CHAPTER I – GENERAL PROVISIONS

Article 1 – Purpose of the law

The purpose of this law is to establish the legal framework for the promotion, protection and fulfillment of the rights of persons with disabilities, on an equal basis with others, by promoting their development and full and effective inclusion in political, social, economic, cultural and technological life.

Article 2 – Definition of persons with disabilities

Persons with disabilities have one or more permanent physical, sensory, mental or intellectual impairments which in interaction with various attitudinal and environmental barriers, may hinder or limit their full exercise of rights or full and effective inclusion in society, on an equal basis with others.

Article 3 – The rights of persons with disabilities

3.1 A person with disabilities is entitled to the same rights as the rest of the population, without detriment to the specific measures to achieve de facto equality that have been established in national and international laws. The State ensures an adequate, accessible and equitable environment for their full enjoyment, without discrimination.

3.2 The interpretation of the rights of persons with disabilities should be in accordance with the principles and rights enshrined in the Universal Declaration of Human Rights, the Convention on the Rights of Persons with Disabilities, and all other international human rights instruments that have been ratified by Peru.

Article 4 – Guiding principles of State policies and programs

4.1 The policies and programs of the different government sectors and levels are subject to the following principles:

a) Respect for inherent dignity, individual autonomy, including the freedom to make one’s own choices, and the independence of persons with disabilities.

b) Non discrimination of persons with disabilities.

c) Full and effective participation of persons with disabilities and their inclusion in society.

d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.

e) Equality of opportunities for persons with disabilities.

f) Accessibility.

g) Equality between men and women with disabilities.

h) Respect for the evolving capacities of boys and girls with disabilities and respect for the right of children with disabilities to preserve their identities.

i) Reasonableness.

j) Interculturalism.
4.2 The different governmental sectors and levels include the disability perspective in all their policies and programs, through mainstreaming.

Article 5 – The role of the family

The State recognizes the role of the family in the full and effective inclusion and participation of persons with disabilities in social life. The State will provide guidance and comprehensive training on the matter, and it will facilitate their access to social assistance services and programs.

Article 6 – State resources

6.1 The State will progressively allocate the necessary budgetary resources for the promotion, protection and fulfillment of the rights of persons with disabilities, and it promotes international cooperation in this matter. Regional governments and municipalities promote the participation of organizations of persons with disabilities in processes of participatory budget programming and it provides them with training and assistance.

6.2 The human resources within the different government sectors and levels responsible for drafting, planning, implementing and assessing policies and programs on issues related to disability, must have certified competencies and experience in the matter. The Civil Service National Authority (Autoridad Nacional del Servicio Civil – SERVIR) in coordination with the National Council for the Integration of Persons with Disabilities (Consejo Nacional para la Integración de la Persona con Discapacidad - CONADIS) promotes a training program for human resources on servicing persons with disabilities.

CHAPTER II CIVIL AND POLITICAL RIGHTS

Article 7 – Right to life and to personal integrity

Persons with disabilities have the right to life and to be respected in their moral, physical and mental integrity, on an equal basis with others. Their participation in medical or scientific research requires their free and informed consent.

Article 8 – Right to equality and non discrimination

8.1 Persons with disabilities have the right to equality and to not be discriminated against on the basis of disability.

8.2 Any disability based discriminatory act affecting persons’ rights is void. These are considered to be any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of one or several rights, including the denial of reasonable accommodation. Positive measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination.

Article 9 – Equal recognition as persons before the law

9.1 Persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. The Civil Code regulates the support systems and reasonable accommodations they require for decision making.
9.2 The State ensures persons with disabilities their right to own property, to inherit, to access and freely contract for insurance, bank loans, mortgages and other forms of financial credits, on an equal basis with others. Likewise, it ensures their right to marry and to freely decide on the exercise of their sexuality and fertility.

Article 10 – Right to liberty and personal security

Persons with disabilities have the right to liberty and personal security on an equal basis with others. No person shall be deprived of his or her liberty on the basis of their disability.

Article 11 – Right to live independently and be included in the community

11.1 Persons with disabilities have the right to live independently and be included in the community on an equal basis with others. The State, through its different government sectors and levels, promotes their access to in-home, residential and other community support services, with the purpose of supporting their inclusion in the community and to prevent isolation and abandonment.

11.2 The facilities providing services for persons with disabilities promote and facilitate their family and social inclusion.

Article 12 – Right to participate in political and public life

12.1 Persons with disabilities have the right to participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right to vote and to be elected, to effectively hold office and perform all public functions without discrimination.

12.2 The right to vote cannot be restricted on the basis of disability. The electoral system adopts the necessary measures to guarantee this right, ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.

Article 13. Promoting the establishment of associations

The State promotes the formation of organizations and associations of persons with disabilities; it provides them with advice and training, it facilitates their access to sources of international cooperation, and it promotes their participation in all spaces of dialogue about public affairs that are not resulting from public elections, such as the National Council on Human Rights, the Working Group on Combatting Poverty, the National Council on work and Employment Promotion, the regional and local coordination councils, among others.

Article 14. Right to consultation

Authorities of the different government sectors and levels have the obligation to undertake consultations with organizations representing persons with disabilities, prior to the adoption of administrative and legislative laws, policies and programs relating to disability issues. The consultation processes are developed under the principles of accessibility, good faith, opportunity and transparency.

CHAPTER III ACCESSIBILITY

Article 15. Right to accessibility
Persons with disabilities have the right, on an equal basis with others, to the physical environment, to transportation, to services, to information and communications, in the safest and most autonomous manner possible. The State, through its different government levels, establishes the necessary conditions to ensure this right on the basis of the principle of universal design. Likewise, they have the right to the enjoyment of noiseless and adequate environments.

Article 16. Accessibility to urban environments and built facilities

16.1 The municipalities promote, supervise and oversee the compliance of accessibility laws for persons with disabilities in the urban environment and built facilities under their jurisdictions. The municipality’s official in charge of evaluating the technical files containing the license applications for public or private buildings, must verify that such applications include the established technical accessibility standards for persons with disabilities, under their responsibility.

16.2 The National Council for the Integration of Persons with Disabilities (CONADIS) exercises sanctioning powers applicable to non-compliance of accessibility standards for persons with disabilities, when the infringing entity is a public one. Likewise, when non-compliance refers to private buildings located under the jurisdictions of municipalities where non-compliance of accessibility standards and urban and architectural adjustments for persons with disabilities have been legally typified as infringements, CONADIS is the organ in charge of overseeing the regulations and to timely inform the corresponding municipality when these infringements have occurred in their jurisdictions.

Article 17. Conditions for public and private buildings

17.1 Public and private buildings that provide or offer services for the public must have accessible pathways and environments in order to allow free movement and access to persons with disabilities, on an equal basis with others, in accordance with the accessibility technical standards for persons with disabilities.

17.2 Owners, managers, promoters or organizers who offer public activities and performances modify and adjust entrances, areas, rooms and toilets for the use by persons with disabilities, as well as the corresponding signage.

Article 18. Housing for persons with disabilities

The Housing, Construction and Sanitation Ministry promotes and regulates persons with disabilities’ preferential access to public housing programs, by providing a bonus. These programs include the construction of accessible housing for persons with disabilities.

Article 19. Accessible parking spaces

Public and private parking lots, including parking spaces of public and private facilities, provide exclusive parking spaces for vehicles driven by persons with disabilities or that transport them. The National Police of Peru and the municipalities supervise and oversee the compliance of such an obligation as well as the accessibility conditions of parking spaces, in accordance with Law number 28084, legislation that regulates special parking for vehicles used by persons with disabilities.

Article 20. Accessibility in public land transportation
20.1 Companies providing public land transportation for passengers have accessible vehicles for persons with disabilities and for older persons. The Transportation and Communications Ministry regulates the progressive introduction of these vehicles.

20.2 Vehicles providing public land transportation for passengers reserve seats and preferential easy to access spaces, adequately marked, for the use by persons with disabilities. Municipalities and the National Police in Peru supervise and oversee compliance of this obligation.

20.3 Vehicles providing public land transportation for passengers will have a determined sound volume inside the vehicle, that will not disturb persons with disabilities, protecting passengers from annoying noises.

