:

- (a) Approve its rules of procedure;
- (b) Recommend measures for implementing the Convention on the Rights of Persons with Disabilities;
- (c) Follow up on and monitor the implementation of the Convention;

<sup>5</sup> Ibid.

<sup>6</sup> Available at [www.conadisperu.gob.pe/web/publicaciones/2.pdf](http://www.conadisperu.gob.pe/web/publicaciones/2.pdf).

(d) Promote the incorporation of the provisions of the Convention into the operational and strategic plans of the relevant ministries;

(e) Develop indicators and benchmarks for use in evaluating the implementation of the Convention;

(f) Produce an annual report, which should be nationwide in scope, on progress in implementing the Convention and a national report for submission to the Committee on the Rights of Persons with Disabilities in accordance with article 33 of the Convention;

(g) Work in coordination with other sectors to implement effective measures for achieving the goals of the Convention;

(h) Coordinate with the Committee on the Rights of Persons with Disabilities.

54. The multisectoral commission comprises:

(a) A representative of the Ministry of Women and Social Development, who serves as the Chairperson;

(b) A representative of CONADIS, who serves as the Technical Secretary of the Commission;

(c) A representative of the Special Commission on Disability;

(d) A representative of the Office of the Presidency of the Council of Ministers;

(e) A representative of the Ministry of Transport and Communications;

(f) A representative of the Ministry of Housing, Construction and Sanitation;

(g) A representative of the Ministry of Health;

(h) A representative of the Ministry of Labour and Employment;

(i) A representative of the Ministry of Education.

55. Within the framework of the Convention, Supreme Decree No. 007-2008-MIMDES established a second multisectoral commission to monitor and follow up on the 2009–2018 Equal Opportunities Plan for Persons with Disabilities.

56. The strategies developed by the two commissions, which have been described above, are designed to mainstream disability issues and ensure that they are incorporated into sectoral plans and regional and municipal development plans. These plans provide the matrix for the budgetary allocations which, once they have been incorporated into a functional programme of expenditure, will make closer monitoring of the indicators possible.

57. Therefore, in accordance with the guidelines for the preparation of tables on illustrative indicators provided by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (HRI/MC/2008/3), the data contained in this initial report are derived from process indicators, since, until a structural approach to the issue is developed, outcome indicators cannot be used. This sequence also encompasses the regulatory context. (One of the key elements of the State reform process, whose pace is being increased, is completion of the transfer of functions, authorities and budgets to local and regional governments.) Along the same lines, CONADIS is arranging funding under, inter alia, the Ecuador-Peru Binational Border Region Development Plan for a project on the establishment of a disability rights monitoring centre (see the attached description).

## B. General provisions of the Convention (arts. 1 to 4)

58. See the table below.

<i>Report on</i>	<i>Progress</i>
<p>The definition of disability used to collect the data being analysed, which impairments have been included, and the conceptualization of “long-term”</p>	<p>The General Act on Persons with Disabilities (Act No. 27050) establishes that: “Persons with disabilities are defined as those with one or more deficiencies characterized by the significant impairment of one or more physical, mental or sensorial faculties, leading to the reduction or loss of ability to carry out a given activity within what are considered normal parameters and limiting capacity to exercise a given role, function or activity or to partake in opportunities to participate in society on an equitable basis.” Safeguarding the human rights of persons with disabilities is regarded as a priority, and Peru is adopting and developing systematic measures to establish a services model for the disabled as part of the process of State reform launched at the beginning of this decade, which embraces all vulnerable sectors of the population.</p> <p>The word “long-term” is used here to refer to the time horizon set for achievement of a fully operational system; that does not preclude progress in the short and medium terms in legislative, budget and public policy development, and we have in fact been making advances in these areas.</p>
<p>The ways and means by which the domestic law defines and understands the concepts provided in articles 1 and 2 of the Convention, and in particular any laws, regulations, social customs or practices that discriminate on the ground of disability</p>	<p>Through such measures as the establishment of the multisectoral commissions described above and the passage of a law on offences and penalties for non-compliance with the Omnibus Act, which protects persons with disabilities and establishes a special framework for the promotion of their rights, Peru has underlined the importance that it attaches to taking a cross-sectoral approach to disability issues. In other words, rather than making a single body responsible for enforcing and monitoring the implementation of an omnibus law, the public sector is charged with carrying out a State policy founded on the protection of human rights.</p> <p>Given that approach, budgetary restrictions are not stopping Peru from developing legislation (reasonable accommodation, anti-discrimination legislation, the use of particular languages) in this area.</p>
<p>The ways and means by which the State party defines and understands the concept of “reasonable accommodation”, and the requirement of “disproportionate and undue burden”, providing examples</p>	<p>The Ministry of Labour has an office to deal with labour-related issues of concern to persons with disabilities, and one of this office’s functions is to play a supervisory role.</p> <p>Economic difficulties have been encountered in the private sector when, for example, facilities need to be modified to improve access for persons with disabilities. In that same context and aside from the matter of infrastructure, Act No. 27050, as amended by Act No. 28164, and Supreme Decree No. 27, adopted by the Office of the President of the Council of Ministers in 2007, provide that 3 per cent of all public</p>

	<p>service posts, including decision-making positions, are to be held by persons with disabilities. Disabled persons applying for competitive positions receive a 15 per cent addition to their final points score.</p>
<p>In what manner the general principles and obligations established under articles 3 and 4 of the Convention have been implemented, and how it intends to ensure their effective realization, in particular the principle of promotion of the full realization of the rights under the Convention without discrimination based on disability as provided under article 4 and provide examples</p>	<p>Failure to respect this right, aside from being an offence under the Act on Offences and Penalties, can lead to prosecution for discrimination.</p>
	<p>In 2008, Peru adopted the 2009–2018 Equal Opportunities Plan for Persons with Disabilities and appointed a multisectoral commission to monitor its implementation.</p>
<p>Disaggregated and comparative statistical data on the effectiveness of specific anti-discrimination measures and the progress achieved towards ensuring equal realization of each of the Convention rights by persons with disabilities including a gender- and age-based perspective</p>	<p>This plan is part of a broad project aimed at achieving a system-wide approach for efforts to meet the needs of the disabled at the State level.</p>
<p>Which Convention rights the State party has endeavoured to implement progressively and which it has committed to implement immediately. Describe the impact of the latter measures</p>	<p>The Ministry of Women and Social Development, which is responsible for matters relating to children, youth, women, the elderly, the displaced and victims of domestic violence, was asked to chair the multisectoral commission.</p>
	<p>A draft amendment to articles in the Civil Code dealing with the freedom of disabled persons to determine their civil status is being studied.</p>
	<p>A digital version of the 2009 annual report of CONADIS,<sup>7</sup> which discusses the work of this lead agency in the field, is attached. It recounts some of the Council's principal achievements, which include: the dissolution of the committee that had been established in a public university to assess the degree of disability of students applying for places reserved for the disabled; representations to Congress in support of the employment of a person with disabilities in the judiciary; and intercession with a local government that was blocking the registration of a marriage between two deaf persons.</p>
	<p>The work being done in this area has yet to be completed and is discussed above under the heading "Statistical review".</p>
	<p>All of these rights are covered by legislation enacted in the past two years, but the State gives priority to the articles on women and children with disabilities. These provisions, in turn, form part — albeit in cross-cutting fashion — of the strategic food network and prenatal care programmes, which, along with efforts to reduce levels of violence against women, are accorded particular attention in the budget and are</p>

<sup>7</sup> The CONADIS annual report for 2009 is posted on the institution's web portal.

monitored exhaustively.

An awareness-raising event regarding women and disability was held in Lima in March of this year in the framework of article 6 of the Convention. The event was attended by representatives of regional associations and Ms. Eneida Ferrer of the Organization of American States Technical Secretariat for the Implementation of the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities. The possibility of holding an Ibero-American congress in December 2010 on women and children with disabilities is under consideration; increasing attention is also being focused on the remaining articles of the Convention, as mentioned earlier.

The degree of involvement of persons with disabilities including women, boys and girls with disabilities in the development, implementation and evaluation of legislation and policies to introduce the Convention. It should also be indicated the diversity of persons with disabilities who have been involved in these processes with a gender, and age based perspective

As noted earlier, specific data on the extent to which children and women with disabilities have been involved in the progress made in this area are not yet available.

In 2009, Peru organized an Ibero-American congress on children and youth. The Government has yet to accurately identify the segments of the population composed of women and children with disabilities with a view to facilitating follow-up to the Convention.

The gender perspective is taken into account in the assessment of Peru's 12 high-priority national policies as set forth in Supreme Decree No. 27-2007-PCM. The main innovation in this respect lies in the system of assessment and the extension of the reporting procedure to regional and local levels of government.

Whether the State has measures that provide higher levels of protection of the rights of persons with disabilities than those included in the Convention, in line with paragraph 4 of article 4

The Convention complements and injects greater coherence into the disparate pieces of legislation enacted in Peru in recent years in the light of ongoing developments in international and national human rights legislation.

Congress and CONADIS are planning to work together to draft a proposal in 2010 on harmonizing Peruvian disability laws with the Convention.

How it has been ensured that the provisions of the Convention extend to all parts of the States, without any limitation or exception, in the case of federal or very decentralized States.

Under the Constitution, the Republic of Peru has a unitary, representative and decentralized government. Legislation and treaties, which have the status of laws in Peru, are applicable throughout the country.

For this reason and in accordance with the Convention, the Act on Offences and Penalties of August 2009 is applicable throughout the country; the provisions set out in the implementing regulations adopted in March 2010 concerning the investigation and penalization of violations of the Act are being adapted by CONADIS and the Ministry of Women and Social Development for application on a decentralized basis.

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Regional and municipal offices for persons with disabilities are not yet in full compliance with the Convention, however, and this situation must be evaluated in the course of the process involved in harmonizing the relevant provisions with the Convention.

As the issue of disability is incorporated into the strategic budgetary planning process of the Ministry of Economic Affairs and Finance, the matter of administrative, budgetary and operational autonomy will need to be resolved.

Steps in this direction were taken this year, and Congress is working with the executive to secure passage of an emergency decree that would lead to undertakings in specific sectors at, inter alia, the regional and local government levels.

## C. Specific rights

### 1. Article 5: Equality and non-discrimination

59. This article recognizes that all persons are equal before the law and are entitled to equal protection and benefit under the law without discrimination.

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Whether persons with disabilities are able to use the law to protect or pursue their interests on an equal basis to others

The Constitution establishes that all persons are equal before the law. No one is to be discriminated against on the basis of origin, race, sex, language, religion, beliefs, or their economic or any other status.

It also provides that all persons who are unable to look after themselves due to a physical or mental disability have the right to have their dignity respected and to enjoy a legal order that provides for their protection, care, readaptation and security.

In order to ensure the exercise of these rights, the State encourages private institutions to act in the public interest. It also coordinates the provision of services by the offices of the Ombudsman, the Ministry of Women and Social Development and the national police force. Three ministries are directly involved in providing services to persons with disabilities: the Ministry of Health, the Ministry of Education and the Ministry of Labour.

Effective measures taken to guarantee persons with disabilities equal and effective legal protection against all types of discrimination, including the provision of reasonable accommodation

The public budget acts that were passed for the 2009 and 2010 fiscal years contained two crucial articles under which local and regional governments can make budget allocations for actions to address disability issues. Under these articles, governments at those levels are authorized to use 0.5 per cent of their budgets to improve or provide accessibility features for urban infrastructure and municipal buildings that are open to all persons, and especially persons with disabilities and

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Policies and programmes, including affirmative action measures, to achieve the de facto equality of persons with disabilities, taking into account their diversity	<p>older adults, and are authorized to undertake expenditures equivalent to up to one taxation unit (UIT) for the purpose of opening municipal and regional offices to serve persons with disabilities.</p> <p>The establishment and operation of round tables focusing on different capacities are being promoted by Congress and CONADIS as a way of providing greater opportunities for the integration and involvement of persons with disabilities and their families. Town hall meetings have also been held in locations away from the capital city in order to obtain inputs from members of civil society and engage with public servants who work in the field of disability.</p>
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## 2. Article 8: Awareness-raising

60. This article establishes the obligation of States parties to apply effective awareness-raising policies to promote a positive perception of persons with disabilities. The report should contain information on the measures taken to raise awareness about persons with disabilities, to foster respect for their rights and dignity, their capabilities and contributions, and to combat stereotypes and prejudices relating to them.

