

1 population.

2 (4) Persons with disabilities have the right to full control of any social protection
3 allowance or benefit granted to them.

4

5 **Section 21. Participation in political and public life.**

6 (1) Persons with disabilities have the right, on an equal basis with others, to participate in
7 all aspects of political and public life.

8 (2) This right includes the right to:

9 (a) effective enjoyment of political rights including the right to:

10 (i) vote by secret ballot;

11 (ii) stand for election;

12 (iii) be elected or appointed to public office;

13 (b) be actively involved in political parties and other non-governmental
14 organizations and associations concerned with public and political life; and

15 (c) form and join organizations representative of persons with disabilities.

16 (3) A person must not be prevented or restricted, directly or indirectly, from exercising
17 any right under subsection (2) on the basis of an actual or perceived disability,
18 including a mental, intellectual or psychosocial impairment or impaired cognitive
19 functioning.

20 (4) To effectively exercise their political rights, persons with disabilities are entitled to –

21 (a) reasonable accommodation of their individual needs, including, if requested,
22 voting with the aid of a personal assistant of their choice; and

23 (b) accessibility measures, including the following:

24 (i) access to public buildings;

- 1 (ii) access to information in accessible formats in buildings and facilities
2 open to the public;
- 3 (iii) access to mobility aids, devices and assistive technologies;
- 4 (iv) access to appropriate training opportunities;
- 5 (v) polling stations at ground level;
- 6 (vi) wheelchair access to and within polling stations including polling
7 booths;
- 8 (vii) voting procedures and materials including voter lists and ballot
9 papers in accessible formats;
- 10 (viii) tactile and other assistive voting devices;
- 11 (ix) assistive devices for persons elected to political office to enable
12 effective performance of all public functions at all levels of
13 Government; and
- 14 (x) any other assistance or support to exercise their political rights on an
15 equal basis with others.
- 16 (5) Electoral quotas, or other special measures taken to accelerate or achieve equality for
17 persons with disabilities in political and public life, do not constitute unlawful
18 discrimination against other persons.

19

20 **Section 22. Participation in cultural life, recreation, leisure and sport.**

- 21 (1) Persons with disabilities have the right, on an equal basis with others, to:
- 22 (a) participate in cultural life, recreation, leisure and sporting activities; and
- 23 (b) have their specific cultural and linguistic identity, including sign languages
24 and deaf culture, recognized and supported.
- 25 (2) These rights include:

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- 1 (a) access to cultural materials in accessible formats;
- 2 (b) access to television programs, films, and other cultural activities, in accessible
- 3 formats;
- 4 (c) access to places for cultural performances or services, such as museums,
- 5 cinemas, libraries and tourism services, and, as far as is reasonably
- 6 practicable, access to monuments and sites of national cultural importance;
- 7 (d) freedom from unreasonable or discriminatory barriers to access cultural
- 8 materials;
- 9 (e) opportunities to develop and utilize their creative, artistic and intellectual
- 10 potential, not only for their own benefit, but also for the enrichment of society;
- 11 (f) opportunities to organize, develop and participate in disability-specific
- 12 sporting and recreational activities, including national and international sports
- 13 events;
- 14 (g) access, to appropriate instruction, sports training and resources;
- 15 (h) access to mainstream public recreational, sporting, leisure and tourism
- 16 activities, venues, and services; and
- 17 (i) opportunities for children with disabilities to participate in play, recreation,
- 18 leisure and sporting activities, including recreational and sporting activities in
- 19 the school system.
- 20
- 21

22 PART III – OBLIGATIONS OF GOVERNMENT

23

24 Section 23. General obligations of Government.

- 25 (1) Government must ensure and promote the full realization of human rights and

1 fundamental freedoms for persons with disabilities, as set out in Part II, without any
2 discrimination on the basis of disability.

3 (2) Without limiting the generality of subsection (1), Government must:

4 (a) refrain from engaging in any act or practice that is inconsistent with the rights
5 set out in Part II and ensure that public authorities and institutions act in
6 conformity with those rights;

7 (b) ensure that instances of exploitation, violence and abuse against persons with
8 disabilities are identified, investigated and, where appropriate, prosecuted;

9 (c) adopt measures to eliminate discrimination on the basis of disability by any
10 person or body;

11 (d) where appropriate, develop special measures to promote equality of
12 opportunity and treatment for persons with disabilities;

13 (e) provide training to persons working with persons with disabilities;

14 (f) where required, ensure that reasonable accommodation is provided to persons
15 with disabilities;

16 (g) ensure that facilities, services and programs designed to support persons with
17 disabilities are effectively and independently monitored.