Article 21. Accessibility in communications

21.1 The State guarantees persons with disabilities access and freedom of choice in relation to the different formats and means that can be used for their communication. These include sign language, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

21.2 Persons with disabilities have the right to use sign language, Braille, and other augmentative or alternative formats and means of communications in judicial proceedings and in administrative processes under public administration and public service providers. To that end, such entities provide, free of charge and progressively, interpreting services to persons with disabilities.

21.3 Public entities, public service providers, companies managing pension funds, and banking, financial and insurance companies, provide information, bills and account balances, in accessible formats and means to users with disabilities who request it.

Article 22. Accessibility in communications media

22.1 The Transportation and Communications Ministry promotes and regulates the accessibility conditions for persons with disabilities, that must be guaranteed by the public and private media, as well as for telecommunications service providers.

22.2 Information, education and cultural programs that are transmitted through television broadcasting include sign language interpretation or close captioning.

Article 23. Accessibility in information and communications technologies

23.1 The Transportation and Communications Ministry, in coordination with the National Council for the Integration of Persons with Disabilities (CONADIS), promotes access of persons with disabilities to information and communication technologies, including internet.

23.2 Public and private entities, higher education institutions, organizations or individuals who provide consumer information services and other services through webpages or internet portals, have access systems to facilitate the use of specialized services for the diverse types of disabilities.

Article 24. Accessibility in the procurement of goods, services and works
The bases of selection processes for the procurement of goods, services and major works, by public entities, must be subjected to legislation in force on accessibility for persons with disabilities.

Article 25. Education and training on accessibility

Universities, public and private higher education institutions and schools, include assignments on accessibility and the principle of universal design in their faculty curricula and education programs for technicians and professionals in the fields of design and construction, buildings, transportation, telecommunications, communications, and information technologies.

CHAPTER IV HEALTH AND REHABILITATION

Article 26. Right to health

Persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination.

The State guarantees their access to comprehensive and quality health benefits that are implemented with infrastructure, equipment and trained human resources, including rehabilitation and sexual and reproductive health.

Article 27. Insurance

27.1 The Health Ministry promotes and ensures persons with disabilities enter a universal insurance system that guarantees health, rehabilitation and quality support benefits. Non frequent and high cost disability conditions will be handled in accordance with the provisions of article 10 of Law number 29761.

27.2 The Social Security Health Insurance (Seguro Social de Salud – EsSalud) promotes and ensures persons with disabilities’ access to regular contributory schemes and affordable membership and options that ensure health, rehabilitation and support benefits, including in-home care, personal assistance, mid term care service centers and residential centers, according to the needs of the insured person.

Article 28. Private health and life insurance

28.1 The State guarantees and promotes access without discrimination by persons with disabilities to goods and services offered by health and life private insurance companies. The denial of these companies to provide health and life insurance to persons on the basis of their disability is prohibited.

28.2 The Superintendence of Banks, Insurance Companies and Private Pension Funds Managers ensures persons with disabilities have access to goods and services offered by insurance companies, as well as it oversees that insurance primes are fixed in a fair and reasonable manner on the basis of actuarial and statistical estimations, and individual assessments.

Article 29. Community services

Persons with disabilities have the right to receive health and integral rehabilitation services within their community with an intercultural focus, through the general health services and programs,
notwithstanding the State obligations to provide specialized services and realise prevention measures in accordance with different types of disabilities.

Article 30. Early intervention services

Boys and girls with disabilities, or those with a risk of acquiring one, have the right to access early intervention programs. The Education, Health, Development and Social Inclusion, and Women and Vulnerable Group Ministries, in coordination with regional governments and municipalities, ensure the implementation of early intervention programs, with an emphasis on the rural areas.

Article 31. Habilitation and rehabilitation services

31.1 Persons with disabilities have the right to access habilitation and rehabilitation services related to health, employment and education, and to social services. The Health Ministry and regional governments, in coordination with the Social Security Health Insurance (EsSalud) and health facilities under the responsibility of the Defense and Interior Ministries, draft, plan and implement community based rehabilitation strategies with the participation of persons with disabilities, their families and communities, in coordination with the related education, employment and social services.

31.2 The Health, Defense and Interior Ministries, and the Social Security Health Insurance (EsSalud) include health related habilitation and rehabilitation services in all of their hospitals, including production centers and compensation aid banks.

Article 32. Prevention measures

The Health, Education, Women and Vulnerable Groups Ministries, and regional governments, draft, plan and implement, in coordination with the Social Security Health Insurance (EsSalud) and the health facilities under the responsibility of the Defense and Interior Ministries, those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons. In addition, they promote scientific and technological studies and research aimed at preventing and minimizing disabilities.

Article 33. Medication, technological aids and devices, and compensation support

33.1 The Health Ministry and regional governments guarantee persons with disabilities the availability and access to quality medication, technological aids and devices, and compensation support they require for their care, habilitation and rehabilitation, considering their socioeconomic condition.

33.2 The medical, habilitation and rehabilitation services of the Social Security Health Insurance (EsSalud) and the hospitals of the Defense and Interior Ministries provide them directly.

Article 34. Support for research

The Health Ministry promotes and conducts scientific research related to disability, with the priority aim to develop support aids, devices and technologies. Special emphasis will be made in research aimed at prevention, diagnosis, rehabilitation and monitoring of the less frequent disabilities, in accordance with Law number 29698.
CHAPTER V. EDUCATION AND SPORTS

Article 35. Right to education

35.1 Persons with disabilities have the right to quality inclusive education, that responds to their needs and potentials, within an equal opportunities framework. The Education Ministry regulates, promotes, supervises, controls and ensures their enrollment in public and private education centers at all grades, modalities and levels of the national education system.

35.2 Public and private education centers cannot deny access or continuity of a person based on his or her disability.

Article 36. Accessibility of education centers

36.1 The Education Ministry and regional governments ensure the adjustment of physical infrastructure, furniture and equipment for persons with disabilities of educational facilities, and the distribution of accessible and adapted educational materials.

36.2 The Education Ministry and the local and regional governments promote and ensure the learning of Braille, sign language, and other means, modes and formats of communication within the education centers.

Article 37. Quality of education services

37.1 The education centers in the various grades, modalities and levels of the national education system have the obligation to undertake the curriculum and methodology adjustments and the necessary reasonable accommodations to ensure access and continuity of students with disabilities.

37.2 The Education Ministry and the regional governments ensure the provision of support services for the inclusion of students with disabilities, and the permanent education and training of teachers, administrative and directive staff, relating to issues on disability and the rights of persons with disabilities. To that purpose, the necessary resources are allocated for the adequate functions of specialized basic education centers.

Article 38. Higher education

38.1 The public and private universities, higher education institutions and schools undertake reasonable adjustments to ensure access and continuity of persons with disabilities, which include the adjustment of their admissions procedures. These institutions reserve 5% of their offered vacancies in their admissions procedures by professional career for the nomination of persons with disabilities, who may access these academic institutions prior approval of their admissions evaluation.

38.2 Persons who are forced to interrupt their careers due to their acquiring a disability, including members of Peru’s Armed Forces and National Police, will keep their valid enrollment for a period up to five years to return to school.

Article 39. Higher education on disability

The public and private universities, higher education institutions and schools, include assignments on disabilities on the curricula and programmes to train and educate professionals and
technicians in the areas of: education, law, medicine, psychology, administration, architecture, engineering, economics, accounting and social work.

Article 40. Accessible libraries

Libraries have accessible facilities and materials for persons with physical, mental and intellectual disabilities, including Braille, audio books, and technical elements which allow these persons to access general information.

Article 41. Sports promotion

41.1 The Peruvian Sports Institute (IPD) promotes and coordinates participation of persons with disabilities in general and specific sporting activities, and the training and education of sports technicians, directors and professionals on matters relating to persons with disabilities practicing sports.

41.2 National sports federations and the Peruvian Olympic Committee promote the participation of persons with disabilities in the different sports.

Article 42. Sports federations of persons with disabilities

42.1 Sports federations of persons with disabilities develop, promote, organize and direct sports by persons with disabilities in the diversity of specific disciplines and modalities, and promote their participation in international competitions. The National Council for the Integration of Persons with Disabilities (CONADIS) and the Peruvian Sports Institute (IPD) promote the creation of the sports federations of persons with disabilities on demand of the different types of disabilities, with the aim that Peru can be integrated into the International Paralympic Committee (IPC) and other sports entities and institutions for persons with disabilities.