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Public-awareness campaigns directed to general society, within the education system and actions undertaken through mainstream media	<ul style="list-style-type: none"> <li>• Creation of a first virtual tflotechnology library of Congress, which has published a work on the history of Peru in Braille; congressional approval and funding for the country's first school for the deaf (the Ludwig Van Beethoven School); start-up of the national "Mi Silla" (my chair) campaign, through which 50,000 wheelchairs will be donated to poor and extremely poor persons with disabilities; launch of the national "Ver para Creer" (seeing is believing) campaign, which made it possible for 1,500 persons to have cataract operations; and implementation of the first "Una Sonrisa Especial" (a special smile) oral health campaign, which provides services free of charge and gives priority to children with slight or severe mental retardation and children with Down's Syndrome. In addition, "Mentes Brillantes" (brilliant minds) project competitions have been held as joint public/private initiatives with support from the Special Commission on Disability, and the Mephibosheth Resource Centre was established to facilitate access to information technologies for persons with disabilities.</li> <li>• The national radio station broadcasts a weekly programme entitled "Sin Barreras" (without barriers), which educates the public and provides guidance concerning compliance with disability-related regulations. The programme also encourages members of the public to employ good practices for engendering a more inclusive society. It provides information on the activities sponsored by CONADIS,</li> </ul>
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Actions undertaken to raise awareness and inform persons with disabilities and other parts of society on the Convention and the rights it includes

interviews medical experts, leaders of relevant associations and other persons from the public and private sectors, and answers questions phoned in from all parts of the country by private individuals. Activities organized by public and private agencies are also publicized.

Channel 56, which is broadcast by one of the largest cable television companies, leads the vanguard of inclusive communication by transmitting plenary sessions of congressional committees and other activities of Congress in sign language. It is the first and only channel in Peru with a staff of sign-language interpreters.

### 3. Article 9: Accessibility

61. This article establishes the obligation of States parties to take appropriate measures to enable persons with disabilities to live as independently as possible and to participate fully in all aspects of life.

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Legislative and other measures taken to ensure to persons with disabilities, access on an equal basis with others to the physical environment (including the use of signal indicators and street signs), to transportation, information and communications, (including information and communications technologies and systems) and to other facilities and services provided to the public including by private entities, both in urban and in rural areas according to article 9, paragraphs 2 (b) to (h), of the Convention

The technical standards approved by means of Supreme Decree No. 011-2006-VIVIENDA for inclusion in the national buildings regulations include Regulation A.120 on Accessibility for Persons with Disabilities, which incorporates the provisions set out in NTE A.060 and NTE U.190.

This standard establishes technical design specifications and requirements for the preparation of plans, the construction of buildings and the adaptation of existing structures, where possible, in order to make them accessible to persons with disabilities.

This regulation was published in 2006, but information concerning its provisions are disseminated at the national level on an ongoing basis. Technical building standards are also reviewed on a continuing basis to ensure that they are kept up to date. As part of this effort, in 2009 a portion of Regulation A.120 was modified, as was its title, which was changed to Accessibility for Persons with Disabilities and Older Adults, by Supreme Decree No. 010-2009-VIVIENDA.

- The Technical Committee for the Regulation of Physical Accessibility was established. This committee, which includes representatives of various public and private institutions, will refer to international codes as a basis for drawing up technical standards to ensure that architectural structures and urban buildings are accessible to persons with disabilities.

It will be the committee's job to establish the minimum design requirements for all means of transportation, the associated facilities and areas, and furnishings and equipment in order to

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Technical standards and guidelines for accessibility; as well as on the auditing of their fulfilment and sanctions for non-compliance; and whether resources obtained by means of money sanctions are applied to encourage accessibility actions	ensure that they are suitable for use by persons with disabilities and that such persons will not encounter obstacles or barriers when engaging in individual or collective activities.  Contravention of the accessibility regulations applying to urban buildings and other infrastructure, with due consideration for the surrounding conditions, is classified as a serious breach of the Act on Offences and Penalties. This law also provides that the revenues from fines are to be used by CONADIS to fund the dissemination and furtherance of regulations on behalf of persons with disabilities.
The use of public procurement provisions and other measures that establish compulsory accessibility requirements	The entry into force of the Act on Offences and Penalties will provide a suitable legal instrument for requiring construction works to meet disability accessibility standards.
The identification and elimination of obstacles and barriers to accessibility including from both within the public and the private sector, and national accessibility plans established with clear targets and deadlines	Supreme Decree No. 027-2007-PCM set 30 per cent of all public buildings as the target figure for accessibility (one of three national policies on disability); that target was met during the first half of 2009. This year, the target was raised to 60 per cent.

#### **4. Article 10: Right to life**

62. This article reaffirms that persons with disabilities enjoy the inherent right to life on an equal footing with other persons.

<i>Report on</i>	<i>Progress</i>
Whether the legislation recognizes and protects the right to life and survival of persons with disabilities on an equal basis with others	The Constitution of Peru establishes the fundamental rights of the person, which include the right of all persons to life, to their identity, to moral, physical and psychological integrity, and to their unrestricted development and well-being. The unborn child is a legal person insofar as that status is in his or her interest.
Whether persons with disabilities are being subject to arbitrary deprivation of life	With regard to all persons' equality before the law, article 1 of the Constitution states that the defence of the human person and respect for the human person's dignity are the supreme objective of society and the State.  The independent agency that monitors compliance with the constitutional mandate of persons with disabilities is CONADIS. Within the legislature, the Special Commission on Disability is responsible for proposing legislation and monitoring its application throughout the country.

## 5. Article 11: Situations of risk and humanitarian emergencies

63. States parties undertake to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and natural disasters.

<i>Report on</i>	<i>Progress</i>
Any measures taken to ensure their protection and safety including measures taken to include persons with disabilities in national emergency protocols	The National Institute for Civil Defence (INDECI) issued Directive No. 002-2010-INDECI on provisions for persons with disabilities.
Measures taken to ensure that humanitarian aid relief is distributed in an accessible way to persons with disabilities caught in humanitarian emergency, in particular measures taken to ensure that sanitation and latrine facilities in emergency shelters and refugee camps are available and accessible for persons with disabilities	<ul style="list-style-type: none"> <li>• As from this year, local governments have a budget line equivalent to one monthly UIT (approximately US\$ 1,200) for the operation of offices to serve persons with disabilities; additional funds are to be made available during national emergencies.</li> <li>• A training event organized by the Ministry of Foreign Affairs entitled “International Forum: White Helmet Volunteers in Peru”, focused on the experiences of Peru and Argentina in this area. The Argentine White Helmets Initiative was used as a disaster management model. The subject matter covered during the event was “Gender, older adults and persons with disabilities in risk and disaster management”.</li> </ul>

## 6. Article 12: Equal recognition before the law

64. This article reaffirms that persons with disabilities have the right to recognition as persons before the law.

<i>Report on</i>	<i>Progress</i>
Measures taken by the State party to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, in particular such measures as to ensure the equal right of persons with disabilities to maintain their physical and mental integrity, full participation as citizens, own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and their right not to be arbitrarily deprived of their property	<p>In order to ensure respect for the fundamental rights of deaf and deaf-blind persons and the full and unhindered exercise of those rights, CONADIS has submitted a bill that would amend articles 43, 241 and 274 of the Civil Code as they relate to the ability of persons with disabilities to express their will unequivocally. The bill is currently under consideration.</p> <p>The above articles of the Civil Code provide that deaf mutes, the deaf-blind and blind-mute persons that are absolutely incapable of expressing their will unequivocally because of their disability may not marry and that such an inability constitutes grounds for annulment</p>
Whether legislation does or does not exist which restricts the full legal capacity on the basis of disability, as well as actions being taken towards conformity with article 12 of the Convention	Initiatives such as those described in the preceding entry are aimed at making the necessary amendments to domestic laws to ensure the effective inclusion of persons with disabilities in society. They are undertaken in the light of international recommendations concerning changes in legislation, social affairs, education, labour and

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The support available to persons with disabilities to exercise their legal capacity and manage their financial affairs

any other measure required to do away with discrimination of any kind.

The Banco de la Nación has launched its new web portal [www.bn.com.pe]. This is the only Peruvian bank website that meets international standards for accessible navigation by persons with visual disabilities. The Banco de la Nación is thus the first public-sector institution at the national level to be in compliance with Act No. 28530 and Ministerial Decision No. 126-2009-PCM, which establish that the web pages of State institutions should be fully accessible.

The new institutional web portal of the Banco de la Nación permits non-sighted persons, low-vision persons and older adults to use personal computers, mobile telephones, Blackberries, PDAs and other such devices to access products and services, procedures and operations more easily and quickly using sight- or hearing aided screen-reading software.

The existence of safeguards against abuse of supported decision-making models

Such measures have been incorporated into the process of aligning national laws and regulations with the Convention; this process has been programmed as part of the CONADIS institutional operating plan for 2010.

Awareness-raising, and education campaigns in relation to equal recognition of all persons with disabilities before the law

In its 2009 human development report on Peru, UNDP suggests that an analysis of the effectiveness of the State in terms of basic service delivery should be supplemented with an analysis of other services, such as those connected with the justice system, with a view to arriving at an assessment of more advanced stages of State service delivery, which, once reached, would contribute to a more inclusive and equitable form of development for the country as a whole.

We would add that, in line with the modest but nonetheless valuable contribution made by this report, these services will have to be incorporated into a budget structure that provides for the monitoring of outcomes using cross-sectoral benchmarks.

## 7. Article 13: Access to justice

65. This article recognizes the right of persons with disabilities to have effective access to justice on an equal basis with others and to not be excluded from legal proceedings.

<i>Report on</i>	<i>Progress</i>
Measures taken to ensure the effective access to justice at all stages of the legal process, including investigative and other preliminary stages, by all persons with disabilities	<ul style="list-style-type: none"> <li>• The new Code of Criminal Procedure is designed to make legal proceedings less costly and to expedite them, which will work to the benefit of the State, defendants, aggrieved parties and court officials.</li> <li>• Act No. 29392 on Offences and Penalties for Non-Compliance with the Omnibus Act on Persons with Disabilities sets fines for public agencies that infringe accessibility regulations. The purpose of these fines is to promote the unhindered physical movement of persons with disabilities who make use of the services of the Peruvian judicial system.</li> </ul>
Measures taken to ensure effective training of personnel in the national justice and prison system, in the respect for the rights of persons with disabilities	<ul style="list-style-type: none"> <li>• In order to ensure the proper identification of persons with disabilities, CONADIS needs to organize free disability certification campaigns in the country's prisons. These campaigns help to raise the awareness of the administrative and security staff of these institutions, as well as facilitating access and the regularization of personal identification records for persons with disabilities, since a person must possess a national identity document in order to be entered in the National Register of Persons with Disabilities.</li> </ul>
The availability of reasonable accommodations, including procedural accommodations that are made in the legal process to ensure effective participation of all types of persons with disabilities in the justice system, whatever the role which they find themselves in (for example as victims, perpetrators, witness or member of jury, etc.)	<p>In order to permit closer monitoring, and as part of the work that it is doing to introduce a results-based budget methodology at the sectoral level, the Ministry of Economic Affairs and Finance has adopted a strategic programme on crime prevention within the framework of the new Code of Criminal Procedure. This makes it possible to evaluate budget execution more accurately, which is the best indicator for ensuring that public funds are being properly used to implement high-priority State policies on, inter alia, the administration of justice.</p>
Age-related accommodations to ensure effective participation of children and young persons with disabilities	<p>The Ministry of Women and Social Development is working at the sectoral level to measure the impact of public policies on at-risk groups more accurately; to that end, it is requiring all of its national programmes to upgrade their indicators and to compile data on each group within the population that they serve.</p>

## 8. Article 14: Liberty and security of the person

66. This article ensures that persons with disabilities enjoy the right to liberty and personal security and that they are not deprived of their liberty unlawfully or arbitrarily on the basis of the existence of a disability.