18 (3) The Government must adopt measures to modify or abolish existing laws, regulations,
19 customs and practices that constitute discrimination against persons with disabilities,
20 including replacing all forms of substitute decision-making by supported decision-
21 making.

22 (4) Government must, as far as is reasonably practicable, ensure that the rights and
23 needs of persons with disabilities are taken into account in:

24 (a) national and sectoral policy making, planning, programming and resourcing;

25 (b) disaster risk reduction planning and climate change adaptation, including;

- 1 (i) disability-inclusive training;
- 2 (ii) barrier-free emergency exits, shelters, and facilities;
- 3 (iii) disability-inclusive disaster responses, including support services and
- 4 food security;
- 5 (c) sporting, recreational and cultural activities;
- 6 (d) education and training;
- 7 (e) national census, labour force and household income and expenditure surveys;
- 8 (f) employment and health policies, including policies on sexual and reproductive
- 9 health;
- 10 (g) building codes and infrastructure.
- 11 (5) In all policy and program design, development, implementation and review, consult
- 12 and actively involve persons with disabilities, including women and children with
- 13 disabilities.
- 14

15 **Section 24. Functions of the Minister.**

16 The Minister must:

- 17 (a) ensure compliance with reporting obligations under the Convention;
- 18 (b) report to the Nitijela:
- 19 (i) annually on Government's fulfillment of its obligations under this Act
- 20 and the Convention; and
- 21 (ii) periodically, as may be required; and
- 22 (c) perform any other functions assigned to the Minister under this Act or any
- 23 other Act.
- 24

25 **Section 25. Accessibility measures.**

- 1 (1) The Ministry, in collaboration with all relevant Ministries, must develop measures to
2 ensure to persons with disabilities full, equal and unrestricted access to:
- 3 (a) the physical environment;
 - 4 (b) transportation;
 - 5 (c) information and communications, including information and communications
6 technologies and systems; and
 - 7 (d) other facilities and services open or provided to the public.
- 8 (2) The Ministry, in collaboration with all relevant Ministries, must:
- 9 (a) develop, promulgate and monitor the implementation of minimum standards
10 and guidelines for the accessibility of all goods, products, facilities and
11 services open or provided to the public;
 - 12 (b) ensure that private entities that offer facilities and services which are open or
13 provided to the public take into account all aspects of accessibility for persons
14 with disabilities;
 - 15 (c) provide in buildings and other facilities open to the public, signage in Braille
16 and in easy to read and understand formats;
 - 17 (d) provide forms of live assistance and intermediaries, including guides, readers
18 and professional sign language interpreters, to facilitate accessibility to
19 buildings and other facilities open to the public;
 - 20 (e) promote the design, development, production and distribution of accessible
21 information and communications technologies and systems at an early stage in
22 the development of a project, so that these technologies and systems require
23 minimum adaptation and become accessible at minimum cost;
 - 24 (f) promote research into and development and use of universally designed goods,
25 products, services, equipment, and technologies, including information and

1 communications technologies, mobility aids, devices and assistive
2 technologies, suitable for persons with disabilities; and

3 (g) provide accessible information to persons with disabilities about mobility aids,
4 devices and assistive technologies, including new technologies, as well as
5 other forms of assistance, support services and facilities.

6 (3) Measures adopted under this section must include:

7 (a) the identification and elimination of obstacles and barriers to accessibility in
8 relation to, among other things -

9 (i) buildings, roads, transportation and other indoor and outdoor facilities;

10 (ii) schools, housing, medical facilities and workplaces;

11 (iii) information, communications and other services, including electronic
12 services and emergency services; and

13 (b) the application of universal design to all new goods, products, facilities,
14 technologies and services.

15

16 **Section 26. Construction of roads and footpaths.**

17 (1) All public roads and footpaths, whether constructed before or after the
18 commencement of this Act, must be accessible to persons with disabilities, and in
19 particular to persons using a wheelchairs or other mobility or assistive devices.

20 (2) For the purposes of subsection (1), any intermediate point in any road or footpath,
21 including a vehicle crossings, cross roads, or pedestrian crossings, must also be
22 accessible to persons with disabilities.

23

24 **Section 27. Public motor vehicles and parking lots.**

25 (1) Owners of public motor vehicles must adapt the vehicles in accordance with standards

1 prescribed by the Minister to facilitate transportation for persons with disabilities.

2 (2) Public motor vehicles that are in service at the commencement of this Act must be
3 adapted in accordance with subsection (1) within five years after the commencement.

4 (3) For the purposes of this section, “public motor vehicle” has the meaning given to it ~~in~~
5 under section 102 (q) of the Motor Traffic Act 1986.

6 (4) The Public Safety Commissioner, in consultation with the Secretary of Public Works,
7 must ensure that every public parking lot in the Marshall Islands has at least three
8 parking spaces designated for use by persons with disabilities.