42.2 The Peruvian Sports Institute (IPD) ensures the availability of the necessary infrastructure, equipment and resources for persons with disabilities to develop their sports.

Article 43. Sports recognitions

Athletes with disabilities who achieve Olympic and world triumphs are recognized with Peruvian sports highest recognitions, awards and all other stimuli provided by the Peruvian Sports Institute (IPD) and the Peruvian Olympic Committee, on an equal basis with other athletes.

Article 44. Discount on entrance fees to sports, cultural or recreational activities

44.1 Persons with disabilities who have been adequately certified have the right to a 50% discount over the entrance fee to cultural, sports and recreational performances that are organized by State entities. The discount is applicable to a maximum of 25% of the total number of entrance tickets.

44.2 In the case of cultural, sports and recreational performances organized by private companies or institutions, the applicable discount is of 20% and to a maximum of 10% of the total number of entrance tickets.

CHAPTER VI WORK AND EMPLOYMENT

Article 45. Right to work
45.1 Persons with disabilities have the right to work, on an equal basis with others, in an employment that is freely chosen or accepted, with equal opportunities and equal remuneration for work of equal value, fair, safe and healthy working conditions.

45.2 The Labor and Employment Promotion Ministry, the National council for the Integration of Persons with Disabilities (CONADIS) and the regional governments promote and ensure respect and exercise of labor rights by persons with disabilities, and the development of their skills and capabilities, through the diverse organization units that include such functions.

Article 46. Employment services

46.1 The Labour and Employment Promotion Ministry, the regional governments and the municipalities include persons with disabilities in their vocational and continuing training, placement and employment programmes.

46.2 The employment services provided by the Labour and Employment Promotion Ministry guarantee persons with disabilities have technical and vocational guidance, and information on employment and training opportunities. To that end, the Labour and Employment Promotion Ministry has a specialized organization structure for the employment promotion of persons with disabilities.

46.3 The State reserves 10% of their budget allocated to the promotion of temporary employment programmes, for the implementation of projects that promote employment of persons with disabilities.

Article 47. Measures for the promotion of employment

47.1 The State, through its three levels of government, promotes that public and private employers adopt good practices on the employment of persons with disabilities and of disabilities management strategies in the work place, as an integral component of a national policy aimed at promoting employment opportunities for persons with disabilities.

47.2 Public and private employers generating third category income who employ persons with disabilities have an additional income tax deduction over the amount paid to these persons, in a percentage fixed by Supreme Decree of the Economy and Financing Ministry.

Article 48. Bonuses on public recruitment processes

48.1 In public recruitment processes by public entities, regardless of the employment regimes, persons with disabilities who comply with the position requirements and achieves a passing examination grade, receive a bonus of 15% on top of the final grade achieved during the assessment which includes the final interview. When announcing the recruitment process, the application of this benefit should be included; non compliance of the latter may be sanctioned by annulment of the process.

48.2 Public entities undertake the necessary adjustments in the selection and assessment processes to ensure participation of persons with disabilities on an equal basis with other persons.

Article 49. Employment quota
49.1 Public entities have the obligation to hire persons with disabilities in a percentage no less than 5% of the total amount of workers; in the case of private entities with more than 50 workers, they must hire no less than 3%.

49.2 Prior to any recruitment process, public entities must verify the compliance of the 5% quota, regardless of the employment regime. Public entities that do not comply with the employment quota are subjected to the established procedure defined in the regulations of this law.

49.3 The penalty fees to be paid by public entities for non-compliance of employment quota of persons with disabilities are used to fund vocational and continuing training, placement and employment programmes for persons with disabilities. The private sector is supervised by the Labour and Employment Promotion Ministry and the public entities by the Civil Service National Authority in coordination with the National Council for the Integration of Persons with Disabilities (CONADIS).

49.4 Vacancies produced by a worker with disability resigning, justified firing, retirement or death, in a public entity is covered by another person with disabilities, through recruitment.

Article 50. Reasonable accommodation for persons with disabilities

50.1 Persons with disabilities have the right to reasonable accommodation in their workplace. These measures include the adaptation of working tools, machinery and work environment, and the adjustment in the work organization and schedules, with regard to the needs of the person with disabilities.

50.2 The Labour and Employment Promotion Ministry and the regional governments provide advice and guidance to employers in the implementation of reasonable accommodation for persons with disabilities in the workplace. Public and private employers generating third category income have an additional income tax deduction estimated over the expenses for the implementation of reasonable accommodation for persons with disabilities in a percentage fixed by Supreme Decree of the Economy and Financing Ministry.

50.3 Employers implement reasonable accommodation, unless they are able to prove that these impose an excessive economic burden, in accordance to the criteria fixed by the Labour and Employment Promotion Ministry.

Article 51. Vocational rehabilitation and employment

51.1 The Health Ministry and the Social Security Health Insurance (EsSalud) have vocational rehabilitation and employment services for persons with disabilities that are aimed at finding, career advancing and maintaining an employment.

51.2 The National Council for the Integration of Persons with Disabilities (CONADIS) promotes and supervises the work accidents prevention programmes and standards and environmental pollution that may cause vocational diseases that result in disabilities.

Article 52. Maintaining an employment

52.1 The vocational rehabilitation and employment programmes of the Health Ministry and the Social Security Health Insurance (EsSalud) guarantee persons who acquire a disability as a consequence of a disease or an accident, their return to work.
52.2 Personnel who acquire a disability while working have the right to keep their jobs after having implemented reasonable accommodations and their disability does not significantly affect their performance. If that is not the case, the worker is transferred to a job that is compatible with his or her skills and abilities, when the vacancy exists and no risks exist for his or her health and security or that of other persons.

Article 53. Goods and services production and trade promotion

53.1 The Foreign Commerce and Tourism, and production Ministries promote the production and trade of goods and services by persons with disabilities, providing support in accordance to their competences.

53.2 Regional governments and provincial and district municipalities promote the trade of goods manufactured by persons with disabilities, encouraging their direct participation in popular fairs, markets and commercial centers under their jurisdictions.

53.3 Persons with disabilities have preferential consideration when installing selling modules within the facilities of public entities.

CHAPTER VII ORGANIZATIONS PROMOTING PERSONS WITH DISABILITIES

Article 54. Definition of organization promoting persons with disabilities

Organizations promoting persons with disabilities are individuals or legally established organizations, constituted under any legal status or commercial management, with at least 30% of its staff being persons with disabilities. 80% of these personnel implement activities that are directly linked with the social purpose of the organization.

Article 55. Registry of organizations promoting persons with disabilities

The Labour and Employment Promotion Ministry registers the companies promoting persons with disabilities and audits the effective compliance of the percentage of persons with disabilities that comprise their staff.

Article 56. Preferential consideration of good, services or works

In public procurement processes to hire goods, services or works by public entities, preference is given to companies promoting persons with disabilities, in the case were two or more companies have equal assessment results to their proposals, non compliance may be sanctioned in accordance to Supreme Decree 184-2008-EF, or the by-laws to the Legislative Decree 1017 or Law for State’s Public Procurement.

Article 57. Access to sources of funding

57.1 The State promotes access of companies promoting persons with disabilities to credits and other sources of funding, providing financial assistance aimed at reducing asymmetric information and intermediary costs. To this end, the Production Ministry administers a projects bank, and trains the companies promoting persons with disabilities in the development of investment projects.

57.2 No less than 5% of the resources allocated by the State to finance micro and small entrepreneurs is allocated to companies promoting persons with disabilities.
CHAPTER VIII ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

Article 58. Orphanhood pensions

Adult persons with disabilities who are beneficiaries of an orphanhood pension under a social security scheme, are not affected in continuing to receive the pension when earning a salary or income that is subjected to social security and is not greater than two minimum salaries from their regular work, excepting the prohibition to receive a double income set out in article 3 of Law number 28175 or General Law for Public Employment.

Article 59. Non contributory pensions for severe disabilities

Persons with severe disabilities living in poverty, in accordance to the criteria of the Household Targeting System (Sisfoh) and who do not have a pension or income from public or private sectors, receive a non contributory pension from the State. The health directorates will provide the certificate of severe disability and CONADIS will register them. The regulations establish the requirements and conditions to progressively access this benefit.