<i>Report on</i>	<i>Progress</i>
<p>Measures taken by the State party to ensure that all persons with all forms of disabilities enjoy the right to liberty and security of person and that no person is deprived of her/his liberty on the basis of her/his disability</p> <p>Actions being taken to abolish any legislation that permits the institutionalization or the deprivation of liberty of all persons with all forms of disabilities</p> <p>Legislative and other measures put in place to ensure that persons with disabilities who have been deprived of their liberty are provided with the required reasonable accommodation, and benefit from the same procedural guarantees as all other persons to enjoy fully their remaining human rights</p>	<p>Peru's Civil Code and new Code of Criminal Procedure are in full effect. These codes guarantee the right of any person who feels that his or her human rights have been violated to bring legal action in the courts under either of those codes or the Constitution.</p> <p>The Ministry of Women and Social Development and other agencies responsible for protecting and safeguarding citizens' rights, such as the Office of the Ombudsman, the Office of the Attorney General and the Constitutional Court, promote and disseminate existing laws and regulations on behalf of the State of Peru.</p>

## 9. Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

67. This article establishes that persons with disabilities shall not be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

<i>Report on</i>	<i>Progress</i>
<p>Measures taken to protect effectively persons with disabilities from medical or scientific experimentation without their free and informed consent, including persons with disabilities who need support in exercising their legal capacity</p> <p>The inclusion of persons with disabilities in national strategies and mechanisms to prevent torture</p>	<p>The Civil Code protects the right to self-determination of persons with disabilities and governs the procedures for the establishment of wardships and disqualifications.</p> <p>With regard to the prevention of torture, the Ministry of Women and Social Development has a programme to combat domestic and sexual violence, and a national plan has been drafted on that basis; a strategic programme to address the issue is to be put in place in 2011.</p>

## 10. Article 16: Freedom from exploitation, violence and abuse

68. This article provides for the protection of all persons with disabilities, especially children and women, from all forms of exploitation, violence and abuse, both within and outside the home.

<i>Report on</i>	<i>Progress</i>
<p>Legislative, administrative, social, educational and other measures taken to protect persons with disabilities, both within and outside the home, from all forms of</p>	<ul style="list-style-type: none"> <li>The Ministry of Justice has submitted legislative proposals for the inclusion of provisions in the Children and Adolescents Code and the Criminal Code to</li> </ul>

exploitation, violence and abuse, including the gender and child-based aspects

prohibit the recruitment and enlistment of minors in the armed forces and armed groups.

- In an effort to prevent persons from being disabled and avert the dissolution of families as a result of the death of the father or mother, the Ministry of Transport and Communications issued a supreme decree which stiffened the penalties for driving offences. This is one of the measures that has been taken to reduce road accidents. The need for this became particularly apparent in April 2009 with the publication of the National Plan for Implementation of the 2009–2012 Strategy to Combat Road Accidents, which shows that, over the past four years, 117,900 people were permanently disabled as a result of road accidents on urban roadways and highways.

Social protection measures to assist and support persons with disabilities, including their families and caregivers, and to prevent, recognize and report instances of exploitation, violence and abuse, including the gender- and child-based aspects

The “Creceer Juntos” social programme targets the most vulnerable sectors of the population, whose members are living under the worst conditions in terms of poverty, risk levels and exclusion.

Its implementation will increase the availability, accessibility and use of a package of health, nutrition and education services which is tailored to programme beneficiaries’ current stage in the life cycle.

Measures taken to ensure that all services and programmes designed to serve persons with disabilities are effectively monitored by independent authorities

Although the cross-cutting approach (under which persons with disabilities are included within the sector of the population classified as “vulnerable”) is still the preferred means of addressing these issues, noteworthy progress has been made by the strategic “Articulación Nutricional” (food network) Programme of the Ministry of Economic Affairs and Finance, which links human development with children’s healthy growth and the health of mothers during pregnancy.

Measures taken to ensure that all persons with disabilities who are victims of violence have access to effective recovery, rehabilitation and social reintegration services and programmes

- Implementing regulations for the Comprehensive Health-Care Act were approved this year
- One of the foundations for the “Creceer Juntos” social programme is the report of the Truth and Reconciliation Commission on the consequences of the political violence that took place in Peru up until the early 1990s

The Ministry of Women and Social Development is also implementing the National Programme to Combat Domestic and Sexual Violence and is adapting the methodologies used at its Emergency Women’s Centres (CEM) to assist persons with disabilities who are victims of domestic or sexual violence. Since 2008, there has been

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a box on the case registration forms for the identification of persons with disabilities, and CEM staff have been instructed to give them preferential treatment. Between January 2008 and December 2009, a total of 1,030 victims with disabilities (1.2 per cent of the total number of cases) were assisted at these centres.

## 11. Article 17: Protecting the integrity of the person

69. This article establishes the right to respect for the physical and mental integrity of persons with disabilities.

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Measures taken to protect persons with disabilities from medical (or other) treatment given without the free and informed consent of the person

The Civil Code and the new Code of Criminal Procedure are fully in effect for all groups within the population, as are policies to combat torture and inhuman or cruel treatment of persons with disabilities. The Constitution and the implementation of international treaties provide the framework for the steps taken by the Government of Peru to improve existing legislation.

Measures taken to protect all persons with disabilities from forced sterilization, and girls and women from forced abortions

The Ministry of Women and Social Development handles complaints of this type. The municipal offices of the Ombudsman for Children and Adolescents and NGOs also coordinate their work with State action in an effort to reduce and eliminate the occurrence of such cases.

The existence, composition and role of independent review organizations to ensure the fulfilment of this right, as well as the programmes and measures adopted by these bodies

There are a number of independent institutions in Peru operating under the rule of law that has been in place for almost 18 years now (ever since the last anti-democratic decision was taken to dissolve Congress, which was immediately followed — thanks in large part to international pressure — by a call for elections to choose the members of the Constituent Assembly that framed the Peruvian Constitution of 1993).

The Constitutional Court is fully operational and is the highest instance for the resolution of conflicting interpretations and infringements of the Constitution of Peru.

## 12. Article 18: Liberty of movement and nationality

70. This article recognizes the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality.

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Legislative or administrative measures taken to ensure the right of persons with disabilities to acquire a nationality and to not be deprived of it, as well as to ensure the right

In the chapter on the fundamental rights of the person, the Constitution establishes that every person has the right to choose his or her place of residence, to move freely

of persons with disabilities to enter or leave the country arbitrarily

throughout the national territory and to leave the country and return, unless he or she is subject to restrictions by reason of health considerations, a judicial order or the application of the Aliens Act. It further establishes that no one shall be divested of the right to nationality or the right to obtain or renew his or her passport within or outside the territory of the Republic.

The Ministry of the Interior, through its Directorate-General of Migration and Naturalization, is responsible for implementing migration policy and for managing, coordinating and monitoring migration and naturalization. It also issues travel documents and identification documents to non-nationals.

Measures taken to ensure that every newborn child with a disability be registered upon birth and given a name and a nationality

Birth certificates and national identity documents are produced for these persons free of charge. This special service is provided under an agreement between the Ministry of Health and the EsSalud national health insurance system in nearly 40 hospitals nationwide in which National Identity and Civil Status Registry offices are located.

Newborn children are issued a unique identification code (the national identity document number) which is valid throughout their life.

The fact that minors with disabilities are issued national identity documents contributes directly to the prevention and reduction of potential cases of abuse and exploitation. It also facilitates the monitoring of their medical care and/or access to social programmes. In addition, it helps to counter the trafficking of organs and the national and international abduction and trafficking of minors, which can be encouraged by a lack of effective controls, especially given the potential ease with which judicial decisions authorizing national and international travel can be falsified or forged.

In this respect, through the National Register of Minors' Travel Authorizations and Prohibitions (RENAVIM),<sup>8</sup> detailed information on missing children can be distributed, as appropriate, by accessing the RENIEC database and retrieving data on the child's parents.

<sup>8</sup> The regulations governing the National Register of Minors' Travel Authorizations and Prohibitions are aligned with the Children and Adolescents Code (Act No. 27337).

### 13. Article 19: Living independently and being included in the community

71. This article recognizes the rights of persons with disabilities to live independently and to participate in the community.

<i>Report on</i>	<i>Progress</i>
The existence of available independent living schemes, including the provision of personal assistants for persons who so require	<p>A law has been adopted that classifies deaf-blindness as a single disability, and the State therefore recognizes sign language, dactylology and Braille as official communication systems; persons with that disability are free to choose the system of communication which they wish to use. This law covers the accreditation and registration of specialized guides and interpreters for persons with the disability and stipulates that the State and private companies that provide public services must employ them for the benefit of deaf-blind persons.</p> <p>In accordance with the Convention's provisions on special care for children with disabilities, this year CONADIS arranged for and began distributing 700 wheelchairs adapted for use by children.</p>
The existence of in-house support services allowing persons with disabilities to live in their community	<p>The "Crecer Juntos" National Direct Assistance Programme for the Very Poor is one of the most important social protection initiatives in Peru. Its objective is to promote the exercise of fundamental rights by coordinating the supply of nutrition, health, education and identification services. In addition, financial incentives (US\$ 35) are offered to mothers or guardians on the condition that they participate actively in the programme.</p> <p>To date, its coverage extends to 1,110 districts whose populations live in extreme poverty. Beneficiary households are those whose members include expectant mothers, widowed parents, older people or guardians of children up to the age of 14 years.</p> <p>Although the programme is a cross-cutting initiative, this year arrangements have been made to place priority on serving persons with disabilities.</p>
The existence and range of options of residential services for living arrangements, including shared and sheltered accommodation which take into account the form of disability	<p>A shelter has been opened for soldiers who have been left with a disability.</p> <p>The premises consist of five buildings with a total of 80 beds, a fully-equipped kitchen, dining room, living room, bathrooms and administrative offices. These facilities have been transferred to the Peruvian Association of Army Officers and Soldiers with Disabilities.</p> <p>This congressional initiative is part of the national plan to rehabilitate members of the armed forces and national police force whose participation in the fight against narcoterrorist criminals has left them with disabilities.</p>

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The degree of accessibility for persons with disabilities to community services and facilities provided to the general population

Although the State Service Density Index used in the report on Peru prepared by UNDP<sup>9</sup> shows that inequalities between rural and urban areas remain, the Human Development Index indicates that there has been an increase in the proportion of households with access to the water distribution and sewerage systems (within and outside the home) and to the electricity grid.

Under the subsidiarity principle, as soon as a construction project is begun, it becomes the responsibility of the 1,834 local and 25 regional governments to monitor compliance with accessibility standards. The initiative to harmonize national legislation with the Convention has been undertaken for that purpose, and the adoption of the Offences and Penalties Act is the best example of progress in that respect.

In Lima Province, a metropolitan public transport project has been implemented. In compliance with standards on universal accessibility, it provides modes of transport that are accessible to persons with disabilities, older people, expectant mothers and persons with small children. These transportation services are socially inclusive and safe and reduce air pollution.

