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Specific references to women and girls with disabilities

CRPD Committee 2011-2012 Country Review

List of Issues (LOI), 10 October 2011 CRPD/C/PER/Q/1

Concluding Observations (CO), 20 April 2012 CRPD/C/PER/CO/1

Compiled by Myra Kovary, 31 March 2013

Women and girls with disabilities (Articles 1 – 4, 5, 6 and 7):

The Committee expressed concern at the lack of measures directed towards women with disabilities in the Law 27050 and in the National Plan for Persons with Disabilities 2009-2018. The Committee reminded the State party that women can be subjected to multiple forms of discrimination, as already noted by CEDAW in its last concluding observations. The Committee further noted with concern that women with disabilities do not benefit from special protection in the National Plan against Violence towards Women 2009-2015. (CO, Para 14)

The Committee urged the State party to accelerate its efforts to eradicate and prevent discrimination against women and girls with disabilities, by incorporating gender and disability perspectives in all programmes, as well as by ensuring their full and equal participation in decision-making. (CO, Para 15)

The Committee noted the lack of meaningful participation of persons with disabilities, in particular the involvement of children and women with disabilities, and their representative organizations in the design of the legislation, as well as in other policy and decision-making processes. (CO, Para 8)

The Committee recommended that the State party take specific measures to ensure active participation of persons with disabilities, including children and women with disabilities, in planning, executing, and monitoring of public decision-making processes at all levels and in particular in the matters affecting them. (CO, Para 9)

The Committee expressed concern at the situation of indigenous and minority persons with disabilities, in particular women and children with disabilities that live in rural areas, as well as persons with disabilities of African descent. (CO, Para 12)

The Committee recommended that the State party place emphasis on the development of policies and programmes on indigenous and minority persons with disabilities, in particular women and children with disabilities that live in rural areas, as well as persons of African descent, in order to address the multiple forms of discrimination that these persons may suffer. (CO, Para 13)

Freedom from exploitation, violence and abuse (Article 16):

The Committee asked what measures were in place to protect women and children with disabilities from sexual abuse. (LOI, Para 10)

The Committee urged the State party to amend its legislative framework to provide special protection to women and girls with disabilities, as well as to adopt effective measures to prevent and redress violence against women and girls with disabilities. (CO, Para 15)

Forced sterilization and abortion (Articles 12, 16, 17 and 23):

The Committee requested information regarding how persons with disabilities are protected from forced sterilization and forced abortion, and if these conducts are defined as a crime in the criminal code in the State party's legal framework. (LOI, Para 10)

The Committee expressed deep concern that, according to the technical Norm for Family Planning 536/2005 - MINSA from 26 July 2005, persons with "mental incompetence" can be sterilized without their free and informed consent, as a method of contraception. (CO, Para 34)

The Committee urged the State party to abolish administrative directives forced sterilization of persons with disabilities. (CO, Para 35)

Education (Article 24):

The Committee requested data on the percentage of children and adolescents with disabilities who attend special schools, regular schools with reasonable accommodation, or who are unable to attend school due to a disability, disaggregated by urban and rural areas and by sex. (LOI, Para 14)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

Health (Article 25):

The Committee requested information as to how the State ensures the provision of health-care services that are as close as possible to the beneficiaries' own communities and gender sensitive, in accordance with articles 19 and 25 of the Convention. (LOI, Para 16)

The Committee urged the State party to elaborate comprehensive health programs in order to ensure that persons with disabilities are specifically targeted and have access to rehabilitation and health services in general. (CO, Para 39)

Work and employment (Article 27):

The Committee requested information on barriers to employment for women and men with disabilities, including problems in relation to administering the three per cent employment quota. (LOI, Para 17)

The Committee requested information on a comprehensive, seriously structured and coordinated State policy for the promotion of equal employment opportunities for women and men with disabilities. (LOI, Para 17)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

Statistics and data collection (Article 31):

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

The Committee expressed regret at the low level of disaggregated data on persons with disabilities and noted that such information is indispensable to understanding the situations of specific groups of persons with disabilities in the State party who may be subject to varying degrees of exclusion, especially indigenous people, women and children with disabilities and persons who live in rural areas; developing laws, policies and programmes adapted to their situations; and assessing the implementation of the Convention. (CO, Para 46)

The Committee recommended that the State party systematize the collection, analysis and dissemination of data, disaggregated by sex, age and disability; enhance capacity-building in this regard; and develop gender-sensitive indicators to support legislative developments, policymaking and institutional strengthening for monitoring and reporting on progress made with regard to the implementation of the various provisions of the Convention. (CO, Para 47)