Article 60. Early or anticipated retirement for persons with disabilities

The Executive Power regulates the mechanisms for enrollment in the pension systems to access an early or anticipated pension, comparable to the retirement scheme included in the second paragraph of article 38 of Legal Decree 19990. This provision is only applicable to persons with disabilities who comply with the requirements and conditions established in the regulations and within the framework of benefits under the existing social security schemes.

Article 61. Access to social programmes

Persons with disabilities benefit from social programmes, health, food, adequate clothing and housing, and access to public services provided by the State, and without applying the age limit. The social programmes provide preferential care to persons with disabilities, particularly to women, girls and boys, and those living in poverty conditions, to cover expenses related to their disabilities.

Article 62. Importation of vehicles, assistive technologies, devices and auxiliary aids

62.1 The importation of specialized vehicles and assistive technologies, devices and auxiliary aids for the exclusive use by persons with disabilities is exempted from tariff payments in accordance to Law number 1053, General Customs Law.

62.2 The general sales tax (IGV) and the selective consumer tax (ISC) applied to the import of specialized vehicles, assistive technologies, devices and auxiliary aids for the exclusive use by persons with disabilities can be paid through “Payment Documents - Public Treasury”. The Supreme Decree establishes the corresponding requirements and procedures.

62.3 The Executive Power, through its Economy and Finance Ministry, establishes the necessary regulatory measures for the implementation of this benefit, including the definition of the beneficiary tariff lines, the maximum authorized value, and the characteristics of the specialized vehicles, assistive technologies, devices and auxiliary aids for the exclusive use by persons with disabilities.
62.4 The “Payment documents – Public Treasury” issued under the current law will be financed by the Women and Vulnerable Groups Ministry’s budget.

CHAPTER IX

NATIONAL COUNCIL FOR THE INTEGRATION OF PERSONS WITH DISABILITIES (CONADIS)

Article 63. National Council for the Integration of Persons with Disabilities (CONADIS)

The National Council for the Integration of Persons with Disabilities (CONADIS) is the specialized organ on matters related to disabilities. It is constituted as a public executive organism attached to the Women and Vulnerable Groups Ministry, with technical, administrative, management, economic and financial autonomy. It has its own budget.

Article 64. Functions of the National Council for the Integration of Persons with Disabilities (CONADIS)

The National Council for the Integration of Persons with Disabilities (CONADIS) has the following functions:

a) To draft, plan, direct, coordinate, implement, supervise and evaluate the national and sectoral policies on disability matters.

b) To issue standards and technical guidelines for the adequate implementation and supervision of the national and sectoral disability related policies.

c) To promote and propose that, when drafting, planning and implementing policies and programmes in all government levels and sectors, the needs and interests of persons with disabilities are taken specifically into account.

d) When drafting and adopting sectoral budgets, to promote the allocation of necessary resources for the implementation of disability mainstreamed and multisectoral policies and programmes.

e) To propose, draft, plan, coordinate and supervise the implementation of the Equal Opportunities Plan for Persons with Disabilities.

f) To promote and organize the consultation processes with persons with disabilities, in coordination with the corresponding government levels and sectors.

g) To promote and implement awareness raising campaigns about persons with disabilities, the respect for their rights and dignity, and the State’s and society’s responsibility towards them.

h) To promote, coordinate and implement research on matters related to disability, and development of universally designed goods, services, equipment and facilities.

i) To disseminate information related to disability matters, including updated information about available services and programmes for persons with disabilities and their families, and about organizations of persons with disabilities.
j) To provide technical assistance on matters related to disability to entities and organisms of all government levels and sectors.

k) To request information about matters relating to disability to all organisms and entities at all government levels and sectors.

l) To place complaints for non compliance.

m) To audit, impose and administer fines.

n) To coercively require payment of fines.

o) To direct the national registry of persons with disabilities.

p) To adopt its annual plan and budget.

q) To draft and adopt is organizational regulations and functions.

r) All other functions established by this law and its by-laws.

Article 65. Constitution of the National Council for the Integration of Persons with Disabilities (CONADIS)

65.1 The National Council for the Integration of Persons with Disabilities (CONADIS) consists of the following members:

a) The President of the National Council for the Integration of Persons with Disabilities (CONADIS) appointed by Peru’s President.

b) The President of the Council of Ministers, or his or her representative.

c) The Minister of women and Vulnerable Groups, or his or her representative.

d) The Minister for Social Development and Social Inclusion, or his or her representative.

e) The Minister of Economy and Finance, or his or her representative.

f) The Minister of Education, or his or her representative.

g) The Minister of Health, or his or her representative.

h) The Minister of Labour and Employment Promotion, or his or her representative.

i) The Minister of Transport and Communications, or his or her representative.

j) The Minister of Housing, Construction and Sanitation, or his or her representative.

k) The Minister of Production, or his or her representative.

l) The Minister of Defense, or his or her representative.

m) The Minister of Interior, or his or her representative.

n) The Minister of Foreign Affairs, or his or her representative.
The Executive President of the Social Security Health Insurance (EsSalud), or his or her representative.

65.2 The National Council for the Integration of Persons with Disabilities (CONADIS) has a Consultative Council, which consists of the following members:

A. One representative elected by organizations of persons with disabilities related to physical impairments.

B. One representative elected by organizations of persons with disabilities related to hearing impairments.

C. One representative elected by organizations of persons with disabilities related to visual impairments.

D. One representative elected by organizations of persons with disabilities related to deafblindness.

E. One representative elected by organizations of persons with disabilities related to mental impairments.

F. One representative elected by organizations of persons with disabilities related to intellectual impairments.

G. One representative elected by organizations of persons with disabilities of the armed forces and Peru’s national police.

H. One representative elected by the sports federations of persons with disabilities.

Article 66. President of the National Council for the Integration of Persons with Disabilities (CONADIS)

66.1 The President of the National Council for the Integration of Persons with Disabilities (CONADIS) is appointed by Peru’s President, chosen from a shortlist with three names proposed by the President of the council of Ministers. The shortlisting is prepared respecting the right to consultation established in article 14.

66.2 In order to hold the position as President of the National Council for the Integration of Persons with Disabilities (CONADIS), the person must prove experience in management and at least five years of work related to the recognition of the rights of persons with disabilities. The President of CONADIS is an official in the national budget and is the legal representative of the institution. It attends the sessions of the Council of Ministers with a voice but no vote.

Article 67. General Secretariat for the National Council for the Integration of Persons with Disabilities (CONADIS)

The General Secretariat for the National Council for the Integration of Persons with Disabilities (CONADIS) is the highest administrative authority of this organ. It is appointed by the Council’s plenary, and is under the hierarchy and functionally dependent on the President of the National Council for the Integration of Persons with Disabilities (CONADIS).
Article 68. Resources of the National Council for the Integration of Persons with Disabilities (CONADIS)

68.1 The following are resources of the National Council for the Integration of Persons with Disabilities (CONADIS):

a) The resources allocated by the State duly defined in the public sector’s budget items benefit societies, in accordance with the fifth transitional and complimentary provision of Law number 26918, or directly administered by the organizations of persons with disabilities.

c) The resources directly collected.

d) The resources coming from international cooperation.

e) Donations and legacies.

f) The resources coming directly from officially organized fundraising.

g) The resources coming from fines.

68.2 The National Council for the Integration of Persons with Disabilities (CONADIS) enjoys similar prerogatives and exemptions as do other State entities and organisms.

CHAPTER X

REGIONAL AND LOCAL OFFICES

Article 69. Regional office for persons with disabilities (OREDIS)

69.1 The regional offices and the metropolitan municipality of Lima have included within their organizational structure, a regional office for persons with disabilities (OREDIS) and have included the necessary resources in their annual budgets for their adequate functions and the implementation of policies and programmes on matters related to disabilities.