#### 14. Article 20: Personal mobility

72. This article recognizes the right of persons with disabilities to move freely with the greatest possible independence.

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Measures to facilitate the personal mobility of persons with disabilities, including the use of signal indicators and street signs for accessibility, in the manner and the time of their choice, as well as their access to forms of assistance (human, animal, or assistive technologies and devices), at an affordable cost

The full entry into force of the Offences and Penalties Act this year will encourage appropriate budget management by municipalities, regional governments and ministries in order to redress and improve accessibility conditions for the free movement of persons with disabilities.

The Traffic Code adopted in July 2009 establishes penalties for the improper use of parking areas reserved for vehicles driven by or carrying persons with disabilities. To the same end, CONADIS began issuing vehicle stickers in December 2009.

In the Metropolitan Municipality of Lima, under an ordinance governing the urban public transport system, a fine of 720 nuevos soles (nearly US\$ 250) is imposed on public transport companies that refuse to pick up schoolchildren, elderly people, children, pregnant women

<sup>9</sup> *Informe sobre Desarrollo Humano Perú 2009: Por una densidad del Estado al servicio de la gente*, part I, UNDP, Peru.

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Measures taken to ensure that the technologies are high quality, affordable and user-friendly

or persons with disabilities from bus stops when there is room in the vehicle.

Ministerial Decision No. 126-2009-PCM sets out guidelines for public institutions belonging to the National Information Technology System concerning the accessibility of web pages and mobile telephone applications. These agencies have 30 months in which to implement that decision and, to that end, are expected to include the necessary activities in their informatics operating plans.

Measures taken to give training in mobility skills to persons with disabilities and specialist staff

Preparation of the draft implementing regulations for Act No. 28735, which governs the provision of services to persons with disabilities, pregnant women and older people in airports; airfields, land, rail, sea and river terminals; and public transport facilities.

Measures taken to encourage entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities

A draft supreme decree has been prepared for the issuance of regulations under which tax exemptions will be granted for the importation of special vehicles and prosthesis for the exclusive use of persons with disabilities.

In the strategic programme on disability, which is currently in the design phase under the supervision of the Ministry of Economic Affairs and Finance, provision has been made for the creation of a programme on biomechanical and compensatory aids that will include national workshops for the production and repair of such devices.

## 15. Article 21: Freedom of expression and opinion, and access to information

73. This article recognizes the right of persons with disabilities to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas through all forms of communication of their choice.

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Legislative and other measures taken to ensure that information provided to the general public is accessible to persons with disabilities in a timely manner and without additional cost

The General Act on Persons with Disabilities regulates broadcasts of subtitled television programmes to facilitate access to information.

Adoption of the implementing regulations for Act No. 28530, which deals with the promotion of Internet access for persons with disabilities and the modification of public Internet booths.

Legislative and other measures taken to ensure that persons with disabilities can use their preferred means of communication in all forms of official interaction and access to information, such as sign language, Braille, augmentative and alternative communication, and all

Congress adopted in plenary a law that defines deaf-blindness as a single disability, and the State therefore recognizes sign language, dactylography and Braille as official communication systems; persons with that disability are free to choose the system of communication which they wish to use. This law further establishes that

<i>Report on</i>	<i>Progress</i>
other accessible means	public and private bodies and institutions that supply public services or serve the public must provide deaf-blind persons with a guide or interpreter, free of charge and on a progressive basis, whenever required. Such bodies and institutions must allow deaf-blind persons to be accompanied by officially recognized guides or interpreters.
Measures taken to urge private entities and mass media to provide their information and services in an accessible form for persons with disabilities, including measures taken to prevent the blocking or restriction of access to information in alternative formats by the private sector	Act No. 28530, adopted in December 2009, declares that it is in the interest of society to promote access to the Internet and to the technologies required for integration into the information society and re-entry into the labour market.
Degree of accessibility of mass media and percentage of public websites that comply with the Web Accessibility Initiative (WAI) standards	Act No. 28530 has recently entered into force but no relevant data have yet been recorded, as the system is still being set up under the supervision of the National e-Government Office of the Office of the President of the Council of Ministers.
Legislative and other measures taken linked to the official recognition of sign language(s)	Adoption of the law under which deaf-blindness is recognized as a single disability.  The Congressional Health Commission unanimously approved a decision under which sign language is officially recognized as a means of communication for persons with hearing impairments.

## 16. Article 22: Respect for privacy

74. This article recognizes the right of all persons with disabilities to protection of their privacy, honour and reputation.

<i>Report on</i>	<i>Progress</i>
Measures taken to protect the privacy of personal, health and rehabilitation related information of persons with disabilities	The General Act on Persons with Disabilities authorizes CONADIS to compile a national register of persons with disabilities. That register currently contains entries on 71,000 individuals. All such information is confidential and may be disclosed only under court order.
Measures taken so that persons with disabilities not be concealed on the pretext of protection of privacy	The 2009 UNDP report on the level of human development in Peru highlights the important role played by RENIEC in converting the documentation process (issuance of national identity documents) into a matter of public policy and in countering sociocultural patterns associated with the tendency to keep relatives with disabilities out of sight.

## 17. Article 23: Respect for home and the family

75. This article recognizes the rights of persons with disabilities to marry and to found a family, to decide freely on the number of children to have and to retain their fertility on an equal basis with others.

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<p>Measures taken to ensure that persons with disabilities may exercise the right to marry and to found a family on the basis of full and free consent</p>	<p>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.</p>
<p>Measures taken so that persons with disabilities have access to family planning, assistive reproduction and adoption or fostering programmes</p>	<p>At the National Adoption Secretariat within the Ministry of Women and Social Development, applicants for adoption are given information and made aware of the priority adoption programme. In order to promote the adoption of children, the register and its respective files are constantly being updated.</p> <p>Information on the “Ángeles que aguardan” (angels in waiting) priority adoption initiative has been posted on the Ministry’s website since 2008 with the aim of promoting the adoption of boys and girls over the age of 8 years, adolescents and groups of siblings with disabilities or health problems.</p> <p>The National Adoption Secretariat conducts monthly updates of statistics on children and adolescents with disabilities who have been abandoned. As of 8 April 2010, there were 142 such persons.</p>
<p>Measures taken to ensure that parents with disabilities, who so require, are provided with the adequate support in their child-rearing responsibilities, ensuring the parent-child relationship</p>	<ul style="list-style-type: none"> <li>• The Children and Adolescents Code contains an article on the right of children and adolescents with disabilities to receive care, specialized education and vocational training and ongoing assisted health care.</li> </ul>
<p>Measures taken to ensure that no child is separated from her/his parents because of the disability of either the child or one or both of the parents</p>	<ul style="list-style-type: none"> <li>• In view of the contribution that having an adequate food supply can make to family integration, the Ministry of Women and Social Development issued Ministerial Decision No. 034-2010-MIMDES, which formalizes the 2010 management agreement between the Ministry and local and provincial governments concerning the Food Supplement Programme (clause 5.22 on priority service for persons with disabilities under the Food Supplement Programme).</li> </ul>
<p>Measures taken to support fathers and mothers, and the families of boys and girls with disabilities, in order to prevent concealment, abandonment, neglect or segregation of the boy or girl with a disability</p>	<p>The “Crecer Juntos” conditional cash transfer programme includes a component on identity and citizenship which encourages families to participate in the “Mi Nombre” (my name) programme for children and adults who lack birth certificates or national identity documents. The continuation of this policy is, in the State’s view, essential.</p>

<i>Report on</i>	<i>Progress</i>
Measures taken to avoid institutionalization of boys and girls with disabilities whose parents are unable to care for them, and ensure that they are provided with alternative care from the wider family, or when this is not possible, in a family setting in the wider community	<p>The issue of identity is also addressed by strategic programmes administered by the Ministry of Economic Affairs and Finance, which ensures appropriate funding for RENIEC.</p> <p>The Children and Adolescents Code Special Review Commission has approved title II of book III of the Code, which includes provisions designed to ensure that court proceedings involving children and adolescents take account of their best interests and rights.</p> <p>The Commission has been informed that 246 children were declared abandoned and were adopted in 2009, over half of them by foreign couples. With a view to increasing the number of adoptions, it has directed that particular attention must be paid to conducting guardianship investigations, which play a fundamental role in expediting the adoption process.</p>

### 18. Article 24: Education

76. This article recognizes the right of persons with disabilities to education on the basis of equal opportunity through an inclusive education system at all levels and access to lifelong learning.

<i>Report on</i>	<i>Progress</i>
Measures taken to ensure that every child with disabilities has access to early-stage education, and mandatory primary, secondary and higher education	<ul style="list-style-type: none"> <li>• Ministerial Decision No. 069-2008-ED to issue Directive No. 01-2008-VMGP-DIGEBE on regulations for enrolling children and young persons with disabilities in the various levels and modalities of the education system within the framework of an inclusive education system</li> <li>• Ministerial Decision No. 440-2008-ED to adopt the national curriculum design for regular basic education</li> <li>• Directorate Decision No. 650-2008-ED to adopt supplementary regulations for opening, organizing and running Special Basic Education Resources Centres (CREBE)</li> <li>• Vice-Ministerial Decision No. 025-2008-ED to adopt Directive No. 069-2008-VMGP-DIGEBE, which establishes regulations for planning, organizing, implementing, monitoring and evaluating activities under the National Campaign to Promote and Raise Awareness of Inclusive Education</li> <li>• Ministerial Decision No. 298-2008-ED to adopt supplementary regulations for implementation of the 2008 teacher-training programme for the special basic education system</li> <li>• Vice-Ministerial Decision No. 037-2008-ED to constitute the Round Table for Dialogue and Joint Action to Promote Inclusive Education</li> <li>• Provisions for the development of technical teaching and institutional activities in institutions providing basic instruction and technical/vocational education in the 2008, 2009 and 2010 academic years (Ministerial Decision No. 494-2007-ED, Ministerial Decision No. 441-2008-ED and Ministerial Decision No. 341-2009-ED)</li> </ul>

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- Directorate Decision No. 0236-2010-ED establishes that the psychopedagogical management teams working out of Special Basic Education Centres should provide care for students with severe disabilities and multiple disabilities at the post-primary education level
- Vice-Ministerial Decision No. 0020-2010-ED to adopt Directive No. 026-2010-VMGP-DIGEBE concerning the organization and implementation of the Third Competition on Successful Experiences in Inclusive Education; the directive also sets out the rules for that event

Information on the number of boys and girls with disabilities in early-stage education

The Ministry of Education, through the Early Intervention Programmes (PRITE), has provided care as follows:

<i>Year</i>	<i>Number of children</i>
2008	1 976
2009	2 053

Information on the existing significant differences in the education of boys and girls in the different education levels and whether there are policies and legislation to cater for these differences

Act No. 27558 on the promotion of girls' education in rural areas is being implemented. Its objectives are as follows:

1. In order to provide diversified services to meet the needs of girls in rural areas, the following activities have been undertaken:
  - Interactive learning days focusing on actions to be taken as part of a cross-cutting approach to the provision of services to children and adolescents with disabilities. Through these events, which have taken place in both face-to-face and virtual settings, 1,082 teaching and non-teaching staff have received training in the following areas:
    - Approaches to and strategies for inclusive education (virtual)
    - “Lee Todo” (read all) educational software
    - Progress and perspectives in inclusive education in 2009
    - Review and inputs for the psychological profile and guide for gifted and talented education
  - Institutionalization and strengthening of the Support and Advisory Service for Students with Special Educational Needs (SAANEE); (211) the decision concerning SAANEE conversion is up to date.
2. Enrolment coverage:
  - Activities have included campaigns and round tables aimed at increasing the enrolment of students with disabilities in rural areas (Round Table for Dialogue and Joint Action to Promote Inclusive Education). In addition, annual targets have been set for local education management units (UGELs) and regional education directorates (DREs) working towards providing universal coverage for children and adolescents with disabilities in the regular basic education system.
3. With respect to gender equality, the following activities have been undertaken:
  - Incorporation of gender-sensitive language as a cross-cutting component of all legislation and documents issued
  - Directive No. 0341-2009, issued early in the year, on shared access to standard basic education, alternative basic education and education for all