9 (5) The Secretary of Public Works, in consultation with the
10 Public Safety Commissioner must establish signs and markings to clearly indicate the
11 designated parking spaces.

12 (6) Every vehicle owner intending to use a designated parking space must apply to the
13 Public Safety Commissioner, in the prescribed form, for a disability parking sticker or
14 label.

15 (7) Where an application satisfies all requirements prescribed under subsection (6), the
16 Public Safety Commissioner must issue the disability parking sticker or label to the
17 applicant.

18 (8) Every motor vehicle owner who has obtained a disability parking sticker or label
19 must prominently display the sticker or label when using a designated parking
20 space.

21 (9) A person who breaches any of the requirements of this section commits an offense.

22
23 **Section 28. Sports facilities.**

24 For the effective participation of persons with disabilities in sports, the Minister must
25 prescribe standards of accessibility for sports facilities, including infrastructure, equipment,

1 training, and transportation.

2

3 **Section 29. Provision of support services.**

4 (1) The Ministry, in collaboration with other relevant Ministries, must provide all persons
5 with disabilities reasonable access to any support services, including supported
6 decision-making, needed to exercise their rights under this Act or any other Act.

7 (2) The Ministry must ensure that supported decision-making:

8 (a) is based on the will and preferences of the person receiving the support, not on
9 any perceived best interests of the person;

10 (b) does not diminish the rights, autonomy, will or preferences of the person
11 receiving the support;

12 (c) does not attribute legal capacity to another person as a substitute decision
13 maker;

14 (d) is free from abuse, conflict of interest, and undue influence;

15 (e) allows the person receiving the support to modify or terminate the support
16 relationship; and

17 (f) is reinforced by training for persons receiving and providing support.

18 (3) Support provided under this section must:

19 (a) be proportional to the need for support;

20 (b) be tailored to the person's circumstances;

21 (c) be for a period preferred by the person; and

22 (d) be subject to regular review by a competent, independent and impartial
23 authority or judicial body.

24

25 **Section 30. Women and children with disabilities.**

- 1 (1) The Ministry, in collaboration with other relevant Ministries, must adopt appropriate
2 measures to ensure the full and equal enjoyment by women and children
3 with disabilities of all human rights and fundamental freedoms.
- 4 (2) In adopting these measures, the Ministry must have particular regard to:
- 5 (a) the importance of empowering women with disabilities given the multiple
6 forms of discrimination they face; and
- 7 (b) the need to protect children with disabilities.
- 8 (3) In measures concerning women with disabilities, the Ministry must:
- 9 (a) adopt and strengthen measures to protect them from all forms of violence and
10 abuse, including sexual abuse and exploitation;
- 11 (b) enable them to have equitable access to mainstream development
12 opportunities;
- 13 (c) promote and facilitate their participation in national action plans on gender
14 equality and empowerment of women;
- 15 (d) ensure their representation in Government decision making bodies; and
- 16 (e) ensure they have access to sexual and reproductive health services on an equal
17 basis with other women.
- 18 (4) In measures concerning children with disabilities, the Ministry must:
- 19 (a) adopt and strengthen measures to protect them from all forms of violence and
20 abuse, including sexual abuse and exploitation;
- 21 (b) ensure they have the right to express their views freely on all matters affecting
22 them;
- 23 (c) provide them with disability and age-appropriate assistance to exercise the
24 right to express their views freely on all matters affecting them; and
- 25 (d) give their views due weight in accordance with their age and maturity, on an

1 equal basis with other children;

2 (5) In all actions concerning children with disabilities:

3 (a) the best interests of the child must be the primary consideration; and

4 (b) the wills and preferences of children with disabilities must be respected on
5 an equal basis with other children.

6

7 **Section 31. Awareness-raising.**

8 (1) The Ministry, in collaboration with other relevant Ministries, must:

9 (a) raise awareness about disability issues throughout society, including at the
10 family level, and promote respect for the rights and dignity of persons with
11 disabilities;

12 (b) adopt measures to combat stereotypes, prejudices and harmful practices
13 relating to persons with disabilities, including those aggravated by sex and
14 age; and

15 (c) promote awareness of the capabilities and contributions of persons with
16 disabilities.

17 (2) The measures required by subsection (1) (b) include the following:

18 (a) conducting effective public awareness campaigns designed to:

19 (i) increase social awareness about the barriers faced by persons with
20 disabilities;

21 (ii) enhance positive attitudes towards persons with disabilities;

22 (iii) promote respect for the rights of persons with disabilities; and

23 (iv) promote recognition of the skills, talents and abilities of persons with
24 disabilities, and of their contributions to development;

25 (b) fostering at all levels of the education system, including in all children from an