69.2 The regional office for persons with disabilities (OREDIS) has the following functions:

a) To draft, plan, direct, coordinate, implement, supervise and evaluate the regional programmes and policies on matters related to disabilities.

b) To promote and propose that, when drafting, planning and implementing the regional policies and programmes, the needs and interests of persons with disabilities are specifically taken into account.

c) To promote that, when drafting and adopting the regional budgets, the necessary resources be allocated to implement disability mainstreamed and multisectoral policies and programmes.

d) To coordinate and supervise the implementation of the national plans and programmes on matters related to disabilities.

e) To promote and organize the regional consultation processes.
f) To promote and implement awareness raising campaigns about persons with disabilities, the respect for their rights and dignity, and the State’s and society’s responsibilities towards them.

g) To disseminate information related to disability matters, including updated information about available services and programmes for persons with disabilities and their families.

h) To supervise compliance of this law’s provisions, within its competences, and denounce its non compliance to the corresponding administrative organ.

i) To administer the regional registry of persons with disabilities under its jurisdiction, considering the guidelines issued by the national registry of persons with disabilities.

Article 70. Municipal office for persons with disabilities (OMAPED)

70.1 The district and provincial municipalities have included within their organizational structure, a municipal office for persons with disabilities (OMAPED) and have included the necessary resources in their annual budgets for their adequate functions and the implementation of policies and programmes on matters related to disabilities.

70.2 The municipal office for persons with disabilities (OMAPED) has the following functions:

a) to promote and propose that, when drafting, planning and implementing the local policies and programmes, the needs and interests of persons with disabilities are specifically taken into account.

b) To coordinate, supervise and evaluate the local programmes and policies on matters related to disabilities.

c) To participate in the drafting and adoption of local budgets to ensure that the necessary resources are allocated for the implementation of programmes and policies on matters relating to disabilities.

d) To coordinate and supervise the implementation of the national plans and programmes on matters related to disabilities.

e) To promote and organize the local consultation processes.

f) To promote and implement awareness raising campaigns about persons with disabilities, the respect for their rights and dignity, and the State’s and society’s responsibilities towards them.

g) To disseminate information related to disability matters, including updated information about available services and programmes for persons with disabilities and their families.

h) To administer the local registry of persons with disabilities under its jurisdiction, considering the guidelines issued by the national registry of persons with disabilities.

i) To supervise compliance of this law’s provisions, within its competences, and denounce its non compliance to the corresponding administrative organ.
Article 71. Coordination with the National Council for the Integration of Persons with Disabilities (CONADIS)

The National Council for the Integration of Persons with Disabilities (CONADIS) coordinates with the regional governments and municipalities, the effective implementation of this law under its corresponding jurisdictions. It provides them with technical advice and training for the exercise of their functions, it centralizes the information referring to persons with disabilities and it promotes active participation of the organizations of persons with disabilities in those areas.

CHAPTER XI

NATIONAL SYSTEM FOR THE INTEGRATION OF PERSONS WITH DISABILITIES (SINAPEDIS)

Article 72. National System for the Integration of Persons with Disabilities (SINAPEDIS)

The National System for the Integration of Persons with Disabilities (SINAPEDIS) is created as the functional system in charge of ensuring the compliance of the public policies that guide the State’s interventions on matters related to disabilities.

Article 73. Governing body of the National System for the Integration of Persons with Disabilities (SINAPEDIS)

73.1 The National Council for the Integration of Persons with Disabilities (CONADIS) is the governing body of the National System for the Integration of Persons with Disabilities (SINAPEDIS), and is responsible for drafting, programming, coordinating, managing, supervising, monitoring and evaluation of the State’s public policies on matters relating to disabilities.

73.2 The National Council for the Integration of Persons with Disabilities (CONADIS), has the following functions as the governing body:

a) To exercise the technical and standards national authority.

b) Issue the standards and establish the procedures for the National System for the Integration of Persons with Disabilities (SINAPEDIS).

c) Coordinate technical operations and be responsible for the adequate functioning of the National System for the Integration of Persons with Disabilities (SINAPEDIS).

d) Other functions defined in the by-laws.

Article 74. Goals of the National System for the Integration of Persons with Disabilities (SINAPEDIS)

The National System for the Integration of Persons with Disabilities (SINAPEDIS) has the following goals:

a) To ensure the compliance of public disability policies that require the participation of State entities, at inter-governmental level.

b) To articulate and harmonize, at inter-governmental level, the management of policies, plans, strategies, programmes and projects on matters relating to disabilities.
c) To promote, at inter-governmental level, the participation of organizations of persons with disabilities, of civil society and private sector, in the development of actions related to disabilities.

d) Ensure availability of the necessary information for the drafting of plans, programmes and projects.

Article 75. Composition of the National system for the integration of persons with disabilities (SINAPEDIS)

The National System for the Integration of Persons with Disabilities (SINAPEDIS) is comprised by:

a) The National Council for the Integration of Persons with Disabilities (CONADIS).

b) The regional governments, their plans and projects.

c) The district and provincial municipalities, their organisms, plans and projects. The regulations establish the organization and defines the roles of the public entities that are part of the National System for the Integration of Persons with Disabilities (SINAPEDIS).

CHAPTER XII

CERTIFICATION, REGISTRY AND STATISTICS

Article 76. Disability Certification

The disability certificate certifies the condition of a person with a disability. It is provided by all hospitals of the Ministries of Health, Defense, and Interior, and of the Social Security Health Insurance (EsSalud). The assessment, qualification and certification are free of charge.

Article 77. Falsification of certificates

Personnel providing false certification of the existence or level of disability are liable to the offense of falsification established in article 431 of the Criminal Code, notwithstanding administrative liability that may apply.

Article 78. National Registry of Persons with Disabilities

78.1 The National Registry of Persons with Disabilities, under the authority of the National Council for the Integration of Persons with Disabilities (CONADIS), compiles, processes and organizes the information referring to persons with disabilities and their organizations, that has been provided by public entities of the different levels of government. It contains the following special registries:

a) Registry of Persons with Disabilities.

b) Registry of the organizations representing persons with disabilities.

c) Registry of organizations constituted and comprised by persons with disabilities.

d) Registry of legally or naturally established organizations that provide services and programmes for persons with disabilities.
e) Registry of legally or naturally established organizations that import or trade goods and support and specialized services for persons with disabilities.

f) Registry of the sanctions imposed for the non compliance of this law.

g) Others defined by CONADIS.

78.2 Registration in the National Registry for Persons with Disabilities is free of charge. The requirements and procedures for the specialized Registries is established by the regulations of the National Council for the Integration of Persons with Disabilities.

Article 79. Statistical data

79.1 The National Statistics and Informatics Institute (INEI), the organs comprising the National Statistics System, and the entities and organs of the different levels and sectors of government, include in their censuses, surveys and statistical registries, an item referring to the situation of persons with disabilities, and comply with the collection and processing of it. This information is submitted to the National Council for the Integration of Persons with Disabilities (CONADIS) for its dissemination, to be used in a compulsory manner by all government levels and sectors when drafting, planning, and implementing their policies and programmes.

79.2 The National Statistics and Informatics Institute (INEI) and the National Registry for the Identification and Civil Status (RENEC) participate in updating the National Registry of Persons with Disabilities, in coordination with the National Council for the Integration of Persons with Disabilities (CONADIS), the regional offices for persons with disabilities (OREDIS), and the municipal offices for persons with disabilities (OMAPED).

CHAPTER XIII
SANCTIONS

Article 80. Competent entity

80.1 The competent body to review and apply the sanctions and penalties for the non compliance of this law is the National Council for the Integration of Persons with Disabilities (CONADIS), notwithstanding the specific responsibilities corresponding to the different government levels and sectors.

80.2 The National Council for the Integration of Persons with Disabilities (CONADIS) exercises its power of sanction within the framework of the legal provisions of Law number 27444 or General Law for Administrative Procedures.

Article 81. Infractions

81.1 The infractions provided for in this law are classified as mild, severe and most severe.

81.2 Mild infractions are:

a) Non application of the discount to entrance fees for cultural, sports or recreational performances that are organized by public institutions or private organizations.
b) Non inclusion of a field of a disability condition in the forms to be filled by applicants to public recruitment processes.

c) Not maintaining the enrollment of university students who, while undertaking graduate studies acquire a disability in service, or as a consequence of disease or accident.

d) Non compliance by public entities, public service providers, companies that administer pension funds, banks, financial and insurance companies to provide information, receipts, and account balances in accessible means and formats for users with disabilities who request it.

e) Delay in submitting information requested by the National Council for the Integration of Persons with Disabilities (CONADIS), or when the information is incomplete or not fully precise.