Legislative and other measures that ensure that schools and materials are accessible and that individualized reasonable accommodation and support required by persons with disabilities is provided to ensure effective education and full inclusion

- Adaptation to accommodate the special educational needs associated with disabilities
  - Campaigns to promote respect for children and adolescents with disabilities in rural areas
- National competition on successful experiences in inclusive education, 2009  
First International Conference on Inclusive and Social Education
- A training day to raise awareness about inclusive education as a component of initial teacher-training activities was attended by the directors of 55 teacher-training institutes in 15 regions: Amazonas, Ancash, Arequipa, Ayacucho, Cajamarca, Cusco, Huancavelica, Huánuco, Junín, La Libertad, Lambayeque, Lima, Puno and Tacna.
  - Distribution of Perkins Braille to 25 institutions in 16 regions: Ica, San Martín, Tumbes, Madre de Dios, Loreto, Pasco, Arequipa, Cajamarca, Cusco, Huancavelica, Huánuco, Junín, Lambayeque, Lima and Ancash
  - Distribution of 305 kits of materials for persons with visual impairments, including Braille frames, styluses, set squares and protractors, in 17 regions: Ica, San Martín, Tumbes, Madre de Dios, Loreto, Pasco, Arequipa, Cajamarca, Cusco, Huancavelica, Huánuco, Junín, Lambayeque, Lima, Moquegua and Ancash
  - Distribution at the national level of the following:
    - 3,991 curriculum adaptation manuals
    - 1,983 psychopedagogical tests
    - 800 copies of the regulations on special basic education
    - 824 manuals on inclusive education
    - 260 kits of various materials for the Special Basic Education Centres
  - Implementation, in cooperation with Caritas-Peru, of a project entitled “Inclusive Education: Education for all in the south-west region of Peru” targeting the Tacna, Moquegua and Arequipa regions
  - Activities to strengthen special basic education services within the framework of the Educational and Social Inclusion Development Programme (PRODIES) in the regions of Piura, Cajamarca, Ica, La Libertad, and the city and province of Lima
  - Support for civil society organizations in improving the accessibility of the premises of special basic education institutions through the modification of sanitation facilities and the construction of ramps
  - Formulation of a project profile for promoting the inclusion of students with disabilities in basic education institutions as part of a pilot study in the Apurímac, Ayacucho, Cusco, Huancavelica and Huánuco regions
  - Establishment of the Round Table for Dialogue and Joint Action to Promote Inclusive Education

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Availability of specific skills-development services for children, adults or teachers who so require in Braille, sign languages, augmentative and alternative communication, mobility and other areas

- Workshop on Peruvian Sign Language for teachers involved in SAANEE; 40 participants were trained in the city of Huacho in August 2009
- Organization of a training event, based on an inclusive approach that promoted participation by persons with visual impairments, under the National Programme for the Promotion of Literacy (PRONOMA) and distribution of Braille frames and styluses to facilitate achievement of learning goals under the Programme
- A training workshop on techniques for meeting the educational needs of persons with visual impairments which focused on definitions, characteristics and educational responses, as well as covering specific aspects such as the Braille system, abacuses, skills for daily life, orientation and mobility, and visual stimulation. A total of 40 teachers were trained in Huacho in August 2009
- Workshop on strategies and resources for the inclusion of students with hearing impairments in the classroom, held at the Universidad Feminina del Sagrado Corazón (Sacred Heart Women's University (UNIFE)) in August 2009

Measures taken for the promotion of the linguistic identity of deaf persons

- Issuance of a favourable finding by the Congressional Health Commission concerning bill No. 02752/2008-CR, which proposes that Peruvian Sign Language be officially recognized as a medium of communication for persons with hearing impairments throughout the country.
- Updating of a document entitled "Lengua de Señas Peruanas 2009" (Peruvian sign language 2009) to produce an expanded second edition that incorporates a chapter on information technology.
- Preparation of a handbook on teaching sign language that includes guidelines for teachers on the organization of Peruvian Sign Language classes.
- Preparation of a second edition of the Quechua-Spanish bilingual manual on sign language. This manual is aimed at persons with hearing impairments from Quechua-speaking areas (Cusco, Apurímac, Puno, Arequipa and Moquegua) and is understandable for speakers of Chanca, a dialectal variant of Quechua spoken in Ayacucho. The print run of 1,000 copies was distributed to 650 teachers in bilingual schools.
- The inclusive Ludwig Van Beethoven School has been opened for children with hearing impairments. This school, which is the first of its kind, will help to reduce illiteracy among deaf persons.

Measures taken to ensure education is delivered in the most appropriate languages, modes, means of communication, and environments for the individual

- Preparation and printing of the Quechua-Spanish bilingual sign-language manual for students with hearing impairments.
- Through Supreme Decree No. 008-2009-ED, the National Training Programme on Road-Safety Education has been created. Article 2 establishes that the Ministry of Education, through the Directorate for Tutoring and Educational Guidance, which is attached to the Office of the Deputy Minister for Pedagogical Management, is responsible for conducting the Programme.

The aim is to teach children about the importance of values such as respect for life, established rules and legitimate authority, as well as about other aspects related to the functions of the traffic police, traffic lights, and the rights and duties of persons with disabilities in the area of road safety.

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Measures to ensure an adequate training on disability for professionals in the education system, as well as measures to incorporate persons with disabilities in the education team

- Ministerial Decision No. 298-2008-ED to adopt supplementary regulations on the implementation of the 2008 special basic education teacher-training programme
- National competition on successful experiences in inclusive education
- Online training for teaching and non-teaching professionals on approaches to gifted and talented education, strengthening of SAANEE and training for professionals involved in early intervention programmes
- An international conference was held on inclusive education for persons with disabilities as a way forward towards educational and social inclusion. The conference was attended by representatives of Brazil, Mexico, Canada and the office of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Chile
- Strengthening services for children with disabilities in areas covered by the “Proniño” (pro-child) Programme run by the Telefónica Foundation
- Under the National Training and Skills Programme, 300 hours of training were provided in 2010, in cooperation with the Pontifical Catholic University of Peru, to 365 special basic education teachers
- Specialized teaching materials designed to promote the inclusion of persons with disabilities in the education system have been distributed across the country to teachers and SAANEE personnel

Number and percentage of students with disabilities in tertiary education

In the Peruvian education system, tertiary education includes technical/vocational education, non-university higher-education institutions or schools, and universities.

#### **Technical/vocational education**

<i>Year</i>	<i>Number of students</i>
2008	678
2009	663

#### **Non-university higher education**

<i>Year</i>	<i>Number of students</i>
2008	183
2009	209

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Number and percentage of students with disabilities, by gender and field of study

Peru: Enrolment in the education system, by sector and geographical area, stage, modality and education level, 2009

Stage, modality and educational level	Total	Sector		Area		Sex	
		Public	Private	Urban	Rural	Male	Female
Standard basic	<b>7 633 102</b>	6 049 021	1 584 081	5 664 196	1 968 906	3 891 661	3 741 441
Initial	<b>1 324 542</b>	996 043	328 499	967 319	357 223	672 004	652 538
Primary	<b>3 747 562</b>	3 019 815	727 747	2 547 531	1 200 031	1 910 644	1 836 918
Secondary	<b>2 560 998</b>	2 033 163	527 835	2 149 346	411 652	1 309 013	1 251 985
Alternative basic <sup>1</sup>	<b>184 420</b>	112 061	72 359	179 550	4 870	96 623	87 797
Special basic	<b>20 862</b>	16 897	3 965	19 904	958	12 240	8 622
Technical/vocational <sup>2</sup>	<b>251 667</b>	119 163	132 504	243 757	7 910	95 265	156 402
Non-university higher education	<b>361 278</b>	125 704	235 574	343 052	18 226	157 153	204 125
Teacher training	<b>33 751</b>	18 141	15 610	30 543	3 208	11 673	22 078
Technological	<b>321 747</b>	102 234	219 513	306 964	14 783	141 659	180 088
Artistic	<b>5 780</b>	5329	451	5 545	235	3 821	1 959
<b>Total</b>	<b>8 451 329</b>	<b>6 422 846</b>	<b>2 028 483</b>	<b>6 450 459</b>	<b>2 000 870</b>	<b>4 252 942</b>	<b>4 198 387</b>

Source: Basic statistics of the Ministry of Education.

Source: ESCALE-MED 2009.

<sup>1</sup> Includes adult education.

<sup>2</sup> Includes occupationally specific education.

Reasonable accommodation provisions and other measures to ensure access to lifelong learning education

- The Directorate-General of Special Basic Education issued Directive No. 236-2010-ED, which provides for activities to help ensure that students with severe and multiple disabilities in Special Basic Education Centres subsequently move on to post-primary educational institutions
- Training workshop on the design of non-school programmes for persons with disabilities over the age of 20

Measures taken by the State to ensure early identification of persons with disabilities and their education needs

- Implementation of a national intersectoral plan to identify children up to 5 years of age who have disabilities or who are at risk of acquiring a disability. (This initiative involves the education and health sectors.)
- Training workshop for teaching and non-teaching professionals on the reorientation of early intervention programmes within the framework of Directive No. 081-VMGP-DINEBE-2006

## 19. Article 25: Health

77. This article recognizes the right of persons with disabilities to the enjoyment of the highest attainable standard of health and the duty of States parties to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation, in their community and without financial cost.

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Legislative and other measures that protect against discrimination and ensure that persons with disabilities have the same access to quality health services, including in the area of sexual and reproductive health	Ministerial Decision No. 587-2009-MINSA established the National Family Health Strategy under the authority of the Directorate-General of Public Health. The Strategy will focus on deploying basic health-care teams to strengthen primary health care for persons living in poverty and extreme poverty. As part of this strategy, all the necessary types of health professionals will be brought in to bring about an improvement in preventive care and health promotion within the family unit in the most remote parts of the country.
Measures taken to ensure that persons with disabilities have access to disability-related health rehabilitation in their community freely and without financial cost	The 2009–2018 Equal Opportunities Plan for Persons with Disabilities has been adopted under Supreme Decree No. 007-2001-MIMDES. The second strategic line of action in that plan covers access to health services. The first evaluation of the effectiveness of this plan in meeting intersectoral commitments will take place in July 2010. (A table providing information on these commitments is included in the attached compact disc.)
Health services, early detection and intervention programmes, as appropriate, to prevent and minimize the emergence of secondary disabilities, paying attention to children, women and the elderly, including in rural areas	Ministerial Decision No. 148-2007-TR establishes the regulations governing the establishment and work of the Occupational Health and Safety Committee and the functions of the Occupational Health and Safety Supervisor, as well as approving documents such as a basic guide to occupational health and safety management systems and a technical guide on record-keeping.
Legislative and other measures to ensure that public health campaigns are accessible for persons with disabilities	Under Ombudsman Decision No. 011-2009-DP, the Office of the Ombudsman created the Programme for the Defence and Promotion of the Rights of Persons with Disabilities. This programme, which deals with accessibility, health, education and employment, is administered by the Office of the Deputy Ombudsman for Human Rights and Persons with Disabilities of the Office of the Ombudsman.
Measures put in place to train doctors and other health professionals on the rights of persons with disabilities, including in rural areas	The Ministry of Health issued Ministerial Decision No. 308-2009-MINSA, by which it adopted the technical health regulations of the Rehabilitative Medical Service Production Unit. The objective is to improve the quality of care throughout the country for persons with disabilities and/or at risk of acquiring disabilities.  The component on medical training forms part of the “Crece Juntos” social programme and the strategic