81.3 Severe infractions are:

a) Preventing persons with disabilities from attending cultural, sports or recreational performances.

b) Unjustified non compliance of the obligation by educational institutions to adapt the admissions and assessment procedures.

c) Non compliance of the compulsory 5% vacancies reserved for persons with disabilities in the admissions’ procedures to universities, institutes and higher education schools.

d) Non compliance to include assignments on disability matters in curricula and programs to educate and train professionals and technicians in the fields of education, law, medicine, psychology, management and social work.

e) Non compliance to include assignments on accessibility and universal design in the faculties’ and programs’ curricula to educate and train professionals and technicians in the fields of design and construction, building, transportation, telecommunications and information technologies.

f) Non compliance of sign language interpretation or close captioning during information, education and cultural programming broadcasted through television.

g) Denial to provide transportation services on the basis of a person’s disability condition.

h) Non compliance to explicitly include accessibility standards for persons with disabilities in the selection criteria of public procurement processes to hire goods, services or works, within the technical characteristics of the goods, services and works to be hired.

i) The non consideration of accessibility standards for persons with disabilities when issuing municipal licenses and approving the technical files of works.

j) Not keeping the public facilities and space in good conditions to guarantee and maintain persons with disabilities’ security, health, and physical integrity.

k) Non compliance to supervise and ensure that facilities of private companies that provide public services are kept in good conditions so as not to place persons with disabilities at risk.

81.4 Most severe penalties are:
a) Contravening accessibility standards in urban environments and buildings.

b) Non application of the 15% bonus on top of the final grade achieved during the assessment to persons with disabilities who apply to public recruitment processes.

c) Non compliance of employment quota for persons with disabilities.

d) The denial of a person to access or continue to remain in a public or private education center on the basis of his or her disability, in accordance to the directives established to this end by the Education Ministry.

e) Non compliance by the Peruvian Sports Institute and the International Olympic Committee of the obligation to recognize an athlete with a disability who achieves Olympic or world triumphs in the corresponding category.

f) Arbitrary dismissal of persons with disabilities by public entities when no justified causes exist or when the established requirements and procedures in legislation that regulates the labour regime are not complied with.

g) Non consideration by the officials responsible of the budget design for all government levels and sectors, to allocate the necessary resources for the implementation of policies and programmes on matters related to disabilities.

h) Submitting false information to the National Council for the Integration of Persons with Disabilities (CONADIS) when it requests it.

Article 82. Sanctions

Infringement of this law and its regulations will lead to the following sanctions:

a) Warning sanction.

b) Temporary suspension without pay for one month.

c) Temporary suspension without pay for up to twelve months.

d) Removal from office.

e) Fines.

Article 83. Application of fines

The fine is imposed corresponding to the defined infraction as follows:

a) Mild infractions from 1 UIT to 5 UIT.

b) Severe infractions from over 5 UIT to 10 UIT.

c) Most severe infractions from over 10 UIT to 20 UIT.

Article 84. Purpose of fines
The amount raised with the fines paid for non compliance of this law is used specifically to finance campaigns and programmes for persons with disabilities, and to audit the obligations established in the law, with the exception of the provisions of article 49.

Article 85. Registry of offenders of the rights of persons with disabilities

85.1 The National Council for the Integration of Persons with Disabilities (CONADIS) administers a registry of offenders of the rights of persons with disabilities.

85.2 This registry registers the social nature of the public entities or private organizations that have been sanctioned with penalties for the non compliance of this law. In the same manner, it registers names and positions of officials and directors that head these institutions or organizations, when their actions cause these entities to be sanctioned or be imposed with fines in accordance with this chapter.

Article 86. Ombudsman (National human rights institution – Defensoría del Pueblo)

The Ombudsman has a deputy unit for the defense and promotion of the rights of persons with disabilities. The actions it undertakes are included in the annual report that the Ombudsman presents to the Congress. In addition, this deputy unit follows up on the implementation of the Convention on the Rights of Persons with Disabilities, in accordance with the Convention’s paragraphs 2 and 3 of Article 33.

SUPPLEMENTARY PROVISIONS AND AMENDMENTS

First. Amendments to the Civil Code

Amend Article 696, 697, 699, 707, 709 and 710 of the Civil Code with the following text:

“Article 696. Formalities of the testament by public deed
The essential formalities of the testament by public deed are:
(...)
6. During its reading, at the end of each clause, it will be verified if the content of the testament corresponds to the expression of the person’s will. If the testator is a person with a disability with a hearing or speech impairment, he/she can express his agreement or comments through an interpreter.
(...)

Article 697. Testamentary Witness by request
If the testator is illiterate, the testament shall be read twice, once by the notary and a second time by the testamentary witness appointed by the testator. If the testator is a person with a disability with a visual impairment, he/she can read the testament on her own using a type of technical support or it can be read to him/her by the notary or by the witness appointed by the testator. If the testator is a person with a disability with a hearing or language impairment, the testament shall be read by himself at the notary’s registry or with the support of an interpreter. If the testator does not know how to sign or is not able to do it, the testamentary witness appointed by him/herself will do it at his/her request, all of which will be mentioned in the testament.

Article 699. Sealed Testament
The essential formalities of a sealed testament are:
1. That the document in which it has been written is signed on each of its pages by the testator, sufficing to sign it at the end if it was handwritten by him, and be placed in an envelope properly closed, so that the testament cannot be extracted without breaking it or altering the envelope. If a person with a disability with a visual impairment issues the testament, it can be issued in braille or using any other method or alternative communication format, and each printed page must have his fingerprint and signature. The testament must be put inside an envelope in the conditions detailed in the first paragraph.

(...) Article 707. Holographic testament. Formalities. The following formalities are essential in relation to the holographic testament, it must be completely written out, with the date and signed by the testator himself. If it was issued by a person with disability with visual impairment, the formality established in the second paragraph of article 669 (1) must be complied with. 

(...).

Article 709. Judicial opening of the holographic testament. Once the holographic testament is presented with a certified copy of the testator’s death certificate or with a judicial declaration of the death, the judge, in the presence of the presumed heirs, will proceed to open the testament if it were closed, and will put his complete signature and the court’s seal on each of the pages. The judge will arrange for the verification of the authenticity of the testator’s handwriting and signature, in accordance with the applicable provisions of the Civil Procedural Code.

If there are elements missing in order to carry out the verification, the judge may determine that the verification shall be made by three witnesses, who know the handwriting and signature of the testator. In case the testament is issued in braille or in any other alternative format of communication, the verification will be done through the signature and fingerprint of the testator.

Article 710. Official translation of the testament
If the testament was written in a different language to Spanish, the judge will appoint an official translator. Moreover, if the testator was a foreigner, the translation will be made with the presence of the consul of the country of his/her nationality, if there was any. Similarly, the judge can appoint a translator in case the testament is in braille or in any other alternative format of communication. The translation will be added to the original text, signed by the translator with his signature legalized by the court clerk. The judge will also authenticate this document with his complete signature and with the seal of the court. 

(...)”

SECOND. Modification of 28044 Law, General Law of Education

Articles modified 10, 13, 21, 34, 37, 39, 40, 49, 60, 66, 68, 74, 77 y 80 of the Law 28044, General Law of Education, with the following texts:

«Article 10. Criteria for universalization, quality and equality
In order to achieve universality, quality and equality in education, an intercultural and inclusive approach shall be adopted as well as decentralized, intersectoral, preventive, remedial and recovery actions which contribute to equalizing opportunities for the students’ integral development to achieve satisfactory learning results.

Article 13. Quality of Education
It is the optimal level of training that a person must attain in order to face the challenges of human development, exercise his/her citizenship and keep learning throughout his/her life.

The interacting factors to achieve this quality are:

b) Basic curricula, common throughout the country, articulated at the different levels and educational modalities, which at the same time must be adapted to regional and local educational contexts in order to address the particularities of each area in accordance to the student’s educational needs.

f) Infrastructure, equipment, services and educational materials that are adequate to the technical and pedagogical requirements of each place and to the contemporary world, and accessible for persons with disabilities.

Article 21. The role of the State
The State promotes universality, quality and equality in education. Its functions are:

k) To guarantee access to persons with disabilities to an inclusive and quality education, in all stages, levels and modalities of the system.

Article 34. Characteristics of the curriculum
The curriculum aims to evaluate the harmonious and integral development of students and to create positive attitudes of social coexistence, democratization of society and responsible exercise of citizenship.

The curriculum takes into account the experiences and previous knowledge of the students. The curriculum allows for the relevant curricular diversifications and adaptations for students with disabilities.

Article 37. Alternative Primary Education
The Alternative Primary Education responds to the needs of:
b) Boys, girls and adolescents, including those with disabilities, who did not have a timely entrance to the Regular Basic Education or those who abandoned the Educational System and their age prevents them from continuing with their regular studies.

(...) 

Article 39. Special Primary Education
The Special Primary Education has an inclusive approach and attends to persons with special education needs, in order to achieve their inclusion to community living and their participation in society. It is directed to:
   a) Persons with any kind of disability that hinders regular learning.
   b) Gifted or talented boys, girls and adolescents.
In both cases it is taught with a focus on inclusion in regular classrooms, with no prejudice to complementary and personalized attention as required. The transition from one grade to another will depend on the skills achieved and chronological age, respecting the principle of educational and social inclusion.

Article 40. Definition and Purpose
Technical-productive education is a form of education directed towards the acquisition of laboral and business skills with a focus on sustainable and competitive development. It contributes to a better performance of the working person, and to improve their employability and their personal development. It is intended for persons looking for insertion or reintegration in the labor market, including persons with disabilities and students of primary education.

Article 49. Definition and purpose
(...) 
To access higher education, it is a requirement to have concluded the corresponding studies of primary education. The State shall promote the access for persons with disabilities to higher education through affirmative actions and guarantee the implementation of reasonable accommodations in their favor.

Article 60. Program of Permanent Education and Training
(...) 
The program includes subjects related to the educational inclusion of students with disabilities and the use of sign language, braille system and other formats of augmentative and alternative communication suitable for persons with disabilities.

Article 66. Definition and purpose
(...) 
The purpose of educational institutions is to achieve the comprehensive training of their students. The Educational Institution Project guides their management and has an inclusive approach. 

(...) 

Article 68. Functions
The functions of educational institutions are:
(...)
Guarantee the timely and quality educational inclusion of students with disabilities. (...)

Article 74. Functions

The functions of the Local Educational Management Unit under the framework established in article 68 are the following:

(...)
m) Determine the infrastructure and equipment needs, as well as participate in its construction and maintenance, ensuring compliance with accessibility standards for persons with disabilities, in coordination with the local and regional government.
t) Promote inclusive education for students with disabilities

Article 77. Functions

Without prejudice to the functions of the regional governments in relation to education established in article 47 of the Regional Governments Organic Law, Law 27867, it is also up to the Regional Direction of Education, within the framework of the national education policy, to:

(...)
g) Formulate plans and strategies directed to guarantee the inclusive education of persons with disabilities in the region.
h) Ensure the creation of support services and counseling for the attention of students with disabilities.

Article 80. Functions

The Ministry of Education has the following functions:

(...)
r) Lead a process of educational inclusion of persons with disabilities through the design of plans and national strategies.
s) Those established by law and those that are necessary for the best fulfillment of its objectives, which have not been assigned to other bodies or entities.

THIRD. Addition of article 20-A to the Law 28044, General Law of Education

Addition of Article 20-A to the Law 28044, General Law of Education, with the following text:


The State recognizes and guarantees the right of persons with disabilities to an inclusive quality education, on equal basis with others. It promotes and guarantees their inclusion in educational institutions in the different stages, modalities and levels of the Educational National System, guaranteeing the physical adaptation of their infrastructure, furniture and equipment, the distribution of adapted and accessible educational materials, the availability of properly trained teachers, and teaching in the Braille system, sign language and other ways, resources and communication formats.

FOURTH. Modification of the Law 23733, University Law

Modification of the articles 21, 56 and 58 of the 23733 Law, University Law with the following text:

Article 21. Admission to University will be achieved through a competition, with the exceptions
provided in article 56 of this law, which will take place once or twice a year, during the holiday periods. The University’s Statute and the Faculties’ Rules of Procedure establish the mechanisms that allow them to assess vocational interests, skills and personality for the study of a particular career. The University establishes in advance the number of vacancies for each of its faculties; these numbers are unchangeable after they have been approved and published for each competition.

The same regime for the publication of vacancies will govern the transfer of registrations both internal and external, as well as exemptions to the competition.

Persons with disabilities have the right to reasonable accommodations, including the adaptation of their admission procedure, to guarantee their access to and continued enrollment in the University without being discriminated, in accordance with the General Law for Persons with Disabilities.

Article 56. Those who are exempt from the ordinary procedure of admission to the universities:

(...)

Universities will seek to sign agreements with higher education institutions to streamline their "syllabi". Persons with disabilities have the right to 5% of the vacancies offered in their admission procedures, according to the General Law for Persons with Disabilities.

Article 58. In accordance to the University’s Statute, students are entitled to:

(...)

f) Have environments, facilities, furniture and equipment accessible for persons with disabilities.

FIFTH. Modification of the Law 26842, General Health Law

Modification of Article V of the preliminary title and Article 9 of the Law 6842, General Health Law, with the following texts:

“V. It is the responsibility of the State to monitor, prevent and address malnutrition and mental health problems in the population, problems related to environmental health, as well as the health problems of persons with disabilities, children, adolescents, mothers and elders in an abandoned state.

Article 9. A person with a disability has the right to receive health benefits and quality rehabilitation, without discrimination, on an equal basis with others. The State provides services of early detection and intervention, as well as services aimed to prevent and reduce to its minimum further disabilities. The rehabilitation services are provided in the areas of health, employment, education and social services in a decentralized and community-based manner. The Ministry of Health guarantees the availability and accessibility to assistive technologies, devices, drugs and compensatory aid necessary for the care and rehabilitation of persons with disabilities.

SIXTH. Modification to the Law 28278, Radio and Television Law

Amend article 38 of the Law 28278, Radio and Television Law, with the following:

Article 38. Persons with Disabilities

Informative, educational and cultural programs transmitted by radio or broadcasted by television will incorporate additional visual media in which sign language or subtitling shall be used, to ensure access to information for people with disabilities with a hearing impairment.
SEVENTH. Modification of the Consolidated Amended Text of the Labor Productivity and Competitiveness Law

Amend Articles 23, 29 and 30 of the Consolidated Amended Text of the Labor Productivity and Competitiveness Law, approved by Decree 003-97-TR, with the following texts: "Article 23. The following are considered justified causes for dismissal related to the worker's ability:
a) The physical, intellectual, mental or sensorial impairments that, even when the corresponding reasonable accommodations have been made, preclude the person from performing his/her duties. This will be acceptable provided that there is not another vacancy to which the worker can be transferred to which does not involve risks to his/her safety and health or that of others;
(...)"

Article 29. Dismissals based on the following motives are considered void:
(...) d) Discrimination on grounds of sex, race, religion, opinion, language, disability or any other;
(...) Article 30. The following are acts of hostility comparable to a dismissal:
(...) f) Acts of discrimination based on sex, race, religion, opinion, language, disability or any other;
(...) h) The unjustified refusal to make reasonable accommodations in the workplace for workers with disabilities.
(...)"

EIGHTH. Modification of the Legislative Decree 276, Law on Civil Service and Public Sector Remuneration

Amend section 35 of Legislative Decree 276, Law on Civil Service and Public Sector Remuneration, with the following:
"Article 35.- The following are valid justifications for the termination of a public servant:
(...) c) physical, intellectual, mental or sensorial impairments that, even when the corresponding reasonable accommodations have been made, preclude the performance of his/her duties
(...)"

NINTH. Modification of the Consolidated Amended Text of the Income Tax Law

Amended paragraph z) of Article 37 of the Consolidated Amended Text of the Income Tax Law, approved by Decree 179-2004-EF, with the following text:
"Article 37.
(...) z) When people with disabilities are employed, they will have the right to an additional deduction to their income tax in a percentage that will be determined by Decree signed by the Minister of Economy and Finance.
(...)"