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Legislative and other measures taken to ensure protection against discrimination in the access to health insurance and other insurance, when these are required by law	<p>programmes on neonatal and maternal health and nutrition. This initiative has helped Peru make progress towards the Millennium Development Goals, according to a 2008 report.<sup>10</sup></p> <p>Supreme Decree No. 027-2007-PCM establishes national policies that are binding on the public sector, including Policy 5.3 on the Eradication of All Forms of Discrimination against Persons with Disabilities.</p> <p>The Code of Criminal Procedure establishes penalties for acts of discrimination.</p>
Measures taken to ensure that sanitation facilities are not simply available, but fully accessible	<p>With respect to the classification of penalties, under the recently passed Act on Offences and Penalties for Non-Compliance with the Omnibus Act on Persons with Disabilities (Act No. 29392), the contravention of provisions relating to the accessibility of public spaces and buildings to persons with disabilities, taking into account the surrounding conditions, is categorized as a very serious offence.</p>
Measures taken to increase awareness and information in various accessible formats, including in Braille, for HIV/AIDS and malaria prevention	<p>Based on the conviction that the sole antidote for the spread of HIV/AIDS and of the stigmatization of persons affected by HIV/AIDS is the provision of relevant, appropriate information, in November 2009 the President of the Peruvian Press Council, the Resident Representative of UNDP in Peru and the Coordinator of the Joint United Nations Programme on HIV/AIDS (UNAIDS) for Peru, Ecuador and Bolivia launched the second round of the very special campaign entitled "Pictures to Combat Stigmatization and Discrimination against Persons Living with HIV/AIDS".</p>

## 20. Article 26: Habilitation and rehabilitation

78. This article establishes the measures to be taken to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life through comprehensive habilitation and rehabilitation programmes in the areas of health, employment, education and social services.

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General habilitation and rehabilitation programmes for persons with disabilities in the areas of health, employment, education and social services, including early intervention, peer support, and the availability of these services and programmes in rural areas	The Ministry of Health and the Japan International Cooperation Agency (JICA) signed a grant agreement for the construction of new premises for the Adriana Rebaza Flores National Rehabilitation Institute. The US\$ 20 million grant is intended to provide better quality and
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<sup>10</sup> [www.onu.org.pe/Publico/odm/odm\\_peru.aspx](http://www.onu.org.pe/Publico/odm/odm_peru.aspx).

Measures taken to ensure that participation in habilitation and rehabilitation services and programmes is voluntary

more accessible comprehensive health care for persons with disabilities.

The Metropolitan Municipality of Lima is running a community-based rehabilitation programme which includes training for community workers or advocates:

- Training modules have been held for 30 community-based rehabilitation workers. The target group was composed of coordinators and volunteers who sit on the committees of the “Vasos de Leche” (glasses of milk) Programme in the Lima area.
- Health promoters and the community-based rehabilitation team have canvassed the 1 de Mayo and 2 de Mayo areas of Lima, visiting 180 families and identifying 95 persons with disabilities.

The promotion of initial and continuous training for professionals and staff working in habilitation and rehabilitation programmes

Ministerial Decision No. 308-2009-MINSA to adopt technical health standards for the Rehabilitative Medical Service Production Unit is designed to improve the quality of care throughout the country for persons with disabilities and/or at risk of acquiring disabilities.

Measures taken for the promotion, availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation

EsSalud has set up inter-institutional cooperation networks with a view to the formulation of strategies for the integration of persons with disabilities into society and the labour market. These networks are led by the director of the corresponding Specialized Professional Rehabilitation Centre (CERP) or, in cases where the network includes one of the Basic Professional Rehabilitation Modules (MBRP) or Basic Professional Rehabilitation Units (UBARP), the chief of the relevant Social Benefits Unit.

This strategy is aimed at increasing the opportunities for persons with disabilities to become integrated into society and the labour market through the provision of prior training, familiarization with rehabilitation technologies, psychological counselling and social skills-building.

Measures taken for the promotion of international cooperation in the exchange of assistive technologies, in particular with Third World countries

In a recent meeting with representatives of international cooperation agencies working in Peru, the National Centre for Strategic Planning (CEPLAN) proposed that US\$ 450 million in non-refundable international aid should be used to combat and alleviate poverty in Peru. This proposal met with a favourable response from the agencies.

The proposal came in response to the need to coordinate financial aid from international cooperation agencies through social programmes such as the “Crecer Juntos” initiative.

## 21. Article 27: Work and employment

79. This article recognizes the right of persons with disabilities to work and to gain a living in a labour market and work environment that is open, inclusive and accessible, including in the case of those who acquire a disability during the course of employment.

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The legislative measures taken to ensure protection against discrimination in all stages of employment and in any form of employment and to recognize the right of persons with disabilities to work on a basis of equality with others, in particular the right to equal pay for equal work

Supreme Decree No. 027-2007-PCM establishes that the Omnibus Act on Persons with Disabilities (Act No. 27050) reflects a national policy and requires all institutions within the public sector to abide by the provisions of that law under which at least 3 per cent of the total workforce of each public body must be composed of workers with disabilities. As mentioned earlier, failure to achieve this quota is punishable with a fine under the new Offences and Penalties Act.

An important component of the supreme decree concerns the access of persons with disabilities to management positions, provided that they meet the appropriate occupational profile.

Legislative proposals that would extend this recruitment system to the private sector have been submitted but have not yet been adopted by Congress.

The impact of targeted employment programmes and policies in place to achieve full and productive employment among persons with disabilities according to paragraphs 1 (a to g) of article 27 of the Convention

In accordance with the implementing regulations of the Public Tenders Act (Supreme Decree No. 184-2008-EF), if the bids of two businesses are ranked equally, preference is to be given to the enterprise that employs staff with disabilities.

The impact of measures to facilitate re-employment of persons with disabilities, who are made redundant as a result of privatization, downsizing and economic restructuring of public and private enterprises according to paragraph 1 (e) of the Convention

Ministerial Decision No. 027-2010-TR to adopt a methodological guide for the organization of events for persons with disabilities.

Availability of technical and financial assistance for the provision of reasonable accommodations, including promotion of the establishment of cooperatives and start-ups in order to encourage entrepreneurialism

A system is in place to finance microenterprises and business ventures run by persons with disabilities through the COFIDE Development Bank. COFIDE operates as a second-tier bank in managing funds that are provided at promotional rates to bodies such as the Trujillo Municipal Fund, which administers strategies for the promotion of self-employment among persons with disabilities (e.g., the “CrediAmigo” (friendly credit) strategy).

Affirmative and effective action measures for the employment of persons with disabilities in the regular labour market

The Ministry of Labour devotes particular attention to persons with disabilities through such programmes as “Construyendo Perú” (building Peru), “ProJoven” (pro-youth) and “Revalora Perú” (adding value to Peru), which provide opportunities for temporary work but also for vocational skills-building; in the case of “Revalora Perú”, a vocational retraining programme created in response to the economic crisis, participants are taught skills that are

	in high demand in the labour market in courses held at top-level technical centres.
Positive and effective action measures for the prevention of harassment of persons with disabilities in the workplace	<p>All public bodies have adopted directives on the application of Act No. 27942 on the Prevention and Punishment of Sexual Harassment.</p> <p>Acts of discrimination are punishable under the Code of Criminal Procedure.</p> <p>Public officials must conduct their work in accordance with the Framework Act on Public Employment: “Principle of probity and public ethics: public employees shall act in accordance with the ethical principles and values established in the Constitution and legislation, as is required for public service.”</p>
Accessibility of persons with disabilities to open employment and vocational training services, including those for the promotion of self-employment	Under Supreme Decree No. 001-2003-TR creating the Register of Firms that Promote the Interests of Persons with Disabilities, the Ministry of Labour established a sectoral policy which includes a set of actions aimed at informing firms on the Register and businesses in general about the benefits provided for by law for firms that hire persons with disabilities and at raising managers’ awareness of the need to promote the interests of this vulnerable group and the integration of its members into the labour market.
Information on existing significant differences in employment between men and women with disabilities and whether there are policies and legislation to cater for these differences in order to promote the advancement of women with disabilities	The eradication of all forms of discrimination against persons with disabilities is a State policy with which all public-sector bodies must comply, as stipulated by the Office of the President of the Council of Ministers in 2007 in Supreme Decree No. 027.
Identification of the most vulnerable groups among persons with disabilities (including by providing examples) and policies and legislation in place for their inclusion in the labour market	Bill No. 03112/2008/CR contains proposed amendments to article 65 of National Pensions System Decree-Law No. 19990 which would provide for the employment of disabled recipients of orphan’s benefits.
Measures taken for the promotion of the trade union rights of persons with disabilities	Peruvian labour legislation protects the trade-union rights of all workers.
Measures taken to assure the retention and retraining of workers who suffer a workplace injury resulting in a disability preventing them from performing their previous tasks	<p>Congressional bill No. 03113/2008 proposes the addition of a twenty-third provision to Legislative Decree No. 816 (the Tax Code) and amendments to articles 37 and 46 of Legislative Decree No. 774 (the Income Tax Act) and articles 17, 19, 28 and 37 of Legislative Decree No. 776 (the Municipal Taxation Act), which regulate the payment of taxes by persons with disabilities.</p> <p>Adoption of the Comprehensive Health Insurance Act, which covers temporary unemployment.</p>

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Information on the work of persons with disabilities in the informal economy in the State party, and the measures taken to enable them to move out of the informal economy, as well as on measures taken to ensure their access to basic services and social protection

The Ministry of Women and Social Development and CONADIS published a baseline study on labour demand for persons with disabilities in Peruvian businesses. This study identifies the professional attributes that businesses seek in persons with disabilities. Financial support was provided by JICA.

Legal safeguards in place to protect workers with disabilities from unfair dismissal, and forced or compulsory labour according to article 27, paragraph 2

Supreme Decree No. 018-2006-TR establishes the functions of the National Office for the Promotion of Employment of Persons with Disabilities within the Ministry of Labour. This office is responsible for promoting the rights of workers with disabilities, as well as providing and facilitating advisory, legal defence, mediation and conciliation services free of charge on a non-discriminatory and equal opportunity basis.

Measures taken to ensure persons with disabilities who have technical and vocational skills are empowered with the support needed for their entry and re-entry to the labour market according to paragraph 1 (k)

The “Red CIL Proempleo” (CIL pro-employment network) programme works as a national labour exchange that seeks to match up job-seekers with businesses that have job openings.

Measures taken to ensure students with disabilities the same access to the general labour market

CONADIS runs the Alcides Salomón Zorilla Technical/Vocational Education Centre, which provides training to persons with disabilities in areas such as carpentry, gardening, bread-making, sewing and computer sciences. Several fairs have been organized in which goods produced at the Centre are exhibited and sold.

Measures taken to ensure various forms of work, such as work on location, telecommuting (off-site/at home) and subcontracting, and work opportunities offered by new communication technologies

The National University of Engineering, through its National Institute for Telecommunications Research and Training (INICTEL), offers training courses in information and communications technologies. The achievements of this initiative can be viewed at <http://cetic.inictel.net> (in Spanish). The courses are approved for persons with disabilities.

Peru is part of the Partnership in Opportunities for Employment through Technology in the Americas (POETA), under the auspices of the Organization of American States (OAS), which promotes opportunities for training in information and communications technologies for persons with disabilities. CONADIS is in the process of joining the National Advisory Committee.

## 22. Article 28: Adequate standard of living and social protection

80. This article recognizes the right of persons with disabilities to an adequate standard of living and to social protection.

<i>Report on</i>	<i>Progress</i>
Measures taken to ensure availability and access by persons with disabilities to clean water, adequate food, clothing and housing and provide examples	<ul style="list-style-type: none"> <li>• Ministerial Decision No. 453-2007-VIVIENDA to approve the operating regulations for the family housing subsidy programme for new home purchases (one-time grant). The decision defines “disability” and establishes that a household can be defined as a head of household and children and/or grandchildren with disabilities who are over 25 years of age.</li> <li>• Ministerial Decision No. 733-2008-VIVIENDA to approve the operating regulations on eligibility for the family housing subsidy for new home purchases. The decision defines “disability” and establishes that social housing must comply with national building regulations, which include technical standard A.120: “Accessibility for persons with disabilities” (currently “Accessibility for persons with disabilities and older persons”). It also extends the definition of a household to include a head of household and his or her own children or those of the spouse who are over 25 years of age and have disabilities. The family housing subsidy is allocated using a points system when the number of applicant households exceeds the number of available grants. The points system takes into account applicants’ economic and social situation. A certain number of points are allocated for each household member with disabilities, and extra points are assigned for heads of households with disabilities.</li> </ul>
Measures taken to ensure access by persons with disabilities to services, devices and other appropriate assistance at affordable prices, including the availability of programmes that cover disability-related extra financial costs	The Ministry of Housing and the Ministry of Defence have been working to conclude agreements for the implementation of housing projects on designated tracts of land used and owned by the Ministry of Defence or its agencies. These projects are aimed at facilitating access to housing for the general population, with priority access for armed forces personnel in the different regions of the country. The projects will include a certain number of homes under the “Techo Propio” (roof over my head) Programme, which will be allocated to relatives of deceased members of the armed forces and to personnel with total and permanent disabilities resulting from injuries sustained in the line of duty.
Measures taken to ensure access by persons with disabilities, in particular women and girls and older persons with disabilities, to social protection programmes and poverty reduction programmes	<ul style="list-style-type: none"> <li>• Ministerial Decision No. 161-2009-VIVIENDA to approve the operating regulations on eligibility for the family housing subsidy for construction on self-owned property and home improvements. The decision also defines “disability”, extends the</li> </ul>

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Measures towards public housing programmes and retirement benefits and programmes for persons with disabilities	<p>definition of a household to include partners' children and grandchildren and provides for the allocation of bonus points under the points-based system to single heads of household with disabilities.</p> <ul style="list-style-type: none"> <li>• Ministerial Decision No. 320-2009-VIVIENDA to approve the operating regulations on eligibility for the family housing subsidy in rural areas for construction on self-owned property and home improvements. This decision contains the same definition of "disability" as Ministerial Decision No. 733-2008-VIVIENDA.</li> <li>• Some 200 persons with disabilities will work in sales kiosks to be set up at Ministry of Health facilities under a special employment programme. Through this initiative, the State will provide disadvantaged groups with opportunities for improving their situation; the persons selected for the programme will work in clinics, mother and child health centres, hospitals and specialized health institutes</li> </ul>
Measures taken to recognize the connection between poverty and disability	<p>Act No. 29231 on debt restructuring arrangements for Banco de Materiales borrowers and its implementing regulations, which were adopted by Supreme Decree No. 005-2009-VIVIENDA, authorize the Banco de Materiales to write off the entire sum outstanding on housing loans held by borrowers meeting any of a number of criteria, which include the presence of physical or mental disability.</p> <p>Congressional bill No. 03113/2008-CR proposes the addition of a twenty-third provision to Legislative Decree No. 816 (the Tax Code) and amendments to articles 37 and 46 of Legislative Decree No. 774 (the Income Tax Act) and articles 17, 19, 28 and 37 of Legislative Decree No. 776 (the Municipal Taxation Act), which regulates the payment of taxes by persons with disabilities.</p>

### 23. Article 29: Participation in political and public life

81. This article guarantees political rights to persons with disabilities.

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Legislation and measures to guarantee to persons with disabilities, in particular persons with mental or intellectual disability, political rights, including, if it is the case, existing limitations and actions taken to overcome them	Since the adoption of Act No. 29478 by Congress in December 2009, the National Election Procedures Office has had the necessary legal framework to facilitate voting by persons with disabilities.
Measures taken to ensure the right to vote of all persons with disabilities, on their own or to be assisted by a person of their choice	The national identity card also serves as the one and only type of voter registration card. Its use is compulsory for all citizens, and the National Identity and Civil Status

<i>Report on</i>	<i>Progress</i>
Measures taken to ensure the full accessibility of the voting procedures, facilities and materials	Registry has issued an administrative decision under which national identity cards are to be issued free of charge to persons with disabilities, following verification of eligibility.  Under Act No. 29478, the National Election Procedures Office maintains a register of citizens with disabilities in order to facilitate their access to the ballot box by: (a) preparing ballot papers in Braille (Braille templates) for citizens with visual disabilities; (b) setting up voting booths at ground-floor level in polling stations; (c) temporarily moving voting booths from upper floors in polling stations to ensure that persons with disabilities do not have to climb stairs; (d) putting up signs in polling stations to guide citizens with disabilities and publicizing the measures taken to facilitate their access to voting booths. The register can be consulted on the Office's website.
Indicators measuring the full enjoyment of the right to participate in political and public life of persons with disabilities	In 2004–2007, 10,758 persons with disabilities exercised their right to vote.  • Nationally, the total number of identity cards issued free of charge to persons with disabilities between 2003 and 5 March 2010 was 67,729, of which 38,805 were issued to adults and 28,924 to minors
Support provided, if any, to persons with disabilities for the establishment and maintenance of organizations to represent their rights and interests at local, regional and national level	Since 2001, CONADIS has maintained a register of associations, NGOs and other organizations that work to benefit persons with disabilities and to address the problems they face; in a number of those organizations, parents and relatives of persons with disabilities sit on the board of directors. Currently, 310 institutions have been entered on the roster maintained by the National Registry; this authorizes them to enter into cooperative arrangements, gives them access to international cooperation funding and enables them to promote the social integration of their members.

#### **24. Article 30: Participation in cultural life, recreation, leisure and sport**

82. This article recognizes the right of persons with disabilities to take part in cultural life, develop and utilize their creative, artistic and intellectual potential, to receive recognition and support for their specific cultural and linguistic identity, and to participate in recreational, leisure and sports activities on an equal basis with others.

<i>Report on</i>	<i>Progress</i>
Measures taken to recognize and promote the right of persons with disabilities to take part on an equal basis with others in cultural life, including opportunities to develop and utilize their creative, artistic and intellectual potential	A sociocultural, recreational and sports programme is in place which includes:  • A singing workshop entitled “Developing Talents” for children and young people with special needs from the

	<p>following Special Basic Education Centres: San Bartolomé, los Cipreses, las Palomitas and Santa Lucia</p> <ul style="list-style-type: none"> <li>• A Marinera dance show which differently-abled adolescents and young people from Lima's Special Basic Education Centres perform in the Pasaje Santa Rosa in the historic quarter of Lima</li> <li>• A performing arts workshop for persons with disabilities which is designed to facilitate their participation in the cultural development of our city</li> <li>• Activities in special educational institutions that impart educational messages through art, educational theatre and educational puppet shows</li> <li>• The first edition of a contest entitled "Children with Special Talent", which aims to recognize, encourage and develop the creative and acting potential of children and young people with special needs in order to facilitate their comprehensive development and to promote the dissemination of inclusive education</li> </ul>
<p>Measures taken to ensure that cultural, leisure, tourism and sporting facilities are accessible to persons with disabilities, taking into account children with disabilities, including through the conditional use of public procurement and public funding</p>	<p>Tourism Act No. 29408, published on 18 September 2009, establishes, in article 46, that the Ministry of Foreign Trade and Tourism is responsible for working with other public and private organizations to design and implement the Social Tourism Programme; this programme seeks to facilitate and create opportunities for different groups within the population, including persons with disabilities, to enjoy the right to participate in tourism activities.</p> <p>Accordingly, the Office of the Deputy Ministry for Tourism, through the National Directorate of Tourism, has been developing the Social Tourism Programme, which, pursuant to Act No. 29408, is to include measures to enable persons with disabilities to engage in tourism activities; this means that facilities providing tourism services are to be accessible to persons with disabilities.</p>
<p>Measures taken to ensure that intellectual property laws do not become a barrier for persons with disabilities in accessing cultural materials, including participation in relevant international efforts</p>	<p>The Metropolitan Municipality of Lima has reported on the implementation of a pilot scheme, in partnership with the National Institute of Culture, entitled "Promoting Tourism: Special Guides", to provide training to six young persons with intellectual disabilities.</p> <p>Eight young persons with intellectual disabilities are being trained as special guides to promote tourism in cooperation with the Parque de las Leyendas Foundation.</p>
<p>Measures taken to promote deaf culture</p>	<ul style="list-style-type: none"> <li>• The Health Commission has approved bill No. 02752/2008-CR, which proposes that Peruvian Sign Language be officially recognized as a means of communication for persons with hearing disabilities throughout the country.</li> </ul>

<i>Report on</i>	<i>Progress</i>
Measures taken to support the participation of persons with disabilities in sports, including elimination of discriminatory and differentiated treatment of persons with disabilities in the awarding of prizes and medals	<ul style="list-style-type: none"> <li>It has been established by an act of Congress that deafblindness is to be considered to be a single disability in accordance with the provisions of article 2 of the Constitution regarding equality among persons.</li> </ul> <p>Under the Act on Offences and Penalties, any failure by the Peruvian Sports Institute or the Peruvian Olympic Committee to accord the same recognition to athletes with disabilities who win Olympic or world titles in their respective events as it does to victorious able-bodied athletes is defined as a very serious offence.</p>
Measures taken to ensure that children with disabilities have access on an equal basis with all other children to participation in play, recreation, leisure and sporting facilities, including those made within the school system	The Ministry of Women and Social Development administers the national Wawa Wasi and National Family Welfare Institute programmes, whose direct beneficiaries include children under the age of 4 years who require supervision and protection because their parents are working or seeking work and lack the assistance of an adult who would be able to look after the children and ensure that they are properly cared for.

## **D. The specific situation of boys, girls and women with disabilities**

### **1. Article 6: Women with disabilities**

83. Although gender aspects should be mainstreamed in each of the articles, where applicable, under this specific article the report should include information regarding measures taken by the State party to ensure the full development, advancement and empowerment of women for the purpose of guaranteeing them the exercise and enjoyment of the Convention rights and fundamental freedoms and the elimination of all forms of discrimination.

<i>Report on</i>	<i>Progress</i>
Whether gender inequality of women and girls with disabilities is recognized at legislative and policy levels, as well as within programme development	<p>The Government of Peru hopes to see progress in this area reflected in the inclusion of the issue of disability in the strategic budgetary programming of the Ministry of Economic Affairs and Finance and in the establishment of a cluster of indicators that will ensure improved monitoring of commitments in each sector.</p> <p>In 2010, at the initiative of the multisectoral commission responsible for recommending measures to implement the Convention, work started on the development of a strategic programme on disability which will allow system-wide, verifiable computerized monitoring (integrated financial management system) of public policies relating to persons with disabilities.</p> <p>The aim is to improve upon what is as yet a piecemeal approach to the issue in all areas, including its legal framework.</p>

<i>Report on</i>	<i>Progress</i>
Whether girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with boys and men with disabilities	Although the law provides for equal rights, this is not always sufficient. Peru therefore also promotes agreements and fosters the work of non-governmental organizations; its Code of Ethics for Public Servants contains provisions aimed at eliminating all forms of discrimination against persons with disabilities, irrespective of gender.
Whether girls and women with disabilities enjoy all human rights and fundamental freedoms on an equal basis with other girls and women without disabilities	Both the recently approved Universal Insurance Act and the promotion of inclusive education through the National Education Council, which includes representatives from civil society, are examples of initiatives that will enhance opportunities for the social and economic inclusion of women with disabilities.