TENTH. Modification of Legislative Decree 1053, General Law on Customs
Substitute paragraph d) of Article 147 of the Legislative Decree 1053, General Law on Customs, with the following text:

"Article 147.-
(...)
d) Special vehicles or assistive technologies, devices and compensatory aid for the exclusive use of persons with disabilities.

ELEVENTH. Modification of Decree Law 19846, which unifies the pension regime for military and police personnel of the Armed Forces and Police Forces, for services to the State

Amend paragraph a) of article 25 of Decree Law 19846, which unifies the pension regime for military and police personnel of the Armed Forces and Police Forces, for services to the State, with the following text:

"a) Children over eighteen years old with incapacity for work, duly certified by a medical commission. In the case of beneficiaries of social security, they will be able to choose between a pension and the social security regime."

TWELFTH. Modification of Law 27806, Consolidated Amended Text of Transparency and Access to Public Information Law

Amend paragraph 2 of Article 5 of the Law 27806, Consolidated Amended Text of the Transparency and Access to Public Information Law, with the following:

"2. The budgetary information shall include data on executed budgets, investment projects, salaries and benefits for senior officials and staff in general as well as their remunerations, and the percentage of people with disabilities of the total personnel working in the entity, detailing their employment status, position and income level."

THIRTEENTH. Modification of Law 28530, Law on Promoting Internet Access for Persons with Disabilities and the Adaptation of Physical Space of Public Internet Booths.

Amend the Law 28530, Law on Promoting Internet Access for Persons with Disabilities and the Adaptation of Physical Space of Public Internet Booths, with the following text:

"Article 3. Adequacy of internet portals and websites. Public entities and universities should incorporate on their websites or internet portals accessibility options for people with disabilities to be able to access the information there contained.

Legal or private persons or entities that provide information services to consumers and other services through websites or internet portals must incorporate accessibility options for persons with disabilities.

For the purposes of this Act, public bodies are those listed in Article I of the Law 27444, Law on General Administrative Procedure."

FOURTEEN. Modification of the Law 29277, Judicial Career Law
Amend paragraph 6 of Article 4 of the Law 29277, Judicial Career Law, which shall read as follows:

"(...)
6. Physical, sensory, mental and intellectual disabilities do not constitute an impediment; unless the person is impeded from performing his/her duties."

FINAL ADDITIONAL PROVISIONS

FIRST. Items in the Country’s Budget
The present law is financed through the institutional budgets of the institutions involved, without requiring additional resources from the Treasury. The heads of the institutions shall take into account the obligations contained in this Act and program them in their budget.

SECOND. Creation of a Commission to Review the Civil Code
Create a special commission in charge of reviewing the Civil Code with regards to the exercise of legal capacity of persons with disabilities and to develop, within six months from the date of entry into force of this Law, a preliminary bill to reform the Civil Code in accordance with the provisions established in this Law and the Convention on the Rights of Persons with Disabilities. The special committee shall be made up of the following members:

a) Two Congressmen, one of whom shall preside the Committee.
b) One representative of the National Council for the Integration of Persons with Disabilities (Conadis).
c) One representative of the judiciary.
d) One representative for the universities that have law faculties, this representative will be appointed by the National Assembly of University Chancellor.
e) One representative of the Ombudsman’s Office.
f) One representative of the National Registry of Identification and Civil Status.
g) Three representatives of organizations of persons with disabilities.

THIRD. Deadline for implementing access to social security
The Ministry of Health and the Social Health Insurance (EsSalud) will implement plans and programs to guarantee access to social security for persons with disabilities, including rehabilitation benefits and support, in accordance with Article 27, in a period not exceeding one hundred and twenty days from the date of entry into force of this Law.

FOURTH. National Accessibility Plan
The Executive Power approves a National Accessibility Plan directed to progressively adapt the urban environment, buildings, transportation and communications for persons with disabilities, in a timeframe not higher than 120 days, counting from the entry into force of this law.

Any concession of routes for regular public transportation of persons at the national, regional and provincial levels, issued from January 2014 onwards, incorporates the obligation to have available vehicles for persons with disabilities. Likewise, fleet conversion programmes of regular public
transport incorporate this requirement from the date this Law comes into force. The Ministry of Transport and Communications regulates and monitors compliance with both provisions.

FIFTH. Labor regimes applicable

Until the new rules of the civil service regime are issued, the benefits established in the present Law apply to any person who provides personal services to the State under the regime established by Legislative Decree 276, the Law on Administrative Career and Remunerations of the Public Sector, and by other standards regulating special administrative careers, the labor regime of private activity and the special administrative contract services regulated by Legislative Decree 1057.

SIXTH. Penalty for breach of the employment quota by private employers

Breach of the employment quota established in Article 49 by private employers, after two years of the entry into force of this Law, will result in the sanctions established in Law 28806, General Inspection Work Law.

SEVENTH. Restricting access to benefits

The measures established in Articles 18; 38, paragraph 38.1; 48, paragraph 48.1; 49, paragraph 49.1; and 53, paragraph 53.3, can only be requested by persons with disabilities that have limitations at a rate higher than 33%. This rate is established in their disability certificate and is calculated by taking into consideration the magnitude of the physical, mental or sensory impairment, as well as social factors such as age, family environment and employment and educational situation of the person.

The Ministry of Health will approve the corresponding guide within a period not exceeding one hundred and twenty days from the date of entry into force of this Law.

EIGHTH. Creation of the Directorate for Disability and Rehabilitation

The Directorate for Disability and Rehabilitation shall be created within the General Health Department (DGSP) of the Ministry of Health, as the entity responsible for formulating, disseminating and evaluating strategies and standards for the development of actions regarding the health, habilitation and rehabilitation of persons with disabilities.

NINTH. Creation of the National Directorate for Accessibility

The National Directorate for Accessibility shall be created within the Vice Ministry of Housing and Urbanism of the Ministry of Housing, Construction and Sanitation, as the entity responsible for designing, regulating, promoting, monitoring, evaluating and implementing policy on accessibility for persons with disabilities, pregnant women and the elderly, establishing the necessary conditions for its proper functioning.

TENTH. Presentation before Congress

Annually, in the framework of the celebration of the National Day of People with Disabilities, the
Minister of Women and Vulnerable Populations will present before Congress the progress in the implementation of this Law and account for the resources allocated and spent during the period.

ELEVENTH. Labor regime of the National Council for the Integration of Persons with Disabilities (Conadis)

Staff at the National Council for the Integration of Persons with Disabilities (Conadis) is subject to the labor regime of private activity, regulated by Legislative Decree 728, until the new regulations for the civil service regime are issued.

TWELFTH. Reference

Any reference to the Law 27050, General Law for Persons with Disabilities, will be deemed to be made to this Law.

THIRTEENTH. Regulations

The Executive Branch shall issue the regulations for this law through a decree in a period not exceeding one hundred and twenty days from the date it comes into force, taking into account the provisions outlined under Article 14.

The absence of the regulations for this law does not prevent its application.

ADDITIONAL PROVISION ON DEROGATIONS

Derogations

Derogate the following articles:

a) Paragraph 3 of Article 43, paragraph 4 of Article 241, Article 693, Article 694 and paragraph 2 of Article 705 of the Civil Code.

b) Article 74 of the Consolidated Amended Text of the Law on General Sales Tax, approved by Supreme Decree 055-99-EF, with regard to the "Cancellatory documents – Public Treasury" in favor of the disabled.

c) Law 27050, General Law on Persons with Disabilities; Law 29392, General Law Establishing Offences and Penalties for violations to the General Law on Persons with Disabilities, and its Rules of Procedure; Law 27471, Law on the use of visual media in television programs and cable public service for people with disabilities with a hearing impairment; Law 27751, Law on the Elimination of Discrimination Against Persons with Intellectual and/or Physical Disabilities in Health and Nutrition State-run Programs; Law 27920, Law that establishes sanctions for breach of Building Standards NTE U.190 and NTE A.060 on urban and architectural suitability for people with disabilities; and other legal provisions contrary to this Law.

THEREFORE:

Having been reconsidered by the Congress of the Republic, insisting in the approved text in the Plenary session held on 14 June 2012, in accordance with the provisions in Article 108 of the Constitution of Peru, I order the publication and enforcement of this Law.

Lima, on the thirteenth day of December two thousand and twelve.