## 2. Article 7: Children with disabilities

84. The report should include supplementary information where applicable, regarding measures taken by the State party to ensure the full enjoyment by children with disabilities of all Convention rights and fundamental freedoms, in particular to ensure that all actions concerning children with disabilities are in the best interests of the child.

<i>Report on</i>	<i>Progress</i>
The principles that underpin decision-making in relation to boys and girls with disabilities	All public policy decisions are taken on the basis of such principles as non-discrimination and absolute respect for the dignity of the human person.
Whether boys and girls with disabilities are able to express their views on all matters that affect them freely, and receive appropriate assistance according to their disability and age to practise this right	Freedom of expression is exercised at all levels of society. State assistance to children with disabilities is primarily provided by the Ministry of Health and the Ministry of Education. While the goal of total coverage has not yet been achieved, the pattern of targeted public spending that is in place is focused on reducing and eliminating child undernutrition as a basic building block for economic development. The Ministry of Economic Affairs and Finance administers strategic programmes relating to children as regards nutrition, reading and writing, and neonatal and post-natal care.
Relevant differences in the situations among boys and girls with disabilities	The promotion of gender equity and the monitoring of the situation in this respect are cross-cutting features that apply to all age groups. The Ministry of Women and Social Development is responsible for a national action plan for children and adolescents (2002–2010), and one of the modifications that has been proposed in this connection is the establishment of a specific strategic objective for children with disabilities. This approach to mainstreaming is to be gradually incorporated into each area of social policy in Peru; hence the importance of linking the situation of vulnerable populations to the budgeting-for-results approach.

<i>Report on</i>	<i>Progress</i>
Whether children with disabilities are viewed as right-bearers on an equivalent basis to other children	A list of categories of jobs and activities that are deemed to be dangerous or harmful to the general health and moral well-being of adolescents was approved by Supreme Decree No. 003-2010-MIMDES

## **E. Specific obligations**

### **1. Article 31: Statistics and data collection**

85. This article regulates the process of collection of data by the State party.

<i>Report on</i>	<i>Progress</i>
Measures taken to collect disaggregated appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the Convention respecting human rights and fundamental freedoms, ethics, legal safeguards, data protection, confidentiality and privacy	The 2009 report on the level of human development in Peru stated that, if a substantial improvement can be made in the collection, organization and processing of information by the national statistics system, it would be advisable for future studies on the scope of State services to delve more deeply into the areas that the 2009 report had only begun to explore. However, it should be pointed out that the procedures used in conducting Peru's national censuses are approved by the lead agency, the National Institute of Statistics, and are in accordance with the Convention.
The dissemination of these statistics and measures to ensure their accessibility by persons with disabilities	In 2009, by Supreme Decree No. 013-2009-MIMDES, the implementing regulations for Act No. 28530 on the Promotion of Internet Access for Persons with Disabilities and Adaptation of Public Internet Booths were approved; under this law, the use of inclusive software in Internet businesses and on institutions' web portals is mandatory.  In the interest of transparency and access to public information, public bodies are also under an obligation to disclose all their management reports, as well as the statistical sources within their purview.
Measures taken to ensure the full participation of persons with disabilities in the process of data collection and research	Associations, NGOs, and organizations of persons with disabilities and their family members coordinate with the National Registry administered by CONADIS to ensure the submission of information by their members in compliance with registration procedures for job applications that require proof of disability and for applications for tax and duty waivers. There are 310 legal entities registered nationally.

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In order to recognize the work of persons and institutions that contribute to social inclusion and the implementation of activities for persons with disabilities, the Ministry of Women and Social Development will award the Order of Merit for the Social Inclusion of Persons with Disabilities to further encourage efforts to benefit this vulnerable group. This initiative has been approved by Ministerial Decision No. 498-2009-MIMDES.

## 2. Article 32: International cooperation

86. This article recognizes the importance of the State's international cooperation in support of national efforts towards the realization of the purpose and objectives of the Convention.

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Measures taken to guarantee that international cooperation be inclusive and accessible by persons with disabilities

Since 2004, the Ministry of Foreign Affairs has been promoting a solidarity programme aimed at ensuring equal opportunities for persons with disabilities to exercise their rights and facilitating their access to the resources they need to participate in society. To this end, efforts are made to secure international technical and economic cooperation. The number of biomechanical aids donated under this programme comes to 2,531.

Measures taken to guarantee that donor funds are properly used by recipient States (including by providing examples, numbers and percentages of successful targeted funding)

Peruvian law provides for the monitoring of compliance with the requirements relating to access to international cooperation; the agency responsible for this is the Peruvian Agency for International Cooperation.

The public-sector apparatus for the evaluation and monitoring of social investment projects is overseen by the National Public Investment System, which, in turn, has, as of this year, mandated the Ministry of Economic Affairs and Finance to formulate a multi-year programme to coordinate the implementation of projects and the use made of all funding sources.

Programmes and projects which specifically target persons with disabilities and the percentage of the total budget allocated to them

Until a public spending tracking system is in place that is capable of classifying, quantifying and helping to monitor the specific services provided by the State to persons with disabilities, there will be a degree of dispersion in such spending that prevents progress in the area from being evaluated in budgetary terms.

A strategic programme on disability is being developed to address this issue.

One precise figure that is available, however, is the budget allocated to CONADIS, as the lead agency, which totals 5,450,000 nuevos soles (approximately US\$ 1,800,000).

Affirmative-action measures taken towards the inclusion of the most vulnerable groups among persons with disability, such as women, children, etc.

In December 2009, within the framework of the Convention, the multisectoral commission responsible for monitoring its implementation organized the first International Meeting on Inclusive Projects through CONADIS. The main outcome of this meeting was the conclusion of an agreement by cooperation agencies operating in Peru to, inter alia, raise the profile of projects dealing with disability issues; in March 2010, the First International Congress on Women and Disability was organized along the same lines. An Ibero-American meeting aimed at establishing a baseline for successful inclusive projects and strengthening strategic alliances is to be held in December 2010 in Lima.

Degree of participation of persons with disabilities in the design, development and evaluation of programmes and projects

The National Wawa Wasi (children's homes) Programme cares for children aged between 6 and 47 months; depending on the nature of the children's disability, field coordinators assess their need to continue in the programme on a non-discriminatory basis.

Since October 2009, the Programme has been using the Household Targeting System (SISFOH) form, which provides a space for indicating whether the members of the target population (children, fathers, mothers, community stakeholders) have some form of disability.

The minimum level of employment of persons with disabilities by each public institution has been set at 3 per cent of total staff; the Act on Offences and Penalties requires compliance with this quota as from this year.

Degree of mainstreamed action towards persons with disabilities in the general programmes and projects developed

Training materials prepared by the National Cooperation for Development Fund for each module (citizenship and leadership, healthy lifestyles and entrepreneurial vision) incorporate a cross-cutting approach to the social inclusion of such vulnerable groups as children, older adults, women and persons with disabilities.

Actions toward facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices

Meetings have been held with technical teams from Ecuador in order to develop a common agenda on disability within the framework of the Binational Good Neighbour Agreement. It has been proposed that a census should be carried out in the border region of Tumbes, Peru, in order to help develop a disability baseline; this pilot project could then be replicated in other regions of the country.

A draft agreement is being prepared with a view to replicating the Ecuadorian "Manuela Espejo" technical and scientific mission in Peru.

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Whether policies and programmes targeting the Millennium Development Goals (MDGs) take into account the rights of persons with disabilities

Peru has been aligning its public budgets with the requirements of the Millennium Development Goals. In 2010, it was established that national, regional and local government bodies should give priority to achieving the following results: (a) a reduction in chronic child malnutrition; (b) a reduction in maternal and neonatal mortality; (c) an improvement in the levels of reading comprehension and mathematics; (d) an increase in the availability of identity documents; (e) a reduction in waiting times for access to social service (health and education) centres and markets; (f) an increase in access to safe drinking water and sewage disposal services in rural areas; (g) an increase in the coverage and use of telephone and Internet service in rural areas; and (h) an increase in operational power coverage in rural homes. All these items have been included in the strategic budgetary programming of the Ministry of Economic Affairs and Finance, which, as reported earlier, accounted for 14 per cent of the total public budget for 2010.

This trend has been in evidence since 2007; given the cross-cutting nature of disability, it is considered to be an integral component of budgetary expenditure, and work has begun on the development of a strategic programme on disability.

The development, progress, and effectiveness of programmes for the exchange of technical know-how and expertise for the assistance of persons with disabilities

The Municipal and Regional Advisory Offices for Persons with Disabilities are called upon to play a key role in building capacities and strengthening the active participation of disability organizations. To this end, in their execution of the 2010 public budget, regional and local governments are authorized to use up to one UIT to finance the operating costs of legally mandated plans, programmes and services for persons with disabilities within their jurisdictions.

In fulfilment of its role as the lead agency in this area, CONADIS provides technical assistance and prepares manuals on implementation of the Convention. One such manual takes the form of basic guidelines for incorporating disability issues into public planning.<sup>11</sup>

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<sup>11</sup> [www.conadisperu.gob.pe/web/principal.php](http://www.conadisperu.gob.pe/web/principal.php).

### 3. Article 33: National implementation and monitoring

87. This article regulates national application and follow-up of the Convention.

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Measures taken to designate one or more focal points within the Government for matters relating to the implementation of the Convention, giving due consideration to the establishment or designation of a coordination mechanism within the Government to facilitate related action in different sectors and at different levels	<p>The multisectoral commission responsible for follow-up and for the proposal of measures for implementing the Convention on the Rights of Persons with Disabilities was established by Supreme Decree No. 080-2008-PCM.</p> <p>The multisectoral commission responsible for monitoring and follow-up of the 2009–2018 Equal Opportunities Plan for Persons with Disabilities was established by Supreme Decree No. 007-2008-MIMDES.</p> <p>Bill No. 03173/2008-CR proposes that Supreme Decree No. 007-2008-MIMDES, by which the 2009–2018 Equal Opportunities Plan for Persons with Disabilities was approved, should be given the rank of a law.</p>
The establishment of a framework, including one or more independent mechanisms, as appropriate and measures taken to promote, protect and monitor implementation of the Convention, taking into account the principles relating to the status and function of national institutions for the protection and promotion of human rights	The multisectoral commission which monitors implementation of the Convention is planning to include representatives of each type of disability; the procedure for the election of those representatives has been approved.
Measures taken to involve civil society, in particular persons with disabilities and their representative organizations, including gender perspectives, in the monitoring process and the preparation of the report	The Act on Offences and Penalties establishes that civil organizations and private individuals may submit complaints to CONADIS when they consider that an institution is violating the rights of persons with disabilities.
The integration of disability issues on the agenda of all governmental agencies to assure that various departments are equally aware of disability rights and can work towards their promotion	According to information provided to the multisectoral commission responsible for compiling the national report, two regional governments have indicated that they have approved their regional equal opportunity plans for persons with disabilities (Ancash and Amazonas); Puno is currently preparing its plan. This is a significant point of departure, since such initiatives promote greater participation by civil society and encourage the authorities to find funding for the plans.
The operations of government departments and their programmes and functions relating to persons with disabilities	The Office of the President of the Council of Ministers has approved the instructions concerning the implementation of legislation on the social inclusion of persons with disabilities in this sector.

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Budget allocations for the purpose of national implementation and monitoring

The Ministry of Economic Affairs and Finance has authorized the expenditure chain for the functional programme classification system, thereby enabling public bodies to allocate budgetary funds for the implementation of disability-related activities, projects and programmes; monitoring is one of the activities for which such agencies may make allocations. This expenditure chain is the same one that is used by CONADIS to execute its budget, which in 2010 has a specific item for the dissemination and monitoring of the implementation of the Convention (approximately US\$ 17,000).

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